

ORDINANCE NO. 2003-093

*Granting encroachment to the University of South Carolina
for installation and maintenance of ornamental brick columns with urns,
landscaping and an irrigation system adjacent to the
Creek Housing Development at Lincoln Street and Gadsden Street*

WHEREAS, the University of South Carolina (hereinafter "Grantee") desires to utilize a portion of the Lincoln Street and Gadsden Street right of way areas for installation and maintenance of five (5) ornamental brick columns approximately thirteen (13') feet in height and three (3') in width topped with urns approximately two (2') feet in height (one at the Lincoln Street entrance and four at the Gadsden Street entrance); and a brick wall approximately one (1') foot in width and graduating from four feet seven inches (4' 7") in height to seven (7') feet in height along Gadsden Street, all as shown on the attached drawings; 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 19th day of November, 2003, that Grantee is hereby granted the right to use a portion of the Lincoln Street and Gadsden Street right of way areas for installation and maintenance of five (5) ornamental brick columns approximately thirteen (13') feet in height and three (3') in width topped with urns approximately two (2') feet in height (one at the Lincoln Street entrance and four at the Gadsden Street entrance); and a brick wall approximately one (1') foot in width and graduating from four feet seven inches (4' 7") in height to seven (7') feet in height along Gadsden Street, all as shown on the attached drawings

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.

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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: 11/4/2003

Final Reading: 11/19/2003

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