

ORDINANCE NO.: 2008-086

Granting an encroachment to 1523 Huger Street Partners, LLC for installation and maintenance of landscaping and an irrigation system within the right of way of Taylor Street adjacent to its property at 1523 Huger Street

WHEREAS, 1523 Huger Street, (hereinafter "Grantee") desires to utilize a portion of the right of way area of Taylor Street adjacent to its property located at 1523 Huger Street for installation and maintenance of an irrigation system and 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 22nd 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 Taylor Street adjacent to its property located at 1523 Huger Street for installation and maintenance of an irrigation system and 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. Landscaping shall not interfere with Fire Department Connections (FDC) or restrict access for fire equipment, and should be scaled back along the sidewalk installed on Taylor Street from the driveway to Huger Street.

ORIGINAL
STAMPED IN RED

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.

ORIGINAL
STAMPED IN RED

Requested by:

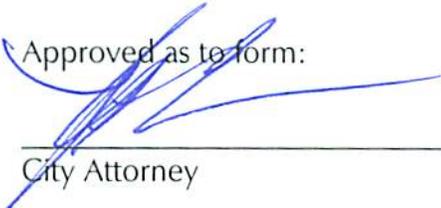
1523 Huger Street


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:

City Clerk

Introduced: 10/15/2008
Final Reading: 10/22/2008

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. Encroachments must comply with all existing City codes, rules and regulations and is subject to review and approval of City staff as well as subject to enactment of the ordinance by City Council which is discretionary and requires a majority vote of City Council.*

Please complete and submit this form along with any attachment(s) to Legal Review by e-mail at legalreview@columbiasc.net; fax at 803-737-4250; or mail to Legal Review, POB 147, Columbia, SC 29217 for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Judy Edwards with Risk Management (343-8778 or jedwards@columbiasc.net) should be contacted regarding the insurance requirements.

Date: 8/29/08 Applicant's Name: 1523 Huger Street Partners, LLC
 Telephone Number: 803-461-3822 Fax Number: 803-461-3819
 E-mail address: tlucas@bcilending.com
 Encroachment Location (Address): 1523 Huger Street, Columbia, SC (Taylor street side of property)

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Encroachment type: Wall Fence Irrigation System Landscaping (See attached plan)
 If wall or fence - dimensions: _____ (height/length) construction material: _____
 Please provide photographs and drawing or site plan drawn to scale.

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 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) _____

