

ORDINANCE NO.: 2008-092

Granting an encroachment to City Center Partnership for placement and maintenance of six (6) cigarette butt receptacles to be placed in front of 1301, 1320, 1333 and 1441 Main Street

WHEREAS, City Center Partnership, (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way areas adjacent to 1301, 1320, 1333 and 1441 Main Street for placement and maintenance of six (6) cigarette butt receptacles, as shown in the attached pictures; 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 19th day of November, 2008, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the sidewalk right of way areas adjacent to 1301, 1320, 1333 and 1441 Main Street for placement and maintenance of six (6) cigarette butt receptacles, as shown in the attached pictures.

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. Receptacles must be properly weighted so as to prevent movement and/or being blown down by wind. If the weight does not prevent movement or prevent the receptacle from being blown down by wind, Grantee is required to securely bolt down the receptacles.

2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA

ORIGINAL
STAMPED IN RED

requirements are met and maintained;

3. Materials are to be similar in quality and design as to the pictures and specifications submitted along with the request for an encroachment and subject to City's approval prior to installation.

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.

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STAMPED IN RED

Requested by:

City Center Partnership _____

MAYOR

Approved by:

City Manager

Approved as to form:

City Attorney

ATTEST:

City Clerk

Introduced: 11/5/2008

Final Reading: 11/19/2008

Matter No.: 08 101610
 Attorney: KEGIX
 Date In: 10/11/08
 File No.: 803-233-892
 Date Out: 10/27/08

REQUEST FOR AN 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 or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. 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 are NOT permitted via an encroachment. An encroachment must comply with all existing City codes, rules and regulations, the Americans With Disabilities Act, if applicable, and is subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required.*

Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to **Shari Ardis, Legal Department, 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 jgedwards@columbiasc.net) should be contacted regarding the insurance requirements.

Date: Sept. 30, 2008 Applicant's Name: City Center Partnership
 Telephone Number: 803 233 0620 Fax Number: 803 233 0621
 E-mail address: karel@citycentercolumbia.sc
 Encroachment Location (Address): In front of 1301,1320,1333 & 1441 Main

Encroachment type: Wall Fence Irrigation System Landscaping
 If wall or fence - dimensions: _____ (height/length) construction material: _____
 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 No. of chairs: _____ No. of Tables _____
 Number of planters: _____ Business Hours: _____ Other: Cigarette Butt Receptacles (6)

The proposed ordinance will be sent to the requesting party and City offices for review and approval. 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.

| Contact | Department | Telephone Number | Fax Number |
|-------------------|-----------------------------------|------------------|------------|
| John Dooley | Utilities and Engineering | 545-3240 | 733-8674 |
| Joey Jaco | Engineering | 545-3400 | 988-8199 |
| Missy Gentry | Public Works | 545-3780 | 733-8648 |
| Marc Mylott | Planning and Development Services | 545-3426 | 255-8935 |
| Chip Land | Planning and Development Services | 545-3222 | 733-8647 |
| Jerry Thompson | Building Official | 545-3442 | 733-8699 |
| Sara Hollar | Forestry & Beautification | 545-3860 | 733-8648 |
| Amy Moore | Historic Preservation | 545-3222 | 733-8647 |
| Fred Delk | Columbia Dev. Corporation | 988-8040 | 988-8039 |
| Judy Edwards | Risk Management | 343-8778 | 733-8245 |
| Dana Higgins | Construction Management | 545-3372 | 545-4130 |
| David Brewer | Traffic Engineering | 545-3850 | 733-8648 |
| Robert Sweatt | Street Division | 545-3790 | 545-3785 |
| Jonathan Chambers | Planning and Development Services | 545-3206 | 343-8779 |
| Carmen Floyd | Fire Marshall | 545-3703 | 401-8839 |
| Krista Hampton | Planning and Development Services | 545-3420 | 733-8699 |

