

ORDINANCE NO. 2002-048

*Granting encroachment to Dianne's on Devine
for planting and maintenance of a oak tree at 2400 Devine Street*

WHEREAS, Dianne's (hereinafter "Grantee") desires to utilize the tree zone right of way for planting and maintenance of an oak tree to replace a tree that was removed by the City; 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, HEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 17th day of July, 2002, that Grantee is hereby granted the right to plant and maintain an oak tree in the tree zone right of way of 2400 Devine Street to replace a tree that was removed by the City.

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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STAMPED IN RED

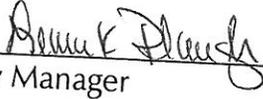
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 7/10/2002

Final Reading: 7/17/2002

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Dianne's on Devine

Dianne R. Light
Owner

Marina Collier
General Manager

Bill Prato
Executive Chef

May 24, 2002

Sherry Ardis
City of Columbia
Legal Department

Ms. Ardis;

We are requesting permission to replace an oak tree that was removed by the City of Columbia at Dianne's on Devine Restaurant, 2400 Devine Street, Columbia, SC 29205. I spoke with Debbie Price and she is aware of our request.

We will be replacing the tree with another oak approximately eight inches in diameter and fifteen feet tall and we are aware that the cost of the tree is our responsibility.

Sincerely,



Dianne Light,
President

Faxed this date to 733-8464

