

ORDINANCE NO. 2002-080

Granting encroachment to Delaney's Music Pub & Eatery for placement of four tables with umbrellas and sixteen chairs for outdoor dining at 741 Saluda Avenue

WHEREAS, Delaney's Music Pub & Eatery (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way for placement of four (4) tables with umbrellas and sixteen (16) chairs immediately adjacent to its business located at 741 Saluda Avenue for outdoor dining accommodations for up to sixteen (16) patrons during normal business hours of 11:30 a.m. until 2:00 a.m.; 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 18th day of September, 2002, that Grantee is hereby granted the right to use a portion of the sidewalk right of way for placement of four (4) tables with umbrellas and sixteen (16) chairs immediately adjacent to its business located at 741 Saluda Avenue for outdoor dining accommodations for up to sixteen patrons during normal business hours.

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 shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment 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 the evidence of public liability insurance naming the City as an insured in the minimum amount of \$600,000.00 for personal injury and property damage shall be 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

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at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



MAYOR

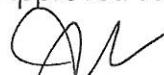
Approved by:



City Manager

(Acting)

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 9/4/2002

Final Reading: 9/18/2002

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741 SALUDA AVE.
COLUMBIA, SC. 29205

In regards to: Encroachment Permit

Sheri Ardis
Fax (803) 733-8464
8-14-02

Dear Sheri Ardis:

This letter is in request to the granting of an encroachment permit for Delaney's Music Pub & Eatery at 741 Saluda Avenue. There would be four tables and sixteen chairs on the sidewalk. The tables would also each have a matching green umbrella to coordinate with the colors of our building. The hours that the chairs and tables would be used for business would be from 11:30am until 2:00am. At night, the chairs and tables would remain outside chained together to prevent theft and any possible destruction of property. If there are any questions or concerns please feel free to call me anytime at 779-2345 or on my cell phone at 864-313-3023 anytime after 12:00pm. Thanks in advance for your time.

Respectfully,

Joe Wilson
Vice President
Delaney's Music Pub & Eatery



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