

ORDINANCE NO: 2008-035

Granting encroachment to the State of South Carolina for removal of existing trees, installation and maintenance of new trees and enlargement and maintenance of existing planters and irrigation system adjacent to the Supreme Court building at 1231 Gervais Street and Sumter Street

WHEREAS, the State of South Carolina (hereinafter "Grantee") desires to utilize a portion of the right of way area of Gervais Street adjacent to the Supreme Court building for removal of existing trees, installation and maintenance of new trees and enlargement and maintenance of existing planters and irrigation system within the rights of way area of Gervais Street and Sumter Street as shown on the attached drawings; 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 11th day of June, 2008, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the right of way area of Gervais Street adjacent to the Supreme Court building for removal of existing trees, installation and maintenance of new trees and enlargement and maintenance of existing planters and irrigation system within the rights of way area of Gervais Street and Sumter Street as shown on the attached drawings.

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.

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

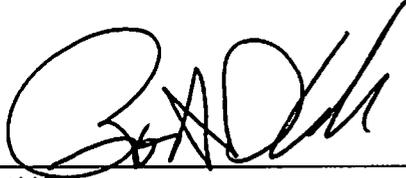
City Clerk by Grantee, its successors and assigns.

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

ORIGINAL
STAMPED IN RED

Requested by:

State of South Carolina _____



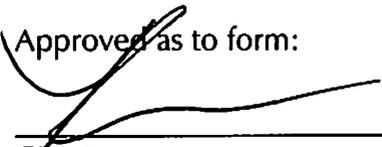
MAYOR

Approved by:



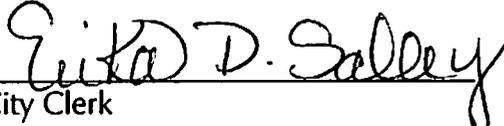
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 6/4/2008

Final Reading: 6/11/2008



Matter No.: 08040587e
Attorney: LEB ISLA
Date In: 4/7/08
File No.: 2008-035
Date Out: 4/9/08

The Supreme Court of South Carolina

POST OFFICE DRAWER 12456
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1584
FAX: (803) 734-1167

April 4, 2008

City of Columbia
Attn: Planning Department
Post Office Box 147
Columbia, South Carolina 29217

Re: Encroachment permit

To Whom It May Concern:

Please find enclosed the original and two copies of an encroachment permit application and the associated drawings for a proposed commercial landscaping project to be directed by the South Carolina Judicial Department (SCJD).

The project site is located at the Supreme Court of South Carolina at 1231 Gervais Street. A representative of SCJD met with the Superintendent of Forestry and Beautification to discuss this project, and in accordance with these discussions, we submit the enclosed tree removal and replacement plan. Specifically, this plan proposes removing the seven existing poor-form Bradford pears and replacing them with two Chinese elms, which have been shown to grow well in the adjacent Vista area. The plan also proposes to enlarge the planters in which the replacement trees are planted, and fill in the remaining vacant planters with concrete fill. The sidewalk area where the planters are being enlarged will remain ADA-compliant. The plan additionally reflects new landscaping that SCJD will be simultaneously installing in the beds surrounding the Supreme Court building.

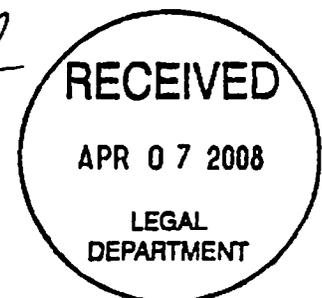
SCJD is the owner and the contractor on this project. The South Carolina Budget & Control Board Insurance Reserve Fund will be sending proof of SCJD's general liability policy in accordance with Ordinance No. 2006-12, Sec. 11-71(b)(2). If there are any questions or if you need further information, please contact me directly by phone at (803) 734-1586, or by email at ccoward@sccourts.org.

Sincerely yours,

Caroline Coward
Caroline Coward

Enclosures

*Hand Delivered
Shari Ardis
Legal*





City of Columbia

APPLICATION for

TEMPORARY ENCROACHMENT

Date: 3/31/08 Permit Number: _____

Location of Work: 1231 Gervais Street (Supreme Court of South Carolina)

Applicant Name: South Carolina Judicial Dept. (contact: Caroline Coward)

Applicant Address: 1231 Gervais Street, Columbia, SC 29201

Applicant Telephone # 734-1586 Fax #: 734-1167

Start Date: May 1, 2008 Completion Date: May 1, 2008

Closure Times: 8:30-5:30 (Be sure to allow and include time for "set up" and clean up")

Please check one of the following as to work being performed: Residential Commercial

Please check one of the following as to work being performed:

- Sidewalk Replacement/Installation
Length _____ Linear Feet Width (Excluding curb) _____
- Driveway Replacement/Installation
Length _____ Lineal Feet Width (Including curb) _____
- Other Landscaping: tree removal, including concrete fill in 5 existing 3x3 tree planters

Work Description: (Fully describe work within City's right-of-way, including any street or lane closures. Please include a letter of request and a copy of your certificate of insurance to be approved by the City of Columbia Risk Manager. Attach a separate sheet if necessary. Please attach complete plans, specification, maps, etc., where applicable. Additionally, please list structures that will be placed on street or sidewalk.)

