

**Memorandum  
Public Works Department**



**To:** City Manager  
**Subject:** Existing Fence on Avenue Right of Way at 1209 21<sup>st</sup> Avenue  
**Date:** September 1, 2016  
**Number:** 2016-169

---

Mr. Scott Steiner of Friendship Manor has submitted a request to allow an existing fence to remain at its current location within the Right of Way (ROW) at 1209 21<sup>st</sup> Avenue. The fence is a black wrought iron type and is currently located on the south side of 21<sup>st</sup> Avenue approximately 3.5 to 4 feet within the ROW (see attached).

Vehicular traffic along the avenue is not affected by the presence of the fence within the ROW.

Existing utilities (sanitary sewer and overhead wires) are located within 5-feet of the fence and should not be adversely impacted due to the presence of the fence within the ROW under normal conditions.

If the City grants permission to allow the fence to remain at this location, the property owner would be required to provide the following:

1. Proof of insurance with the city listed as additional insured to hold the City harmless for any liability due to the presence of the fence within the ROW. Mr. Steiner has already submitted a copy of the property's insurance certificate; however the City is not listed as additional insured.
2. Provide a recordable agreement with the City to maintain the fence and to recognize that the City, or other utilities providers, will not replace the fence if it is necessary to remove it in order to maintain any existing or future utilities.

**Recommendation**

It is recommended that City Council allow Mr. Steiner to have the fence remain at its current location within the Right of Way at the above referenced address as long as he provides proof of insurance with the City listed as additional insured and a recordable agreement.

**Submitted by:** Randall D. Tweet, Public Works Director  
Michael J. Kane, P.E., City Engineer

---

**Approved by:** Thomas Thomas, City Manager

USE OF PUBLIC RIGHT-OF-WAY PERMIT APPLICATION

City of Rock Island Planning Office
City Hall, 1528 3rd Avenue
Rock Island, Illinois 61201
Phone: (309) 732-2900 Fax: (309) 732-2930
Email: planning@rigov.org



BUSINESS OWNER / APPLICANT / AGENT INFORMATION

Name: Friendship Manor / Scott Steiner Phone: 309-794-4130
Name of Business Establishment: Friendship Manor
Address: 2109 21st Avenue (1209 - 21st Ave)
Email: Scott.steiner@friendshipmanor.org

PROPERTY OWNER INFORMATION

Name: Phone:
Company Name (if applicable):
Address:
Email:
If different from applicant, please attach notarized letter of authorization.

SUBMITTAL REQUIREMENTS:

- Letter addressed to the City Council describing proposed use, including the description of object(s)/planting(s) proposed, days/hours of operation.
Notarized authorization of the owner of the property owner allowing submittal of application.
Drawing or sketch with dimensions, depicting the location of the object(s) or planting(s) proposed to be placed in the public ROW, no larger than 11" x 17" in size.
NOTE: Any object(s) or planting(s) shall not impede the free passage of pedestrians or vehicular traffic. A minimum of five feet (5') of clear, unobstructed sidewalk width shall be maintained to provide for sufficient pedestrian passage. Proof of comprehensive liability coverage against personal injury and property damage in the amount of \$1,000,000. A Certificate of Insurance naming the City of Rock Island as an individual insured and requiring that the City be notified 30 days prior to any termination or decrease of coverage.

Applicant's Signature: Scott Steiner Date: 8-19-16

FOR OFFICE USE ONLY-TO BE COMPLETED BY PUBLIC WORKS DIRECTOR

APPROVALS

Approval checkboxes for CED Department, Police Department, Fire Department, Planning Office, Insurance, and City Council.

Public Works Director approval: Date:

August 18, 2016

City Council  
City of Rock Island Illinois  
1528 3<sup>rd</sup> Avenue, Rock Island, Illinois 61201

Re; Right of Way Encroachment  
Villas of Friendship Manor  
21<sup>st</sup> Avenue

Honorable Mayor and City Council Members  
Friendship Manor has received a letter form Rock Island Engineering notifying them that the north east fence surrounding the Villas, along the south side of 21<sup>st</sup> Avenue, has encroached upon the public right of way by perhaps 4 feet. A complaint has been received concerning motorist visibility and pedestrian usage of the sidewalk.

Friendship Manor has visited with the City Engineer, Randy Tweet concerning the existing condition and Randy has visited the area of concern twice that we know of.

