

ORDINANCE NO. 2003-097

*Granting encroachment to Midland Terrace Neighborhood Association
for installation and maintenance of a brick retaining wall at Covenant Point*

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STAMPED IN RED

WHEREAS, Midland Terrace Neighborhood Association (hereinafter "Grantee") desires to utilize a portion of the right of way area of Covenant Point for installation and maintenance of a brick retaining wall approximately twenty-four (24") inches in height and one hundred fifty-five (155') feet in length along Kingston Road; 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 December, 2003, that Grantee is hereby granted the right to use a portion of the right of way area adjacent to Covenant Point for installation and maintenance of a brick retaining wall approximately twenty-four (24") inches in height and one hundred fifty-five (155') feet in length along Kingston Road.

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 at its expense provide for protection and relocation of all utilities that might be within this area

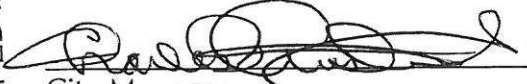
to the satisfaction of the City Manager.

Requested by:




MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 12/3/2003

Final Reading: 12/17/2003

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DAK Lawn Service

609 Piney Grove Road
Columbia, South Carolina 29210
Fax/Phone: (803) 772-3973
Email: vicgantt@sc.rr.com

August 11, 2003

Mr. Meggs
City of Columbia
Legal Department
P. O. Box 147
Columbia, South Carolina 29217

Dear Mr. Meggs:

DAK Lawn Service will be providing landscaping services for the Midlands Terrace Neighborhood Association. The services that will be rendered as it pertains to Covenant Point will be as follows. DAK Lawn service will remove existing railroad ties and replace them with paving stones. The paving stones are used in general landscapes for purposes of retaining walls, bed formations, etc. At the request of Midlands Terrace Neighborhood Association an approximately 18 inch wall will be placed.

24 inch x 155 foot long

If you have any questions or comments regarding the information provided in this letter, please feel free to give us a call at 772-3973 or 530-7227.

Sincerely,

Victor Gantt, Owner
DAK Lawn Service

*lft msg 10/8
10/14
10/14/03 re til call*