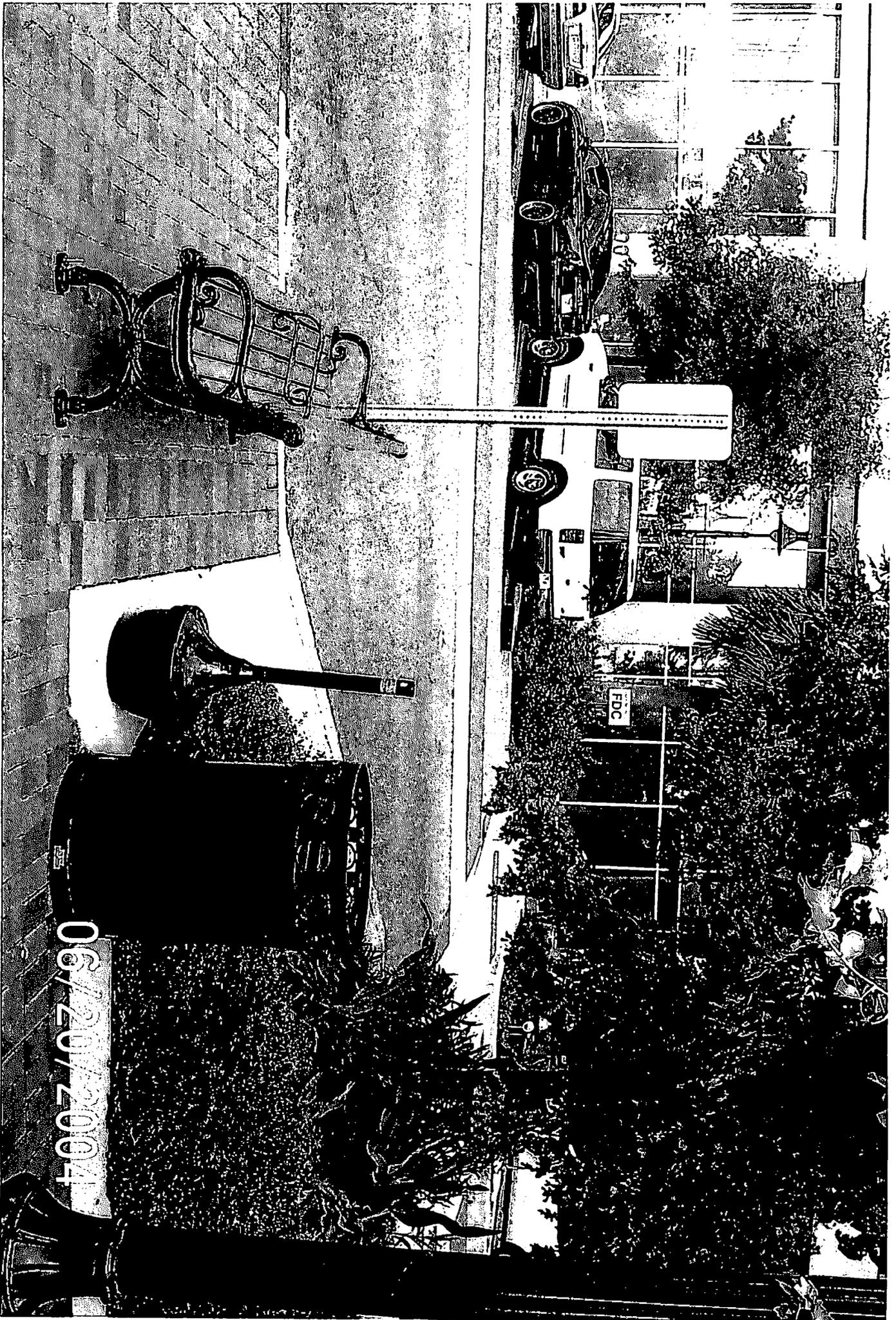
Last Revised: 8/25/2008



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06/20/2004



06/20/2004

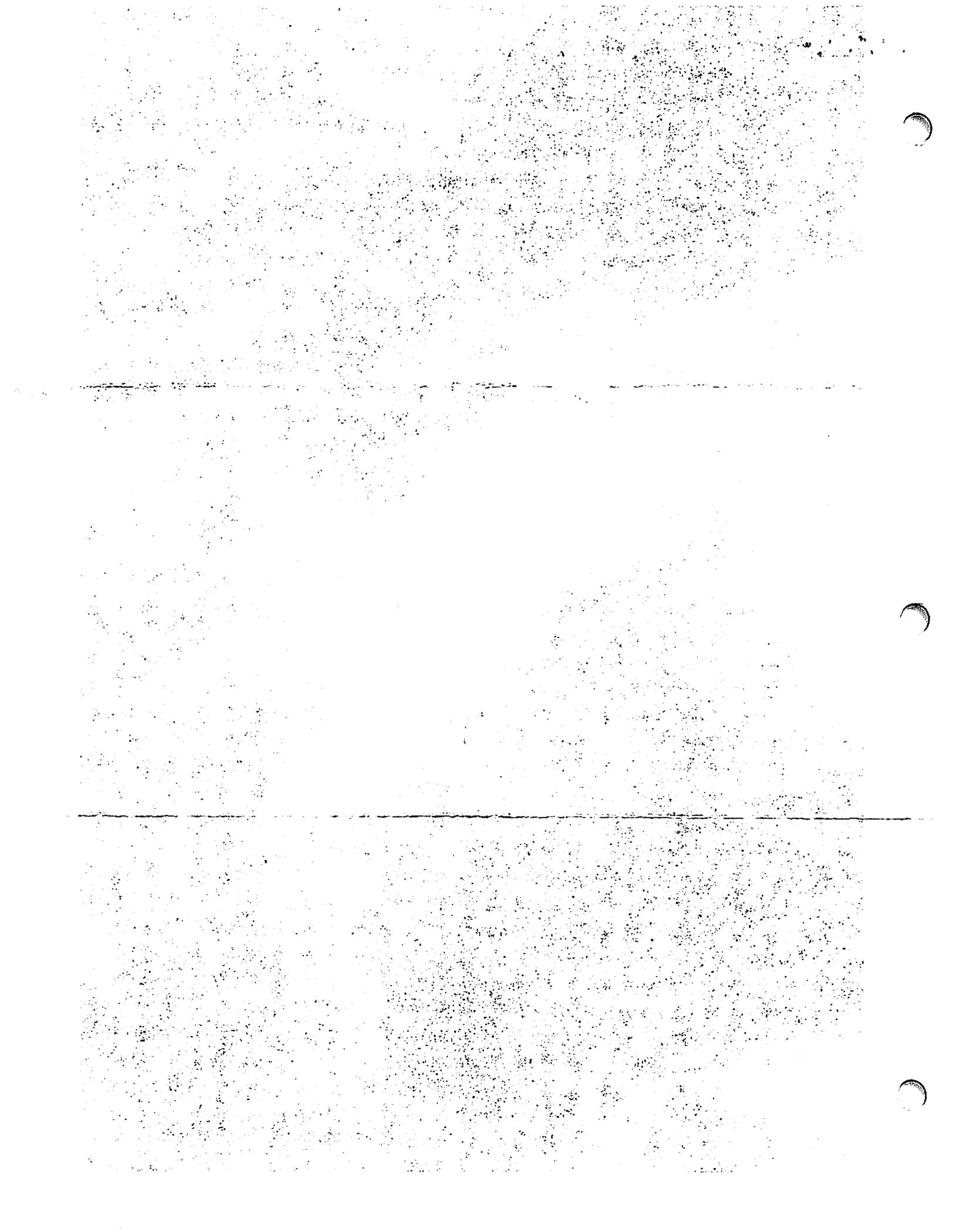
