



## Legislation Text

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**File #: 27242, Version: 1**

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### **Fiscal Note**

There are no anticipated fiscal impacts with the approval of the Service Agreement. The City will expand the existing service routes to include this property. The City does not intend to perform other public services such as snow removal, pavement and street maintenance, or leaf and brush collection on the private street. During the term of the pilot study if additional fees are required the City may terminate the Agreement or negotiate a fee for providing the services. Fees would be collected if the City would be required to purchase additional equipment or provide additional staff beyond the resources already in place for the purpose of serving this development.

### **Title**

Approving a Service Agreement for Public Services for Solid Waste Collection to serve 801 McClellan Drive.

### **Body**

WHEREAS, The City Council has authorized a pilot project to allow for the City to provide public service on private streets, per Resolution RES-2012-00453, File ID 25812.

WHEREAS, the Birchwood Ridge Condominium Association, located at 801 McClellan Drive have been identified in the above mentioned resolution as one of the participants of the pilot study, and,

WHEREAS, Birchwood Ridge Condominium Association, hereinafter "Association" and the City of Madison wish to enter into a Service Agreement for 801 McClellan Drive for Solid Waste Collection on a Private Street on a temporary basis for the term of the Service Agreement, and,

WHEREAS, the Association agrees to waive all claims of damage caused by City vehicles or personnel associated with providing public services on private streets, and,

WHEREAS, the Association has agreed to follow the City of Madison Policy, Rules and Regulations regarding solid waste (refuse and recycling) collection as it pertains to their property.

### **BE IT RESOLVED:**

1. That the Mayor and City Clerk are hereby authorized and directed to execute a Service Agreement for 801 McClellan Drive for Solid Waste Collection on a Private Street, with Birchwood Ridge Condominium Association.
2. The City shall not be responsible for any claims by its employees, contractors or others performing work as detailed under this Agreement.
3. The City has the right to collect a fee for administration of the Service Agreement and amend the fees as necessary to recoup any costs that are above and beyond the normal cost to perform similar services on public streets.
4. That the City and the Association shall be allowed to either terminate or extend the agreement per the terms of said agreement.