



Legislation Text

File #: 49116, **Version:** 1

Title

Request from Spring Harbor Neighborhood Association and the Friends of Merrill Springs for the installation of an informational kiosk in Merrill Springs Park.

Body

The City of Madison has received a request from the Spring Harbor Neighborhood Association (the "Association") and the Friends of Merrill Springs to install an informational kiosk (the "Kiosk") within Merrill Springs Park, located at 5102 Spring Court, as shown on attached Exhibit A, with image depicted on attached Exhibit B.

The Association will transfer ownership of the Kiosk to the City of Madison (the "City") after it has been installed, in exchange for the ongoing maintenance and repair of the Kiosk by the Association or their designee, in accordance with the following conditions:

The Association shall be responsible for all costs of installation, maintenance, and repair of the Kiosk, including routine painting, repairs, and maintenance of a mulch bed at the base of the Kiosk.

The Association shall locate the Kiosk at a specific location, to be approved by the Parks Superintendent.

The Association shall be responsible for locating all underground utility services in the area where the Kiosk is placed, shall contact Diggers Hotline prior to any future excavation activities, and shall have all utilities properly marked. Modifications to the location to avoid utilities or easements will be determined during final siting of the Kiosk and approved by the Park Superintendent or designee.

The Association shall comply with all Madison General Ordinances regarding the construction and installation of the Kiosk within the public park, including any and all City of Madison permits for excavation and installation, if applicable.

The City shall not be held responsible for any damage to the Kiosk that may be caused by the City, its employees, contractors, or others.

The Association shall monitor the Kiosk for objectionable materials and remove materials that may be construed as such.

The City may remove the Kiosk 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.

The City may remove the Kiosk if the area occupied by it is required for public purposes including, but not limited to, improvements as proposed by the City, by giving the Association sixty (60) days written notice prior to removal.

The Association will enter into a Letter of Agreement that shall be memorialized by an Affidavit of Recording

with the Dane County Register of Deeds that contains the conditions as outlined above.