



Legislation Details (With Text)

**File #:** 18036      **Version:** 1      **Name:** Authorizing the Mayor and the City Clerk to enter into a grant agreement with the Wisconsin Department of Natural Resources for reimbursement of expenses incurred for parkland acquisition. The agreement includes an indemnification clause.

**Type:** Resolution      **Status:** Passed

**File created:** 4/5/2010      **In control:** Parks Division

**On agenda:** 4/13/2010      **Final action:** 4/13/2010

**Enactment date:** 4/16/2010      **Enactment #:** RES-10-00296

**Title:** Authorizing the Mayor and the City Clerk to enter into a grant agreement with the Wisconsin Department of Natural Resources for reimbursement of expenses incurred for parkland acquisition. The agreement includes an indemnification clause.

**Sponsors:** Tim Bruer, Mark Clear, Larry Palm, Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:** 1. Blettner DNR Grant Agreement.pdf, 2. Filut DNR Grant Agreement.pdf

Date	Ver.	Action By	Action	Result
4/13/2010	1	COMMON COUNCIL	Adopt - 15 Votes Required	Pass
4/5/2010	1	Parks Division	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.24, & 2.25 - (15 VOTES REQUIRED) - REPORT OF OFFICER	

**Fiscal Note**

The \$173,290 in funding to be received from these grants will be deposited into the Citywide Parkland Acquisition Fund (coding below), as this was the funding source for the original purchases. The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this clause, but the exposure is covered by insurance, subject to its terms and conditions.

Blettner SI32-73216-000000-00-0000000-60346E00-00000000 (\$127,000)  
Filut SI32-73216-000000-00-0000000-60480E00-00000000 (\$46,290)

**Title**

Authorizing the Mayor and the City Clerk to enter into a grant agreement with the Wisconsin Department of Natural Resources for reimbursement of expenses incurred for parkland acquisition. The agreement includes an indemnification clause.

**Body**

WHEREAS; a resolution (RES-05-00917) authorizing the acquisition of 64.45 acres of real estate within the Starkweather Creek Watershed ("Blettner property") was adopted by the Common Council on November 29, 2005; and

WHEREAS; a resolution (RES-07-00747) authorizing the acquisition of a one acre parcel of real estate at 4302 Loeprich Lane ("Filut property") was adopted by the Common Council on July 17, 2007; and

WHEREAS; both acquisitions have been made using funding from the Citywide Parkland Acquisition Fund; and

WHEREAS; both resolutions authorized the Parks Division to apply for grant funding to support these acquisitions; and

WHEREAS; the Wisconsin Department of Natural Resources has approved grant agreements for the Blettner property in the amount of \$127,000, and for the Filut property in the amount of \$46,290; and

WHEREAS the grant agreements contain a provision which requires the City to hold harmless, indemnify and defend against liability, damage, claims or suits which arise out environmental hazards associated with the properties covered by these two grant agreements; and

WHEREAS pursuant to APM-1-1, the inclusion of such a provision requires the express approval of the Common Council;

NOW THEREFORE BE IT RESOLVED that the Common Council authorizes the Mayor and City Clerk to sign the above referenced grant agreements with the Wisconsin Department of Natural Resources, each of which includes an indemnification clause.