

ORDINANCE NO.: 2010-159

Repealing Ordinance 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; Authorizing Acceptance and Dedication of Streets, excluding front walks and walkways, known as Preston Green Drive, Preston Green Court, Addleston Court, Brooksby Court, Charnock Way, Castle Cary Court and Chesman Court, located in Preston Green Subdivision to the City of Columbia; Richland County TMS #16311-03-02 (Portion); CF #271-04; 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

WHEREAS, by Ordinance 2008-087 enacted on October 15, 2008, the Preston Green Homeowners' Association was granted an encroachment 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; and,

WHEREAS, the City had not accepted the dedication of the aforesaid streets at the time of the enactment of the encroachment ordinance and desires to repeal and subsequently reenact the said encroachment ordinance in its entirety in conjunction with accepting a dedication of the streets; and,

WHEREAS, the above referenced streets are located in the city limits of Columbia in the subdivision known as Preston Green having been annexed into the City limits on November 7, 1973; and,

WHEREAS, the approval of the development plans for Preston Green Subdivision required dedication of Preston Green Drive, Preston Green Court, Addleston Court, Brooksby Court, Charnock Way, Castle Cary Court and Chesman Court to the City of Columbia; and,

WHEREAS, Preston Green Subdivision is located between Atlas Road and Fountain Lake Road adjacent to East Lake Cottages in District No. 4; and,

WHEREAS, the said streets are located as shown on final plats of Preston Green Subdivision, dated November 16, 2005 which are on file in the office of the City's Department of Utilities and Engineering under file reference #271-04 (a copy of said plats being attached hereto and made a part hereof as Exhibits "A" and "B"); and,

WHEREAS, the Engineering Division has inspected the streets on the said property and found that with the exception of the concrete front walks within the rights of way areas the streets were constructed in compliance with the City's ordinances and regulations and recommends approval for acceptance excluding the concrete front walks with in the rights of way areas;

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, Brooksby Court, Charnock Way, Castle Cary Court and Chesman Court, located in Preston Green Subdivision; 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 day 1st day of March, 2011 that the City of Columbia accept dedication of the aforesaid streets, excluding from this acceptance the concrete front walks within the rights of way areas, known as Preston Green Drive, Preston Green Court, Addleston Court, Brooksby Court, Charnock Way, Castle Cary Court and Chesman Court, located in Preston Green Subdivision as shown on final plats of Preston Green Subdivision, dated November 16, 2005, on file in the office of the City's Department of Utilities and Engineering under file reference #271-04 (a copy of said plats being attached hereto and made a part hereof as Exhibits "A" and "B"); and,

BE IT FURTHER ORDAINED that the installation of gates on these streets is prohibited.

ORIGINAL
STAMPED IN RED

ORIGINAL
STAMPED IN RED

BE IT FURTHER ORDAINED that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the rights of way areas for previously installed and continued maintenance of concrete front walks within the rights of way areas of Preston Green Drive, Preston Green Court, Addleston Court, Brooksby Court, Charnock Way, Castle Cary Court and Chesham Court, located in Preston Green Subdivision.

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:

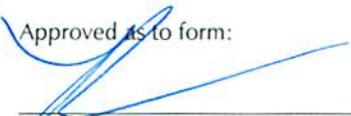
Utilities & Engineering Department

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 2/15/2011

Final Reading: 3/1/2011



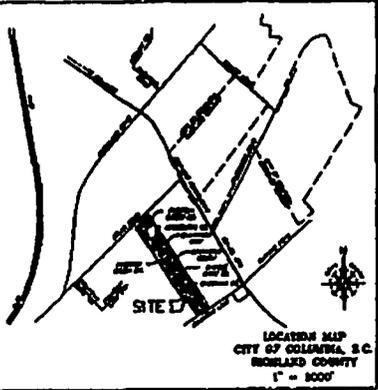
Mayor

ATTEST:



City Clerk

EXHIBIT A



LOT AREA DATA

1	10,000
2	10,000
3	10,000
4	10,000
5	10,000
6	10,000
7	10,000
8	10,000
9	10,000
10	10,000
11	10,000
12	10,000
13	10,000
14	10,000
15	10,000
16	10,000
17	10,000
18	10,000
19	10,000
20	10,000
21	10,000
22	10,000
23	10,000
24	10,000
25	10,000
26	10,000
27	10,000
28	10,000
29	10,000
30	10,000
31	10,000
32	10,000
33	10,000
34	10,000
35	10,000
36	10,000
37	10,000
38	10,000
39	10,000
40	10,000
41	10,000
42	10,000
43	10,000
44	10,000
45	10,000
46	10,000
47	10,000
48	10,000
49	10,000
50	10,000
51	10,000
52	10,000
53	10,000
54	10,000
55	10,000
56	10,000
57	10,000
58	10,000
59	10,000
60	10,000
61	10,000
62	10,000
63	10,000
64	10,000
65	10,000
66	10,000
67	10,000
68	10,000
69	10,000
70	10,000
71	10,000
72	10,000
73	10,000
74	10,000
75	10,000
76	10,000
77	10,000
78	10,000
79	10,000
80	10,000
81	10,000
82	10,000
83	10,000
84	10,000
85	10,000
86	10,000
87	10,000
88	10,000
89	10,000
90	10,000
91	10,000
92	10,000
93	10,000
94	10,000
95	10,000
96	10,000
97	10,000
98	10,000
99	10,000
100	10,000

