



Legislation Text

File #: 67093, **Version:** 1

Fiscal Note

No City appropriation required.

Title

Authorizing the City's acceptance of ownership from the Walnut Grove Homes Association of the existing Walnut Grove neighborhood sign and decorative landscape garden located within Walnut Grove Park near the N. Westfield Road and Southwick Circle intersection. (9th AD)

Body

WHEREAS, the Walnut Grove Homes Association ("Association") wishes to repair and maintain the existing Walnut Grove neighborhood sign and decorative landscape garden ("Encroachments") located within Walnut Grove Park near the N. Westfield Road and Southwick Circle intersection as shown on attached Exhibit A, with the sign's image depicted on attached Exhibit B; and

WHEREAS, staff from City of Madison ("City") Engineering, Planning, Traffic Engineering, Parks Department and the City's Risk Manager have reviewed and approved this request; and

WHEREAS, the City will accept ownership of the Encroachments in exchange for the ongoing maintenance and repair of the Encroachments by the Association.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the City's acceptance of ownership from the Association of Encroachments located within Walnut Grove Park near the N. Westfield Road and Southwick Circle intersection as shown on attached Exhibit A, with the sign's image depicted on attached Exhibit B, subject to the following conditions:

1. The Association shall be responsible for all costs of repair and maintenance of the Encroachments.
2. The decorative landscaping plantings near the sign shall conform to the City Engineering planting guidelines regarding site clearance and height restrictions for vision corners, specifically no plantings, solid screening or structures between 30 inches and 10 feet in height within 18 feet of the face of curb.
3. The Association shall contact Diggers Hotline to locate all underground utilities in the area where the Encroachments are located prior to any repair or maintenance activities.
4. The Association shall comply with all Madison General Ordinances regarding permits required for the repair and maintenance of the Encroachments.
5. The Association shall agree that the City shall not be held responsible for any damage to the Encroachments that may be caused by the City, its employees, contractors, or others.
6. The City may remove the Encroachments 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.
7. The City may remove the Encroachments if their location is required for Parks, 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.
8. The Association shall execute a Letter of Agreement ("Letter") which shall be memorialized by recording an Affidavit of Recording with the Dane County Register of Deeds.