

ORDINANCE NO.: 2009-027

*Granting an encroachment to City Center Partnership for placement and maintenance of two (2) cigarette butt receptacle in front of 1508 Main Street and one (1) cigarette butt receptacles in front of 1649 Main Street*

ORIGINAL  
STAMPED IN RED

WHEREAS, City Center Partnership, (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way areas for placement and maintenance of two (2) cigarette butt receptacles adjacent to 1508 Main Street and one (1) cigarette butt receptacle adjacent to 1649 Main Street, as shown in the attached pictures; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 1st day of April, 2009, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the sidewalk right of way areas for placement and maintenance of two (2) cigarette butt receptacles adjacent to 1508 Main Street and one (1) cigarette butt receptacle adjacent to 1649 Main Street, as shown in the attached pictures.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee shall be maintained by the Grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. Receptacles must be properly weighted so as to prevent movement and/or being blown down by wind. If the weight does not prevent movement or prevent the receptacle from being blown down by wind, Grantee is required to securely bolt down the receptacles.

ORIGINAL  
STAMPED IN RED

2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained;

3. Materials are to be similar in quality and design as to the pictures and specifications submitted along with the request for an encroachment and subject to City's approval prior to installation.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns.

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, its successors and assigns.

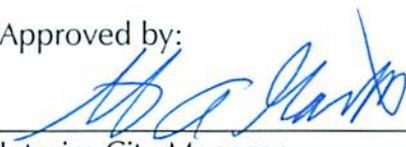
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

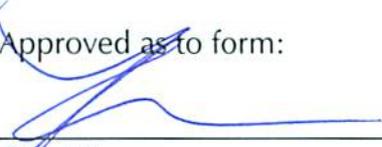
City Center Partnership \_\_\_\_\_

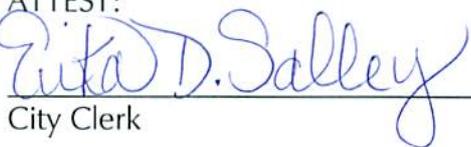
  
\_\_\_\_\_  
MAYOR

Approved by:

  
\_\_\_\_\_  
Interim City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Introduced: 3/25/2009  
Final Reading: 4/1/2009

Matter No.: 09020227  
 Attorney: VEG/SLK  
 Date In: 2/16/09  
 File No.: 2009-027  
 Date Out: 3/6/09

**REQUEST FOR AN ENCROACHMENT ORDINANCE**

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches) *Business signs are NOT permitted via an encroachment. An encroachment must comply with all existing City codes, rules and regulations, the Americans With Disabilities Act, if applicable, and is subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required.*

Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Judy Edwards with Risk Management (343-8778 or jgedwards@columbiasc.net) should be contacted regarding the insurance requirements.

Date: Feb. 16, 2009 Applicant's Name: City Center Partnership, Inc.  
 Telephone Number: 803 233 0620 Fax Number: 803 233 0621  
 E-mail address: karel@citycentercolumbia.sc  
 Encroachment Location (Address): Hennessey's @ 1649 Main St. & Gotham Bagel @ 1508 Main St.

Encroachment type:  Wall  Fence  Irrigation System  Landscaping  
 If wall or fence - dimensions: \_\_\_\_\_ (height/length) construction material: \_\_\_\_\_  
 Please provide photographs and drawing or site plan drawn to scale.

Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)  
 Location(s) signs are to be placed (i.e. Northeast corner of Main Street) \_\_\_\_\_

Outdoor dining/decoration No. of chairs: \_\_\_\_\_ No. of Tables \_\_\_\_\_  
 Number of planters: \_\_\_\_\_ Business Hours: \_\_\_\_\_ Other: Cigarette Butt Receptacles (3)  
 1-Hennessey 2-Gotham

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Chip Land will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

Contact	Department	Telephone Number	Fax Number
John Dooley	Utilities and Engineering	545-3240	733-8674
Joey Jaco	Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Marc Mylott	Planning and Development Services	545-3426	255-8935
Chip Land	Planning and Development Services	545-3222	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Delk	Columbia Dev. Corporation	988-8040	988-8039
Judy Edwards	Risk Management	343-8778	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Sweatt	Street Division	545-3790	545-3785
Jonathan Chambers	Planning and Development Services	545-3206	343-8779
Carmen Floyd	Fire Marshall	545-3703	401-8839
Krista Hampton	Planning and Development Services	545-3420	733-8699

Last Revised: 8/25/2008