



Legislation Text

File #: 39333, Version: 2

Fiscal Note

There is no cost to the City. The \$295,308.00 in funding to be received from this grant will be deposited into the Parks Division Central Park Skatepark Project (coding below) and will be used for the skatepark construction and possibly other capital improvement projects in Central Park. The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this clause, but the exposure is covered by the City's insurance policies, subject to their terms and conditions.
Central Park Skatepark 10524 -51 -130

Title

SUBSTITUTE - Authorizing the Mayor and City Clerk to enter into a grant agreement with the Wisconsin Department of Natural Resources for reimbursement of expenses incurred for the development of the Central Park Skatepark and potentially other capital improvement projects in Central Park and amending the Parks Capital Budget accordingly

Body

WHEREAS, the United States Congress created the National Park Service (NPS) Outdoor Recreation Legacy Partnership Program to complement the Land and Water Conservation Fund State and Local Assistance Program. The new program seeks to identify and highlight at the national level new ways of providing opportunities for expanding outdoor play in areas with great need, as well as promoting the development of new or enhanced partnerships for outdoor recreation in urban communities across the Nation. Supporting local communities as they create and improve spaces for outdoor recreation through this program also allows the NPS to meet the goal of connecting all people to spaces where they can enjoy the great outdoors and establish meaningful relationships in their communities and with their public lands; and

WHEREAS, the City of Madison Parks Division pursued additional funding for the development of the Central Park Skatepark from the Outdoor Recreation Legacy Partnership Program, and the National Park Service's competition merit panel found that the City's proposal strongly satisfies the requirements and goals of the program; and

WHEREAS, the National Park Service has selected the Central Park Skatepark to receive a grant in the amount of \$295,308.00 and the grant agreement indicates the funding shall be used for the skatepark as well as other capital improvement projects in Central Park; and

WHEREAS, as a condition of the agreements, the City must execute a deed amendment restricting land within Central Park from any use that is inconsistent with public outdoor recreation and in accordance with the State of Wisconsin and National Park Service Land and Water Conservation Fund (Legacy) State and Local Assistance Program; and

WHEREAS, the grant agreement requires that the City indemnify the State of Wisconsin Department of Natural Resources. City APM 1-1 requires Common Council Approval whenever the City indemnifies another party.

~~WHEREAS, the grant agreements may contain a provision which requires the City to hold harmless, indemnify and defend against liability, damage, claims or suits which arise out of environmental hazards associated with~~

~~the property covered by this grant agreement; and~~

~~WHEREAS pursuant to APM No. 1-1, the inclusion of such a provision requires the express approval of the Common Council.~~

NOW THEREFORE BE IT RESOLVED, that the Common Council authorizes the Mayor and City Clerk to sign the necessary grant agreements and any associated documents with the Wisconsin Department of Natural Resources, ~~some of which contain an indemnification clause,~~ in a form that has been approved by the City Attorney and the Risk Manager; and

BE IT STILL FURTHER RESOLVED, that the Common Council approves indemnification of the State of Wisconsin Department of Natural Resources as set forth in the grant agreement in order to obtain the grant funds for the Central Park Skatepark project; and

BE IT STILL FURTHER RESOLVED, that this project is supported by the City Council and the City Parks Division is authorized to supply all additional information and complete all administrative materials required for the application as well as to effectuate the receipt of the funds; and

BE IT STILL FURTHER RESOLVED, that the City of Madison will comply with state or federal rules for the National Park Service Outdoor Recreation Legacy Partnership Program and the State of Wisconsin Land and Water Conservation Fund State and Local Assistance Program; and

BE IT FURTHER RESOLVED that the Finance Department and the Parks Division are authorized to amend the budgets accordingly; and

BE IT FINALLY RESOLVED, that the Mayor and the City Clerk are hereby authorized to execute a Deed Restriction to include lands within Central Park restricting any use of these lands that is inconsistent with public outdoor recreation ~~and in accordance with~~ the State of Wisconsin and National Park Service Land and Water Conservation Fund (Legacy) State and Local Assistance Program and Agreement.