

ORDINANCE NO.: 2006-031

Granting encroachment to Ardis M. Savory for installation and maintenance of a brick retaining wall and landscaping at 1712 Catawba Street

WHEREAS, Ardis M. Savory (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to her property at 1712 Catawba Street for installation and maintenance of a brick retaining wall and landscaping; 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 28th day of June, 2006, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the right of way area adjacent to her property at 1712 Catawba Street for installation and maintenance of a brick retaining wall and landscaping.

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.

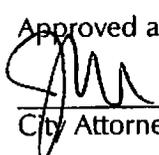
PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, its successors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

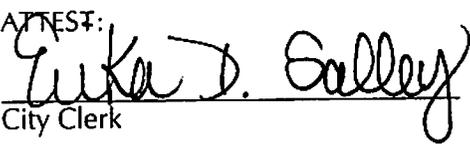
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:  
\_\_\_\_\_

  
MAYOR

Approved by:  
  
City Manager

Approved as to form:  
  
City Attorney

ATTEST:  
  
City Clerk

Introduced: 6/21/2006  
Final Reading: 6/28/2006

ORIGINAL  
STAMPED IN RED

Matter No.: 06050322  
Attorney: SBA/De  
Date In: 5/1/06  
File No.: 2006-031  
Date Out: 5/2/06

**Ardis, Shari**

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**From:** ardissv@bellsouth.net  
**Sent:** Monday, May 01, 2006 3:03 PM  
**To:** Ardis, Shari  
**Subject:** Encroachment Permit

Dear Ms. Ardis:

Thank you for the information you provided to me about how to request permission to place a small retaining wall around the new pistash tree recently planted by the city in front of my house.

I live at 1712 Catawba Street (Wheeler Hill)

The old saw-tooth oak trees are slowing dying in our neighborhood, and as the city replaces them, they are also removing a 6'9" x 6'9" cement enclosure around the base of the tree in order to provide the new tree with an appropriate water supply.

The removal of the cement enclosure, while a good idea, does leave an uneven, raggedy edge between the tree, the parking pads and the sidewalk.

What I would like to do is build a small retainer brick wall along the perimeter of the old cement block. This wall would be 3 or 4 bricks high and one brick wide. Once it is completed, I would fill it with good earth, leaving a circular containment collar of dirt to hold water for the tree in about the same manner as it now appears. I then plan to fill in the area with plantings.

Please let me know if you have any questions.

Ardis M. Savory  
1712 Catawba Street  
803-765-0095