

ORDINANCE NO.: 2008-041

Granting encroachment to Main & Gervais, LLC for its building at 1221 Main Street for installation and maintenance of a driveway, water and sewer utility lines, parking spaces and building overhang

ORIGINAL
STAMPED IN RED

WHEREAS, Main & Gervais, LLC, (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area adjacent to its building at 1221 Main Street for installation and maintenance of a driveway, water and sewer lines, parking spaces and building overhang 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 16th day of July, 2008, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the sidewalk right of way area adjacent to its building at 1221 Main Street for installation and maintenance of a driveway, water and sewer utility lines, parking spaces and building overhang 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 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.

ORIGINAL
STAMPED IN RED

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:

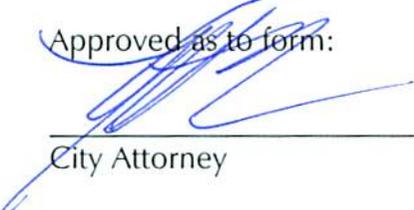
Main & Gervais, LLC


MAYOR

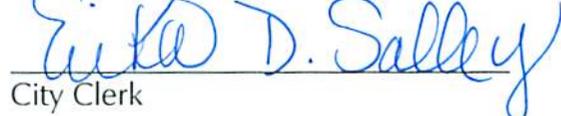
Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 7/9/2008
Final Reading: 7/16/2008



BP Barber
Engineering • Experience • Excellence

Matter No.: 080507600
Attorney: LEGAL
Date In: 5/1/08
File No.: 2008-041
Date Out: 4/15/08

May 1, 2008

Ms. Shari Ardis
City of Columbia Planning & Development
Legal Division
1136 Washington Street
P.O. Box 147
Columbia, SC 29217

RE: Main & Gervais - Office Tower
City of Columbia Encroachment Permit
BP Barber Project No. 07504

Dear Ms. Ardis:

Holder Properties is proposing a nine (9) story office building and a six (6) level parking garage to be located on approximately 1.4 acres at the northwest corner of Main Street and Gervais Street in downtown Columbia, SC.

The proposed building will occupy the space that the existing parking lot currently occupies, while the existing plaza will be redesigned as a combination of landscaping and hardscaping. The construction of the proposed improvements will consist of demolition, clearing, grading, building construction, landscaping, utility construction, and a new drop-off area and parking re-striping along Main Street. Access to the site will be from a proposed three-lane driveway leading to the parking garage from Main Street.

We are requesting an encroachment permit be approved for the following:

- Driveway encroachment onto Main Street from the proposed tower, approximately 325 feet north of the intersection of Main Street and Gervais Street;
- Utility encroachment for water and sewer service connections along the existing main lines along Main Street;
- Parking encroachment for the re-alignment of parking spaces along Main Street adjacent to the project site to provide a new drop-off area;
- Building overhang encroachment for the portion of the building entrance that will project over the existing sidewalk.



Please find enclosed the following:

- One (1) Location Map
- One (1) Proof of Insurance
- One (1) Site Plan per City Checklist (8 ½ x 11)
- One (1) Site Photograph

We trust that this information is to your satisfaction and we look forward to your approval. Should you have any questions or comments, or require additional information, please do not hesitate to contact me or Bryan Thomas, P.E. at (803) 254-4400 or bthomas@bpbarber.com.

