

June 25, 2003

To the Public Improvements Committee

Subject: Common Council Resolution File Number 020245

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 020245, being a request by David A. Winograd, agent for D&K Management, LLC., for an amendment to a special privilege originally granted to OPUS North Corporation to construct and maintain, to erect and maintain or to maintain non-movable planters, (built-in) a covered walk and tree grates, respectively, into the public rights-of-way of North Milwaukee Street and East Kilbourn Avenue at the building located at 407-11 East Kilbourn Avenue (840 North Milwaukee Street).

The existing special privilege Common Council Resolution File Number 950354, that was adopted on July 14, 1995, granted permission to construct and maintain the 3 items indicated above. The planters were to project 3 feet into the 17-foot wide south side of East Kilbourn Avenue and the 12-foot wide east side of North Milwaukee Street. The covered walk was to project 11 feet into North Milwaukee Street. The tree grates, that were granted to the previous owner of the property were apparently to remain: 2 on North Milwaukee Street and 3 on East Kilbourn Avenue.

Although the present request is to change the name of the grantee of the special privilege to D&K Management, LLC, the name of the present owner of the property, as indicated on the "Petition to Amend", we were also orally requested to reflect the actual encroachments that were created. The most previous property owner did not call to our attention that items different than those granted were created. The tree grates were eliminated; movable planters were installed and the non-movable planters were never built; and the covered walk, an item that requires a special privilege, was changed to a marquee, an item that, if Code compliant, does not require a special privilege.

Our field investigation revealed that there are 6 movable planters on the North Milwaukee Street side of the building and 1 on the East Kilbourn Avenue side. The first floor of the building is occupied by Associated Bank. On the East Kilbourn Avenue side, they have established a TYME machine location. There is a roof-like structure to give users some shelter; however, this structure is not Code Compliant and therefore, requires a special privilege in order to remain. In addition, there is a security camera attached to this structure. It also requires a special privilege to remain in the right-of-way

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It does not appear that the use and maintenance of the planters, roof-like structure or camera has had an adverse effect upon the use of the public right-of-way in this area. The present sidewalk area is 12 feet wide. This block of North Milwaukee is part of a street reconstruction project with the end result being a 15.5-foot wide sidewalk area, which causes the movable planters to have less impact on the through pedestrians. 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 these items 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