



## Legislation Text

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**File #:** 17516, **Version:** 1

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### **Fiscal Note**

No expenditure required.

### **Title**

Authorizing the Common Council to accept ownership from Carpenter-Ridgeway Neighborhood Association of a decorative garden and garden plantings to be located in the public right-of-way of Burke Avenue, near the intersection of Gannon Avenue.

### **Body**

WHEREAS, The Carpenter-Ridgeway Neighborhood Association has requested permission to install a decorative garden within the public right-of-way of Burke Avenue, near the intersection of Gannon Avenue, as shown on Exhibit A; and

WHEREAS, the decorative garden will include several small trees and shrubs; and

WHEREAS, the City Parks Division has reviewed and approve of the planting list for the decorative garden, under the condition that the Parks Division, through the City Forester, shall maintain and prune the trees.

WHEREAS, the Carpenter-Ridgeway Neighborhood Association has agreed to perform maintenance of the balance of the decorative garden plantings and shrubs; and

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

WHEREAS, the Carpenter-Ridgeway Neighborhood Association will transfer ownership of the garden plantings to the City after they have been installed, in exchange for the ongoing maintenance of these site decorative plantings and shrubs by the Carpenter-Ridgeway Neighborhood Association.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison accepts ownership, from the Carpenter-Ridgeway Neighborhood Association of the decorative garden plantings, shrubs and trees to be located in the public right-of-way of Burke Avenue, near intersection of Gannon Avenue, as shown on the attached Exhibit A; subject to the following conditions:

1. The Carpenter-Ridgeway Neighborhood Association work with the City to locate the decorative garden within a specific area, as approved by the City Engineering and Parks Divisions.
2. The Carpenter-Ridgeway Neighborhood Association shall install and maintain the decorative garden. The Carpenter-Ridgeway Neighborhood Association shall be responsible for planting, weeding and watering the decorative garden area.
3. The Carpenter-Ridgeway Neighborhood Association shall obtain a written permit of the Board of Park Commissioners for planting trees in the terrace, as proposed for the decorative garden area; pursuant to Madison General Ordinance Section 23.22.
4. The Carpenter-Ridgeway Neighborhood Association shall permit the City Parks Division, through the City Forester, to maintain and prune the trees proposed for the decorative garden area.
5. The Carpenter-Ridgeway Neighborhood Association shall comply with Madison Gas and Electric power

line clearance policies, due to the proximity of the decorative garden to said power line.

6. The Carpenter-Ridgeway Neighborhood Association shall agree that the City shall not be held responsible for any damage to the decorative garden plantings that may be caused by the City, its employees, contractors, or others.
7. The City may remove the decorative garden plantings if not properly maintained, including applicable vehicular vision clearances, by giving the Carpenter-Ridgeway Neighborhood Association sixty (60) days written notice prior to removal.
8. The City may remove the decorative garden plantings if the area occupied by said items is required for transportation or other public purposes, by giving the Carpenter-Ridgeway 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.