



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 51084**

**File ID:** 51084

**File Type:** Resolution

**Status:** ATS Review

**Version:** 1

**Reference:**

**Controlling Body:** Economic  
Development  
Division

**File Created Date :** 04/03/2018

**File Name:** 11359 252 Jackson St Plaza SASY Neighborhood  
Improvements

**Final Action:**

**Title:** Authorizing the City of Madison to accept ownership from Schenk Atwood Starkweather Yahara Neighborhood Association of picnic tables and boulder seating to be located at 252 Jackson Street and within St. Paul Avenue right-of-way.

**Notes:**

**CC Agenda Date:** 04/10/2018

**Sponsors:** Marsha A. Rummel

**Effective Date:**

**Attachments:** 11359 Exhibit A Jackson Plaza.pdf, 11359 Exhibit B  
Jackson Plaza.pdf

**Enactment Number:**

**Author:** Heidi Radlinger, Real Estate Agent

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Economic Development Division	04/03/2018	Referred for Introduction				
	<b>Action Text:</b>	This Resolution was Referred for Introduction					
	<b>Notes:</b>	Board of Park Commissioners, Board of Public Works and Plan Commission.					

### Text of Legislative File 51084

**Fiscal Note**

No expenditure required.

**Title**

Authorizing the City of Madison to accept ownership from Schenk Atwood Starkweather Yahara

Neighborhood Association of picnic tables and boulder seating to be located at 252 Jackson Street and within St. Paul Avenue right-of-way.

**Body**

WHEREAS, the Schenk Atwood Starkweather Yahara Neighborhood Association (the "Association") wishes to install and maintain picnic tables and boulder seating (the "Improvements"), on a City of Madison Engineering property located at 252 Jackson Street, as well as within the St. Paul Avenue right-of-way (together, the "Property"), as shown on attached Exhibit A, depicted on attached Exhibit B, and legally described as follows:

Part of the St. Paul Avenue right-of-way located between Jackson Street and Dunning Avenue, and part of the City's adjacent E Rail Corridor bounded by St. Paul Avenue, Atwood Avenue, and Jackson Street; and

WHEREAS, staff from the City of Madison ("City") Parks Division, City Engineering, and the City's Risk Manager have reviewed this request and conditionally approved the placement and installation of the Improvements on the Property; and

WHEREAS, the Association will transfer ownership of the Improvements to the City after they have been installed in exchange for the ongoing maintenance and repair of the Improvements by the Association.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Madison authorizes the acceptance of ownership from the Association of Improvements to be on the Property, as shown on attached Exhibit A, with image depicted 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.
2. The Association shall string trim between boulders and maintain wood chips beneath picnic tables.
3. Picnic tables shall be placed at least two (2) feet from back of sidewalk.
4. The Association shall locate the Improvements at specific locations, to be approved by City Engineering and the City Parks Superintendent.
5. The Association shall be responsible for locating all underground utility services in the area where the Library is placed, shall contact Diggers Hotline prior to any future excavation activities, and shall have all utilities properly marked before installation of the Improvements.
6. The Association shall comply with all Madison General Ordinances regarding the installation of the Improvements on the Property, including any and all City permits for excavation and installation, if applicable.

7. 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.

8. 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 any reasonable costs associated with such removal.

9. The City may remove the Improvements if the area occupied by them is required for public purposes, by giving the Association sixty (60) days written notice prior to removal. Public purposes include, and without limitation because of enumeration, public alleys, parks, streets, highways, bike paths, sidewalks, and facilities for the development, improvement and use of public lands.

10. The Association shall sign a Letter of Agreement that shall be memorialized by an Affidavit of Recording with the Dane County Register of Deeds.