Very truly yours,

BP Barber

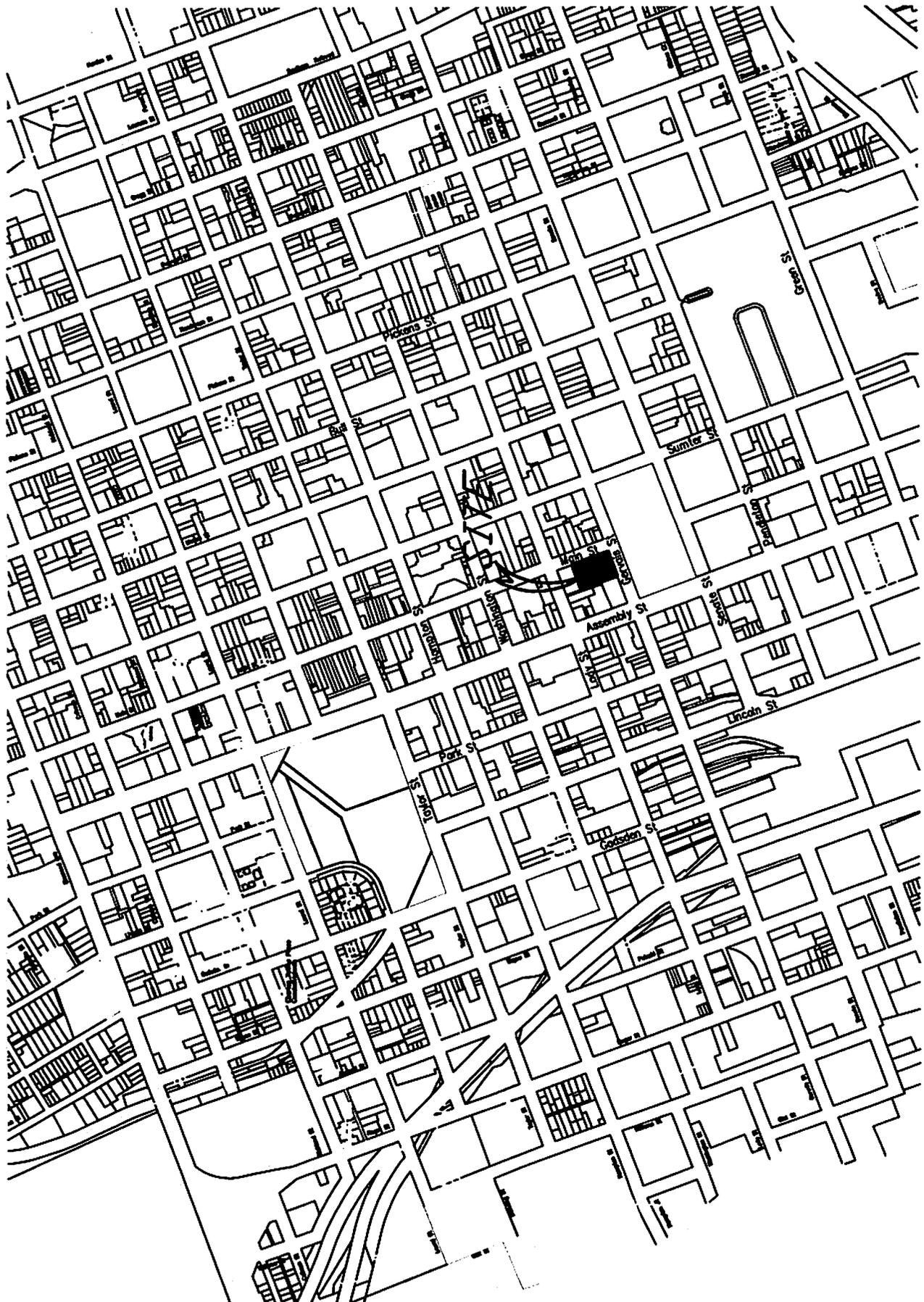


Ismail Ozbek, P.E.

