



## Legislation Text

---

**File #:** 45150, **Version:** 1

---

### **Fiscal Note**

The proposed resolution has no fiscal impact.

### **Title**

Authorizing the City of Madison to accept ownership of a “Little Free Library” from the Madison Public Library to be located in Owl Creek Park at 23 Horned Owl Court.

### **Body**

WHEREAS, the Madison Public Library - Pinney Branch (“Pinney”) wishes to install and maintain a Little Free Library (“LFL”) near the shelter in a portion of Owl Creek Park, located at 23 Horned Owl Court in the City of Madison, Dane County, Wisconsin, as shown on attached Exhibit A; and

WHEREAS, the LFL was donated and decorated by students from Sennett Middle School, as shown on attached Exhibit B; and

WHEREAS, staff from the City of Madison (“City”) Parks Division, as well as City Engineering, Metro Transit Utility, Planning, Traffic Engineering, the Risk Manager, and the Assistant City Attorney have reviewed this request and conditionally approved the placement and installation of the LFL; and

WHEREAS, ownership of the LFL will transfer to the City after it has been installed, in exchange for the ongoing maintenance and repair of the LFL by Pinney.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the acceptance of ownership of a Little Free Library from the Pinney branch of the Madison Public Library system to be located near the shelter in a portion of Owl Creek Park located at 23 Horned Owl Court, City of Madison, as shown on attached Exhibit A and depicted on attached Exhibit B, subject to the following conditions:

1. Pinney shall be responsible for all costs of installation, maintenance and repair of the LFL.
2. Pinney shall locate the LFL at a specific location, to be approved by the Parks Superintendent, with said LFL being at least 24 inches from any curb, sidewalk or pavement.
3. Pinney shall be responsible for contacting Diggers Hotline to locate and mark all underground utility services in the area where the LFL is to be installed prior to any future excavation activities.
4. Pinney shall comply with all Madison General Ordinances regarding the construction and installation of the LFL within the public park, including any and all City permits for excavation and installation, if applicable.
5. The City shall not be held responsible for any damage to the LFL that may be caused by the City, its employees, contractors, or others.
6. Pinney shall monitor the LFL for objectionable materials and remove materials that may be construed as such.
7. The City may remove the LFL if not properly maintained, by giving Pinney sixty (60) days written notice prior to removal. Pinney is responsible for any and all reasonable costs associated with such removal.

8. The City may remove the LFL if the area occupied by it is required for a public purpose other than a park, by giving Pinney sixty (60) days written notice prior to removal. Public purposes include, and without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public lands.
9. Pinney shall sign a Letter of Agreement that shall be memorialized by an Affidavit of Recording with the Dane County Register of Deeds.