

ORDINANCE NO. 2001-049

*Granting encroachment to Brian L. Boger for tree planting
and maintenance within the right of way adjacent to 1922 Gregg Street*

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WHEREAS, Brian L. Boger (hereinafter "Grantee") desires to utilize the tree zone right of way adjacent to his property located at 1922 Gregg Street for planting and maintenance of five trees (three Crepe Myrtles and two Live Oaks); 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 May, 2001, that Grantee is hereby granted the right to plant and maintain five trees (three Crepe Myrtles and two Live Oaks) within the right of way area adjacent to his property at 1922 Gregg Street.

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 and in the event the encroachment becomes in conflict with future municipal plans, said property shall be returned to the City by Grantee.

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 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:

Anna K. Dwyer
City Manager

Approved as to form:

Ann M. Maggs
City Attorney

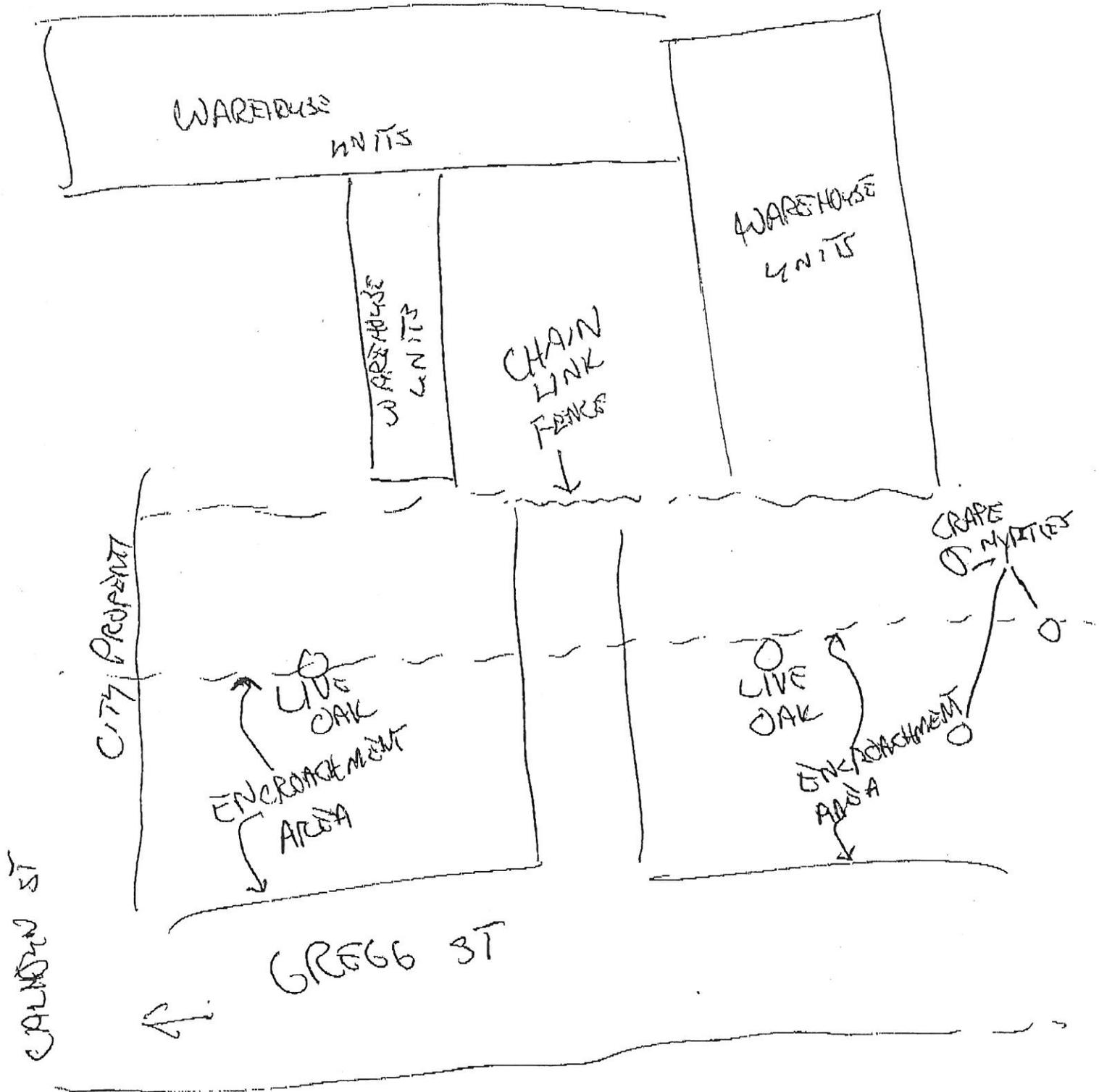
ATTEST:

Peggy S. Bueland
City Clerk

Introduced: 5/2/2001

Final Reading: 5/16/2001

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LAW OFFICES OF BRIAN L. BOGER

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BRIAN L. BOGER

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April 24, 2001

James Meggs, Esquire
City Attorney
PO Box 667
Columbia, Sc 29202

Sent Via Fax to: 733-8464

^{GREGG}
RE: 1922 B ~~ell~~ Street. (mini storage facility)

Dear Jim:

Attached please find a second drawing of the landscaping plans that I wish to pursue on the above referenced property. I would like to plant a Live Oak tree to the left of the driveway, another to the right of the driveway, along with 3 Crepe Myrtles on the right side. The Live Oaks will most likely encroach the city easement by about a foot, and 2 of the Crepe Myrtle's will also be in the easement. Please send me whatever documents I need in an effort to gain the city's permission to plant these trees in the easement. The kindness of a timely reply is very much appreciated as I would like to get these trees planted before the summer heat is upon us.

Should you have any questions or concerns, please feel free to call my office.

Respectfully,



Brian L. Boger, Esquire

BLB/sp