

**ORDINANCE NO. 2003-092**

*Granting encroachment to Jake's Bar and Grill  
for landscaping at 2112 Devine Street*

WHEREAS, Jake's Bar and Grill (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to its building located at 2112 Devine Street for landscaping and for installation and maintenance of a brick border and a barricade (constructed of five (5) four by four posts approximately thirty-six (36") inches in height with three-eighths (3/8") inch cabling) as shown in the attached pictures; 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 3rd day of December, 2003, that Grantee is hereby granted the right to use a portion of the right of way area adjacent to its building located at 2112 Devine Street for landscaping and for installation and maintenance of a brick border and a barricade (constructed of five (5) four by four (4"x4") inch posts approximately thirty-six (36") inches in height with three-eighths (3/8") inch cabling) as shown in the attached pictures.

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

ORIGINAL  
STAMPED IN RED

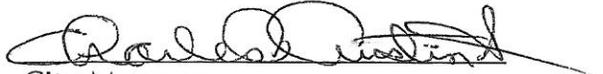
at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

\_\_\_\_\_

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 11/19/2003  
Final Reading: 12/3/2003

**Jake's Bar & Grill**

2112 Devine St.  
Columbia, SC 29205

September 8, 2003

PO Box 667  
Columbia, SC 29202

Dear Ms. Ardis:

I am writing to give you the details for the landscaping I have done in front of my business. I have been visited by the City of Columbia Horticulture and Landscaping division, and they requested that I send this information to you.

The tree that was planted by the city was recently cut down due to storm damage. My husband and I decided to redo the front ourselves, because we are aware of the money shortage in the city budget. We wanted to do something that would enhance the area. We also know that the Beauti-5 project will be starting soon and will not come up Devine Street to our building "

The area we planted is approximately 33' X 9'. We put up 4x4 posts in an area measuring 32' X 8' with 3/8<sup>th</sup> inch cable going through the posts. (Similar to what they are doing in front of the SCTV building) Within the posts we have planted ground cover, shrubs, and palms. I am enclosing pictures of what we did. Please feel free to contact me at home 933-0439 or at Jake's 252-5253.

Thank you for your time.

Sincerely,

Amy Bliet  
Owner, Jake's Bar & Grill