LOT AREA DATA

101	10,000
102	10,000
103	10,000
104	10,000
105	10,000
106	10,000
107	10,000
108	10,000
109	10,000
110	10,000
111	10,000
112	10,000
113	10,000
114	10,000
115	10,000
116	10,000
117	10,000
118	10,000
119	10,000
120	10,000
121	10,000
122	10,000
123	10,000
124	10,000
125	10,000
126	10,000
127	10,000
128	10,000
129	10,000
130	10,000
131	10,000
132	10,000
133	10,000
134	10,000
135	10,000
136	10,000
137	10,000
138	10,000
139	10,000
140	10,000
141	10,000
142	10,000
143	10,000
144	10,000
145	10,000
146	10,000
147	10,000
148	10,000
149	10,000
150	10,000
151	10,000
152	10,000
153	10,000
154	10,000
155	10,000
156	10,000
157	10,000
158	10,000
159	10,000
160	10,000
161	10,000
162	10,000
163	10,000
164	10,000
165	10,000
166	10,000
167	10,000
168	10,000
169	10,000
170	10,000
171	10,000
172	10,000
173	10,000
174	10,000
175	10,000
176	10,000
177	10,000
178	10,000
179	10,000
180	10,000
181	10,000
182	10,000
183	10,000
184	10,000
185	10,000
186	10,000
187	10,000
188	10,000
189	10,000
190	10,000
191	10,000
192	10,000
193	10,000
194	10,000
195	10,000
196	10,000
197	10,000
198	10,000
199	10,000
200	10,000

ROAD CENTERLINE DATA

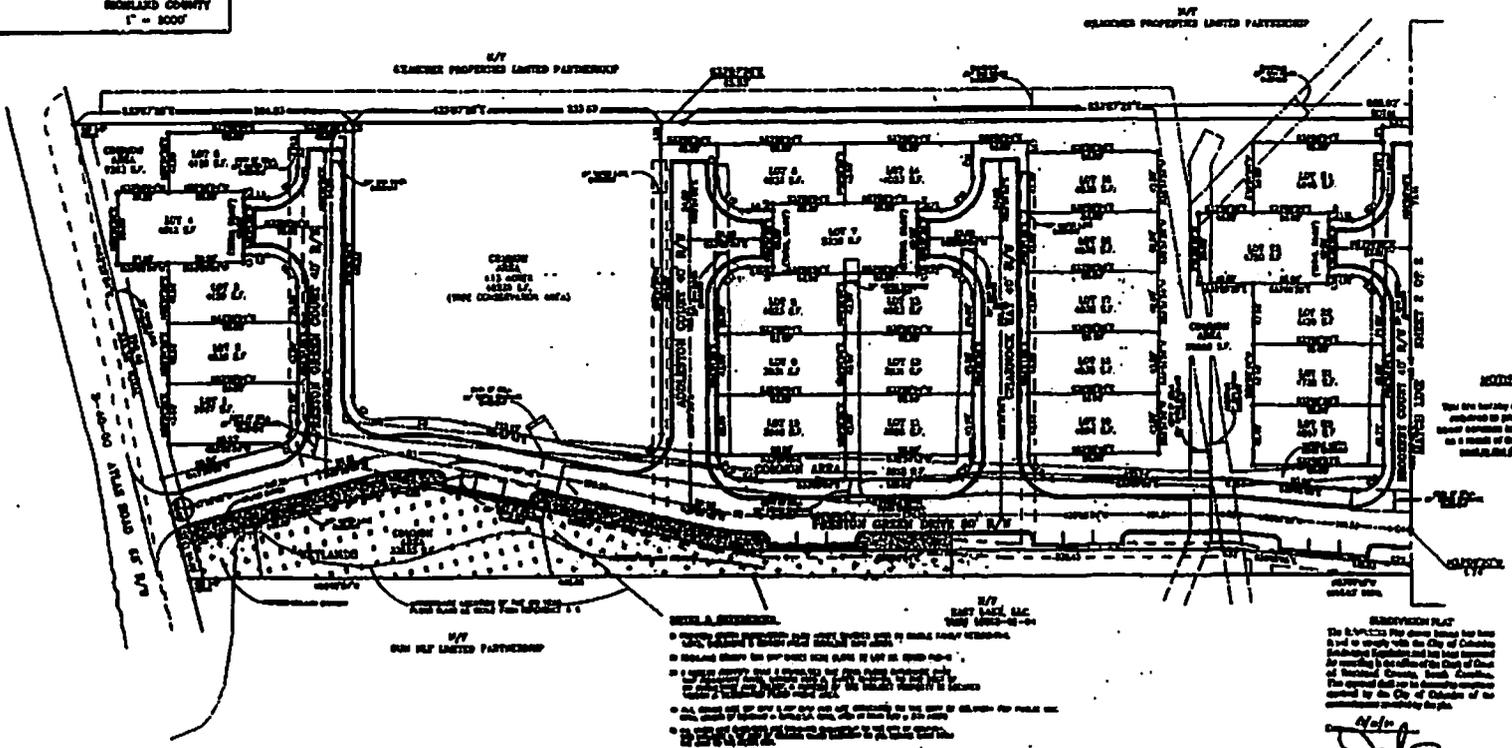
1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100
14	100
15	100
16	100
17	100
18	100
19	100
20	100
21	100
22	100
23	100
24	100
25	100
26	100
27	100
28	100
29	100
30	100
31	100
32	100
33	100
34	100
35	100
36	100
37	100
38	100
39	100
40	100
41	100
42	100
43	100
44	100
45	100
46	100
47	100
48	100
49	100
50	100
51	100
52	100
53	100
54	100
55	100
56	100
57	100
58	100
59	100
60	100
61	100
62	100
63	100
64	100
65	100
66	100
67	100
68	100
69	100
70	100
71	100
72	100
73	100
74	100
75	100
76	100
77	100
78	100
79	100
80	100
81	100
82	100
83	100
84	100
85	100
86	100
87	100
88	100
89	100
90	100
91	100
92	100
93	100
94	100
95	100
96	100
97	100
98	100
99	100
100	100

