



Legislation Text

File #: 01921, **Version:** 1

Fiscal Note

No expenditure required

Title

Authorizing the Common Council to accept ownership from Park Street Partners and the South Madison Metropolitan Planning Council of five (5) decorative gardens within median areas of South Park Street. 13th Ald. Dist.

Body

WHEREAS, the Park Street Partners, in conjunction with the South Madison Metropolitan Planning Council, wish to install and maintain five (5) decorative gardens within median areas of South Park Street, near the intersections of Chandler Street, W. Lakeside Dr., Cedar St., W. Wingra Dr., and Dane St, as shown on Exhibit A; and

WHEREAS, the City Engineering and Traffic Engineering Divisions have conditionally approved of the placement of the decorative gardens; and

WHEREAS, the Privilege in Streets Committee has reviewed this request and approved it with conditions; and

WHEREAS, the Park Street Partners will transfer ownership of the decorative gardens to the City after they are installed, in exchange for the ongoing maintenance of the gardens by the Park Street Partners.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison accepts ownership, from the Park Street Partners, of five (5) decorative gardens within median areas of South Park Street, near the intersections of Chandler Street, W. Lakeside Dr., Cedar St., W. Wingra Dr., and Dane St., as shown on the attached exhibit; subject to the following conditions:

1. The Park Street Partners shall be responsible for all costs of installation and maintenance of the decorative gardens.
2. The Park Street Partners shall locate the decorative gardens within specific areas, as approved by the City Engineering Division and City Transportation Department.
3. The Park Street Partners is responsible for locating all underground utility services in the construction areas, i.e., shall contact Diggers Hotline prior to any excavation or construction activities.
4. The maintenance of the decorative gardens by the Park Street Partners shall not interfere with traffic flow and any neighborhood maintenance personnel shall wear reflective safety vests during maintenance activities.
5. The Park Street Partners shall comply with all Madison General Ordinances regarding the construction and installation of the decorative gardens within public right-of-way, including any and all applicable City of Madison permits for excavation and installation, including a City Engineering Excavation Permit, if applicable.
6. Decorative plantings within the decorative gardens shall conform to the City Engineering planting guidelines regarding site clearance and height restrictions for the vision corners, and in any case, shall not exceed thirty (30) inches in height above the top of curb.
7. The Park Street Partners shall obtain approval from the City Forester for any trees to be planted in the right-of-way. Any trees installed shall be maintained by the City.
8. The Park Street Partners shall agree that the City shall not be held responsible for any damage to the decorative gardens that may be caused by the City, its employees, contractors, or others.

9. The City may remove the decorative gardens located in the public right-of-way if not properly maintained, by giving the Park Street Partners sixty (60) days written notice prior to removal. The Park Street Partners are responsible for any reasonable costs associated with such removal.

10. The City may remove the water service and decorative gardens if the areas occupied by gardens are required for transportation purposes, by giving the Park Street Partners sixty (60) days written notice prior to removal. Transportation purposes include, without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public mass transportation systems.