

ORDINANCE NO.: 2005-051

*Granting encroachment to R. Wayne Smith for installation and maintenance
of a stone retaining wall along 3335 Keenan Drive*

WHEREAS, R. Wayne Smith (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to his property at 3335 Keenan Drive for installation and maintenance of a stone retaining wall approximately three (3') feet in height and seventy-five (75') feet in length 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 25th day of May, 2005, that Grantee, its successors and assigns, is hereby granted the right to use portion of the right of way area adjacent to his property at 3335 Keenan Drive for installation and maintenance of a stone retaining wall approximately three (3') feet in height and seventy-five (75') feet in length as shown on the attached drawing.

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.

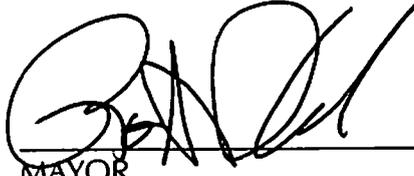
PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall

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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: 5/18/2005

Final Reading: 5/25/2005

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Matter No.: 05040428
Attorney:
Date In: 4/28/05
File No.: 2005-051
Date Out: 4/19/05

3335 Keenan Drive
Columbia, SC 29201
April 27, 05

Mrs. Thari Ardis
P. O. Box 667
Columbia, SC 29202

Dear Mrs. Ardis:

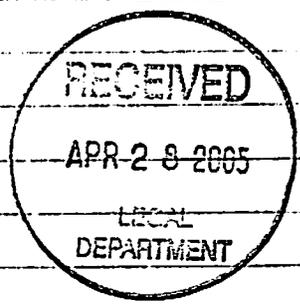
I am requesting an encroachment permission to build a retaining wall across the front of my house/yard. The dimension plans are: 3 ft. high and 75 ft. long. The wall will be built of decorative stone and will not be unsightly. In fact it will enhance the beautification of the neighborhood.

To prevent the removal of some very large trees the wall will need to be six inches from the asphalt curb of the street. Garden shrubs and plants will be behind the wall in my yard.

Can you please grant this permission as soon as possible so that I can proceed with this project before the heat of summer.

Respectfully yours,
R. Wayne Smith

803) 256-6062



3335 Keenan Dr
Columbia, SC 29
April 28, 2005

Mrs. Shari Ardis
P. O. Box 667
Columbia, SC 29202

Dear Mrs Ardis:

Many thanks for your call regarding my desire for retaining wall. There is already an existing wooden fence on both sides of the desired location for the wall. The wall would connect with the fence on both ends but would have to go out nearer to the street because of some huge trees which I would prefer to keep.

Hopefully, the enclosed diagram will help you understand the situation. The wall will be constructed by Dawson Irrigation and Landscaping whose work and craftsmanship are exemplary.

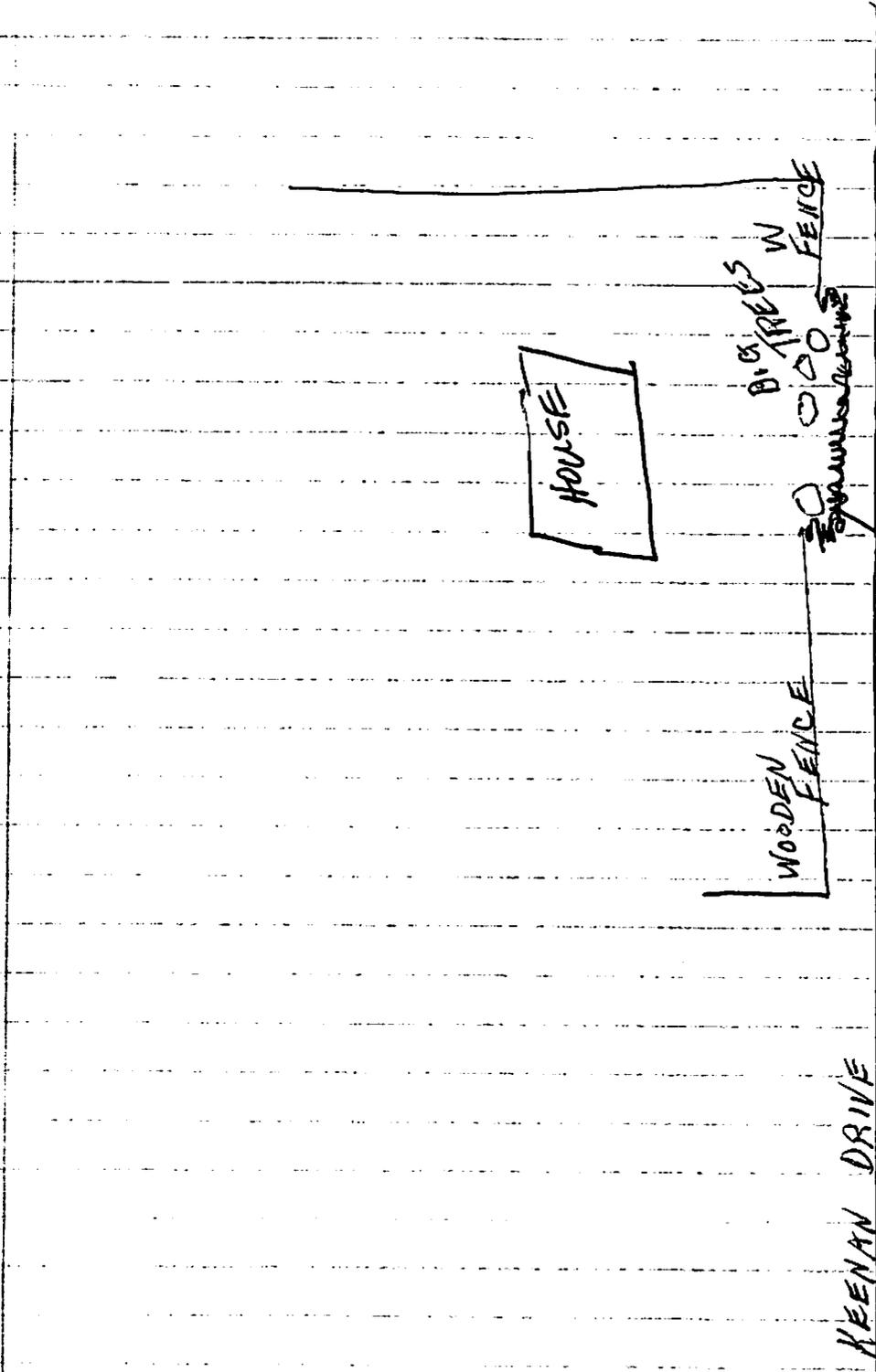
Again, I shall very much appreciate your prompt attention to this situation.

Respectfully yours,
R. Wayne Smith

803) 256-6062

RECEIVED

MAY - 2 2005



HOUSE

WOODEN FENCE

BIG TREES W FENCE

COMMUNITY DRIVE

KEENAN DRIVE

DESIRED RETAINING WALL