EDC



** here*

06/09/2004

1333 Main





06/09/2004

over 1/2

1441 Main St.

main



06/09/2004

\$1 hour

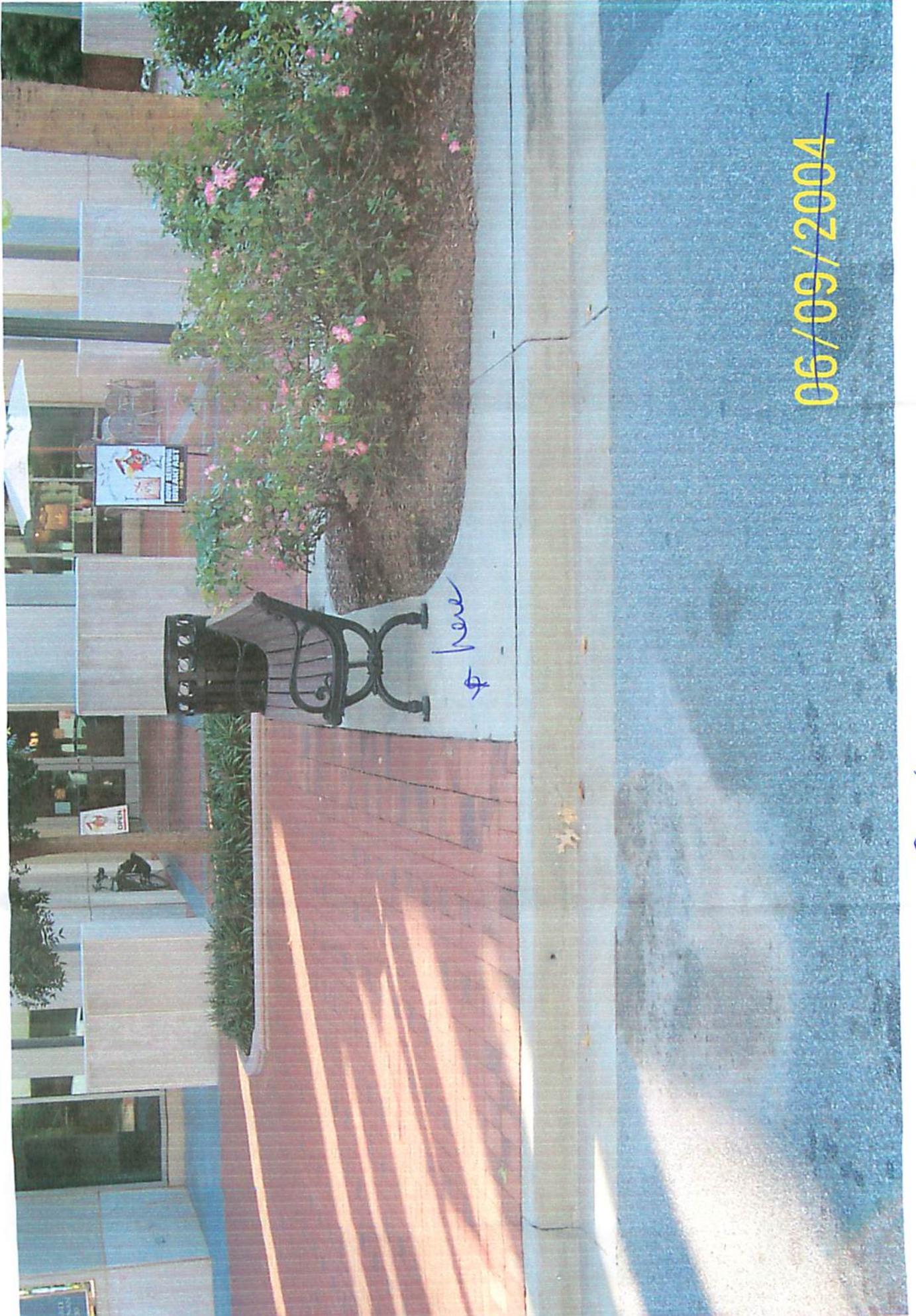
1301 Corner of Lady Mann



06/09/2004

A here

~~AAA~~ North side of 1320 Main



here

06/09/2004

Smith side → 1320 Ma



06/09/2004

* here

1441 Main

corner of Wash - Main