

ORDINANCE NO. 2002-047

*Granting encroachment to Rising High Natural Bread Co.
for outdoor dining at 1504 Main Street*

WHEREAS, Rising High Natural Bread Co. (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way for placement of five (5) tables and twenty (20) chairs immediately adjacent to its business located at 1504 Main Street for outdoor dining accommodations for patrons during normal business hours; 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 10th day of July, 2002, that Grantee is hereby granted the right to use a portion of the sidewalk right of way for placement of five (5) tables and twenty (20) chairs immediately adjacent to its business located at 1504 Main Street for outdoor dining accommodations for patrons during normal business hours, which shall be positioned so as to not interfere with pedestrian traffic.

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.

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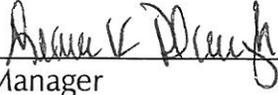
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 6/19/2002

Final Reading: 7/10/2002

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RISING HIGH NATURAL BREAD CO.

Shari Ardis
Legal Department
P.O. Box 147
Columbia, SC 29217-0147

Dear Ms. Ardis,

I'm the Chief Operating Officer for Rising High Natural Bread Co. I'm following up with you about obtaining an encroachment permit for our Main street store (corner of Main and Hampton streets) that we requested.

I spoke with your office this morning. I confirmed with them the information you need from us: we need 5 sidewalk café tables and 20 chairs, and our Main street store's hours of operation are M-S 7:00 AM to 5:00 PM, and Sunday 9:00 AM to 3 PM.

If you or your office needs anything else concerning the encroachment permit, please call me. I look forward to hearing from you about this matter and thank you for your assistance.

Sincerely,

Edmund DeJarnette, III
COO
Rising High Natural Bread Co.
(803) 771-0940 (phone)
(803) 771-8984 (fax)

cc: Kirkman Finlay

