

ORDINANCE NO.: 2008-087

Granting an encroachment to the Preston Green Homeowners' Association, LLC for installation and maintenance of front walks within the rights of way areas of Preston Green Drive, Preston Green Court, Addleston Court, Charnock Way, Brooksby Court, Castile Cary Court and Chesman Court

ORIGINAL
STAMPED IN RED

WHEREAS, the Preston Green Homeowners' Association (hereinafter "Grantee") desires to utilize a portion of the rights of way areas for installation and maintenance of concrete front walks within the rights of way areas of Preston Green Drive, Preston Green Court, Addleston Court, Charnock Way, Brooksby Court, Castile Cary Court and Chesman Court, as shown on the attached drawing; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the 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 15th day of October, 2008, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the rights of way areas for installation and maintenance of concrete front walks within the rights of way areas of Preston Green Drive, Preston Green Court, Addleston Court, Charnock Way, Brooksby Court, Castile Cary Court and Chesman Court, 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 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 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:

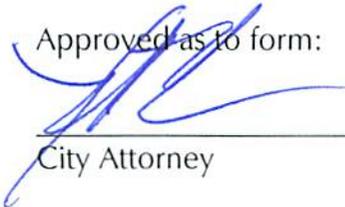
Preston Green Homeowners' Association, LLC


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

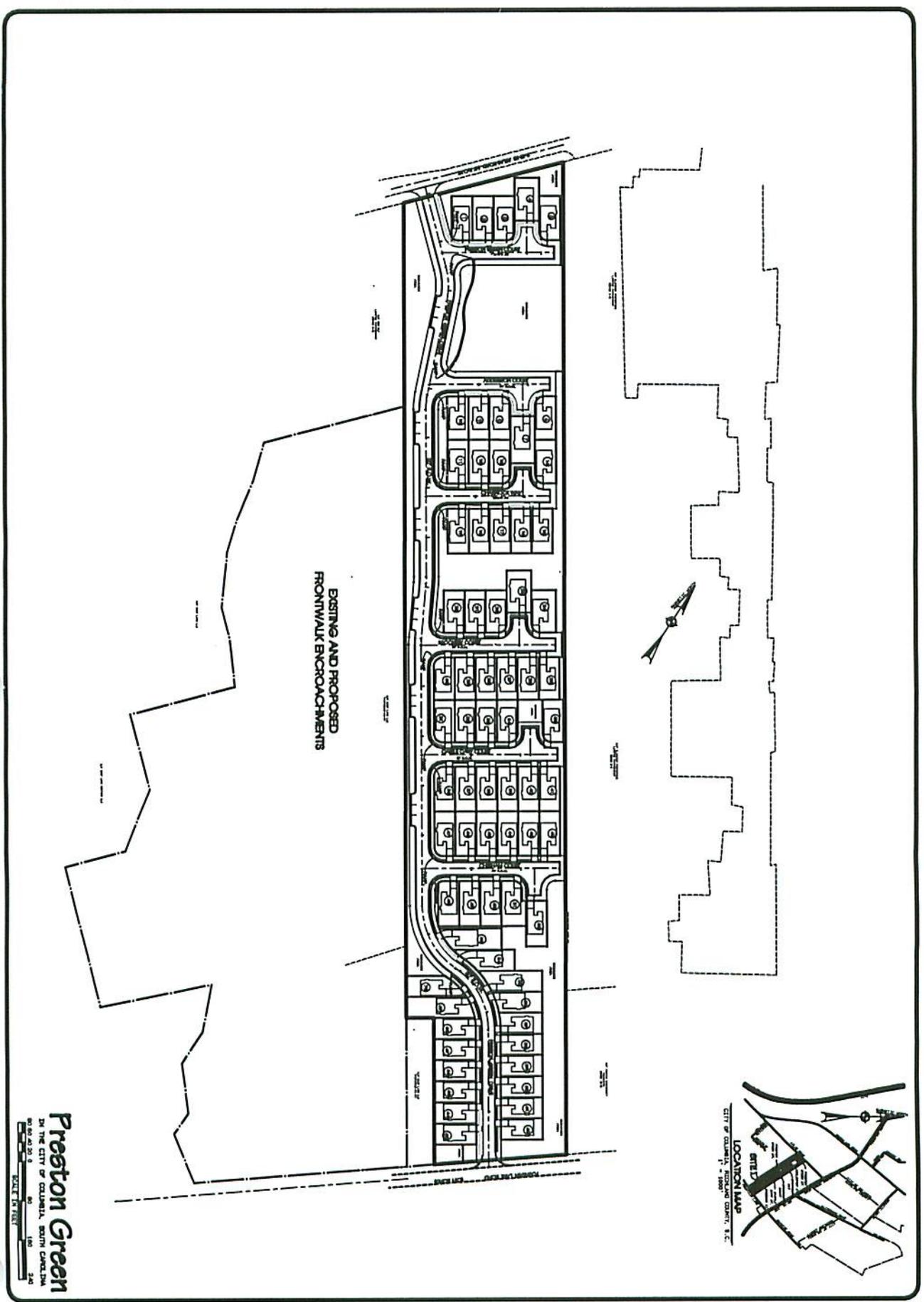
ATTEST:


