

ORDINANCE NO. 2006-063

Granting encroachment to Delaney's Music Pub & Eatery for construction and maintenance of an awning and for placement of seven tables and twenty-eight chairs for outdoor dining at 741 Saluda Avenue

WHEREAS, Delaney's Music Pub & Eatery (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way for construction and maintenance of an awning and for placement of seven (7) tables and twenty-eight (28) chairs immediately adjacent to its business located at 741 Saluda Avenue for outdoor dining accommodations for patrons during normal business hours of 11:30 a.m. until 2:00 a.m.; and,

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STAMPED IN RED

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 16th day of August, 2006 that Grantee is hereby granted the right to use a portion of the sidewalk right of way for placement of seven (7) tables and twenty-eight (28) chairs immediately adjacent to its business located at 741 Saluda Avenue for outdoor dining accommodations for patrons during normal business hours of 11:30 a.m. until 2:00 a.m.

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:



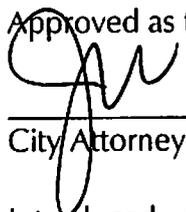
MAYOR

Approved by:



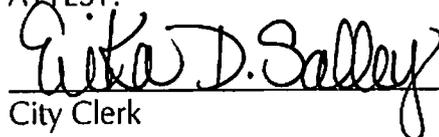
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 8/9/2006
Final Reading: 8/16/2006

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Matter No.: 06070351
Attorney: Jason Lala
Date In: 7/18/06
File No.: 8006-023
Date Out: 7/19/2006



**Delaney's Management Company
Corporate Office**

711 1/2 Saluda Avenue □ Columbia, South Carolina □ (803) 779-4884 □ Fax: (803) 779-4237

July 13, 2006

In regards to: Encroachment Permit Amendment

Dear Shari,

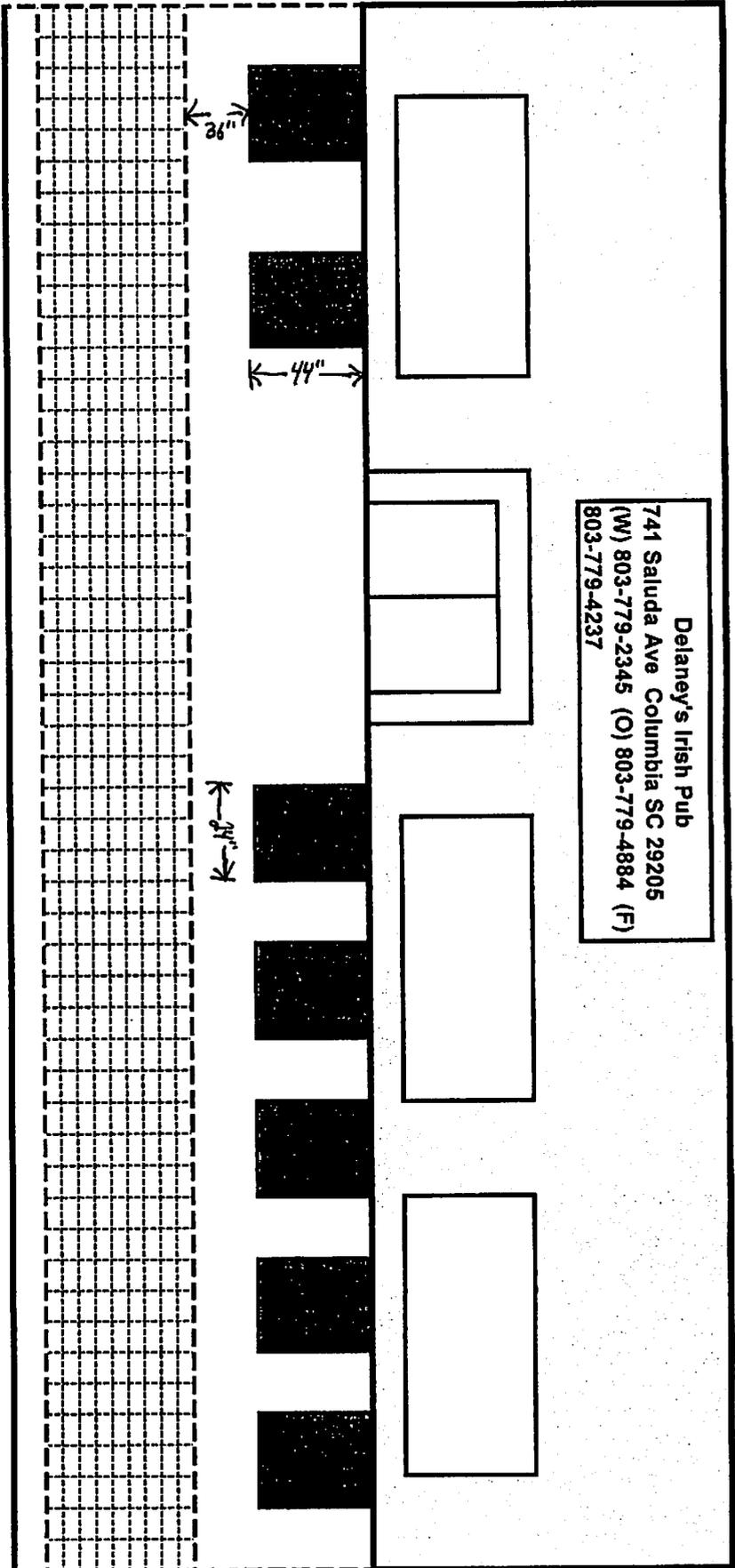
This letter is to request an amendment to our encroachment permit for Delaney's Music Pub & Eatery at 741 Saluda Avenue. We have made some improvement to the front of the building by adding an awning the length of the building. At the present time we have four round tables with sixteen chairs on the sidewalk. We would like to replace these with seven rectangular tables with four chairs each. The hours that the tables and chairs would be used are from 11:30am to 2:00am. At night the tables and chairs would remain outside chained together to prevent theft and any possible destruction of property. We are sending a drawing showing the measurements of the tables and sidewalk. There will be 36" of sidewalk for American Disable Assoc. (A.D.A.). Also, there is a copy of the encroachment permit. We will be waiting to hear from you before we have the tables made. If there are any questions or concerns you can call me at 779-4884 between the hours of 8:00 am and 2:00 pm if no answers please leave a message and I will return your call. Thank you in advance for your time.

Respectfully

Jackie Rogers
Executive Assistant



19" ← 60" → 80" →



Delaney's Irish Pub
741 Saluda Ave Columbia SC 29205
(W) 803-779-2345 (O) 803-779-4884 (F)
803-779-4237