

ORDINANCE NO.: 2004-071

*Granting encroachment to Oakbrook Village Homeowners Association
for an irrigation system, landscaping and privacy fence*

WHEREAS, Oakbrook Village Homeowners Association (hereinafter "Grantee") desires to utilize a portion of the right of way area at Percival Road and Greenmill Road and Smallwood Road and Oakbrook Village Road for installation and maintenance of an irrigation system and landscaping at the entrances and for installation and maintenance of a wood with brick column wall approximately eight (8') feet in height to run the perimeter of the subdivision as shown on the attached drawing; 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 18th day of August, 2004, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the right of way area at Percival Road and Greenmill Road and Smallwood Road and Oakbrook Village Road for installation and maintenance of an irrigation system and landscaping at the entrances and for installation and maintenance of a wood with brick column wall approximately eight (8') feet in height to run the perimeter of the subdivision as shown on the attached drawing.

ORIGINAL
STAMPED IN RED

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.

Requested by:



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 8/4/2004

Final Reading: 8/18/2004

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Oak Brook Village

Since 1997

TO: Shari Ardis
City of Columbia Legal Department

FROM: Oakbrook Village Homeowners Association
Jimmy H. Vereen, Vice President

DATE: July 9, 2004

SUBJECT: Oakbrook Village Right away beautification

I would like to request that an encroachment permit be granted to the Oakbrook Village Homeowners Association for the following activities: Extend current irrigation system, add new landscaping and add new privacy fence. These activities will be performed on the subdivision's right ways located at Percival road / Greenmill road and Smallwood road / Oakbrook Village road. Landscaping will consist of planting sod, flowers, small trees and shrubs.

If you have any questions, please give me a call at 803-333-3363.

Thanks,

Jimmy H. Vereen



