

**ORDINANCE NO. 2003-100**

*Granting encroachment to Liberty Tap Room for doors and  
planters at 1109 Lincoln Street*

WHEREAS, the Liberty Tap Room (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area adjacent to 1109 Lincoln Street for placement and maintenance of two (2) two (2') foot diameter planters and installation and maintenance of three (3) entrance doors to encroach approximately four (4') feet into the sidewalk 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, ~~HEREFORE,~~

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 18th day of February, 2004, that Grantee is hereby granted the right to use a portion of the sidewalk right of way area adjacent to 1109 Lincoln Street for placement and maintenance of two (2) two (2') foot diameter planters and installation and maintenance of three (3) entrance doors to encroach approximately four (4') feet into the sidewalk 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 at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

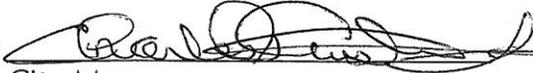
ORIGINAL  
STAMPED IN REVERSE

Requested by:



MAYOR

Approved by:



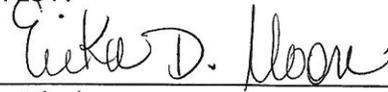
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 2/11/2004

Final Reading: 2/18/2004

ORIGINAL  
STAMPED IN RED

**M. J. COLUMBIA, LLC**

1177 Southgate Drive, Charleston, SC 29407  
(843) 769-0350

November 23, 2003

Columbia City Council  
Attn: Legal Department  
P.O.Box 147  
Columbia, SC 29217

Re: Request for Encroachment at 828 Gervais Street, Columbia, SC

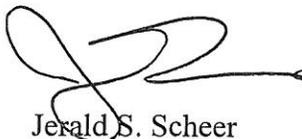
Dear Members:

We have been before the City of Columbia Building Board of Adjustments and Appeals. We requested a variance whereby existing doors which had previously been opening out onto the side walk were to be replaced and updated and would open in the same manner as previously. We are renovating this building, which was previously used as a restaurant, to that of a new restaurant which will open under the name of Liberty Taproom & Grill.

The Building Board of Adjustments and Appeals met on October 22, 2003, and unanimously recommended the approval of the variance request to City Council provided that planters would be added to protect pedestrians from being hit by the doors. Please see enclosed copy of the minutes from this meeting.

We hereby request the approval of the variance by City Council for the opening of the doors out onto the side walk and will provide planters to protect pedestrian traffic. Please let us know what further information you may need and that we can provide for your consideration in this matter.

Sincerely,



Jerald S. Scheer  
President, Liberty Taproom & Grill, Inc.  
Member, M. J. Columbia, LLC (owner of  
the property)

