



## Legislation Text

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**File #:** 26875, **Version:** 1

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### Fiscal Note

No expenditure required.

### Title

Authorizing an Amendment to an Encroachment Agreement that accepted ownership from the Carpenter-Ridgeway Neighborhood Association of two "Little Libraries" located within the Lexington Avenue right-of-way and the Starkweather Creek bike path corridor, as well as a neighborhood entrance sign located within the Burke Avenue right of way.

### Body

WHEREAS, a resolution was passed on March 20, 2012 with ID #25433, Enactment #RES-12-00196, to accept ownership from the Carpenter-Ridgeway Neighborhood Association (the "Association") of two "Little Libraries" located within the Lexington Avenue right-of-way and the Starkweather Creek bike path corridor, as well as a neighborhood entrance sign located within the Burke Avenue right-of-way; and

WHEREAS, an Encroachment Agreement (the "Agreement") for the Little Libraries and neighborhood sign was signed by the Association on April 04, 2012; and

WHEREAS, the Association has been selected to be the recipient of a city grant for Little Libraries and neighborhood signs; and

WHEREAS, the authorized locations in Resolution 25433 for the placement of a Little Library and a neighborhood sign in the rights-of-way of the 3300 block of Lexington Avenue and Burke Avenue, respectively, are not acceptable to the grant committee; and

WHEREAS, a Little Library, illustrated on attached Exhibit A, located in the Starkweather Creek bike path corridor and authorized by Resolution 25433, is acceptable to the grant committee and shall remain at the location shown on attached Exhibit B; and

WHEREAS, the grant committee has approved locations for the placement of two proposed neighborhood signs, both as illustrated on attached Exhibit C; one that will be located in the median of Carpenter Street, as shown on attached Exhibit D, as well as another that will be located in the right-of-way near the northwest corner of Fair Oaks Avenue and Highway 30 access road, as shown on Exhibit E; and

WHEREAS, the Association wishes to install and maintain a Little Library and two neighborhood signs, as illustrated and shown on attached Exhibits A, B, C, D and E; and

WHEREAS, representatives from the offices of the City Attorney, Building Inspection, Engineering, Planning, Traffic Engineering and Risk Management have reviewed this request and conditionally approved of the placement of the Little Library and neighborhood signs; and

WHEREAS, the Association will transfer ownership of the Little Library and neighborhood signs to the City after they have been installed.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison accepts ownership from the Carpenter-Ridgeway Neighborhood Association of a Little Library located within the Starkweather Creek bike path corridor, as well as two neighborhood entrance signs located within the rights-of-way of the Carpenter Street median, as well as the northwest corner of Fair Oaks Avenue and Highway 30 access road, all as depicted on attached Exhibits A, B, C, D and E; subject to the following conditions:

1. The Association shall obtain letters from the adjacent property owners that state that they do not object to the installations of a Little Library and neighborhood signs.

2. The Association shall be responsible for all costs of installation and maintenance of the Little Library and neighborhood signs.
3. The Association shall locate the Little Library and neighborhood signs at specific locations, to be approved by City Engineering and Traffic Engineering staff.
4. The Association shall be responsible for locating all underground utility services in the areas of library and sign placement, shall contact Diggers Hotline prior to any excavation activities, and have all utilities properly marked.
5. The Association shall comply with all Madison General Ordinances regarding the construction and installation of the Little Library and neighborhood signs within public rights-of-way, including any and all applicable City of Madison permits for excavation and installation, as well as a City Engineering Excavation Permit, if applicable.
6. The City shall not be held responsible for any damage to the Little Library and neighborhood signs that may be caused by the City, its employees, contractors, or others.
7. The Carpenter-Ridgeway Neighborhood Association shall monitor the Little Libraries for objectionable materials and remove materials that may be construed as such.
8. The City may remove the Little Library and/or either of the neighborhood signs 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.
9. The City may remove the Little Library and/or either of the neighborhood signs if the areas occupied by them are required for transportation or other public purposes, by giving the Association 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.