



Legislation Text

File #: 65659, **Version:** 1

Fiscal Note

No City appropriation required.

Title

Authorizing the City's acceptance of ownership from the Nakoma League of the existing Nakoma neighborhood sign and decorative landscape garden located within Nakoma Park near the Nakoma Road and Cherokee Drive intersection. (10th AD)

Body

WHEREAS, the Nakoma League ("League") wishes to repair and maintain the existing Nakoma neighborhood sign and decorative landscape garden ("Encroachments") located within Nakoma Park near the Nakoma Road and Cherokee Drive intersection as shown on attached Exhibit A, with the sign's image depicted on attached Exhibit B; and

WHEREAS, staff from City of Madison ("City") Engineering, Planning, Traffic Engineering, Parks Department and the City's Risk Manager have reviewed and approved this request; and

WHEREAS, the City will accept ownership of the Encroachments in exchange for the ongoing maintenance and repair of the Encroachments by the League.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the City's acceptance of ownership from the League of Encroachments located within Nakoma Park near the Nakoma Road and Cherokee Drive intersection as shown on attached Exhibit A, with the sign's image depicted on attached Exhibit B, subject to the following conditions:

1. The League shall be responsible for all costs of repair and maintenance of the Encroachments.
2. The decorative landscaping plantings near the sign shall conform to the City Engineering planting guidelines regarding site clearance and height restrictions for vision corners, specifically no plantings, solid screening or structures between 30 inches and 10 feet in height within 18 feet of the face of curb.
3. The League shall contact Diggers Hotline to locate all underground utilities in the area where the Encroachments are located prior to any repair or maintenance activities.
4. The League shall comply with all Madison General Ordinances regarding permits required for the repair and maintenance of the Encroachments within the public right-of-way, including but not limited to a City Engineering Permit to Excavate in the Public right-of-way.
5. The League shall agree that the City shall not be held responsible for any damage to the Encroachments that may be caused by the City, its employees, contractors, or others.
6. The City may remove the Encroachments if not properly maintained by giving the League sixty (60) days written notice prior to removal. The League is responsible for any reasonable costs associated with such removal.
7. The City may remove the Encroachments if their location is required for transportation or other public purposes, by giving the League 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.

8. The League shall execute a Letter of Agreement ("Letter") which shall be memorialized by recording an Affidavit of Recording with the Dane County Register of Deeds.