

ORDINANCE NO.: 2009-045

Granting an encroachment to Assembly Station Columbia, LLC for installation and maintenance of an irrigation system, landscaping, driveway, pavers, sidewalk, underground utilities, loading/unloading area, guttering and street lighting within the right of way area of Whaley Street and Assembly Street adjacent to 1000 Whaley Street

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WHEREAS, Assembly Station Columbia, LLC, (hereinafter "Grantee") desires to utilize a portion of the right of way area of Assembly Street and Whaley Street adjacent to its property at 1000 Whaley Street for installation and maintenance of an irrigation system, landscaping, driveway, pavers, sidewalk, underground utilities, loading/unloading area, guttering and street lighting, 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 3rd day of June, 2009, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way area of Assembly Street and Whaley Street adjacent to its property at 1000 Whaley Street for installation and maintenance of an irrigation system, landscaping, driveway, pavers, sidewalk, underground utilities, loading/unloading area, guttering and street lighting, 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. All lights to be deeded to the City of Columbia must be installed at back of sidewalk and within the City of Columbia right-of-way.
2. All light fixtures must be equipped with a twist lock photo cell.
3. All conduits must be installed within the City of Columbia right-of-way.
4. All conduits must be inspected by City of Columbia Traffic Engineering before any back-filling may begin.
5. All pole light bases must be inspected by City of Columbia Traffic Engineering before light bases

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are poured.

6. Final inspection on the installation of lights shall be performed and released by City of Columbia Traffic Engineering.

7. Final inspection on electrical mill bank shall be performed and released by City of Columbia Inspections Division.

8. Construction must also comply with the requirements listed on the approved SCDOT encroachment permit.

9. Sidewalk running slopes shall not exceed maximum ADA requirements.

10. Detectable Warning Strips shall be included on all handicap ramps, unless determined by SCDOT that they are not necessary or such are not required by ADA.

11. Landscaping irrigation within the right-of-way shall be operated and maintained as to reduce potential for hazardous conditions resulting from accumulation of water or ice on public 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.

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, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

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:

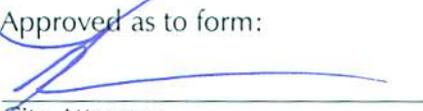
Assembly Station Columbia, LLC


MAYOR

Approved by:


Interim City Manager

Approved as to form:


City Attorney

ATTEST:

City Clerk

Introduced: 5/20/2009

Final Reading: 6/3/2009