



## Legislation Text

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**File #:** 51395, **Version:** 1

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### **Fiscal Note**

The proposed resolution authorizes transfer of ownership of an informational kiosk, after installation, from the Spring Harbor Neighborhood Association to the City of Madison. No City appropriation is required for the transfer of ownership and the association is responsible for the ongoing maintenance and repair of the kiosk.

### **Title**

Authorizing the acceptance of ownership from Spring Harbor Neighborhood Association of an informational kiosk located in Merrill Springs Park at 5102 Spring Court.

### **Body**

WHEREAS, the Spring Harbor Neighborhood Association (the "Association") wishes to install and maintain an informational kiosk (the "Kiosk") in Merrill Springs Park, located at 5102 Spring Court, 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 Kiosk; and

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED that the City's Common Council authorizes the acceptance of ownership from the Association of a Kiosk in Merrill Springs Park, located at 5102 Spring Court, with location shown on attached Exhibit A and image depicted on attached Exhibit B; subject to the following conditions:

1. The Kiosk shall be installed by the City Parks Department at a location approved by the City Parks Superintendent.
2. The Association shall be responsible for all costs of repair and maintenance of the Kiosk.
3. The Association shall monitor the Kiosk for objectionable materials, including graffiti, and remove materials that may be construed as such.
4. 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.
5. 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.
6. The City may remove the Kiosk 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.
7. The Association shall sign a Letter of Agreement that shall be memorialized by Affidavit of Recording with the Dane County Register of Deeds.