



## Legislation Text

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**File #:** 43875, **Version:** 1

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### **Fiscal Note**

No expenditure required.

### **Title**

Authorizing the City of Madison to accept ownership of a various improvements, including a neighborhood sign, fence, sculptures, and landscaping features from the Eken Park Neighborhood Association to be located in the public right-of-way near the intersection of Commercial Avenue, Mayer Avenue and North Street.

### **Body**

WHEREAS, the Eken Park Neighborhood Association (“the Association”) has requested permission to install a neighborhood sign, fence, sculptures and landscaping features (the “Improvements”) within the public right-of-way near the intersection of Commercial Avenue, Mayer Avenue and North Street; and

WHEREAS, the City of Madison Planning department has worked with the Association to create a plan for the Improvements and provided a grant to facilitate this project; and

WHEREAS, the Association will transfer ownership of the Improvements to the City after installation, in exchange for the ongoing maintenance and repair of the Improvements by the Association; and

WHEREAS, City staff from the Offices of Engineering, Traffic Engineering, Risk Management, Real Estate, Metro Transit Utility, and the City Attorney have reviewed this request and approved it with conditions to be contained within a Letter of Agreement; and

WHEREAS, a plan illustrating the Improvements is included on attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison authorizes the acceptance of ownership from the Eken Park Neighborhood Association of a neighborhood sign, fence, sculptures, and landscaping features to be located in the public right-of-way near the intersection of Commercial Avenue, Mayer Avenue and North Street as illustrated on attached Exhibit A; subject to the following conditions to be contained in a Letter of Agreement:

1. The Association shall be responsible for all costs of installation, maintenance and repair of the Improvements.
2. The Improvements shall be located according to the plan approved by the City, with said plan being attached as Exhibit A.
3. The Association shall contact Diggers Hotline to locate and mark all underground utilities in the area where the Improvements are to be installed prior to any excavation, construction or maintenance activities.
4. The Association shall comply with all Madison General Ordinances regarding the construction and installation of the Improvements within public right-of-way, including any and all applicable City permits including, but not limited to a City Engineering permit to Excavate in Right-of-Way.
5. The Association shall maintain the Improvements in accordance with Madison General Ordinance 10.25 and the Terrace Treatment Policy approved by the Madison Board of Public Works on April 23,

2014 or a subsequent version if revised by the Board of Public Works.

6. The City shall not be held responsible for the repair of any damage to the Improvements regardless of whom or what caused the damage.
7. If the Improvements require reconstruction, modification or replacement as a result of damage because of work performed by the City on nearby streets, sidewalks, utilities or any other infrastructure, the Association shall be entirely responsible for the cost of said repairs.
8. The Improvements, including any vegetation growing in the landscaping features shall not obstruct the following:
  - a. Street
  - b. Mainline sidewalk
  - c. Madison Metro bus stop
  - d. Required intersection sight lines
  - e. Required driveway sight lines
  - f. Access to utility covers
9. The Improvements shall be positioned to satisfy the following:
  - a. Two feet from the face of curb
  - b. Five feet from a fire hydrant
  - c. Four feet from a bike rack
  - d. Two feet from a sign post
  - e. Two feet from a street light pole
  - f. One foot from an electric hand hole
  - g. Five feet from any sewer access structure or other utility cover unless the utility provides written permission to permit otherwise
  - h. One foot from the edge of the mainline sidewalk
  - i. Five feet from any driveway
10. The City may remove the Improvements 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.
11. The City may remove the Improvements if the area occupied by it is required for transportation or other public purposes, by giving the 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.