

ORDINANCE NO.: 2009-047

Granting an encroachment to the Columbia Development Corporation for installation and maintenance of five pieces of public art in the flower beds within the right of way area of the 1200 block of Lincoln Street adjacent to The Blue Marlin

WHEREAS, the Columbia Development Corporation (hereinafter "Grantee") desires utilize a portion of the right of way area of the 1200 block of Lincoln Street for installation and maintenance of five pieces of public art each approximately two (2') foot square to be placed individually on eight (8') foot posts in the flower beds adjacent to The Blue Marlin as shown in the attached pictures; 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 17th 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 the 1200 block of Lincoln Street for installation and maintenance of five pieces of public art each approximately two (2') foot square to be placed individually on eight (8') foot posts in the flower beds adjacent to The Blue Marlin as shown in the attached pictures.

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.

Requested by:

Columbia Development Corporation

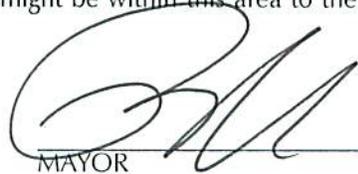
Approved by:

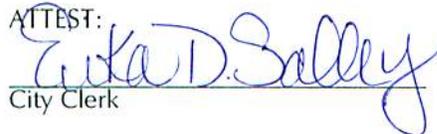
Interim City Manager

Approved as to form:

City Attorney

Introduced: 6/3/2009
Final Reading: 6/17/2009


MAYOR

ATTEST:

City Clerk

ORIGINAL
STAMPED IN PER