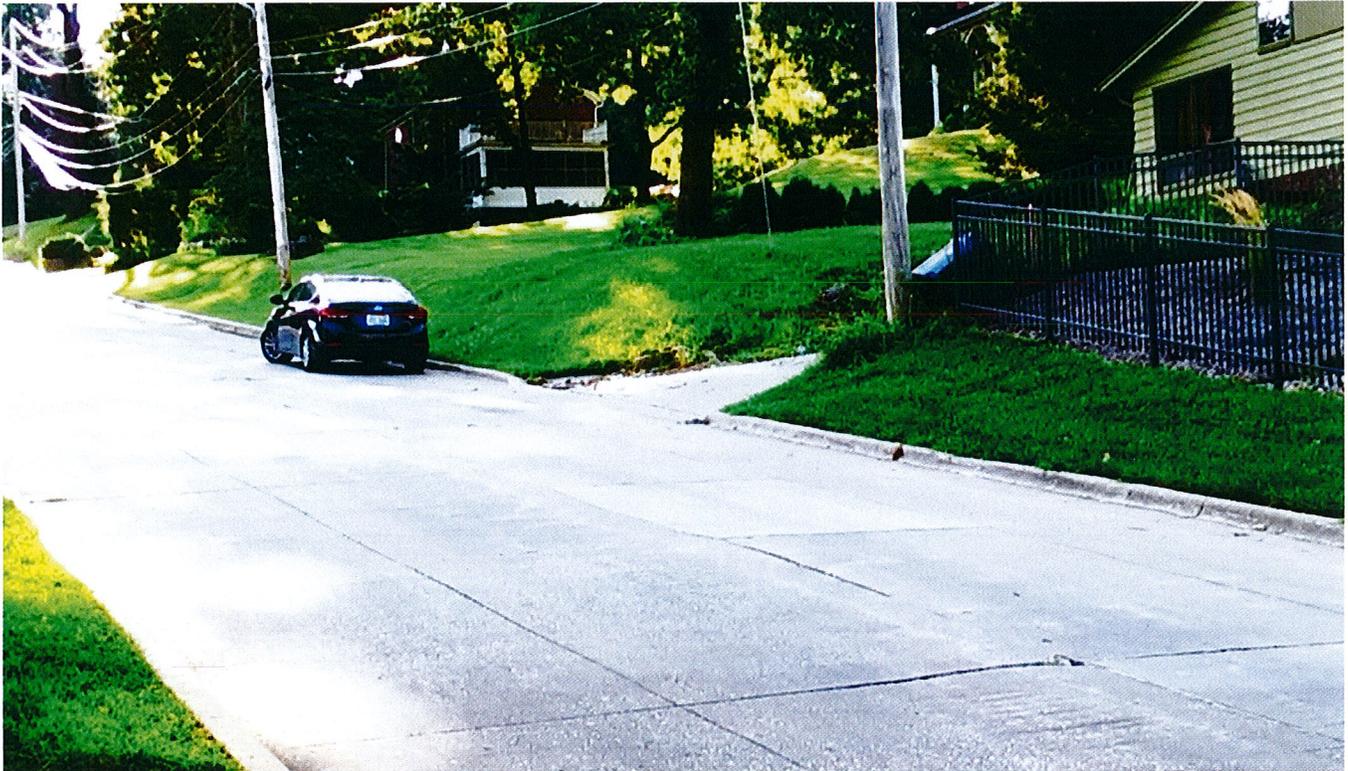
A point of clarity, there is no sidewalk on the south side of 21<sup>st</sup> Avenue. Grade along the properties up and down 21<sup>st</sup> is too steep to accommodate walkways. There is a sidewalk along the north side of 21<sup>st</sup> Avenue. Friendship Manor added that walkway in 2015 as a community benefit and at their own expense.

