



MEMORANDUM
Public Works Department
Engineering

TO: City Manager

NUMBER: 2003-321

SUBJECT: Landscaping in Right of Way
3910 38th Street

DATE: 08/27/2003

Attached is a letter and photo from the Sharps requesting permission to leave some existing landscaping boulders within the street Right of Way at the above referenced address. The small boulders are located directly behind the back of curbing within the street Right of Way.

The Public Works Department has notified Mr. Sharp that if permission is granted to allow the boulders to remain within the ROW, he would be required to contact his insurance carrier to provide proof of insurance, with the city listed as additional insured, to hold the City harmless for any liability due to the presence of the boulders in the ROW. Mr. Sharp has been in contact with his insurance carrier in regards to adding the City of Rock Island to his policy as additional insured.

RECOMMENDATION:

It is recommended that the City Council allow the Sharps to leave the landscaping stones at their current locations in the Right of Way at the above referenced address with the following stipulation: He provide the City with a copy of their homeowner's insurance policy that lists the City of Rock Island as additional insured to hold the City harmless of any liability due to the presence of the landscaping within the Right of Way.

Submitted by: Michael J. Kane, P.E., Assistant City Engineer
Robert T. Hawes, P.E., Public Works Director

Approved by: John C. Phillips, City Manager

REC'D 8-19-03

Jsj

August, 10, 2003

Michael J. Kane Assistant City Engineer

Re: Appeal, of Landscaping Boulders on Right of Way

Dear Michael This letter is in reference to our phone conversation. I want to appeal your letter of August 1, 2003, notifying me of the removal of my landscaping. The boulders pose no safety hazard and are not past the curb. They were originally placed there to keep the kids from driving on the right of way, (AKA turfing) I learned that term from a teenaged driver. I will submit my letter of appeal at the City Council meeting August 11 at 6:45 PM. When I receive my certificate of recognition award for landscaping, from the Rock Island City Beautification Commission. This is bureaucratic irony at it's best.

Respectfully, Dan & Jennifer Sharp

Dan Sharp
Jennifer Sharp

3910 38th

788-5929

P.S If you have INSURANCE questions, my agent is Tim Wilson, STATE FARM Insurance

Ph. # 762-1187

He said call if you had any questions of insurability

Thanks
Dan

