

December 20, 2005

To the Public Works Committee

Subject: Common Council Resolution File Number 050925

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 050925 being a request for an amendment to a special privilege to 2B Real Estate, LLC, to grant permission to construct and maintain a fence in the public right-of-way.

The applicant previously petitioned for permission for a backup driveway, a tilted window and four parking area light poles. Permission for said items was granted in 1994 under Common Council Resolution File Number 941157.

The current request by 2B Real Estate, LLC, is to now obtain permission to erect and maintain a fence in the public right-of-way. This fence encroaches 5 feet 6 inches into the 18 ± foot wide public sidewalk area on the south side of East North Avenue. The fence encroachment is located approximately 236 feet east of the intersection of the south line of East North Avenue and the north line of East Kenilworth Place. The fence runs parallel to the south line of East North Avenue for a distance of approximately 37 feet 7 inches.

A site visit revealed the presence of a retaining wall within the fence encroachment area approximately 235 feet east of the same reference point and runs parallel to the south line of North Avenue for a distance of approximately 30 feet. A grade change at the retaining wall face varies from 1 foot to 1 foot 6 inches below sidewalk grade. The wall encroaches 3 foot 8 inches into the 18 ± foot wide public sidewalk area.

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We do not believe that the fence, retaining wall, backup driveway, light poles and tilted window will have 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 allow these items to be located within the public rights-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:cjt  
Attachments