



## Legislation Text

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**File #:** 51084, **Version:** 1

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### **Fiscal Note**

The proposed resolution authorizes acceptance of picnic tables and boulder seating from the Schenk Atwood Starkweather Yahara Neighborhood Association. The improvements will be located on City of Madison Engineering property and within the St. Paul Avenue right-of-way and the association will be responsible for the ongoing maintenance and repair of the improvements. No City appropriation is required.

### **Title**

Authorizing the City of Madison to accept ownership from Schenk Atwood Starkweather Yahara Neighborhood Association of picnic tables and boulder seating to be located at 252 Jackson Street and within St. Paul Avenue right-of-way.

### **Body**

WHEREAS, the Schenk Atwood Starkweather Yahara Neighborhood Association (the "Association") wishes to install and maintain picnic tables and boulder seating (the "Improvements"), on a City of Madison Engineering property located at 252 Jackson Street, as well as within the St. Paul Avenue right-of-way (together, the "Property"), as shown on attached Exhibit A, depicted on attached Exhibit B, and legally described as follows:

Part of the St. Paul Avenue right-of-way located between Jackson Street and Dunning Avenue, and part of the City's adjacent E Rail Corridor bounded by St. Paul Avenue, Atwood Avenue, and Jackson Street; and

WHEREAS, staff from the City of Madison ("City") Parks Division, City Engineering, and the City's Risk Manager have reviewed this request and conditionally approved the placement and installation of the Improvements on the Property; and

WHEREAS, the Association will transfer ownership of the Improvements to the City after they have been installed in exchange for the ongoing maintenance and repair of the Improvements by the Association.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the acceptance of ownership from the Association of Improvements to be on the Property, as shown on attached Exhibit A, with image depicted on attached Exhibit B; subject to the following conditions:

1. The Association shall be responsible for all costs of installation, maintenance and repair of the Improvements.
2. The Association shall string trim between boulders and maintain wood chips beneath picnic tables.
3. Picnic tables shall be placed at least two (2) feet from back of sidewalk.
4. The Association shall locate the Improvements at specific locations, to be approved by City Engineering and the City Parks Superintendent.

5. The Association shall be responsible for locating all underground utility services in the area where the Library is placed, shall contact Diggers Hotline prior to any future excavation activities, and shall have all utilities properly marked before installation of the Improvements.

6. The Association shall comply with all Madison General Ordinances regarding the installation of the Improvements on the Property, including any and all City permits for excavation and installation, if applicable.

7. The City shall not be held responsible for any damage to the Improvements that may be caused by the City, its employees, contractors, or others.

8. The City may remove the Improvements if not properly maintained, by giving the Association sixty (60) days written notice prior to removal. The Association is responsible for any reasonable costs associated with such removal.

9. The City may remove the Improvements if the area occupied by them is required for public purposes, by giving the Association sixty (60) days written notice prior to removal. Public purposes include, and without limitation because of enumeration, public alleys, parks, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public lands.

10. The Association shall sign a Letter of Agreement that shall be memorialized by an Affidavit of Recording with the Dane County Register of Deeds.