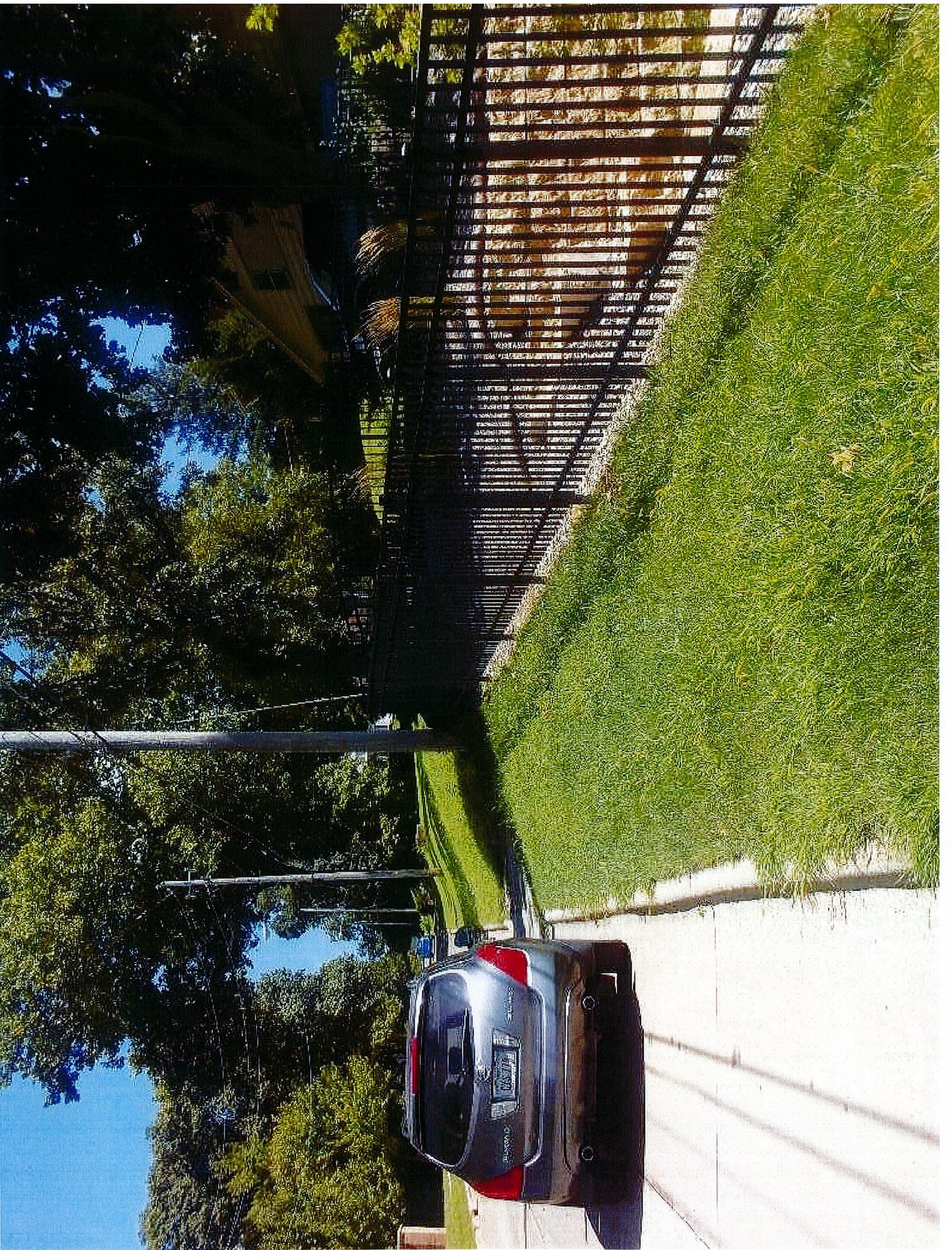
Visiting with the City Engineer, we are asking that the fence be allowed to remain unchanged and be allowed to encroach upon the right of way. Because of the terrain the fence does protect the public from the steep slopes and the stone retaining wall just inside of the fence.

Separately, Friendship Manor is requesting that vehicle parking be not allowed along the south side of 21<sup>st</sup> avenue adjacent to Villas of Friendship Manor's property. We believe this would greatly improve visibility and access into Friendship Manor and the Villas as well as all traffic up and down 21<sup>st</sup> Avenue.

