

ORDINANCE NO. 2002-088

Granting encroachment to Kevin Anderson for construction and maintenance of a brick wall along the side yard of 2519 Canterbury Road

WHEREAS, Kevin Anderson (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to the side yard of his property located at 2519 Canterbury Road to construct and maintain a brick wall approximately fourteen (14') feet in length and varying in height from four (4') feet to six (6') feet to tie into an existing brick wall located outside of the right of way area; 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 right of way area adjacent to the side yard of his property located at 2519 Canterbury Road to construct and maintain a brick wall approximately fourteen (14') feet in length and varying in height from four (4') feet to six (6') feet to tie into an existing brick wall located outside of the right of way area.

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

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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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September 12, 2002

Ms. Shari Lynn Ardis
Legal Administrative Coordinator
Office of the City Attorney
City of Columbia, South Carolina
1737 Main Street
Columbia, South Carolina 29201

**RE: Request for Encroachment
2519 Canterbury Road
Columbia, South Carolina 29204**

Dear Ms. Ardis:

This letter is provided to request approval for encroachment onto right-of-way property owned by the City of Columbia, South Carolina. I would like to construct a brick wall across my side yard located at 2519 Canterbury Road. A brick wall currently exists along my side yard adjacent to Canterbury Road and I would like to intersect this existing wall with the new wall planned for construction.

The portion of the proposed wall encroaching onto the City of Columbia property will be constructed of brick and will vary in height from 4 feet to 6 feet. I have provided a surveyed plat for the above-referenced property that depicts the approximate location of the proposed wall. The plat also shows the approximate lengths of the segments of the proposed wall that are located in the City of Columbia right-of-way. The Zoning Administration Board recently granted approval of the height variance (8 feet) for the segment of the wall located out of the right-of-way.

If you have any questions regarding the information provided with this letter, please do not hesitate to contact me at (803) 216-0003.

Sincerely,



Kevin Anderson



