



## Legislation Text

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**File #:** 77443, **Version:** 1

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### **Fiscal Note**

No appropriation required.

### **Title**

Authorizing the City Engineer to obtain a Permit from the Wisconsin Department of Transportation for construction along the S. Bassett St Railroad Corridor, and authorizing the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad, L.L.C., and WATCO Companies, L.L.C. (13th AD)

### **Body**

The City of Madison has both sanitary sewer utilities in the rail corridor at the cul-de-sac of S. Bassett St. One of the sewer mains under the rail corridor will be Cured-In-Place (CIP) lined with the public works project CIPP UV Lining of Sanitary Sewers - 2022. This project was previously approved by the Board of Public Works and Common Council (RES-22-00436, File # 71656).

The Permit to Construct, Operate, and Maintain Utility Facilities on Wisconsin Department of Transportation Railroad Property requires indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad, L.L.C., and WATCO Companies, L.L.C. APM 1-1 allows the City to indemnify other parties with Common Council approval. The indemnification language has been reviewed by the City Attorney and the City's Risk Manager. While the City's risk exposure is increased by the indemnification clause contained in the permit, the exposure is covered by the City's insurance policies, subject to their terms and conditions.

As construction and maintenance is ongoing and occasionally of an urgent and critical nature, this resolution allows the City Engineer to apply for and sign these permits, provided they are reviewed and approved by the City Attorney and insurance is bound through the City Risk Manager.

NOW THEREFORE BE IT RESOLVED that the City Engineer is hereby authorized to apply for and execute permits on behalf of the City with the Wisconsin Department of Transportation for the construction and maintenance of public utilities on railroad property in the Railroad Corridor at the southern end of S. Bassett St, in a format approved by the City Attorney and the Risk Manager; and,

BE IT FURTHER RESOLVED that the Mayor and Common Council hereby approves of the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad, L.L.C., and WATCO Companies, L.L.C.