



Legislation Details (With Text)

**File #:** 43226      **Version:** 1      **Name:** Authorizing the Mayor and City Clerk to execute a Construction and Maintenance Agreement for Ancillary Improvements in Marshall Park between the City of Madison and the Madison Metropolitan Sewerage District.

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

**File created:** 6/1/2016      **In control:** BOARD OF ESTIMATES (ended 4/2017)

**On agenda:** 6/21/2016      **Final action:** 6/21/2016

**Enactment date:** 6/23/2016      **Enactment #:** RES-16-00466

**Title:** Authorizing the Mayor and City Clerk to execute a Construction and Maintenance Agreement for Ancillary Improvements in Marshall Park between the City of Madison and the Madison Metropolitan Sewerage District.

**Sponsors:** Mark Clear

**Indexes:**

**Code sections:**

**Attachments:** 1. Marshall Park Ancillary Facilities Agreement.pdf

Date	Ver.	Action By	Action	Result
6/21/2016	1	COMMON COUNCIL	Adopt	Pass
6/13/2016	1	BOARD OF ESTIMATES (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
6/8/2016	1	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
6/8/2016	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	
6/8/2016	1	BOARD OF PARK COMMISSIONERS	Referred	
6/8/2016	1	BOARD OF PARK COMMISSIONERS	Referred	
6/7/2016	1	COMMON COUNCIL	Refer	Pass
6/1/2016	1	Parks Division	Referred for Introduction	

**Fiscal Note**

MMSD will fund the capital construction costs of the ancillary improvements in Marshall Park. The Parks Division operating budget will fund the costs associated with the general maintenance and operations of the restroom facility, an aquatic invasive species control station, and bioretention basin while Madison Metropolitan Sewerage District will fund all utility costs associated with the improvements within this agreement. Estimated annual City costs related to the improvements listed in the agreement are \$4,000 and will not begin until 2017. Funding will be requested in the Parks Division 2017 Operating Budget.

**Title**

Authorizing the Mayor and City Clerk to execute a Construction and Maintenance Agreement for Ancillary Improvements in Marshall Park between the City of Madison and the Madison Metropolitan Sewerage District.

## Body

WHEREAS, the Madison Metropolitan Sewerage District (MMSD) constructed and operates MMSD Pumping Station 15 within Marshall Park, a municipal park owned by the City of Madison, on a portion of the park covered by an existing easement granted by the City in 1973 (Doc. No. 1358656); and,

WHEREAS, MMSD has determined the need for the rehabilitation of MMSD Pumping Station 15, which rehabilitation will benefit Madison, MMSD and surrounding communities; and,

WHEREAS, as part of the rehabilitation project, MMSD wishes to make ancillary public improvements, including the addition of restrooms, an aquatic invasive species control station (hereinafter referred to as "AISCS"), a bioretention basin, a bicycle repair station, an informational kiosk, pavers, landscaping and other public features (collectively referred to as "Ancillary Improvements") within Marshall Park, all of which will benefit Madison, MMSD, and surrounding communities; and,

WHEREAS, the Board of Parks Commissioners approved the plans for the rehabilitation of MMSD Pumping Station 15 and the construction and installation of the Ancillary Improvements (the "Project") on January 13, 2016 and the resulting use of portions of Marshall Park; and,

WHEREAS, Madison and MMSD have discussed initial capital and construction costs for the Project as well as the future operation and maintenance costs associated with the Ancillary Improvements; and,

WHEREAS, it is in both Parties' interest and the general public interest to engage in a cooperative effort for the construction, maintenance and operation of public works and public improvements such as those being proposed for Marshall Park and to enter into an agreement allocating the costs and responsibilities for the Project and the future maintenance of the Ancillary Improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Mayor and City Clerk are hereby authorized to execute a Construction and Maintenance Agreement between the City of Madison and the Madison Metropolitan Sewerage District for the Project in Marshall Park, on a form and in a manner that has been approved by the City Attorney and Risk Manager, and consistent with the agreement attached hereto, which agreement shall include the issuance of a temporary limited easement over portions of Marshall Park to MMSD to allow MMSD the use of City land for the construction of the Project.

BE IT FURTHER RESOLVED THAT following completion of the Project, the City Engineer shall inspect the restrooms, the aquatic invasive species control station and the bioretention basin and, if the improvements are acceptable, shall accept them from MMSD on behalf of the City, after which the Parks Division shall be responsible for operations and long-term maintenance of the facilities.