



## Legislation Text

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**File #:** 08601, **Version:** 1

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### **Fiscal Note**

The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this acquisition but the exposure is covered by insurance, subject to its terms and conditions, and the impact on costs would be known prior to the City taking title to the property.

### **Title**

Authorizing indemnification of the Union Pacific Railroad Company from liability associated with the physical and environmental conditions of property acquired by the City of Madison from the UPRC for a multi-use bike and pedestrian path (Cannonball Path).

### **Body**

WHEREAS, on August 8, 2007 the Common Council adopted Resolution Enactment No. RES-07-00780 File ID No. 06858 authorizing the acquisition of an abandoned rail corridor (the "Property") from the Union Pacific Railroad Company (UPRC) for the purpose of constructing on the Property, with the cooperation of the Wisconsin Department of Natural Resources and the City of Fitchburg, a multi-use bike and pedestrian path ("Cannonball Path"); and

WHEREAS, under the terms of the Purchase and Sales Agreement the City is required to indemnify the UPRC from liability associated with the physical and environmental conditions of the Property; and

WHEREAS, City APM 1-1 requires Common Council approval whenever the City indemnifies another party.

NOW, THEREFORE, BE IT RESOLVED that the Common Council approves indemnification of the Union Pacific Railroad Company as set forth in the Sale and Purchase Agreement for the acquisition of the UPRC abandoned rail corridor for the construction of a multi-use bike and pedestrian path ("Cannonball Path").