

July 19, 2001

To the Public Improvements Committee

Subject: Common Council Resolution File Number 010263

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 010263, being a petition from Don Quijote, Inc., a restaurant, for a special privilege to allow a fence to encroach into the public right-of-way of North Hackett Avenue, adjacent to the business at 2624 North Downer Avenue.

Under a Department of Public Works permit procedure, in accord with a Common Council policy resolution, a sidewalk area dining facility permit was issued to allow tables and chairs to be placed in the 10-foot wide space between the westline of North Hackett Avenue and the main public sidewalk. The fence is proposed to be placed in order to have a more aesthetic view for the outdoor seated customers than the rubbish containers located at the residential property to the north. Our field investigation revealed that a seven-foot high solid wood fence is in place and is surrounded by an approximate 1-foot high masonry planter, which is approximately 2 feet 4 inches in width. The fence and planter extend approximately 9 feet into the public right-of-way in the sidewalk area on the west side of North Hackett Avenue. Two outdoor lights have been placed on the wood fence and there are flowers in the planter on the café side of the fence.

We do not believe that the installation of the fence or masonry planter in the public right-of-way has had or will have an adverse effect on the general use of the public right-of-way at this location. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow the fence and masonry planter to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Mariano A. Schifalacqua  
Commissioner of Public Works

Martin G. Collins  
Commissioner  
Department of Neighborhood Services

JJM:cjt  
Attachments