

ORDINANCE NO.: 2008-078

Granting an encroachment to Henry Bracey for installation and maintenance of landscaping and a walkway within the right of way area adjacent to 5012 Colonial Drive

WHEREAS, Henry Bracey, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to his property located at 5012 Colonial Drive for installation and maintenance of landscaping and a walkway 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 15th day of October, 2008, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way area adjacent to his property at 5012 Colonial Drive for installation and maintenance of landscaping and a walkway 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. Landscaping shall assure proper drainage so as to not allow algae or ice to form on the sidewalks.

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.

ORIGINAL
STAMPED IN RED

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:

Henry Bracey



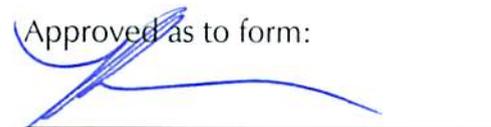
MAYOR

Approved by:



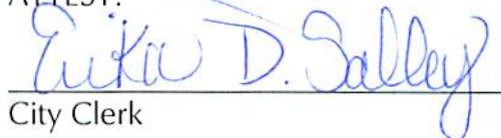
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

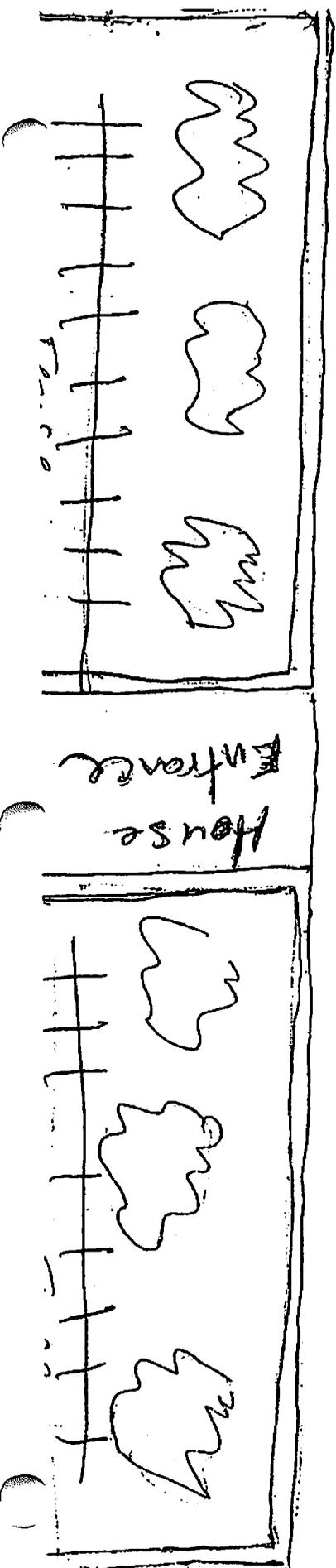
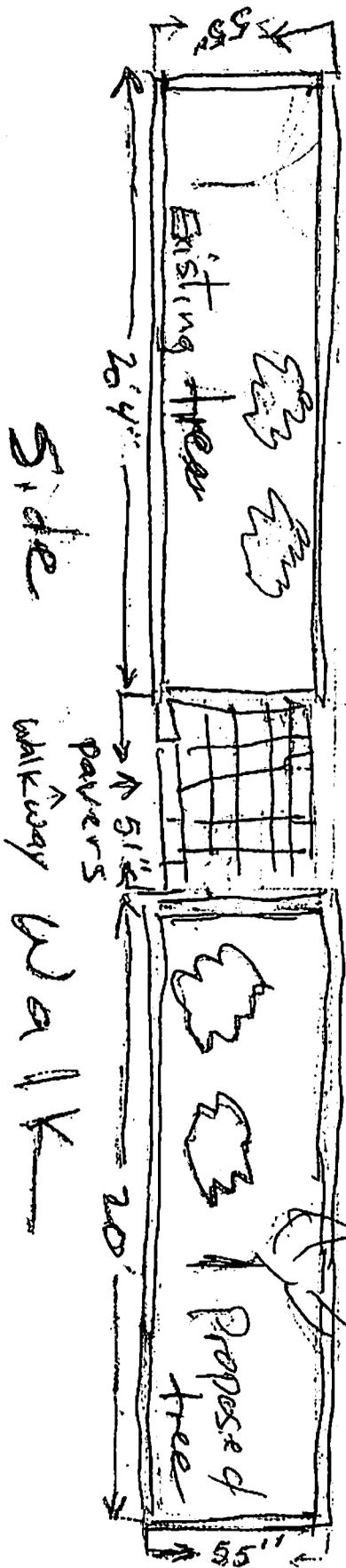
Introduced: 10/1/2008

Final Reading: 10/15/2008

Colonial Dr

Shoulder

Ditch
Drainage pipe
gravel
covering
pipe
Ditch
Drainage pipe



Ardis, Shari

From: Henry Bracey [braceyh@midlandstech.edu]
Sent: Thursday, August 07, 2008 2:37 PM
To: Ardis, Shari
Subject: RE: encroachment ordinance request

No changed or Questions

From: Ardis, Shari [mailto:slardis@columbiasc.net]
Sent: Tuesday, August 05, 2008 4:42 PM
To: Henry Bracey
Cc: Chambers, Johnathan; Delk, Fred; Dooley, John; Edwards, Judith; Floyd, Carmen; Gentry, Missy Smith; Higgins, Dana R; Hollar, Sara; Jaco, Joey; Land, Chip; Lee, Robert (City Electrician); Moore, Amy; Mylott, Marc; Salley, Erika; Sweatt, Robert; Thompson, Jerry
Subject: FW: encroachment ordinance request

Please review the attached and let me know if you have any changes or questions.

I have included the various departments which will need to review the request as copyholders of this e-mail. They will provide their recommendations to Chip Land with the Planning Department who will then compile the responses and forward them to the Clerk for scheduling.

Once I receive your written or verbal approval, I will forward the ordinance to the Clerk to package with the recommendations and present same to City Council.

From: Henry Bracey [mailto:braceyh@midlandstech.edu]
Sent: Wednesday, July 30, 2008 12:37 PM
To: Ardis, Shari
Subject: RE: encroachment ordinance request

Dear MS. Ardis,

I write to request relief from the encroachment ordinances regulating the city property (right of way) at 5012 Colonial Dr. Pending review and receipt of permission I would like to engage in a beautification project that includes minimal landscaping and a walkway at this address.

From: Ardis, Shari [mailto:slardis@columbiasc.net]
Sent: Tuesday, July 29, 2008 9:23 AM
To: Henry Bracey
Cc: Hollar, Sara
Subject: encroachment ordinance request

Please let me know if you have any questions.

Shari Lynn Ardis
 Legal Administrative Coordinator
 City Attorney's Office

8/7/2008