ROAD AREA DATA

1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100
14	100
15	100
16	100
17	100
18	100
19	100
20	100
21	100
22	100
23	100
24	100
25	100
26	100
27	100
28	100
29	100
30	100
31	100
32	100
33	100
34	100
35	100
36	100
37	100
38	100
39	100
40	100
41	100
42	100
43	100
44	100
45	100
46	100
47	100
48	100
49	100
50	100
51	100
52	100
53	100
54	100
55	100
56	100
57	100
58	100
59	100
60	100
61	100
62	100
63	100
64	100
65	100
66	100
67	100
68	100
69	100
70	100
71	100
72	100
73	100
74	100
75	100
76	100
77	100
78	100
79	100
80	100
81	100
82	100
83	100
84	100
85	100
86	100
87	100
88	100
89	100
90	100
91	100
92	100
93	100
94	100
95	100
96	100
97	100
98	100
99	100
100	100

ROAD AREA DATA

1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100
14	100
15	100
16	100
17	100
18	100
19	100
20	100
21	100
22	100
23	100
24	100
25	100
26	100
27	100
28	100
29	100
30	100
31	100
32	100
33	100
34	100
35	100
36	100
37	100
38	100
39	100
40	100
41	100
42	100
43	100
44	100
45	100
46	100
47	100
48	100
49	100
50	100
51	100
52	100
53	100
54	100
55	100
56	100
57	100
58	100
59	100
60	100
61	100
62	100
63	100
64	100
65	100
66	100
67	100
68	100
69	100
70	100
71	100
72	100
73	100
74	100
75	100
76	100
77	100
78	100
79	100
80	100
81	100
82	100
83	100
84	100
85	100
86	100
87	100
88	100
89	100
90	100
91	100
92	100
93	100
94	100
95	100
96	100
97	100
98	100
99	100
100	100



- NOTICE TO SUBSCRIBERS**
1. THIS PLAT IS SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 2. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 3. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 4. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 5. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 6. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 7. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 8. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 9. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 10. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 11. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 12. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 13. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 14. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 15. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 16. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 17. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 18. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 19. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.
 20. THE LOTS AND AREAS SHOWN ON THIS PLAT ARE SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.

RESUBDIVISION PLAT

The Subdivisor hereby certifies that this plat is correct and true to the original survey and that the same is in accordance with the laws of the State of South Carolina and the laws of the City of Columbia, South Carolina. The original plat is on file in the office of the City of Columbia, South Carolina.

[Signature]

NOTICE TO SUBSCRIBERS

THIS PLAT IS SUBJECT TO ALL RECORDS AND EASEMENTS OF RECORD AFFECTING THE LAND HEREIN SHOWN.

1	10,000	100	100
2	10,000	100	

