



Legislation Text

File #: 67407, **Version:** 1

Fiscal Note

No City appropriation required.

Title

Authorizing the City of Madison to accept ownership of certain improvements from the Junction Ridge Neighborhood Association, which will create a neighborhood oasis in Junction Ridge Park, located at 8502 Elderberry Road. (9th A.D.)

Body

WHEREAS, the Junction Ridge Neighborhood Association (the "Association") wishes to install and maintain certain permanent improvements within a portion of Junction Ridge Park, including: patio pavers, flagstone steps, sidewalk, planters, landscaping, signage, bike rack, and benches, as well as nearby prairie restoration (collectively, the "Oasis"), as illustrated on attached Exhibit A; and

WHEREAS, The City of Madison (the "City") is funding the project through a neighborhood grant, which the City Planning Division administered after authorization by Common Council Resolution File ID No. 65235, adopted on May 18, 2021; and

WHEREAS, various other City agencies, including the City Attorney's office, the Parks Division, City Engineering, and the Risk Manager have reviewed this request and conditionally approved the placement and installation of the Oasis, as depicted on attached Exhibit B; and

WHEREAS, after installation of the Oasis, the Association will transfer ownership to the City in exchange for the ongoing maintenance and repair of the Oasis by the Association.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the transfer of ownership of the Oasis improvements from the Association to the City, to be located within Junction Ridge Park located at 8502 Elderberry Road, as illustrated on attached Exhibit A and depicted on attached Exhibit B, subject to the following conditions:

1. After the initial installation of the Oasis and use of the neighborhood grant funds, the Association shall be responsible for all repair and maintenance costs associated with the Oasis.
2. The Association shall install the Oasis at a specific location approved by the City Parks Superintendent. Modifications to said location to avoid utilities or easements shall be determined during final siting of the Oasis.
3. The Association shall be responsible for locating all underground utility services in the area where the Oasis is to be placed, contact Diggers Hotline prior to any excavation activities, and have all utilities properly marked.
4. The Association shall comply with all Madison General Ordinances regarding the construction and installation of the Oasis within the public park, including any City permits for excavation and/or installation, if deemed applicable by City Engineering or the City Parks Division.
5. The City shall not be held responsible for any damage to the Oasis that may be caused by the City, its employees, contractors, or others.

6. The City may remove the Oasis 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 Oasis if the area occupied by it is required for public purposes, by giving The Association sixty (60) days written notice prior to removal. Public 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.
8. This Letter of Agreement that shall be memorialized by an Affidavit of Recording, recorded in the office of the Dane County Register of Deeds.