

ORDINANCE NO. 2003-069

Granting encroachment to Edwin Russell Jeter and Gail R. Jeter for construction and maintenance of a brick wall, fountain and landscaping at 841 Kawana Road and Devereaux Road

WHEREAS, Edwin Russell Jeter and Gail R. Jeter (hereinafter "Grantee") desire to utilize a portion of the right of way area of Devereaux Road adjacent to their property at 841 Kawana Road for construction and maintenance of a brick wall approximately six (6') feet in height, eight (8") inches in width and thirty-nine (39') feet in length; construction and maintenance of a fountain area approximately twenty (20') feet in length; and, for landscaping; 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 17th day of September, 2003, that Grantee is hereby granted the right to use a portion of the right of way area of Devereaux Road adjacent to their property at 841 Kawana Road for construction and maintenance of a brick wall approximately six (6') feet in height, eight (8") inches in width and thirty-nine (39') feet in length; construction and maintenance of a fountain area approximately twenty (20') feet in length; and for landscaping.

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.

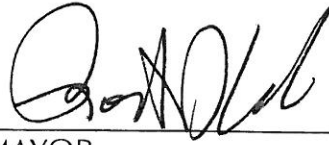
PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns.

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.

ORIGINAL
STAMPED IN REC

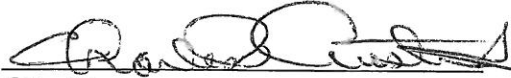
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



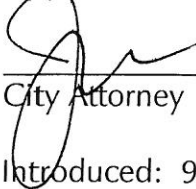
MAYOR

Approved by:



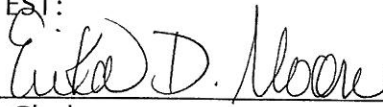
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 9/10/2003
Final Reading: 9/17/2003

ORIGINAL
STAMPED IN REC

JETER & WILLIAMS, P.A.

ATTORNEYS AND COUNSELORS AT LAW

Edwin Russell Jeter
Daryl L. Williams

1136 Washington Street, Suite 200 (29201)
(Corner of Main and Washington)
Post Office Box 7425
Columbia, South Carolina 29202
erjeter@mindspring.com

Tel. 803/765-0600
Fax 803/765-0619

August 20, 2003

Shari Ardis
City of Columbia Legal Department
Washington St.
Columbia, SC 29201

Re: Encroachment Permit for 841 Kawana Road

Dear Shari:

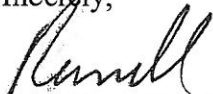
I am submitting a re-drawn copy of plans for construction of a the 6 foot high brick wall, 8" thick, and extending a little over 38 feet, call it 39 feet, on the City right of way. I am enclosing a drawing of my property that shows the location and extent of the encroachment, including the fountain and raised bed areas I have previously described. We would like to come within 1 foot of the City sidewalk.

This change is a result of discussions with Dick Trice and Debbie Price concerning maintaining a buffer of approximately 12.5 feet around a mature oak on the right of way.

If you have any questions or need any further information, please let me know.

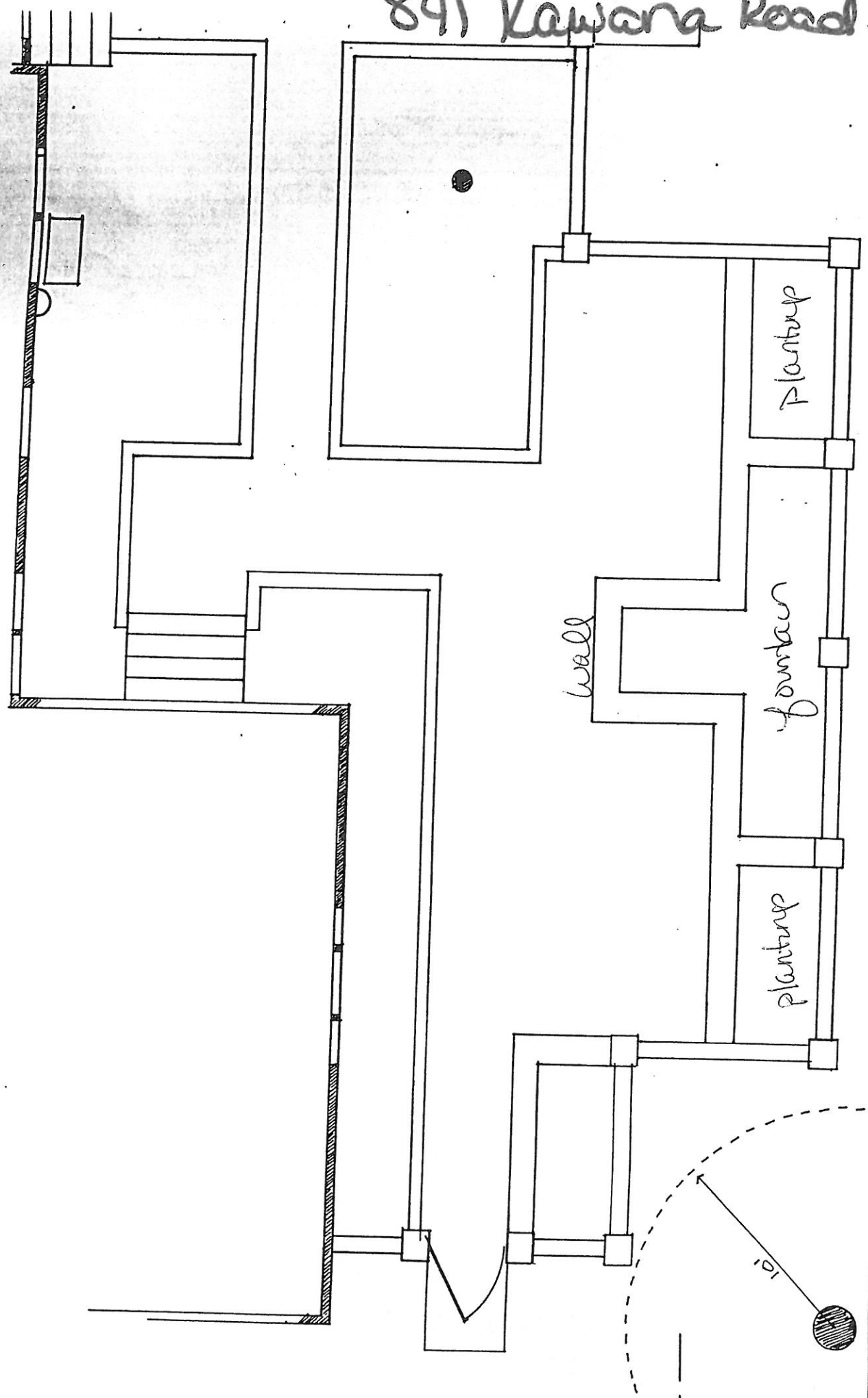
Please accept my kind regards.

Sincerely,


Edwin Russell Jeter



841 Kawana Road



Driveway