Legislation Details (With Text)

File #:	21806	**Version:**	1	**Name:**	9538 MNA Landscaping Agreement Reso
Type:	Resolution			**Status:**	Passed
File created:	3/21/2011			**In control:**	BOARD OF PUBLIC WORKS
On agenda:	5/3/2011			**Final action:**	5/3/2011
Enactment date:	5/9/2011			**Enactment #:**	RES-11-00402

Title: Authorizing the execution of a maintenance agreement with the Marquette Neighborhood Association for an area of decorative landscaping, to be located in the public right-of-way at the south quadrant of the intersection of Eastwood Drive and South First Street.

Sponsors: Marsha A. Rummel

Indexes:

Code sections:

Attachments: 1. 9538 MNA Garden Aerial.pdf, 2. 9538 MNA Garden Detail.pdf, 3. Ald. Rummel Comments_04-11-11.pdf

Date	Ver.	Action By	Action	Result
5/3/2011	1	COMMON COUNCIL	Adopt	Pass
4/21/2011	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
4/11/2011	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
3/29/2011	1	BOARD OF PUBLIC WORKS	Refer	
3/29/2011	1	COMMON COUNCIL	Referred	
3/21/2011	1	Economic Development Division	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Authorizing the execution of a maintenance agreement with the Marquette Neighborhood Association for an area of decorative landscaping, to be located in the public right-of-way at the south quadrant of the intersection of Eastwood Drive and South First Street.

Body

WHEREAS, the City of Madison Common Council has approved the City Engineering Division's plans and specifications for landscaping improvements to be installed along Eastwood Drive (the "Landscaping"), as described in Engineering Project No. 53W1174; and

WHEREAS, the Landscaping plan includes an area of decorative plantings at the south quadrant of the intersection of Eastwood Drive and South First Street as shown on Exhibit A; and

WHEREAS, the installation of the area of the Landscaping was requested by the Marquette Neighborhood Association (aka "MNA") to help improve the aesthetics of the intersection and reduce vehicle headlight glare into the adjacent neighborhood;

WHEREAS, in exchange for installation of the Landscaping by the City Engineering Division, MNA has agreed to maintain this area of Landscaping including mulching, trash removal and trimming; and

WHEREAS, the Privilege in Streets Committee and City Engineering Division has reviewed this request and approved it with conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison authorizes the execution of a maintenance agreement with the Marquette Neighborhood Association, for an area of decorative landscaping to be located in the public right-of-way at the south quadrant of the intersection of Eastwood Drive and South First Street, as shown on the attached Exhibit A; subject to the following conditions:

1. The City Engineering Division shall install said decorative landscaping, in exchange for on-going maintenance by MNA. The City is not responsible for any future replacement of the decorative landscaping.

2. MNA's maintenance responsibly shall include mulching, weeding, trash removal, and trimming.

3. MNA may replace the decorative landscaping plantings, if approved by the City Engineer, at no cost to the City.

4. Any chemical agent, insecticide, fertilizer, or other additive that may be used by MNA must meet or exceed all federal, State, and local laws, regulations guidelines, and limitations (including prohibitions) for its use. The City reserves the right to restrict or ban the use of any chemical agent, insecticide, fertilizer or additive on the decorative landscaping.

5. The City may terminate the maintenance agreement and remove the landscaping if not properly maintained, by giving MNA sixty (60) days written notice prior to removal.

6. The City may terminate the maintenance agreement and remove the decorative landscaping if the area occupied by said landscaping is required for transportation or other public purposes, by giving MNA sixty (60) days written notice prior to removal. Transportation purposes include, without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public mass transportation systems.

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