Senior Associate / Senior Project Manager

Enclosures

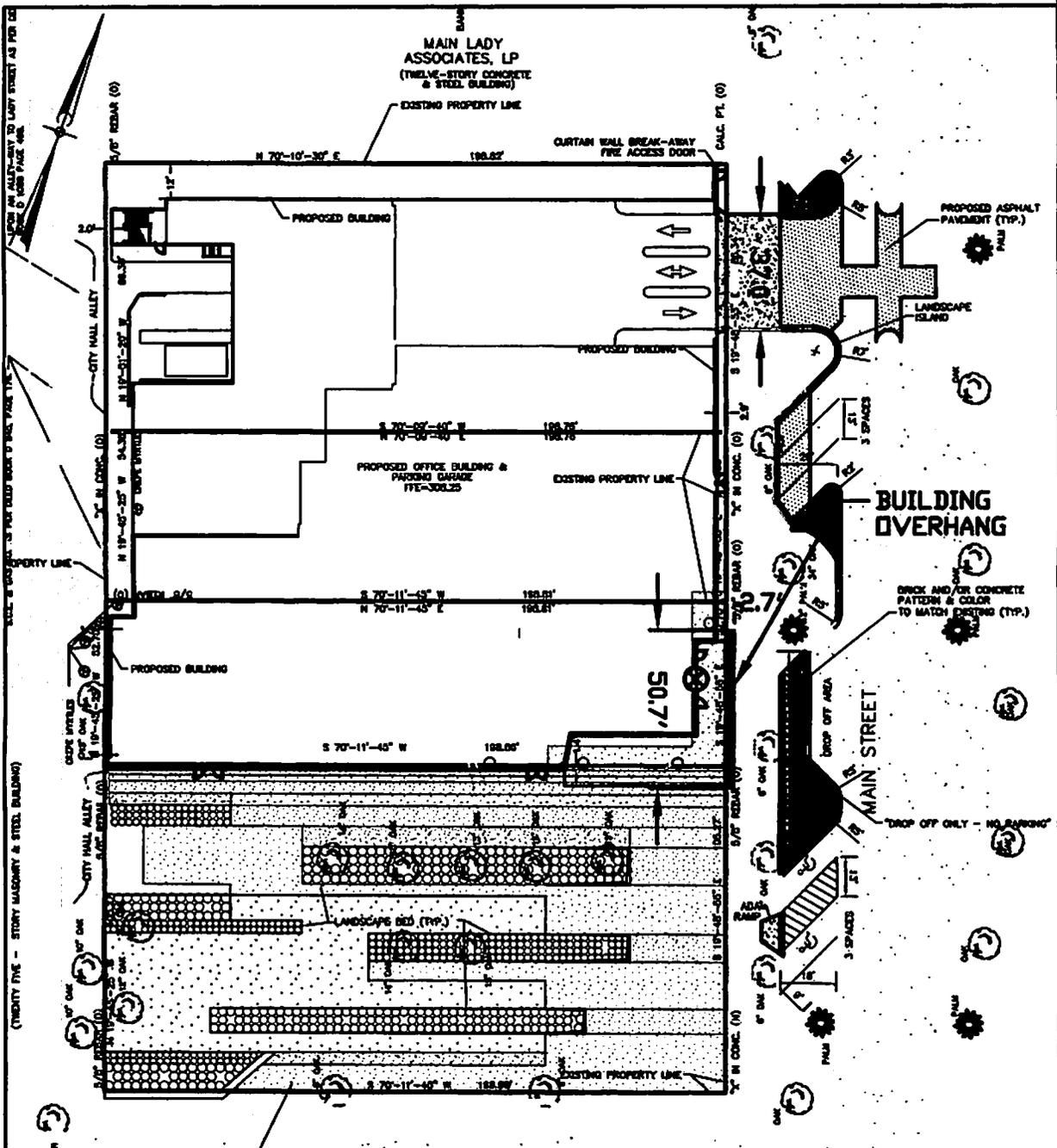
Cc: Mr. Scott Shell, Duda/Paine Architects (via email w/o enclosures)
Mr. Aaron Qualio, City of Columbia Development (w/o enclosures)
Ms. Judy Edwards, City of Columbia Risk Management (w/ enclosures)



SCALE: 1" = 1000'

LOCATION MAP

N:\PROJECTS\07504\DWG\PERMITS & EXHIBITS\UGCS-SOILS-LOCATION MAPS.DWG 4/23/2008 4:15:58 PM



LEGEND

PROPOSED

- PROPERTY LINE
- PROPERTY CORNER
- CURBING
- EDGE OF PAVEMENT
- CONCRETE & PAVERS SIDEWALK
- BRICK

SCALE: 1"=50'

bpb
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 FLORENCE • CHARLOTTE • SAVANNAH

- NOTES:**
1. PROPERTY IS IDENTIFIED AS RICHLAND COUNTY TAX MAP NOS. 09013-08-05, 09013-08-06, 09013-08-07 AND 09013-08-08.
 2. PROPERTY IS LOCATED AT THE CORNER OF GERVAIS STREET & MAIN STREET.

PRODUCER

MCGRUFF, SEIBELS & WILLIAMS OF GEORGIA, INC.
5605 Glenridge Drive - Suite 300
Atlanta, GA 30342
404 497-7500

This certificate is issued as a matter of information only and confers no rights upon the Certificate Holder. This Certificate does not amend, extend or alter the coverage afforded by the policies below.

