

ORDINANCE NO. 2002-099

Granting encroachment to Katherine Gray for planting of an 11-inch caliper laurel oak within the right of way adjacent to 124 Sims Avenue

WHEREAS, Katherine Gray (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to her property at 124 Sims Avenue to plant an 11-inch caliper laurel oak tree; 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 13th day of November, 2002, that Grantee is hereby granted the right to use a portion of the right of way area adjacent to her property at 124 Sims Avenue to plant an 11-inch caliper laurel oak.

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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STAMPED IN REC

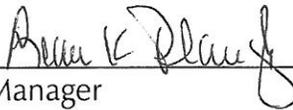
at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



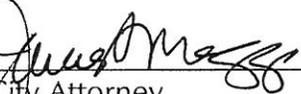
MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

ORIGINAL
STAMPED IN REC

Introduced: 11/6/2002

Final Reading: 11/13/2002

KATHERINE W. GRAY

124 Sims Avenue
Columbia, SC 29205
Phone (803) 254-0500

October 6, 2002

Office of City Attorney
Attn: Jim Meggs
City Hall
1737 Main Street
Columbia, SC 29201

Dear Mr. Meggs:

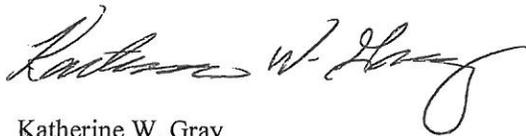
As you know, a large water oak, planted in the city right-of-way, fell on my house and yard May 1, 2002. I now wish to replace that tree with a substantial (11-inch caliper) laurel oak within the city right-of-way. This tree will be planted by Southern Vistas landscaping company near the location of the previous tree.

I have a good sprinkler system and regular maintenance to keep this tree healthy. I believe such a large tree will substantially improve the ambience of my street and the Shandon neighborhood.

I respectfully request that the city grant me permission to plant this laurel oak at my own expense. Since my landscape company plans to do this work December 1, 2002, I request the City Council act on this matter as soon as possible.

Enclosed is a drawing from Southern Vistas showing the proposed location of the tree. If you have any questions concerning this request, please contact me at your earliest convenience.

Sincerely,



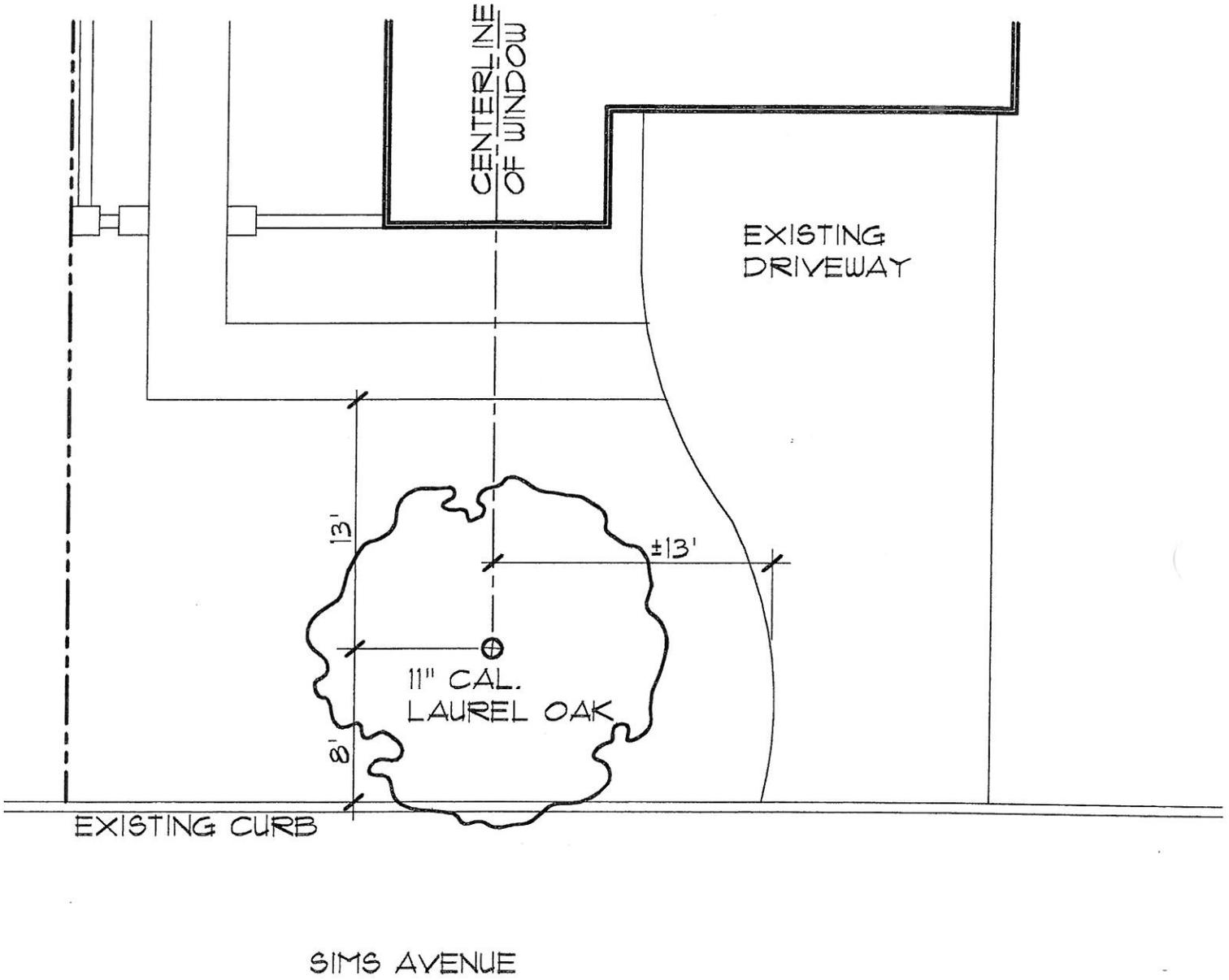
Katherine W. Gray

Encl: Draft of proposed tree location

CF: Mayor Bob Coble (w/encl)



RESIDENCE
124 SIMS AVENUE



ROBERT AND KATHERINE GRAY RESIDENCE

NOT TO SCALE