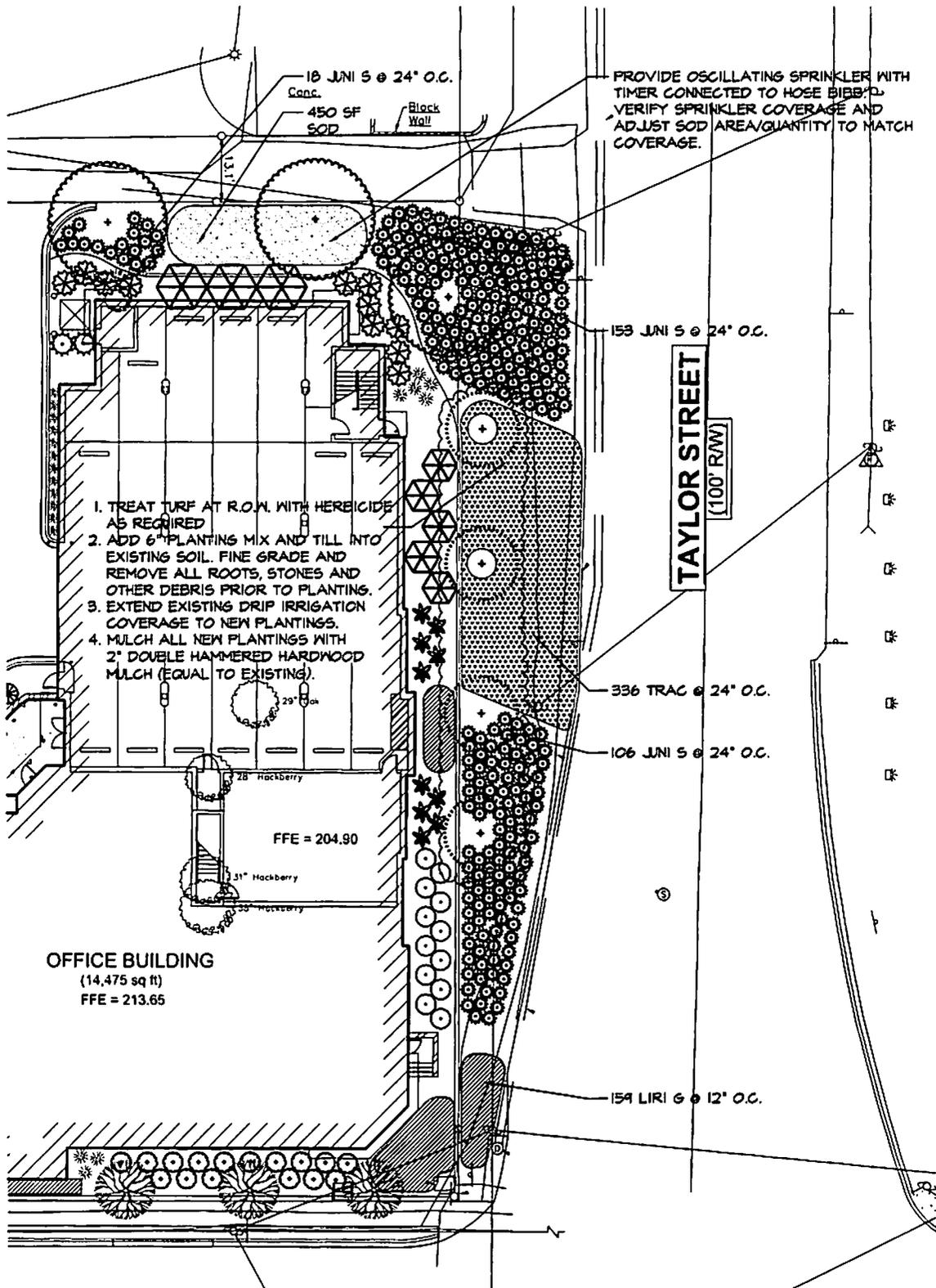
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 Outdoor dining/decoration No. of chairs: _____ No. of Tables _____
 Number of planters: _____ Business Hours: _____ Other: _____

The proposed ordinance will be sent to the requesting party and City offices for review and approval, and Chip Land will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days because of review time and Council only meeting bi-weekly.

| Contact | Department | Telephone Number | Fax Number |
|-------------------|---------------------------|------------------|------------|
| John Dooley | Utilities and Engineering | 545-3240 | |
| Joey Jaco | Engineering | 545-3400 | |
| Missy Gentry | Public Works | 545-3780 | |
| Marc Mylott | Development Services | 545-3426 | |
| Chip Land | Planning | 545-3222 | |
| Jerry Thompson | Building Official | 545-3442 | |
| Sara Hollar | Forestry & Beautification | 545-3860 | |
| Amy Moore | Historic Preservation | 545-3222 | |
| Fred Delk | Columbia Dev. Corporation | 988-8040 | |
| Judy Edwards | Risk Management | 343-8778 | |
| Dana Higgins | Construction Management | 545-3372 | |
| Robert Lee | Traffic Engineering | 545-3850 | |
| Robert Sweatt | Street Division | 545-3790 | |
| Jonathan Chambers | Development Services | 545-3206 | |
| Carmen Floyd | Fire Marshall | 545-3703 | |
| Krista Hampton | Development Services | 545-3420 | |

Last Revised: 8/14/2008

Matter No.: 08081430
 Attorney: KEG/SJA
 Date In: 8-29-08
 File No.: 2008-080
 Date Out: 9/29/08



OFFICE BUILDING
(14,475 sq ft)
FFE = 213.65

FFE = 204.90

TAYLOR STREET
(100' R.W.)



GRAPHIC SCALE 1" = 20'-0"



Drawn by: MGE
Checked by: EFJ
Date: 06/18/08
SK-1

GRIMBALL & ASSOCIATES
COTTERILL

1523 HUGER ST.
PLANTING PLAN FOR RIGHT-OF-WAY