



Legislation Text

File #: 42792, **Version:** 1

Title

Request from the City of Fitchburg for a temporary land use permit and permanent limited easement for a water line at Huegel Park.

Body

The City of Fitchburg will begin construction of a bathroom/shelter/meter station in Jamestown Park in May (Jamestown Park is adjacent to Huegel Park). As part of this project the City of Fitchburg would like to extend the water service from the new building through Huegel Park to provide a City of Fitchburg water source to the ice skating rink on City of Madison property. The City of Fitchburg has been maintaining the ice rink at Huegel Park for several years and the water line installation will bring this use into compliance with the Water Utility's requirements.

With construction imminent, the City of Fitchburg is requesting a Temporary Land Use Permit from the Board of Park Commissioners to allow their construction to proceed on schedule. There will be a subsequent legislative item for the permanent easement once all of the necessary documentation for the permanent easement has been received. The Board of Park Commissioners is asked to grant authority to the Parks Superintendent to execute the Temporary Land Use Permit with the conditions as outlined below.

The work must be completed between the hours of 7:00 am and 7:00 pm. Monday through Friday. The Applicant shall complete all work within 3 working days, unless approval is otherwise granted by the City of Madison Parks Superintendent or his designee.

No grade change or above-ground improvements shall be allowed within the Property without the prior written approval of the City's Parks Superintendent.

Any damage to Huegel Park caused by the Applicant shall be repaired in-kind.

The Applicant is responsible for all clean up after the Work is completed. If City resources are required for cleanup, the Applicant will be invoiced on a time and material basis for all costs incurred to the City.

The Applicant shall contact Laura Bauer at 608-334-8870 a minimum of 48 hours (2 working days) in advance of performing any work on City of Madison property. Work shall only begin upon written or verbal approval by the Madison Parks Division.

Any contractor working on City of Madison property shall be a prequalified contractor with the City of Madison.

The City of Madison reserves the right to use and occupy the Property in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the activities and/or use of the Applicant.

Applicant shall comply with all applicable laws, ordinances and regulations related to environmental pollution or contamination, or to occupational health and safety.

The Applicant 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 there from, 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 Applicant and/or its officials, officers, agents, employees, assigns, guests, invitees, or subcontractors, 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. Additionally, the Applicant shall carry commercial general liability insurance covering as insured the Applicant and naming the City as an additional insured, with no less than the following limits of liability: bodily injury, death and property damage of \$1,000,000 in the aggregate. This policy shall also be endorsed for contractual liability in the same amount. As evidence of this coverage, the Applicant shall furnish the City a certificate of insurance on a form provided by the City prior to this use approval.

This Temporary Land Use Permit shall terminate upon completion of the Applicant's Work, recording of a Permanent Limited Easement for Water Service purposes, or by (date to be determined), whichever is sooner.