

July 15, 2003

To the Public Improvements Committee

Subject: Common Council Resolution File Number 021612

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 021612, being a petition for a special privilege submitted by Terry Taper on behalf of Living Epistles Church, to keep and maintain a recently constructed ramped entrance for barrier-free access within the public right-of-way of West Townsend Street adjacent to the property at 3401 North 35<sup>th</sup> Street for handicapped access. The construction was noted by a City inspector who discovered that no permits nor permission were obtained for this item.

The barrier-free concrete platform and ramp is located on the north side of West Townsend Street beginning approximately 98 feet west of the westline of North 35<sup>th</sup> Street. The facility is approximately 19 feet long and 4 feet wide, with approximately only 1.3 feet extending into the 12-foot wide public sidewalk area. Approximately 6 feet of existing concrete paved sidewalk is available for through pedestrians with the remainder being a 4-foot wide grass tree border. A 3-foot wide door swings out over the platform.

Our field investigation revealed that in addition to the platform and ramp, a fabric enclosure was in place around the structure. That structure encroaches an additional 2 inches. There are also three landscaping rocks located in front of the building between the sidewalk and building that encroach approximately 2.5 feet into the 22-foot wide west sidewalk area of North 35<sup>th</sup> Street.

We are not aware of any adverse problems that have occurred due to the platform with ramp, fabric enclosure or the landscaping rocks. It does not appear that the continued usage and maintenance of these items will have an adverse effect upon the pedestrian usage of the public rights-of-way in this area. We have, therefore, prepared the attached resolution which, if adopted, would allow all of these items to occupy the public rights-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