



Legislation Text

File #: 48694, **Version:** 1

Title

Temporary Land Use Agreement- Request from Madison Gas & Electric Company for temporary access within Cherokee Marsh to install an electric service.

Body

The City of Madison Parks Division has received a request from Madison Gas & Electric Company ("User") to install electric services within Cherokee Marsh located at 6006-6098 N. Sherman Avenue. The User requests the temporary use of the area in Cherokee Marsh under the following terms and conditions:

The City of Madison Parks Division hereby agrees to allow the User and/or its, agents or subcontractors to temporarily access a portion of City-owned property located at 6006-6098 N. Sherman Avenue, aka, Cherokee Marsh, as depicted on attached Exhibit A (the "Premises"), for the purpose of construction activities associated with the installation of new underground electric facilities to serve the facility; including the right of ingress and egress and the right to operate necessary equipment thereon for said construction activities, as set forth in the drawing attached hereto as Exhibit B.

This Agreement is subject to the following conditions:

The User shall be liable to and hereby agrees to indemnify, defend and hold harmless the City, and its officers, officials, agents, and employees, against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the City or its officials, officers, agents or employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the acts or omissions of the User and/or its officials, officers, agents, employees, assigns, guests, contractors, subcontractors, invitees, in the performance of this Agreement, whether caused by or contributed to by the negligent acts of the City, its officers, officials, agents, and employees. This paragraph shall survive termination and assignment or transfer of this Agreement.

This Agreement shall terminate upon completion of the installation project or December 15, 2017, whichever occurs first. A permanent underground electric easement will be conveyed upon approval by the City of Madison Common Council.

The User shall contact Paul Quinlan at 608-267-4918 and / or Lisa Laschinger at City Parks Division at 608-266-9214 before entering upon the property and shall ensure that the construction activities are performed in a good and workmanlike manner, and that the area disturbed as a result of the construction is restored in-kind to the satisfaction of the City Parks Division.

The User shall carry commercial general liability insurance covering as named insured the User and naming the City, its officers, officials, agents and employees as additional insureds, with no less than the following limits of liability: bodily injury, death and property damage of \$1,000,000 per occurrence. As evidence of this coverage, the User shall furnish the City with a certificate of insurance on a form approved by the City.

The User shall observe and promptly and effectively comply with all applicable statutes, rules, orders, ordinances, requirements and regulations of the City, the County of Dane, the State of Wisconsin, the federal government and any other governmental authority having jurisdiction over the Premises.