



Legislation Text

File #: 32185, **Version:** 1

The \$167,364.00 in funding (or potentially more) to be received from this grant will be deposited into the Citywide Parkland Acquisition Fund (coding below), as this was the funding source for the original purchase. The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this clause, but the exposure is covered by insurance, subject to its terms and conditions. Since the land acquisition account provided the initial cash for the purchase, grant funding is to be deposited into: SI32-73216-000000-00-0000000-00000000-00000000.

To authorize the Mayor and City Clerk to enter into a grant agreement with the Wisconsin Department of Natural Resources for reimbursement of expenses incurred for parkland acquisition (Merrill Springs Park).

WHEREAS, Resolution 11-00965 authorized the acquisition of the lot at 5100 Spring Court for a total cash disbursement of \$867,000 for the expansion of Merrill Springs Park ("Merrill Springs Park Acquisition") and was adopted by the Common Council on November 29, 2011; and

WHEREAS, the acquisition was made using funding from the Citywide Parkland Acquisition Fund; and

WHEREAS, the City Parks Division pursued additional funding for the purchase of the Merrill Springs Park Acquisition from the State Stewardship Grant Fund; and

WHEREAS, the Wisconsin Department of Natural Resources has tentatively selected the Merrill Springs Park Acquisition to receive a grant in the amount of at least \$167,364; and

WHEREAS, the grant agreements contain a provision which requires the City to hold harmless, indemnify and defend against liability, damage, claims or suits which arise out of environmental hazards associated with the property covered by this grant agreement; and

WHEREAS pursuant to APM No. 1-1, the inclusion of such a provision requires the express approval of the Common Council; and

WHEREAS, as a condition of the agreements, the City must execute a deed amendment restricting the Merrill Spring Park Acquisition from any use that is inconsistent with public outdoor recreation and the State of Wisconsin Stewardship Program and Agreement; and

WHEREAS, City of Madison Parks Division and Office of Real Estate Services staff has reviewed and approve of the deed amendment restricting the Merrill Springs Park Acquisition.

NOW THEREFORE BE IT RESOLVED, that the Common Council authorizes the Mayor and City Clerk to sign the above referenced grant agreements with the Wisconsin Department of Natural Resources, each of which includes an indemnification clause; and

BE IT STILL FURTHER RESOLVED, that this project is supported by the City Council and the City Parks Division is authorized to supply all additional information and complete all administrative materials required for the application as well as to effectuate the receipt of the funds; and

BE IT STILL FURTHER RESOLVED, that the City of Madison will comply with state or federal rules for the Wisconsin Department of Natural Resources Stewardship Grants; and

BE IT FINALLY RESOLVED, that the Mayor and the City Clerk are hereby authorized to execute a Deed Amendment restricting any use of the Merrill Springs Park Acquisition that is inconsistent with public outdoor recreation and the State of Wisconsin Stewardship Program and Agreement; said land is legally described as follows:

Legal Description

Lot 2, Certified Survey Map No. 12633 as recorded in Dane County County Register of Deeds in Volume 79, Page 236-239 of Certified Surveys, as Document No. 4504885, City of Madison, Dane County, Wisconsin.