



Legislation Text

File #: 00834, **Version:** 2

Fiscal Note

No expenditure required

Title

SUBSTITUTE - Authorizing the Common Council to accept ownership from the Westmorland Neighborhood Association of three (3) park benches to be installed at existing Metro bus stop locations, located in public right-of-way in the 400 and 500 Blocks of Toepfer Avenue.

Body

WHEREAS, the Westmorland Neighborhood Association wish to place three (3) park benches in the public right-of-way of Toepfer Avenue serving existing Metro bus stop locations; and

WHEREAS, the Westmorland Neighborhood Association shall install the park benches on existing concrete pads located at the Metro bus stops locations near the intersections of Toepfer Avenue/St. Clair Avenue, Toepfer Avenue/Meyer Avenue, and Toepfer Avenue/Euclid Avenue, as shown on Exhibit A; and

WHEREAS, the City Engineering and Traffic Engineering Divisions and Madison Metro conditionally approved of the placement of the park benches; and

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

WHEREAS, the Westmorland Neighborhood Association will transfer ownership of the park benches to the City after they are installed, in exchange for the ongoing maintenance of the park benches by the Westmorland Neighborhood Association.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison accepts ownership, from the Westmorland Neighborhood Association, of three (3) park benches to be located on public right-of-way of Toepfer Avenue at the existing Metro bus stop locations near the intersections of Toepfer Avenue/St. Clair Avenue, Toepfer Avenue/Meyer Avenue, and Toepfer Avenue/Euclid Avenue, subject to the following conditions:

1. The Westmorland Neighborhood Association shall pay all costs for construction and maintenance of the park benches.
2. The Westmorland Neighborhood Association shall locate the park benches in specific areas, as approved by the City Engineering Division, City Traffic Engineering Division and Madison Metro.
3. The Westmorland Neighborhood Association is responsible for locating all underground utility services in the construction area, i.e., said Association shall contact Diggers Hotline prior to any excavation or construction activities.
4. The Westmorland Neighborhood Association shall comply with all Madison General Ordinances regarding the construction and installation of the park benches, including any and all applicable City of Madison permits for excavation and installation.
5. The City may remove the park benches if not properly maintained, by giving the Westmorland Neighborhood Association sixty (60) days written notice prior to removal, unless the Westmorland Neighborhood Association corrects any maintenance problems during such sixty (60) day period. The Westmorland Neighborhood Association is responsible for any reasonable costs associated with such removal.
6. The City may remove the park benches if the area occupied by the benches is required for transportation

purposes, by giving the Westmorland Neighborhood Association 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.