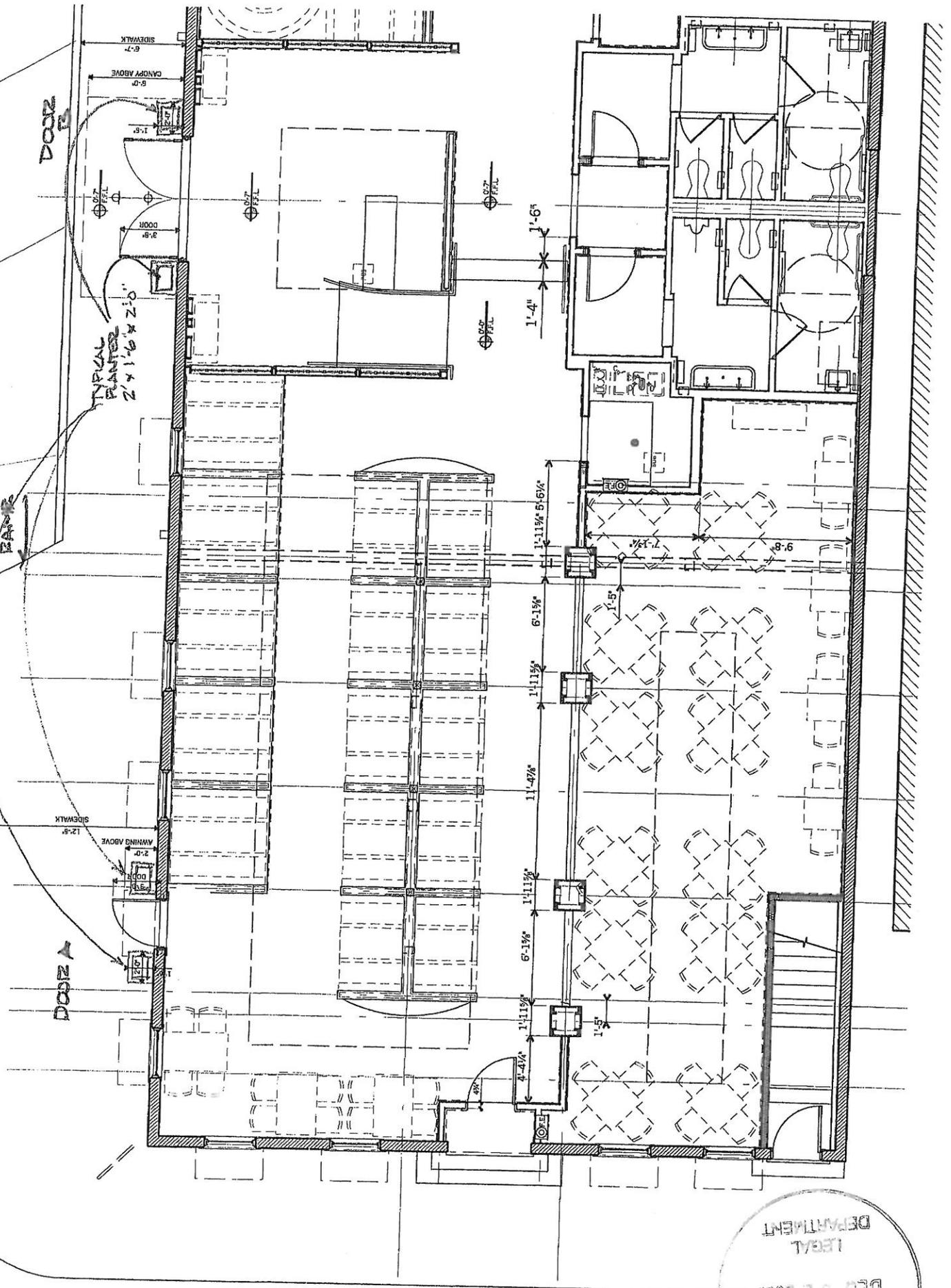
852-4909

JSS/pse  
Enclosure



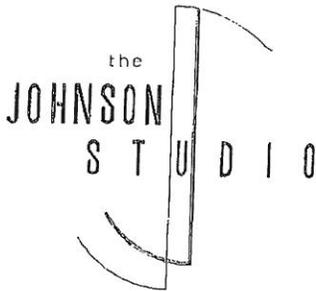


FINAL PLAN  
 2. ENTRY TAP ROOM  
 1/8" = 1'-0"  
 PART 1



# FACSIMILE TRANSMITTAL

127 PEACHTREE STREET  
SUITE 1717



ARCHITECTS & DESIGNERS

DATE - 12-02-03

FROM - BO ARNER

SENT TO - SHERRY ARDIS

OF - LEGAL DEPARTMENT COLUMBIA CITY COUNCIL

FAX - 803-737-4250

NUMBER OF PAGES - 6  
(INCLUDING THIS ONE)

REGARDING - LIBERTY TAP ROOM  
EXISTING DOOR ENCROACHMENT VARIANCE  
OCT. 22<sup>ND</sup> MEETING

ATLANTA, GEORGIA



525.5400 TEL  
525.5900 FAX

REMARKS -

MS ARDIS,  
ATTACHED PLEASE FIND THE LIBERTY TAP ROOM FLOOR PLAN (DIVIDED INTO THREE PIECES). PER YOUR REQUEST. THE PLAN SHOWS THE LAYOUT OF THE ENTRY DOORS SHOWN WITH THEIR EXISTING RELATIONSHIP TO THE SIDEWALK. WE ALSO SHOW IN PLAN THE CUSTOM PLANTERS WHICH WILL BE PLACED EITHER SIDE OF EACH DOOR. I HAVE ALSO PROVIDED A BLOWUP OF EACH DOOR FOR YOUR CLARIFICATION. IF THERE IS ANYTHING ELSE THAT YOU NEED OR IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL.

