



Legislation Details (With Text)

File #: 69902 **Version:** 1 **Name:** Authorizing the City Engineer to obtain a Permit from the Wisconsin Department of Transportation for construction along the Ohio Ave and Talmadge St Railroad Corridor, and authorizing the indemnification of the Wisconsin Department of Transportation, the

Type: Resolution **Status:** Passed

File created: 2/11/2022 **In control:** Engineering Division

On agenda: 3/29/2022 **Final action:** 3/29/2022

Enactment date: 4/4/2022 **Enactment #:** RES-22-00196

Title: Authorizing the City Engineer to obtain a Permit from the Wisconsin Department of Transportation for construction along the Ohio Ave and Talmadge St Railroad Corridor, and authorizing the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad, L.L.C., and WATCO Companies, L.L.C. (15th AD)

Sponsors: Grant Foster

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/29/2022	1	COMMON COUNCIL	Adopt	Pass
3/2/2022	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/22/2022	1	COMMON COUNCIL	Referred	
2/11/2022	1	Engineering Division	Referred for Introduction	

Fiscal Note

No appropriation required.

Title

Authorizing the City Engineer to obtain a Permit from the Wisconsin Department of Transportation for construction along the Ohio Ave and Talmadge St Railroad Corridor, and authorizing the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad, L.L.C., and WATCO Companies, L.L.C. (15th AD)

Body

The City of Madison has both sanitary and storm sewer utilities throughout the rail corridor running along the cul-de-sacs of Ohio Ave and Talmadge St. Some of these facilities require removal and replacement as part of the St Paul Ave, Ohio Ave, Talmadge St, Jackson St, and Lafollette Ave Assessment District - 2022 reconstruction project.

The Permit to Construct, Operate, and Maintain Utility Facilities on Wisconsin Department of Transportation Railroad Property requires indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad, L.L.C., and WATCO Companies, L.L.C. APM 1-1 allows the City to indemnify other parties with Common Council approval. The indemnification language has been reviewed by the City Attorney and the City's Risk Manager. While the City's risk exposure is increased by the indemnification clause contained in the permit, the exposure is covered by the City's insurance policies, subject to their terms and conditions.

As construction and maintenance is ongoing and occasionally of an urgent and critical nature, this resolution allows the City Engineer to apply for and sign these permits, provided they are reviewed and approved by the City Attorney and insurance is bound through the City Risk Manager

NOW THEREFORE BE IT RESOLVED that the City Engineer is hereby authorized to apply for and execute permits on behalf of the City with the Wisconsin Department of Transportation for the construction and maintenance of public utilities on railroad property in the Railroad Corridor between Ohio Avenue and Talmadge Streets, in a format approved by the City Attorney and the Risk Manager; and,

BE IT FURTHER RESOLVED that the Mayor and Common Council hereby approves of the indemnification of the Wisconsin Department of Transportation, the Wisconsin River Rail Transit Commission, the Wisconsin & Southern Railroad, L.L.C., and WATCO Companies, L.L.C