



## Legislation Text

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**File #:** 07456, **Version:** 1

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### **Fiscal Note**

No expenditure required.

### **Title**

Authorizing the Common Council to accept ownership from Berkley Oaks Neighborhood Association of a decorative neighborhood garden to be located within the public right-of-way of Thackeray Road.

### **Body**

WHEREAS, the Berkley Oaks Neighborhood Association wish to install and maintain a decorative neighborhood garden area to be located in a traffic island within public traffic of Thackeray Road, as shown on Exhibit A; and

WHEREAS, the City Engineering and Traffic Engineering Divisions have conditionally approved of the placement of the decorative neighborhood garden; and

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

WHEREAS, the Berkley Oaks Neighborhood Association will transfer ownership of the decorative neighborhood garden to the City after it has been installed, in exchange for the ongoing maintenance of the garden by the Berkley Oaks Neighborhood Association.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison accepts ownership, from the Berkley Oaks Neighborhood Association of a decorative neighborhood garden located in a traffic island within the public right-of-way of Thackeray Road, as shown on the attached exhibit; subject to the following conditions:

1. The Berkley Oaks Neighborhood Association shall be responsible for all costs of installation and maintenance of the decorative garden.
2. The Berkley Oaks Neighborhood Association shall locate the decorative garden within a specific area, as approved by the City Engineering and Transportation Divisions.
3. The Berkley Oaks Neighborhood Association is responsible for locating all underground utility services in the construction areas, i.e., shall contact Diggers Hotline prior to any excavation or construction activities.
4. The Berkley Oaks Neighborhood Association shall comply with all Madison General Ordinances regarding the construction and installation of the decorative garden within public right-of-way, including any and all applicable City of Madison permits for excavation and installation, including a City Engineering Excavation Permit, if applicable.
5. The Berkley Oaks Neighborhood Association shall agree that the City shall not be held responsible for any damage to the decorative garden that may be caused by the City, its employees, contractors, or others.
6. The City may remove the decorative garden if not properly maintained, by giving the Berkley Oaks Neighborhood Association sixty (60) days written notice prior to removal. The Berkley Oaks Neighborhood Association is responsible for any reasonable costs associated with such removal.
7. The City may remove the decorative garden if the area occupied by garden is required for transportation purposes, by giving the Berkley Oaks 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.