



## Legislation Text

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**File #:** 53203, **Version:** 1

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### **Fiscal Note**

The proposed resolution authorizes acceptance of ownership of various improvements, including a concrete pad/walkway, two benches, a boulder with an attached historical plaque, and various landscaping plantings within Eken Park located at 2407 Coolidge Street. The Eken Park Neighborhood Association will transfer ownership of the improvements to the City of Madison in exchange for the ongoing maintenance, repair, and any associated costs of the improvements by the Association. No additional City appropriation is required.

### **Title**

Authorizing the City of Madison to accept ownership of various improvements creating a gathering place from the Eken Park Neighborhood Association, located in Eken Park at 2407 Coolidge Street. (12th A.D.)

### **Body**

WHEREAS, the Eken Park Neighborhood Association (“Association”) received Community Development Block Grant funding from the City of Madison (“City”) to hire a contractor to install improvements creating a gathering place, including a concrete pad/walkway, two benches, a boulder with an attached historical plaque, and various landscaping plantings (“Improvements”) within Eken Park located at 2407 Coolidge Street in the City of Madison; and

WHEREAS, the City Parks Superintendent approved the location of the Improvements, which are shown on a map attached as Exhibit A and a picture of the installed Improvements is attached as Exhibit B; and

WHEREAS, the Association hereby transfers ownership of the Improvements to the City, in exchange for the ongoing maintenance, repair and any associated costs of the Improvements by the Association; and

WHEREAS, per the contract, the contractor shall maintain the landscape plantings until December 1, 2018. Therefore, the Association’s responsibility for that portion of the Improvements pertaining to landscape plantings shall not commence until December 2, 2018 upon completion of the contract; and

WHEREAS, the Association and the City desire to memorialize this exchange by entering into a Letter of Agreement to be recorded in the Office of the Dane County Register of Deeds.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison authorizes the City to accept ownership of Improvements installed to create a gathering place from the Eken Park Neighborhood Association, located in Eken Park at 2407 Coolidge Street, as illustrated on attached Exhibit A and pictured on attached Exhibit B; subject to the following conditions:

1. The Association shall be responsible for all costs of installation, maintenance and repair of the Improvements. The Association’s responsibility for that portion of the Improvements pertaining to landscape plantings shall not commence until December 2, 2018.
2. The Association shall be responsible for locating all underground utility services in the areas of the Improvements and shall contact Diggers Hotline prior to any excavation, construction and/or maintenance activities.
3. The Association shall comply with all Madison General Ordinances, including any and all applicable City permits for excavation and installation of Improvements within the City’s public park.

4. The Association agrees that the City shall not be held responsible for any damage to the Improvements that may be caused by the City, its employees, contractors, or others.
5. The City may remove the Improvements if not properly maintained, by giving the Association sixty (60) days written notice prior to removal. The Association is responsible for the costs associated with said removal.
6. The City may remove the Improvements if the area occupied by said items is 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.