

ORDINANCE NO.: 2008-081

*Granting an encroachment to Stuart Massey and Mary Massey  
for installation and maintenance of landscaping within the right of way area  
of Queen Street and Blossom Street adjacent to 2430 Blossom Street*

ORIGINAL  
STAMPED IN RED

WHEREAS, Stuart Massey and Mary Massey, (hereinafter "Grantee") desires to utilize a portion of the right of way area of Queen Street and Blossom Street adjacent to 2430 Blossom Street for installation and maintenance of landscaping 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 1st day of October, 2008, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way area of Queen Street and Blossom Street adjacent to 2430 Blossom Street for installation and maintenance of landscaping 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 or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee 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 is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. Existing vegetation around stop sign to be removed by homeowner;
2. The area in the site triangle (15' along Queen & 15' along Blossom) will be designed and maintained (by homeowner) to be no more than 4' in height;
3. All insurance must be maintained as long as landscape is in place; and
4. Homeowner shall maintain landscaping, but City reserves right to require vegetation

in sight triangle to be cut/trimmed if the vegetation causes sight problem. City also reserves right to cut vegetation if causing sight problems.

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, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

Keeler Landscape & Design, Inc.

  
MAYOR

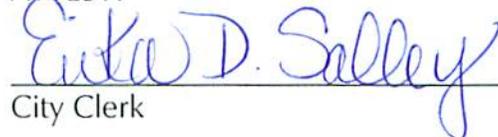
Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 9/17/2008

Final Reading: 10/1/2008

ORIGINAL  
STAMPED IN RED

Matter No.: 08081343  
Attorney: LEG/ka  
Date In: 8/13/08  
File No.: 0808-081  
Date Out: 9/5/08

### REQUEST FOR ENCROACHMENT ORDINANCE

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person of entity is required to have an encroachment ordinance approved by City Council due to the potential liability to the public as well as the City. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches) *Business signs may NOT be permitted via an encroachment.*

Date: 8-13-08

Applicant's Name: KEELER LANDSCAPE & DESIGN, INC.

Applicant's Telephone Number: (803) 699-7133 Fax Number: (803) 419-0160

E-mail address: KEELER LANDSCAPE@BELL SOUTH.NET

Encroachment Location (Address): 2430 BLOSSOM CT.

Encroachment type:  Wall  Fence  Irrigation System  Landscaping

If wall or fence - dimensions and material to be used: \_\_\_\_\_

\_\_\_\_\_

Please provide photographs and drawing or site plan drawn to scale.

Church Directional Signs  
(Must provide picture or drawing of proposed signs that reflect dimensions)

Location(s) signs are to be placed (i.e. Northeast corner of Main Street)

\_\_\_\_\_  
\_\_\_\_\_

Outdoor dining/decoration  
Number of chairs: \_\_\_\_\_ Number of Tables \_\_\_\_\_ Business hours: \_\_\_\_\_  
Number of planters \_\_\_\_\_



Queen Street

2130 Blossom St.  
NORTH  
717-631-1111

