

ORDINANCE NO.: 2006-015

Granting encroachment to David Chase for installation and maintenance of landscaping and sidewalks adjacent to his property at the Southeast corner of Assembly Street and Whaley Street

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WHEREAS, David Chase (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to his property at the Southeast corner of Whaley Street and Assembly Street for installation and maintenance of landscaping and sidewalks 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 17th day of May, 2006, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the right of way area adjacent to his property at the Southeast corner of Whaley Street and Assembly Street for installation and maintenance of landscaping and sidewalks 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.

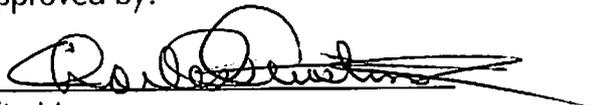
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



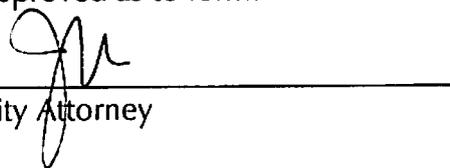
MAYOR

Approved by:



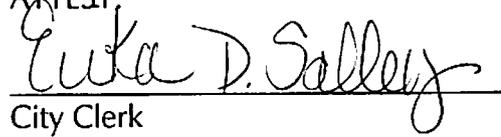
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 5/10/2006

Final Reading: 5/17/2006

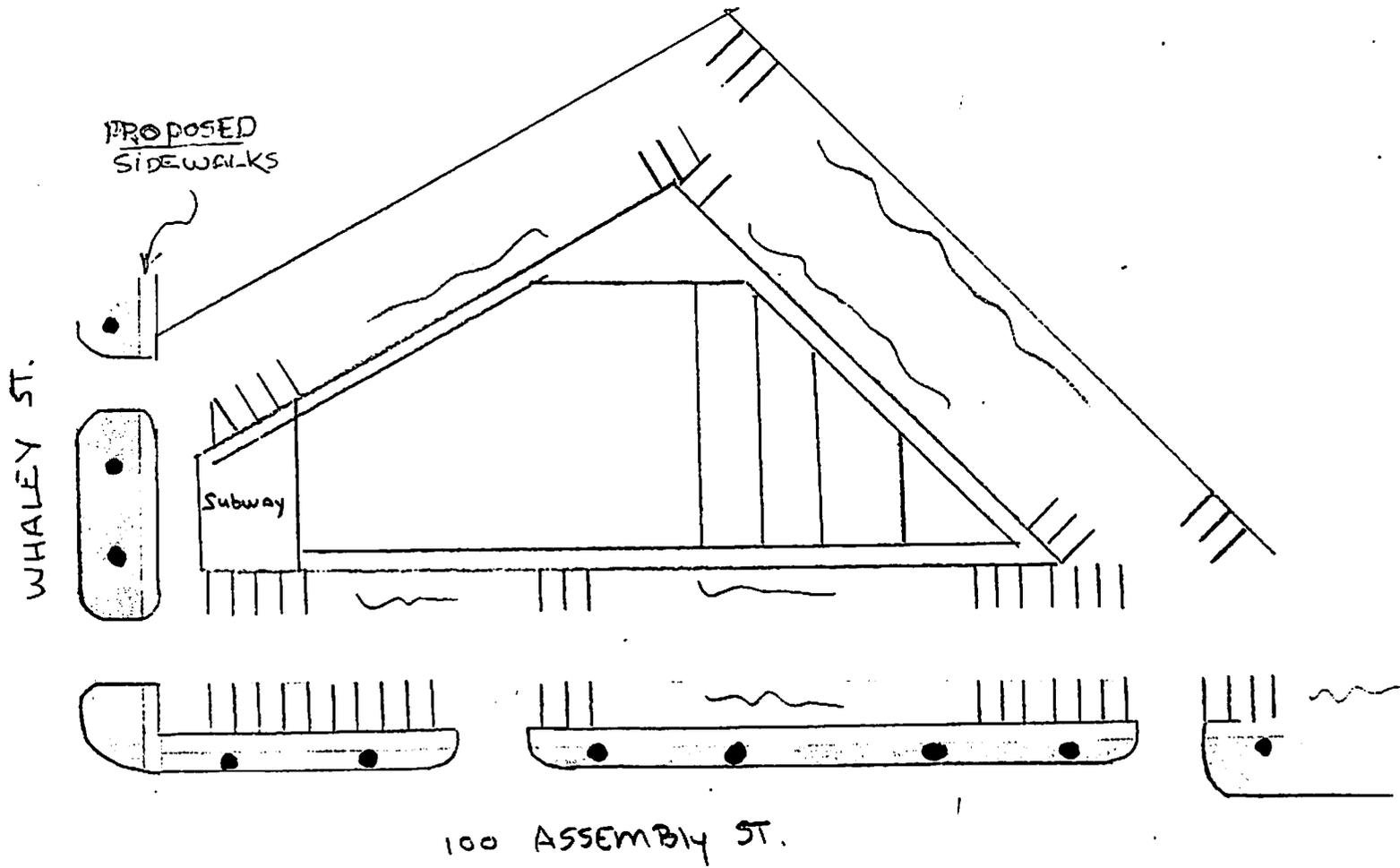
ORIGINAL
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DAVID A. CHASE

605 Whaley Street
Columbia, SC 29201

803-799-4009 - 803-465-0166

Fax: 803-252-4127



- - MYRTLE
- GRASS

Matter No: 06030168
Attorney: MYVA
Date In: 3/9/06
File No: 2006-013
Date Out: 4/13/06

605 Whaley Street
Columbia, SC 29201
March 6, 2006

City of Columbia
Legal Department
Shari Ardis
Post Office Box 667
Columbia, South Carolina, 29202

Dear Ms. Ardis,

I request permission from the city to re-landscape abutting right of ways to my property on the corner of Assembly and Whaley Streets. I would like to plant grass and Myrtles.

Thank you,



David Chase

