

June 16, 2006

To the Honorable, the Common Council

Dear Council Members:

Attached please find a resolution which directs the proper city officials to execute an agreement with William and Patricia Herget that would allow them to use a portion of the unimproved public right-of-way of North 124th Street for a private driveway to access their property at 12345 West Bobolink Avenue. The agreement is attached as part of the subject resolution.

Mr. and Mrs. Herget are requesting permission to build a private driveway in North 124th Street so that they can access their property, where they intend to build a new home. Under the agreement, the Hergets would be allowed to construct a private driveway at their sole expense within the easterly half of the 90-foot wide, unimproved public right-of-way of North 124th Street. The agreement would also permit the Hergets to maintain and/or replace the driveway constructed under the terms of the agreement. Finally, the agreement requires that the Hergets or their heirs, successors or assigns, at their own expense, remove the private driveway and all appurtenances whenever public interest or safety requires.

Mr. and Mrs. Herget have reviewed the agreement and concur with all of the requirements and privileges that would be conferred. We are not aware that the presence of a private driveway within the unimproved public right-of-way of North 124th Street will have any adverse effects on the use of the public right-of-way. For these reasons, we have drafted the attached resolution, which directs the proper city officials to execute an agreement that is attached to said resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes, P.E.
Commissioner of Public Works

Attachment.
MDL:lja

c: Alderman James A. Bohl, Jr.