



Legislation Text

File #: 62399, **Version:** 1

Fiscal Note

The proposed resolution authorizes acceptance of ownership of an informational kiosk located at the 1600 block of Whenona Drive. The Crawford-Marlborough-Nakoma Neighborhood Association is responsible for the installation, maintenance, and repair of the kiosk. City Engineering, Traffic Engineering, Metro Transit, and Risk Management have reviewed and conditionally approved the kiosk installation. No City appropriation is required.

Title

Authorizing the City to accept ownership from the Crawford Marlborough Nakoma Neighborhood Association of an outdoor informational message kiosk located in the 1600 block of Whenona Drive. (10th AD)

Body

WHEREAS, the Crawford-Marlborough-Nakoma Neighborhood Association ("Association") wishes to install and maintain an outdoor informational message board kiosk ("Kiosk"), as illustrated in attached Exhibit A, for the purpose of sharing information from the Association regarding upcoming meetings, neighborhood news, and special events; and

WHEREAS, the Kiosk is proposed to be located in the public right-of-way located in the 1600 block of Whenona Drive, immediately north of the Beltline Highway and east of the bike path overpass exit ramp, as depicted in the location maps attached in Exhibit B; and

WHEREAS, staff from the City of Madison ("City") Engineering Division, Traffic Engineering Division, Metro Transit, and Risk Management have reviewed the Association's request and approved the installation of the Kiosk subject to the conditions contained herein; and

WHEREAS, City Parks Division has also reviewed the request and approved the installation of the Kiosk, as the Parks Division is responsible for mowing the area near the proposed installation; and

WHEREAS, the Association received a City Neighborhood Grant from City Planning to build and install the Kiosk, and a condition of approval for the City Grant Contract is the execution of a Letter of Agreement between the City and the Association; and

WHEREAS, the Association agrees transfer ownership of the Kiosk to the City after it has been installed, in exchange for the ongoing maintenance and repair of the Kiosk by the Association, as evidenced by the execution of a Letter of Agreement between the City and the Association.

NOW, THEREFORE, BE IT RESOLVED that the City's Common Council authorizes the acceptance of ownership from the Association of a Kiosk in the public right-of-way, as illustrated on attached Exhibit A and depicted in the location maps attached in Exhibit B, subject to the following terms and conditions:

1. The Association shall install the Kiosk at a location approved by the City Engineer.
2. The Association is responsible for contacting Diggers Hotline prior to any excavation or construction activities, for the marking of any potential existing underground utility services located in the approved installation area.
3. The Association shall comply with all Madison General Ordinances regarding the construction and

installation of the Kiosk including all applicable City permits, in particular, a City Engineering Permit to Excavate in Right-of-Way, if applicable.

4. The Association shall be responsible for the cost to maintain the Kiosk and the cost to repair the Kiosk in the event of damage.
5. The Association shall monitor the Kiosk for graffiti and/or materials that may be construed as objectionable, and is responsible for the removal of said items.
6. The City shall not be held responsible for any damage to the Kiosk that may be caused by the City, its employees, contractors, or others.
7. The City may remove the Kiosk 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.
8. The City may remove the Kiosk if the area occupied by it is required for park or other public purposes, by giving The Association sixty (60) days written notice prior to removal. These purposes include, without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public lands.
9. The Association shall sign a Letter of Agreement, which will be memorialized by an Affidavit of Recording recorded in the office of the Dane County Register of Deeds.