



Legislation Text

File #: 53483, **Version:** 1

Title

Request from Herman Landscape Service for a Temporary Land Use Permit for Norman Clayton Park

Body

The City of Madison Parks Division has received a request to allow Herman Landscape Service ("Applicant") to temporarily utilize a portion of City-owned Norman Clayton Park, located at 6401 Shoreham Drive ("Property"), for ingress and egress, and completion work for a vinyl in-ground pool removal ("Pool Work") for Frederick H. Peterson, 6337 Shoreham Drive.

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

1. The Pool Work must be completed between the hours of 9:00 am and 4:00 pm and may not span more than 20 days after the work has begun. The use of Norman Clayton Park is acceptable for the specified date and time range only. Any other entry into the park constitutes trespass.
2. The Pool Work is allowed to disturb the northeastern corner of the park. The Pool Work is not allowed if the ground is saturated.
3. The tools and vehicles needed for the Pool Work shall be permitted to enter the northeastern corner of Norman Clayton Park from the public sidewalk adjacent to 6337 Shoreham Drive. The equipment must exit the same way. Any damage to the public sidewalk caused by the Pool Work operations will be required to be repaired at the Applicant's expense.
4. Any damage to Norman Clayton Park, to the existing grade or the ground cover or any other part of the park. The Applicant will be responsible for restoring the grade to the pre work condition and spreading shade tolerant grass seed.
5. The Applicant is responsible for all clean up after the Pool Work is completed. If City resources are required for cleanup, the Applicant will be invoiced on a time and material basis for all costs incurred to the City.
6. The Applicant shall provide a refundable deposit of \$500.00 with City of Madison Parks Division, which may be used by the City for repairs or cleanup made to the park. Any remaining portions of the deposit may 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 \$500.00, 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.
7. 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 use. The Pool Work shall only begin upon written or verbal approval by the Madison Parks Division.
8. Upon completion of the Pool Work, a post inspection of the property will be conducted. If the post conditions are obscured by snow or ice the inspection will be delayed until the ground is visible. At the time of the post inspection, the City of Madison Parks Division will make a determination if any restoration or clean up will be required.
9. 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.

10. Applicant shall comply with all applicable laws, ordinances and regulations related to environmental pollution or contamination, or to occupational health and safety.
11. 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.
12. This Temporary Land Use Permit shall terminate upon completion of the Applicant's Pool Work or by December 1, 2018, whichever is sooner.