

ORDINANCE NO.: 2004-076

*Granting encroachment to Hampton Oliver and Beth Oliver
for installation and maintenance of an irrigation system and
replacement of trees at 3415 Devereaux Road*

WHEREAS, Hampton Oliver and Beth Oliver (hereinafter "Grantee") desires to utilize the right of way area adjacent to their property at 3415 Devereaux Road for installation and maintenance of an irrigation system; and,

WHEREAS, Grantee further desires to have a decayed cedar tree and stump removed from the right of way area and a like tree replanted; and,

WHEREAS, it appears that the encroachment and replanting of a tree 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 25th day of August, 2004, that Grantee, its successors and assigns, is hereby granted the right to use the right of way area adjacent to their property at 3415 Devereaux Road for installation and maintenance of an irrigation system and for removal and replanting of a tree.

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 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.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall

ORIGINAL
STAMPED IN RED

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:



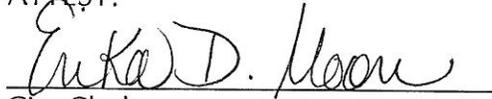
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 8/18/2004

Final Reading: 8/25/2004

ORIGINAL
STAMPED IN RED



07/27/04

3895

Shari Andis PH 737-4242
FX 737-4250

We need an encroachment ordinance to put irrigation at our residence, 3415 Devereaux Rd, on city property. We also need a cedar tree removed + its stump ground and a replacement tree

Thank You

Beth's Hampton Oliver
ph# 779-8676



IRRIGATION SKECH - 3415 DEVERBANK RD.

TO WATER

TO WATER

CEDAR TREE

WATER METER

WATER METER

DEVERBANK RD

RECEIVED
JUL 27 2004
LEGAL DEPARTMENT