THANK YOU  
BO ARNER  
THE JOHNSON STUDIO  
404

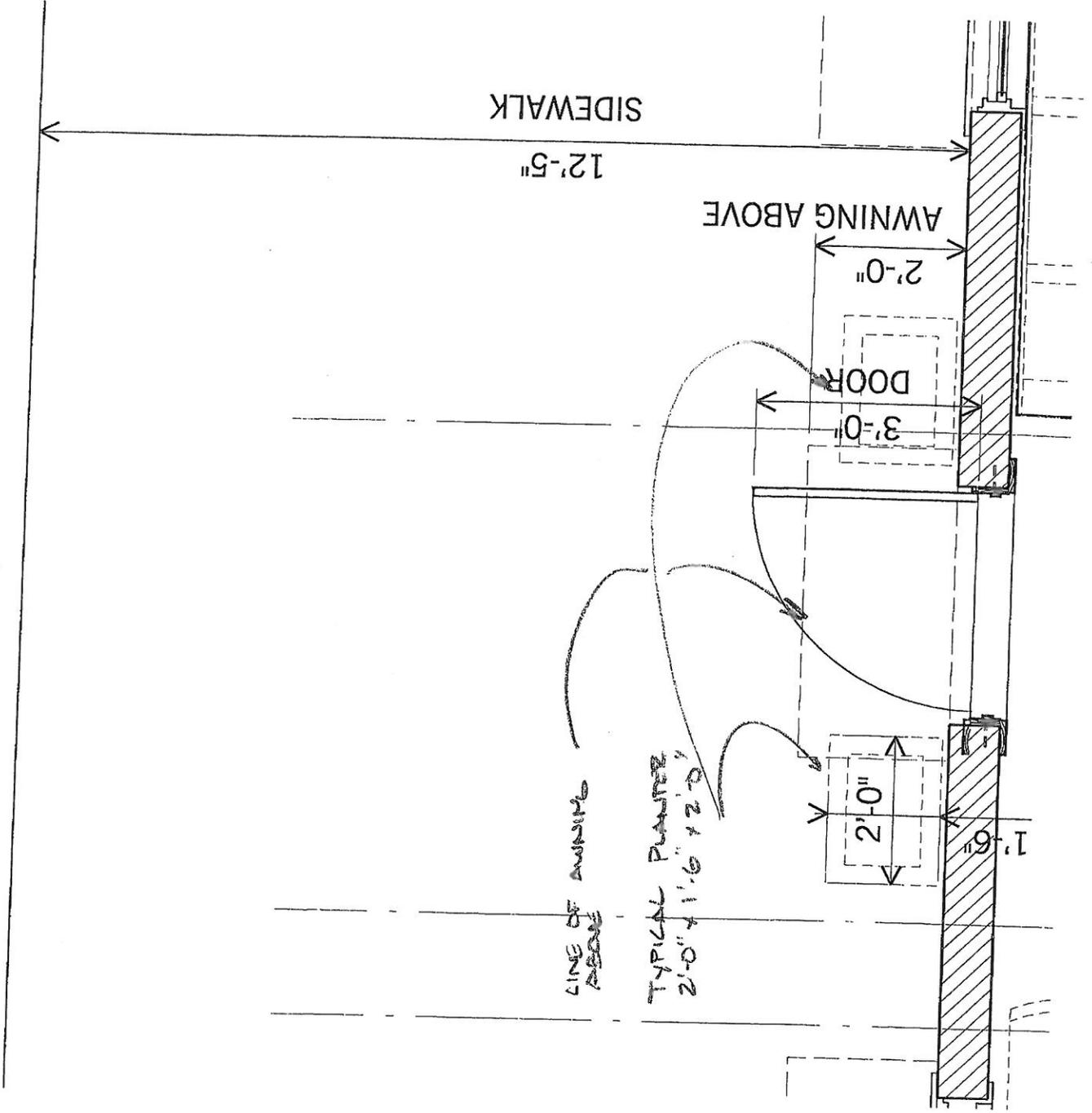
COPY TO - PATTY ENLOE - 843-769-0350

IF ENCLOSURES ARE NOT AS NOTED, PLEASE INFORM US IMMEDIATELY.



PLAN @ DOOR A

1/2" = 1'-0"



PLAN 2 DOOR B  
1/2" = 1'-0"

