

ORDINANCE NO.: 2009-035

Granting an encroachment to Tara Dawn Shurling for installation and maintenance of a driveway and landscaping within the right of way areas of the 3400 block of Trenholm Road and 1500 block of Wyndham Road adjacent to 1537 Wyndham Road

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WHEREAS, Tara Dawn Shurling, (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 3400 block of Trenholm Road and 1500 block of Wyndham Road adjacent to her property at 1537 Wyndham Road for installation and maintenance of a driveway approximately eight (8') feet in length and approximately forty (40') feet in width, and landscaping as shown on the attached drawing; 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 3rd day of June, 2009, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way area of the 3400 block of Trenholm Road and 1500 block of Wyndham Road adjacent to her property at 1537 Wyndham Road for installation and maintenance of a driveway approximately eight (8') feet in length and approximately forty (40') feet in width, and landscaping as shown on the attached drawing.

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. Grantee shall prune and maintain landscaping so as to not obstruct the visibility of pedestrian or vehicular traffic at the intersections of Wyndham Road and Trenholm Road.

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2. Design and construction of the apron/connection of the driveway to Trenholm Road must be reviewed and approved by City and SCDOT.

3. Permanent or temporary parking of vehicles which allow for extension of the vehicle beyond the north side of the masonry wall shall be prohibited.

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, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

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:

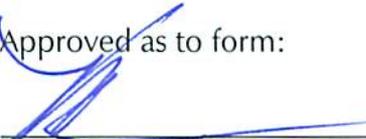
Tara Dawn Shurling


MAYOR

Approved by:


Interim City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 5/20/2009

Final Reading: 6/3/2009