

June 26, 2003

To the Public Improvements Committee

Subject: Common Council Resolution File Number 020979

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 020979, being a request by Therese Gilling, agent for St. James Estates, LLC for an amendment to a special privilege most recently held by Jeremiah Hegarty to maintain a set of steps with railing projecting into the public right-of-way of North 12<sup>th</sup> Street at the building located at 1120-38 West Wells Street.

The existing special privilege Common Council Resolution File Number 048022, granted permission to construct and maintain 10-foot wide steps that project approximately 2.2 feet into the 9-foot wide sidewalk area on the east side of North 12<sup>th</sup> Street.

The present request is to change the name of the grantee of the special privilege to St. James Estates LLC, being the name of the present owner of the property, for the continued encroachment of the steps.

Our field investigation revealed a set of steps with 3 risers that encroach approximately 2.5 feet and are 10.1 feet in width. There is a metal handrail along each side of the steps. These steps are undoubtedly those permitted by the original special privilege. We also observed another step on the West Wells Street side of the property, which is 9-foot wide with a 1.2-foot projection into the 10-foot wide sidewalk and serving the address of 1104 West Wells Street. At that location there is a 3.5-foot wide door that extends approximately 1.5 feet into the right-of-way. It appears that the step is needed to remain for access and will be included in the resolution. The steps on North 12<sup>th</sup> Street are centered approximately 47 feet north of the northline of West Wells Street and the step on West Wells Street is located approximately 38 feet east of the eastline of North 12<sup>th</sup> Street.

We are not aware that the use and maintenance of the steps has had an adverse effect upon the use of the public rights-of-way in this area. We have, therefore, prepared the attached resolution which, if adopted, would change the name of the grantee of the special privilege and continue to allow the steps to encroach into the 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