COMPANIES AFFORDING COVERAGE

Company A Hartford Underwriters Ins Co

Company B

Company C

Company D

Company E

INSURED

Main & Gervais LLC
c/o Holder Properties, Inc.
3333 Riverwood Parkway
Suite 300
Atlanta, GA 30339

This is to certify that the policies of insurance described herein have been issued to the Insured named herein for the policy period indicated. Notwithstanding any requirement, term or condition of contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, conditions and exclusions of such policies. Limits shown may have been reduced by paid claims.

CO LT	TYPE OF INSURANCE	POLICY NUMBER	EFFECTIVE EXPIRATION	LIMITS OF LIABILITY	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims Made <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Owners' and Contractors' Protection <input type="checkbox"/> <input type="checkbox"/> General Aggregate Limit applies per: <input type="checkbox"/> Policy <input type="checkbox"/> Project <input checked="" type="checkbox"/> Location	21UUNIT2805	01/01/2008 01/01/2009	EACH OCCURRENCE	\$ 1,000,000
				FIRE DAMAGE	\$ 300,000
				MEDICAL EXPENSE	\$ 5,000
				PERS. AND ADVERTISING INJURY	\$ 1,000,000
				GENERAL AGGREGATE	\$ 2,000,000
				PRODUCTS AND COMP. OPER. AGG.	\$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> Any Automobile <input type="checkbox"/> All Owned Automobiles <input type="checkbox"/> Scheduled Automobiles <input type="checkbox"/> Hired Automobiles <input type="checkbox"/> Non-owned Automobiles <input type="checkbox"/>			COMBINED SINGLE LIMIT	\$
				BODILY INJURY (Per person)	\$
				BODILY INJURY (Per accident)	\$
				PROPERTY DAMAGE (Per accident)	\$
				COMPREHENSIVE	
				COLLISION	
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY			WC Statutory Limit	Other
				EL EACH ACCIDENT	\$
				EL DISEASE (Each employee)	\$
				EL DISEASE (Policy Limit)	\$
	EXCESS LIABILITY <input type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made			EACH OCCURRENCE	\$
				AGGREGATE	\$
					\$
					\$
					\$
					\$
					\$
					\$

The Certificate Holder is included as Additional Insured on the General Liability policy referenced herein, as required by written contract, subject to policy terms, conditions and exclusions.

CERTIFICATE HOLDER

City of Columbia, South Carolina
Attn: Legal Department
P.O. Box 147
Columbia, SC 29217

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

Authorized Representative



HOLDER PROPERTIES

3333 RIVERWOOD PARKWAY ■ SUITE 300 ■ ATLANTA, GEORGIA 30339 ■ PHONE 770-988-3131 ■ FAX 770-988-3105 ■ www.holderproperties.com

June 8, 2009



Ms. Shari Ardis
City of Columbia Planning & Development
Legal Division
1136 Washington Street
P.O. Box 147
Columbia, SC 29217

RE: Main & Gervais - Office Tower
Revision to Recorded Ordinance 2008-041

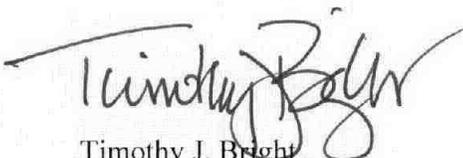
Dear Ms. Ardis:

As you are aware, Holder Properties is currently constructing a nine (9) story office building and a six (6) level parking garage at the northwest corner of Main Street and Gervais Street in downtown Columbia, SC. As part of the permitting process for the project, we requested an overhang encroachment permit through the City of Columbia for our entrance to the building; which was recorded as Ordinance 2008-041 (copy attached).

Due to minor design changes during the construction of the new office tower, the overhangs for the entrances to the building have shifted slightly. Therefore, please find enclosed a revised exhibit for your files to replace the original exhibit submitted.

We trust that this information is to your satisfaction and meets with your approval. Should you have any questions or comments, or require additional information, please do not hesitate to contact me.

