



## Legislation Text

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**File #:** 51918, **Version:** 1

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### Title

Request from Frey Construction and Home Improvement LLC for a Temporary Land Use Permit for Glenwood Park.

### Body

The City of Madison Parks Division has received a request to allow Frey Construction and Home Improvement LLC (Applicant) to temporarily utilize a portion of City-owned Glenwood Park, located at 3502 Glenwood St., (Property), for ingress and egress, along a temporary access road, to access the back yard of 3506 Gregory St. for a home remodeling project (Remodeling Project), for Ethel Biro, 3506 Gregory Street.

Staff recommends the Applicant be required to comply with the terms of the Temporary Land Use Permit as shown below:

1. The City of Madison Parks Division staff shall field identify a 10' wide temporary access road on Glenwood Park property for temporary access. The Applicant shall install 4' high orange plastic construction fence along the north side of this temporary access road, for the full length of the road, separating the temporary access road from the play equipment.
2. The Applicant shall also place orange plastic construction fence around the two oak trees to the south of the temporary access road.
3. The temporary access road shall only be used between the hours of 7:00 am and 4:00 pm. The use of Glenwood Park for access is acceptable for the specified date and time range only. Any other entry into the Property by construction vehicles constitutes trespass.
4. Concrete trucks, dump trucks, or large equipment shall not be allowed to access the Remodeling Project through the Property.
5. A small backhoe can be used for foundation construction. Once the foundation construction is complete, only a wheeled skid steer, pickup truck or motorized wheelbarrows shall be permitted to access the Remodeling Project through the Property and all access through the park shall be limited to drop off of equipment or supplies.
6. The Applicant may not store or park vehicles within the temporary access road.
7. All vehicles using the temporary access road shall be accompanied by a worker walking alongside the vehicle both in and out of the Remodeling Project.
8. If the ground is saturated or wet conditions exist, the City has the right to dictate the date when the work shall resume after a rain event in order to minimize damage to the Property. If the applicant requests to work during wet conditions, the Applicant shall install 6" of bark mulch along the temporary access road. Installation of bark mulch does not allow for unlimited access to the Remodeling Project.
9. The Applicant is responsible for all clean up after the Remodeling Project is complete. Upon completion

of the Remodeling Project, an inspection of the Property shall be conducted. At the time of the inspection, the City of Madison Parks Division shall make a determination if any further restoration or cleanup is required. If the Parks Division feels the cleanup is not satisfactory, the Applicant shall be responsible for making repairs. If after the Applicant leaves the site a second time and the repair work is still not satisfactory, the City shall make the repairs and charge the Applicant for time and materials.

10. The Applicant shall provide a refundable deposit of \$2,000.00 with City of Madison Parks Division, which may be used by the City for repairs or cleanup made to the Property. Any remaining portions of the deposit shall be refunded back to the Applicant. The refundable deposit shall accompany this Application and is required prior to the City of Madison Parks Division approval for this Temporary Land Use Permit. Provide a check in the amount of \$2,000.00, payable to the City Treasurer, along with the signed Temporary Land Use Permit to the City of Madison Parks Division at 210 Martin Luther King Jr. Blvd, Room 104, Madison, WI.
11. The Applicant shall contact Laura Bauer at 608-334-8870 a minimum of 48 hours (2 working days) in advance of performing any work related to this permit. The Remodeling Project shall only begin upon written or verbal approval by the Madison Parks Division.
12. The City of Madison reserves the right to use and occupy the Property in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the activities and/or use of the Applicant.
13. Applicant shall comply with all applicable laws, ordinances and regulations related to environmental pollution or contamination, or to occupational health and safety.
14. A site plan of the remodeling work shall be required and included as a part of this agreement proving that no improvements planned for 3506 Gregory St encroach onto park property.
15. The Applicant shall be liable to and hereby agrees to indemnify, defend and hold harmless the City, and its officers, officials, agents, and employees, against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the City or its officials, officers, agents or employees for damages because of bodily injury, including death at any time resulting there from, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the acts or omissions of the Applicant and/or its officials, officers, agents, employees, assigns, guests, invitees, or subcontractors, in the performance of this Agreement, whether caused by or contributed to by the negligent acts of the City, its officers, officials, agents, and employees. Additionally, the Applicant shall carry commercial general liability insurance covering as insured the Applicant and naming the City as an additional insured, with no less than the following limits of liability: bodily injury, death and property damage of \$1,000,000 in the aggregate. This policy shall also be endorsed for contractual liability in the same amount. As evidence of this coverage, the Applicant shall furnish the City a certificate of insurance on a form provided by the City prior to this use approval.
16. This Temporary Land Use Permit is valid from **July 15, 2018 through August 30, 2018**, unless an extension is granted by the Parks Superintendent or his designee.