



Legislation Details (With Text)

**File #:** 66787      **Version:** 1      **Name:** 12362 Mohican Pass Park Encroachment  
**Type:** Resolution      **Status:** Passed  
**File created:** 8/3/2021      **In control:** BOARD OF PUBLIC WORKS  
**On agenda:** 9/21/2021      **Final action:** 10/5/2021  
**Enactment date:** 10/12/2021      **Enactment #:** RES-21-00666

**Title:** Authorizing the acceptance of ownership from Summit Woods Neighborhood Association of an informational kiosk, two benches, perennial flower garden and decorative landscaping located in Mohican Pass Triangle Park at 1001 Mohican Pass. (10th A.D.)

**Sponsors:** Yannette Figueroa Cole

**Indexes:**

**Code sections:**

**Attachments:** 1. PC Locator Maps.pdf, 2. 12362 Exhibit A Encroachment Location.pdf, 3. 12362 Exhibit B Kiosk Depiction.pdf

Date	Ver.	Action By	Action	Result
10/5/2021	1	COMMON COUNCIL	Adopt	Pass
9/22/2021	1	BOARD OF PARK COMMISSIONERS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
9/20/2021	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
9/1/2021	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
9/1/2021	1	BOARD OF PARK COMMISSIONERS	Referred	
9/1/2021	1	BOARD OF PARK COMMISSIONERS	Referred	
8/31/2021	1	COMMON COUNCIL	Referred	
8/3/2021	1	Economic Development Division	Referred for Introduction	

**Fiscal Note**

No City appropriation required.

**Title**

Authorizing the acceptance of ownership from Summit Woods Neighborhood Association of an informational kiosk, two benches, perennial flower garden and decorative landscaping located in Mohican Pass Triangle Park at 1001 Mohican Pass. (10th A.D.)

**Body**

WHEREAS, the Summit Woods Neighborhood Association (“Association”) wishes to install and maintain an informational kiosk, two (2) benches, a perennial flower garden and decorative landscaping (“Encroachments”) in Mohican Pass Triangle Park at 1001 Mohican Pass, with location shown on attached Exhibit A and image depicted on attached Exhibit B; and

WHEREAS, staff from the Parks Division, as well as City Engineering and the Risk Manager, have reviewed this request and conditionally approved the placement and installation of the Encroachments; and

WHEREAS, the Association will transfer ownership of the Encroachments to the City of Madison (“City”) after

they have been installed, in exchange for the ongoing maintenance and repair of the Encroachments by the Association.

NOW, THEREFORE, BE IT RESOLVED that the City's Common Council authorizes the acceptance of ownership from the Association of the above-mentioned Encroachments in Mohican Pass Triangle Park, located at 1001 Mohican Pass, with location shown on attached Exhibit A and image of the kiosk depicted on attached Exhibit B, subject to the following conditions:

1. The Encroachments shall be installed by the Summit Woods Neighborhood Association in Mohican Triangle Park at a location approved by the City Parks Superintendent. No Encroachments shall be located within adjacent Mohican Pass or Cherokee Drive rights-of-way.
2. The Association is responsible for locating all underground utility services in the construction area, i.e., said Association shall contact Diggers Hotline prior to any excavation or construction activities.
3. The Association shall comply with all Madison General Ordinances regarding the construction and installation of the Encroachments, and shall obtain any and all City of Madison permits determined to be applicable by City Engineering and the Parks Division prior to the start of construction.
4. The Association shall be responsible for all costs of repair and maintenance of the Encroachments.
5. The Association shall monitor the kiosk for objectionable materials, including graffiti, and remove materials that may be construed as such.
6. The City shall not be held responsible for any damage to the Encroachments that may be caused by the City, its employees, contractors, or others.
7. The City may remove the Encroachments 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.
8. The City may remove the Encroachments if the area occupied by it is required for park or other public purposes, by giving The Association sixty (60) days written notice prior to removal. These purposes include, without limitation because of enumeration, public alleys, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public lands.
9. The Association shall sign a Letter of Agreement that shall be memorialized by Affidavit of Recording with the Dane County Register of Deeds.