City Clerk

Introduced: 10/1/2008

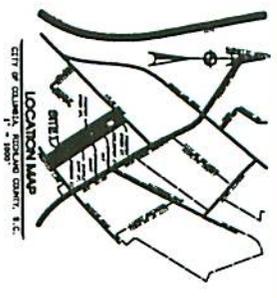
Final Reading: 10/15/2008

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STAMPED IN RED



EXISTING AND PROPOSED
FRONTWALK ENCROACHMENTS

Preston Green
IN THE CITY OF COLUMBIA, SOUTH CAROLINA
SECTION 14.02.0
SCALE: AS SHOWN
SCALE: 1" = 60'



Matter No.: 08091109
 Attorney: [Signature]
 Date In: 5/18/09
 File No.: 2008-087
 Date Out: 9/18/08

FRONTWALK ENCROACHMENT EXHIBIT DRAWN BY: LEDNER CHECKED BY: VALSH DATE: JUNE 8, 2008 PROJECT: PRESTON GREEN CLIENT: HUNDO HOMES, INC. ADDRESS: 1750 SOUTH CANTON DR. COLUMBIA, SOUTH CAROLINA				CIVIL ENGINEERS of COLUMBIA CONSULTING ENGINEERING, SURVEYING AND PLANNING 2828 FERRANDIA ROAD, COLUMBIA, SOUTH CAROLINA 29204 TELEPHONE: 803-733-7000 FAX: 803-733-7000 WE GUARANTEE OUR WORK FOR THE PROJECT AND WE WILL DEFEND OUR WORK IN COURT. WE ACCEPT NO LIABILITY FOR THE PROJECT AND WE WILL DEFEND OUR WORK IN COURT. WE ACCEPT NO LIABILITY FOR THE PROJECT AND WE WILL DEFEND OUR WORK IN COURT.		<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td>1</td> <td>5-18-09</td> <td>BY PER. HUNDO</td> </tr> <tr> <td>2</td> <td>5-18-09</td> <td>BY PER. HUNDO</td> </tr> </table>	NO.	DATE	REVISION	1	5-18-09	BY PER. HUNDO	2	5-18-09	BY PER. HUNDO
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GERTZ & MOORE

ATTORNEYS AND COUNSELORS AT LAW

1416 LAUREL STREET

P. O. BOX 456

COLUMBIA, SOUTH CAROLINA 29202

FREDERICK A. GERTZ*

ALICE S. MOORE

*ALSO ADMITTED IN N.Y. & GA.

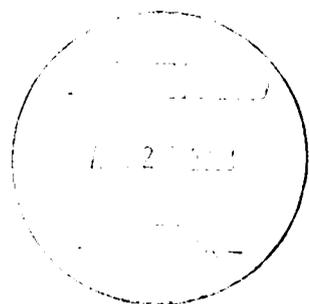
TELEPHONE
(803) 252-1524

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August 28, 2008

Kenneth E. Gaines, Esq.
City Attorney
City of Columbia
Post Office Box 667
Columbia, South Carolina 29202

**Preston Green: Frontwalk
Right-of-Way Encroachment**



Dear Ken:

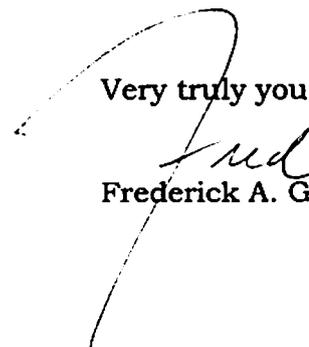
On August 20th I sent you a proposed ordinance with a revised plat exhibit, which if passed by Council, would allow the installation and maintenance of frontwalk right-of-way encroachments within the Preston Green Subdivision.

This is just a short note to inquire if any further revisions or information is required. If so, let me know and we will promptly provide it. I believe this is the only matter delaying Ms. Nash's approval of the final plat for this subdivision, so we would like to proceed as expeditiously as reasonably possibly.

Again thank you for your assistance.

With best regards,

Very truly yours,


Frederick A. Gertz

cc. Mr. Bill Dixon
Mr. M. Stewart Mungo