

ORDINANCE NO. 2002-059

*Granting encroachment to Fat Alley's for outdoor dining
at 640 Harden Street*

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WHEREAS, Fat Alley's Restaurant (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area immediately adjacent to its building at 640 Harden Street for placement of three (3) tables and fifteen (15) chairs for outdoor dining during its normal dinner dining 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 16th day of October, 2002, that Grantee is hereby granted the right to use a portion of the sidewalk right of way area immediately adjacent to its building at 640 Harden Street for placement of three (3) tables and fifteen (15) chairs for outdoor dining during its normal dinner dining hours.

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.

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:



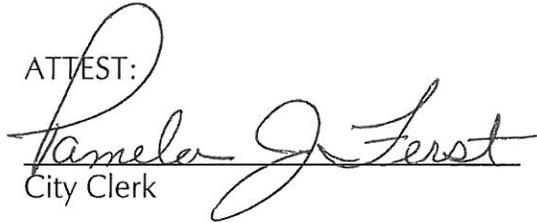
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 10/2/2002

Final Reading: 10/16/2002

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LAW OFFICES
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* Steven D. Dennis
Everett Hope Garner
James J. Corbett
* J. Charles Ormond, Jr.
Anthony R. Plante
* Certified Mediator S.C.

Of Counsel
Stanley G. Freeman
—
Reply To
Post Office Box 11006
Columbia, S.C. 29211

June 28, 2002

Via Facsimile: 733-8464

Shari Ardis

Re: Encroachment Ordinance for Fat Alley's
640 Harden Street

Dear Shari:

This letter is to confirm our conversation of today wherein I advised you that Mark Gelman, owner of Fat Alley's, is seeking an encroachment order at the location of 604 Harden Street, Columbia, South Carolina. There will be three (3) tables along with fifteen (15) chairs for evening dining hours only, located on the sidewalk in front of Fat Alley's, 640 Harden Street, Columbia, South Carolina. The owner of the building where this establishment is located is B.O. Brooker.

Thank you for your consideration in this matter. Please contact Stan Gelman at 252-9970 if you need any further information.

Sincerely,

Amber C. Brant
Amber C. Brant

cc: Stan Gelman



