

June 9, 2005

To the Public Improvements Committee

Subject: Common Council Resolution File Number 980159

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 980159, which is an amendment to change the name of the grantee to Charles E. Spahn for the encroachment into the public right-of-way of a set of wood stairs and an excess door swing for the premises at 2800 West Forest Home Avenue. In addition, this special privilege grants permission for an air conditioner to encroach into the public right-of-way.

Permission for said wood stairs and excess door swing was originally granted to Scott E's Pub in 1993 by adoption of Common Council Resolution File Number 930519. In addition, a sidewalk area dining facility was also granted permission to encroach into the west 16-foot wide sidewalk area of South 28<sup>th</sup> Street. Since permission via special privilege for sidewalk area dining facilities is no longer necessary as long as said facility conforms to Section 115-32-6 of the City of Milwaukee Code of Ordinances, this special privilege will not consider the presence of such a facility. Said stairs and excess door swing are centered approximately 58 feet north of the northline of West Forest Home Avenue in the west 16-foot wide sidewalk area of South 28<sup>th</sup> Street. The 2-foot 6-inch high wooden stairs project approximately 2 feet 5 inches for a length of 3 feet. The excess door swing projects approximately 3 feet, when fully open, which is in excess of the 12 inches allowed per Section 245-4-8 of the City of Milwaukee Code of Ordinances, and swings open, approximately 2 feet 8 inches above the sidewalk grade, over the aforementioned stairs.

A site visit also revealed the presence of an air conditioner centered approximately 68 feet north of the northline of West Forest Home Avenue in the 16-foot wide west sidewalk area of South 28<sup>th</sup> Street. Said air conditioner projects approximately 1-foot into the public way, 8 feet 6 inches above the sidewalk grade for a length of 2 feet.

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We are not aware that the presence of said items within the public right-of-way has had any adverse effects on the use of the public right-of-way. We have, therefore, prepared the attached resolution, which, if adopted, will change the name of the grantee and formally add permission for the encroachment of the air conditioner.

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:dr  
Attachment