

ORDINANCE NO. 2001-040

*Granting encroachment to Norman B. Stuckey and Shannon S. Stuckey
for construction and maintenance of a privacy wall adjacent
to their residence at the corner of St. James Street and Catawba Street*

WHEREAS, Norman B. Stuckey and Shannon S. Stuckey (hereinafter "Grantee") desire to utilize a portion of the right of way adjacent to their property at the corner of St. James Street (formerly Barnwell Street) and Catawba Street for construction and maintenance of a colonial style wood mold brick privacy wall approximately forty-four (44') feet in length, six (6') feet in height and eight (8") inches in width, with four (4) columns, each approximately twenty (20") inches in diameter; 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 19th day of September, 2001, that Grantee is hereby granted the right to construct and maintain a colonial style wood mold brick privacy wall approximately forty-four (44') feet in length, six (6') feet in height and eight (8") inches in width, with four (4) columns each approximately twenty (20") inches in diameter along the right of way of St. James Street adjacent to their residence at the intersection of St. James Street and Catawba Street.

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 shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment 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 and in the event the encroachment becomes in conflict with future municipal plans, said property shall be returned to the City by Grantee.

PROVIDED FURTHER that the evidence of public liability insurance naming the City as an insured in the minimum amount of \$600,000.00 for personal injury and property damage shall be filed annually with the City Clerk by Grantee, its successors and assigns.

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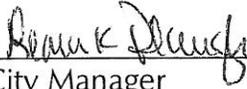
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



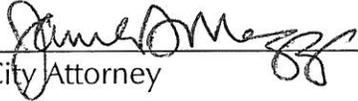
MAYOR

Approved by:



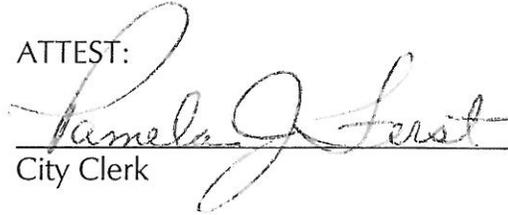
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 5/16/2001

Final Reading: 9/19/2001

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