

March 22, 2007

To the Public Works Committee

Subject: Common Council Resolution File Number 061331

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 061331, which amends a special privilege for change of ownership to Point Investments, LLC for encroachment into the public right-of-way of a fence for the premises at 1714 South 3<sup>rd</sup> Street.

In 1988, Glen A. and Jane Adzima requested permission to install and maintain a fence in the public right-of-way for three contiguous properties at 1708, 1714 and 1722 South 3<sup>rd</sup> Street. Permission was granted under Common Council Resolution File Number 880722. At the time the special privilege was granted, the property at 1714 South 3<sup>rd</sup> Street was being used by a taxicab company to store taxis that were not in service. While no longer a place to store out of service taxis, this property is still being used as a parking lot. The premises at 1708 and 1722 South 3<sup>rd</sup> Street were and are residential properties, each having two family dwelling units.

Section 245-4.5 of the Milwaukee Code of Ordinances allows fences for residential properties to encroach in the public right-of-way such that the fence is between the paved public sidewalk and the property line. Under this ordinance, the fence at 1708 and 1722 South 3<sup>rd</sup> Street is permissible without a special privilege; however 1714 South 3<sup>rd</sup> Street is not residential and the ordinance does not apply. For this reason, the attached special privilege only grants permission for the fence at 1714 South 3<sup>rd</sup> Street.

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We are not aware that the presence of said fence has had an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will change the name of the special privilege grantee and will allow said fence to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

Martin G. Collins  
Commissioner  
Department of Neighborhood Services

MDL:lja  
Attachment

c: Alderman James Witkowiak