

October 14, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 920516

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 920516, being a request by Mr. Clark King, owner of Do It Right Auto Sales, Inc., for permission for an existing chain link fence to remain in the public right-of-way of South 23rd Street abutting the property known as 2301 West Forest Home Avenue.

When Mr. King bought the property and began the process to get permission to conduct his business, the existing encroaching fence became an issue. It encroaches 2 feet into a 10-foot wide sidewalk area. In addition, BOZA action alerted a need for landscaping. Their first landscaping submittal was rejected by BOZA staff. It appears that subsequent miscommunication and/or lack of submittals among several parties resulted in the inability to fully review, prepare the necessary enabling legislation and approve the request for the fence to remain within the right-of-way. However, a recent directive from the Public Improvements Committee caused the site to be visited revealing that landscaping was in place and apparently had been there for quite some time.

We have, therefore, prepared the attached special privilege resolution that, if adopted, will allow the fence to remain within the public right-of-way. We are not aware of any adverse effects on pedestrian usage of the remaining 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

Attachment