



Legislation Text

File #: 36260, **Version:** 1

Fiscal Note

No expenditure required.

Title

Authorizing the acceptance of ownership from Regent Neighborhood Association of a bench, garden and gathering place located in a portion of the southwest commuter bike path at 406 S. Allen Street.

Body

WHEREAS, the Regent Neighborhood Association (the "Association") wishes to install and maintain a bench, garden and gathering place (the "Improvements") located in a portion of the southwest commuter bike path at 406 S. Allen Street, and

WHEREAS, representatives from City Engineering, Planning, Traffic Engineering, Risk Management and the City Attorney's office have reviewed this request and conditionally approved the location of the Improvements, as shown on attached Exhibit A, as well as the design of the Improvements, as illustrated on attached Exhibit B; and

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

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the acceptance of ownership from the Regent Neighborhood Association of a bench, garden and gathering place located in a portion of the southwest commuter bike path at 406 S. Allen Street, as shown and illustrated on attached Exhibits A & B; subject to the following conditions:

1. The Association shall be responsible for all costs of maintenance and repair of the Improvements.
2. The Improvements shall be at least 5' from pavement edge of path and at least 3' from the edge of the sidewalk.
3. The Association shall be responsible for locating and properly marking all underground utility services in the area where the Improvements are to be placed by contacting Diggers Hotline prior to any excavation activities.
4. The Association shall comply with all Madison General Ordinances regarding the installation of the Improvements within public lands, including any and all City of Madison requirements, when applicable.
5. The City shall not be held responsible for any damage to the Improvements that may be caused by the City, its employees, contractors, or others.
6. 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.
7. The City may remove the Improvements if the area occupied by it is required for public purposes, by giving the Association sixty (60) days written notice prior to removal. Public purposes include but are not limited to, and without limitation because of enumeration, public alleys, streets, highways, bike paths, parks, sidewalks, and facilities for the development, improvement and use of public lands.
8. The Association shall sign a Letter of Agreement that shall be memorialized by Affidavit of Recording with the Dane County Register of Deeds.
9. The Association understands that the Improvements are located on property owned by Wisconsin Department of Transportation (WisDOT) and managed by the City of Madison Engineering Division for bike path purposes, subject to the Permit Agreement between the City, WisDOT and Southwest Wisconsin River Rail Transit Commission. Under

the terms of the Permit Agreement, the City has no authority to grant any property rights, including easements, leases or permits. Private path amenities are allowed in the corridor under Engineering Administrative Procedure 6.07.03 for "Private Encroachments Within the Publicly Owned Southwest Path Corridor". Under this policy, the City encourages and will cooperate with private stewardship of the public property to the extent that it enhances public enjoyment of the path and does not harm the function of the path in any way. The City reserves the right to remove any vegetation which detracts from the safety, drainage, maintenance or appearance of the path, or as necessary for any public projects within the corridor.