



Legislation Text

File #: 15243, **Version:** 1

Title

Authorizing the Common Council to accept ownership of the irrigation system located within the maintenance area for portions of the public right of way adjacent to 4602 East Park Boulevard. (A.D. 17)

Body

WHEREAS, The American Center Owner's Association, Inc (ACOA) has requested the installation of an irrigation system within a defined maintenance area adjacent to 4602 East Park Boulevard in conjunction with the American Center Plat - Hanson Road Addition Subdivision, Contract No. 2047, and,

WHEREAS the Common Council has authorized the City to enter into a Maintenance Agreement with ACOA, per RES-09-00440, ID 14412, and,

WHEREA, ACOA has signed a *Maintenance Agreement for Portions of Public Right of Way Adjacent to 4602 East Park Boulevard* detailing the maintenance responsibilities of this irrigation system, and;

WHEREAS, in order for the irrigation system to be included into the maintenance agreement the City needs to accept the ownership of said irrigation system while the ACOA shall be responsible for all maintenance, repairs or upkeep as detailed in the *Maintenance Agreement for Portions of Public Right of Way Adjacent to 4602 East Park Boulevard*.

NOW, THEREFORE, BE IT RESOLVED:

1. The ACOA shall be responsible for all costs of installation and maintenance of said irrigation system.
2. The ACOA shall locate the irrigation system in a location approved by the City Engineer.
3. The ACOA shall be required to join Digger's Hotline for marking the location of this facility as required.
4. The ACOA shall agree that the City shall not be held responsible for any damage to the irrigation system that may be caused by the City, its employees, contractors, or others.
5. The City may remove the irrigation system if not properly maintained by giving proper notice as detailed in the *Maintenance Agreement for Portions of Public Right of Way Adjacent to 4602 East Park Boulevard*.
6. The City may remove the irrigation if necessary for transportation or other public purposes.
7. The Common Council is hereby authorized to accept the improvements within the Maintenance Area.

Fiscal Note

Private Contract, No City Funds Required.