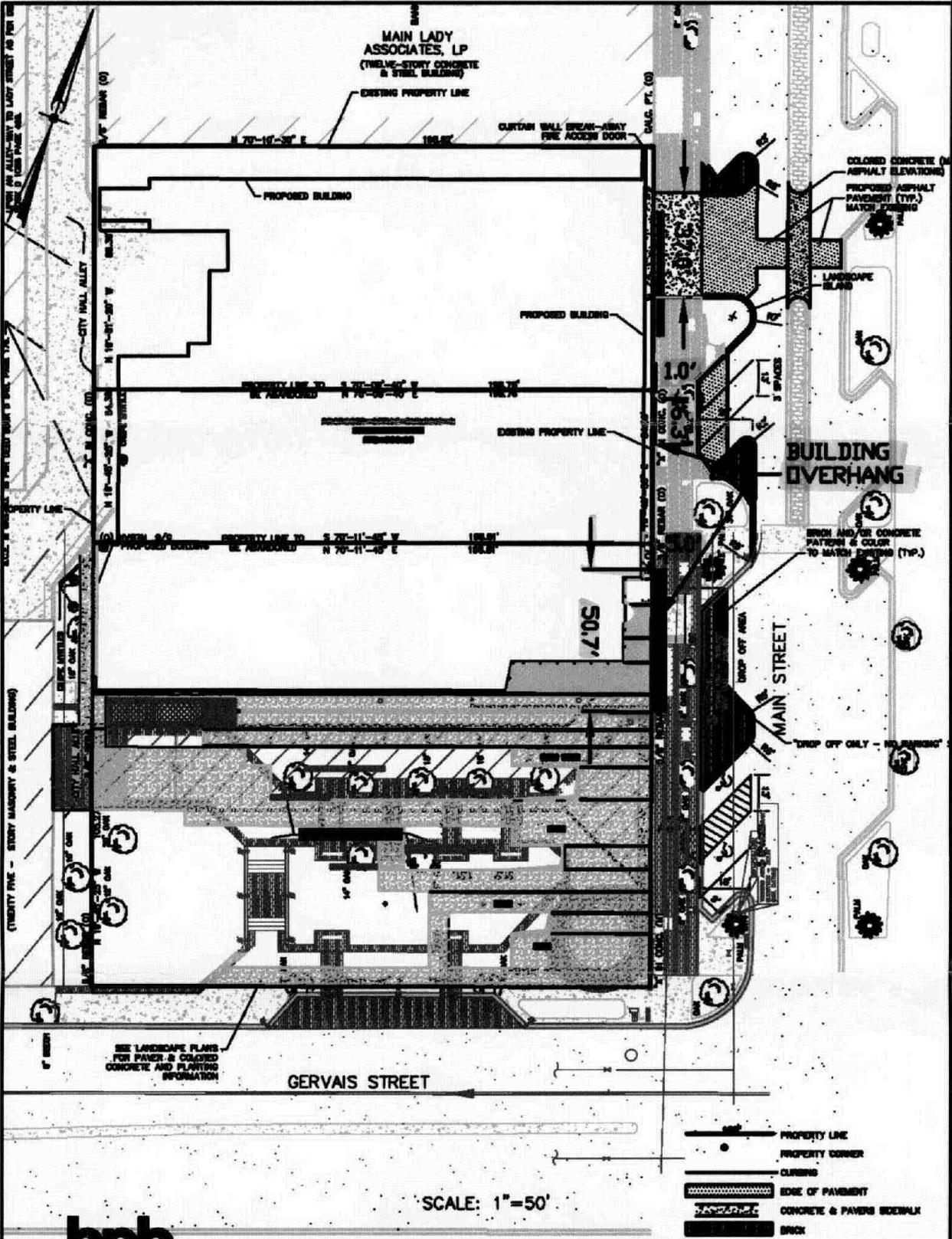
Very truly yours,



Timothy J. Bright
Executive Vice President

REV. 06-08-09

N:\PROJECTS\07504\DWG\PERMITS & EXHIBITS\UGGS-SOILS-LOCATION MAPS.DWG 6/8/2009 2:04:54 PM



SCALE: 1"=50'

NOTES:

1. PROPERTY IS IDENTIFIED AS RICHLAND COUNTY TAX MAP NOS. 09013-08-05, 09013-08-06, 09013-08-07 AND 09013-08-08.
2. PROPERTY IS LOCATED AT THE CORNER OF GERVAIS STREET & MAIN STREET.



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FLORENCE • CHARLOTTE • SAVANNAH