

ORDINANCE NO.: 2006-100

Granting encroachment to Neal Coyle for installation and maintenance of landscaping and an irrigation system adjacent to his property at 231 King Street and along the 2500 block of Duncan Street

ORIGINAL
STAMPED IN RED

WHEREAS, Neal Coyle (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to his property at 231 King Street and along the 2500 block of Duncan Street for installation and maintenance of landscaping and an irrigation system 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 January, 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 231 King Street and along the 2500 block of Duncan Street for installation and maintenance of landscaping and an irrigation system 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:



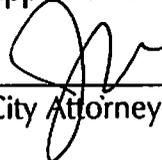
MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 1/10/2007
Final Reading: 1/17/2007

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Matter No.: 010110848
Attorney: SSM, LLC
Date In: 11/7/06
File No.: 2006-100
Date Out: 11/5/06

Keeler Landscape & Design, Inc.

November 7, 2006 210 North Springs Road • Columbia, SC 29223
(803) 699-7133

Shari Ardis
Columbia City Legal Department
P. O. Box 667
Columbia, SC 29202

VIA FACSIMILE: 737-4250

Dear Ms. Ardis:

As per our conversation today, Keeler Landscape is requesting an encroachment ordinance for landscaping and irrigation in the city's right of way on the following project:

Homeowner: Neal Coyle
Address: 231 King Street, 29205

As you will see from the attached sketch, we plan to install Asiatic Jasmine as ground cover around existing oak trees in the strip of land between the sidewalk and street along King Street in front of the Coyle house and continuing around the corner onto Duncan, to the end of the Coyle property.

We would appreciate your letting us know what our next step is in this process.

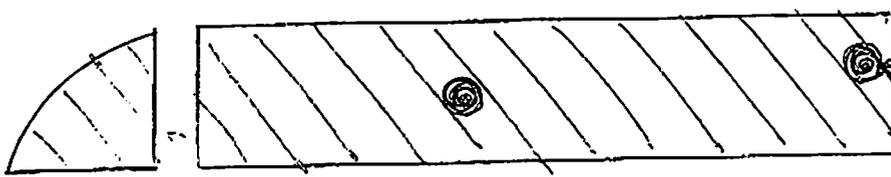
Sincerely,

Connie Turgeon for J. Keeler
John J. Keeler, President

Enc.
cc: Neal Coyle, Marty Ludwig



KING ST

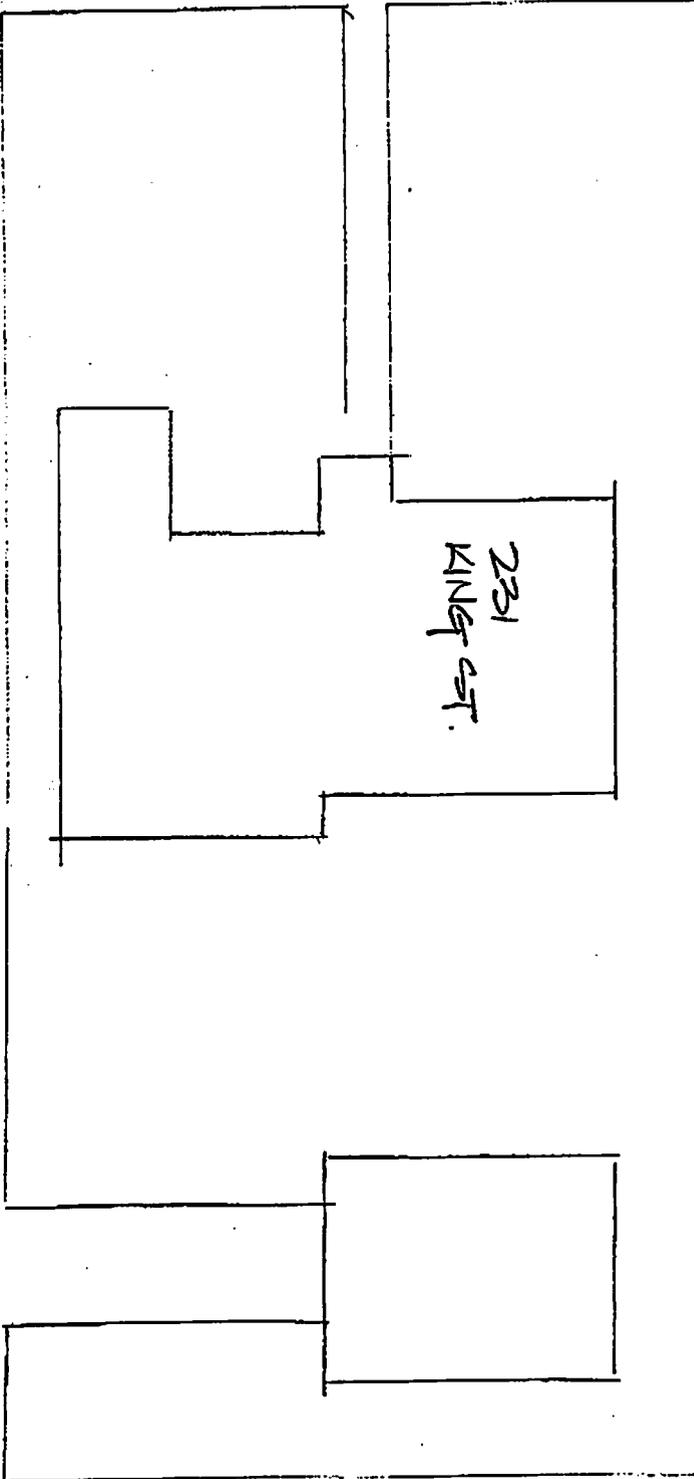


EXISTING WALLS



PUNCAU ST.

SHOULD KEEP TO BE
RELOCATED & RAISED
W/ ASIATIC TARMINE



231
KING ST.