Enlargement of existing tree planters in sidewalk to 5'x10', tree removal, and tree planting.

I have read, understand and agree to comply with the permit conditions that are a part of this permit. I further agree to comply with the City of Columbia Code of Ordinances regarding working in the City right away.

Signature Cal J. Cal

Date 4/4/08

Centerline of Road
(Approx. Location)

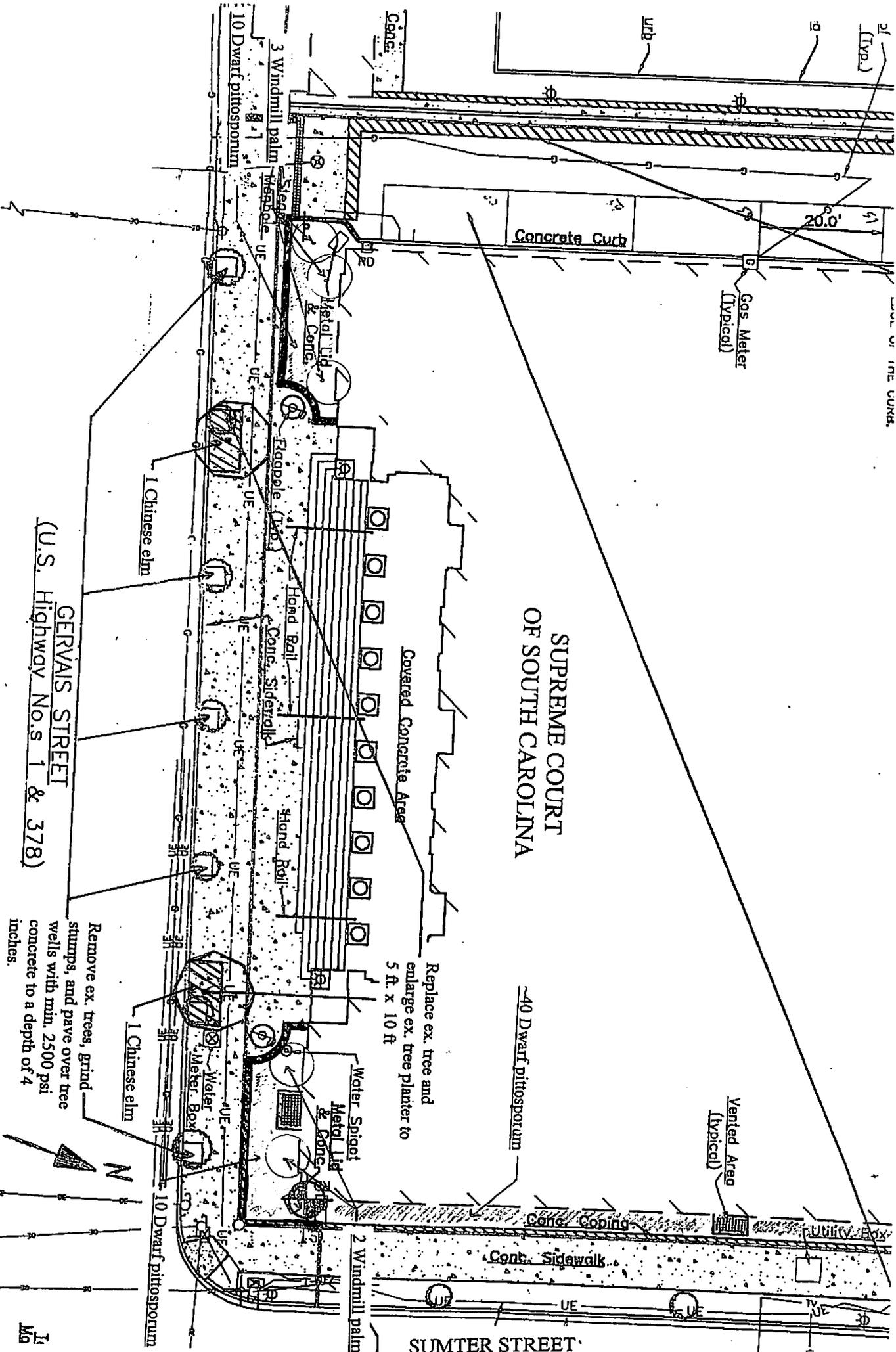
TREE REMOVAL & REPLACEMENT

GERVAIS STREET
(U.S. Highway No.s 1 & 378)

SUPREME COURT
OF SOUTH CAROLINA

SUMTER STREET

1" = 20'



Remove ex. trees, grind stumps, and pave over tree wells with min. 2500 psi concrete to a depth of 4 inches.

Replace ex. tree and enlarge ex. tree planter to 5 ft. x 10 ft.