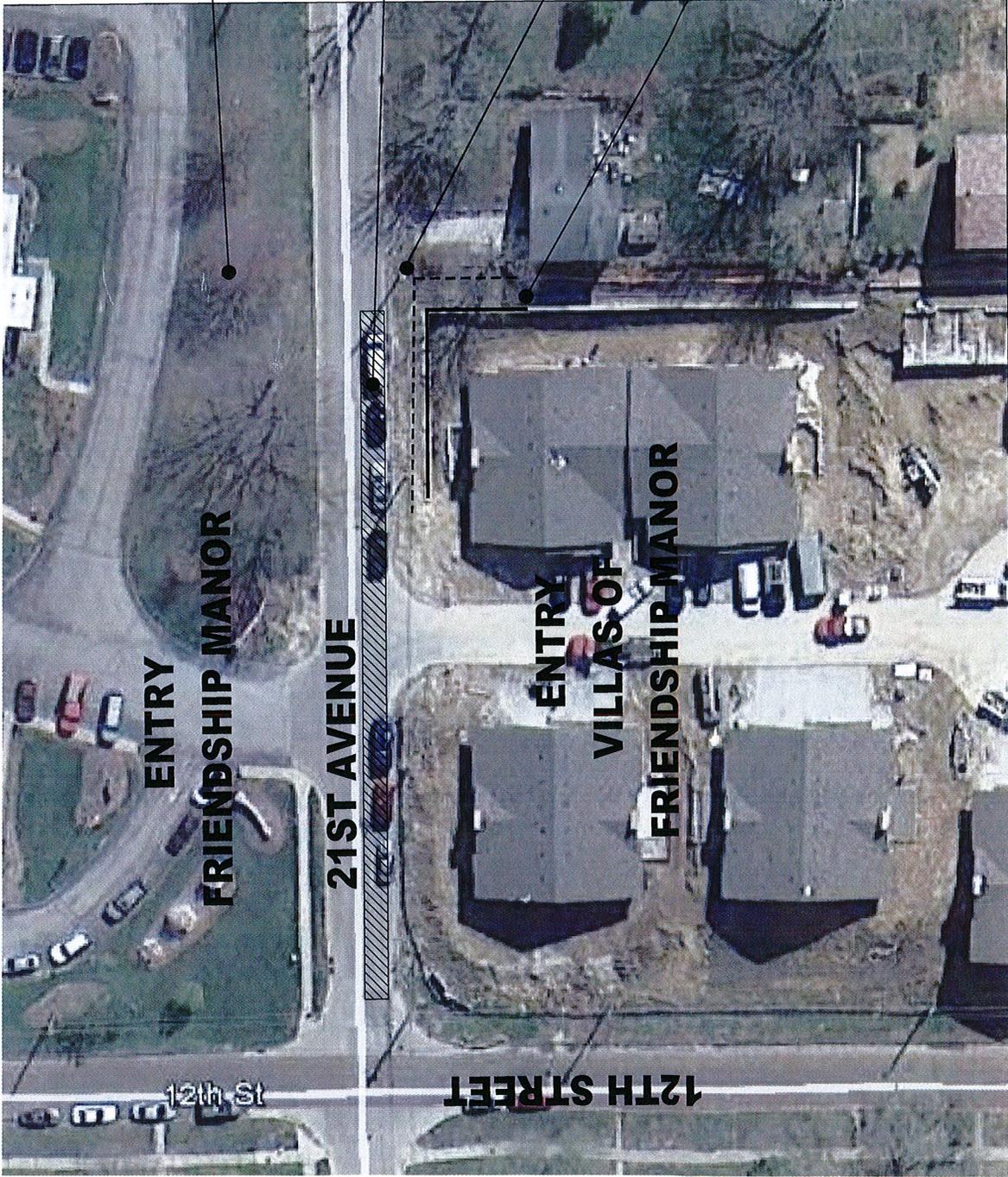
Thank you for your consideration.











**ENTRY  
FRIENDSHIP MANOR**

**21ST AVENUE**

**ENTRY  
VILLAS OF  
FRIENDSHIP MANOR**

**12TH STREET**

**13th St**

**2015 NORTH SIDE  
WALKWAY NOT SHOWN**

**ELIMINATE PARKING  
SOUTH SIDE 21ST AVE**

**EXISTING FENCE**

**EXISTING RETAINING  
WALL**



Ted Pappas, Jr., BS, LNHA  
President & CEO  
ted.pappas@friendshipmanor.org  
1209 - 21st Avenue  
Rock Island, IL 61201  
Office 309-794-4109  
Main 309-786-9667  
Fax 309-786-5611  
www.friendshipmanor.org

August 18, 2016

City of Rock Island Planning Office  
City Hall, 1528 3<sup>rd</sup> Ave.  
Rock Island, IL 61201

To Whom It May Concern:

As President and CEO of this organization, I am authorizing the submittal of application to the City of Rock Island for Use of Public Right-of-Way, specifically regarding the "Right of Way Encroachment" issue brought forth by the City after a complaint was issued about our fence.

Sincerely,

Ted Pappas Jr.



Rock Island County

8/18/16

Karen J Buchanan

