

**ORDINANCE NO.: 2004-069**

*Granting encroachment to Thomas W. McGee, III for installation and maintenance of a rope-and-post divider, sprinkler system and landscaping at 1673 Kathwood Drive*

WHEREAS, Thomas W. McGee, III, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to his property at 1673 Kathwood Drive for installation and maintenance of a rope-and-post divider approximately one (1') foot in height, sprinkler system and landscaping as shown on the attached drawing to include the replacement of trees as specified by the City's Forestry and Beautification Department; 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 4th day of August, 2004, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the right of way area adjacent to his property at 1673 Kathwood Drive for installation and maintenance of a rope-and-post divider approximately one (1') foot in height, sprinkler system and landscaping as shown on the attached drawing to include the replacement of trees as specified by the City's Forestry and Beautification Department

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.

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STAMPED IN RED

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:

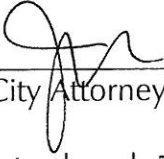
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MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 7/28/2004  
Final Reading: 8/4/2004

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Sherry Ardis, ~~Esquire~~  
City of Columbia  
Fax 737-4250

RE: Request for encroachment permit  
1673 Kathwood Drive

Dear Sherry,

Pursuant to our discussion yesterday, please accept this as my formal request for an encroachment permit on the City of Columbia's right of way over parts of my property at the above address. The purpose of this request is to install a lawn sprinkler system and a small (1 foot high) rope-and-post divider near certain shrubs. The sprinkler system will be installed by Oasis Sprinkler Systems (790-1216) and the installation of sod, shrubs and other plants will be done by John Long (446-2568). While the short rope-and-post divider will likely not be installed for some time, it will only be used to prevent damage to newly-installed shrubs and sod and will in no way interfere with the City's access to the right of way.

In general, we are simply having our yard redone to add new flowers, shrubs and sod to improve the appearance of our lot, which is at the corner of a fairly visible intersection near Lake Katherine. We are excited about turning the yard from a previously neglected area into a green lawn with a wide variety of attractive shrubs and flowers, but to do so we need to insure that we are able to provide sufficient water to all areas of the yard. An additional water meter has already been installed and we respectfully request that the City grant us an encroachment permit so that we can begin installation.

Lastly, I am enclosing the relevant parts of our landscape plans that indicate the pertinent areas of the property. On Page 1, I circled the word "Lawn" and drawn an arrow indicating the small strip of property outside a fence where sprinklers are to be installed. Page 2 shows the "point" of our property (it is a triangle-shaped lot) where we would like to put some sprinkler heads and, at some point after installation, a short attractive rope-and-post divider to prevent damage to shrubs and sod by bikers cutting across the lot and neighborhood dogs. Again, none of these additions will in any way be unsightful, damage City property or impede the City's access to the property.

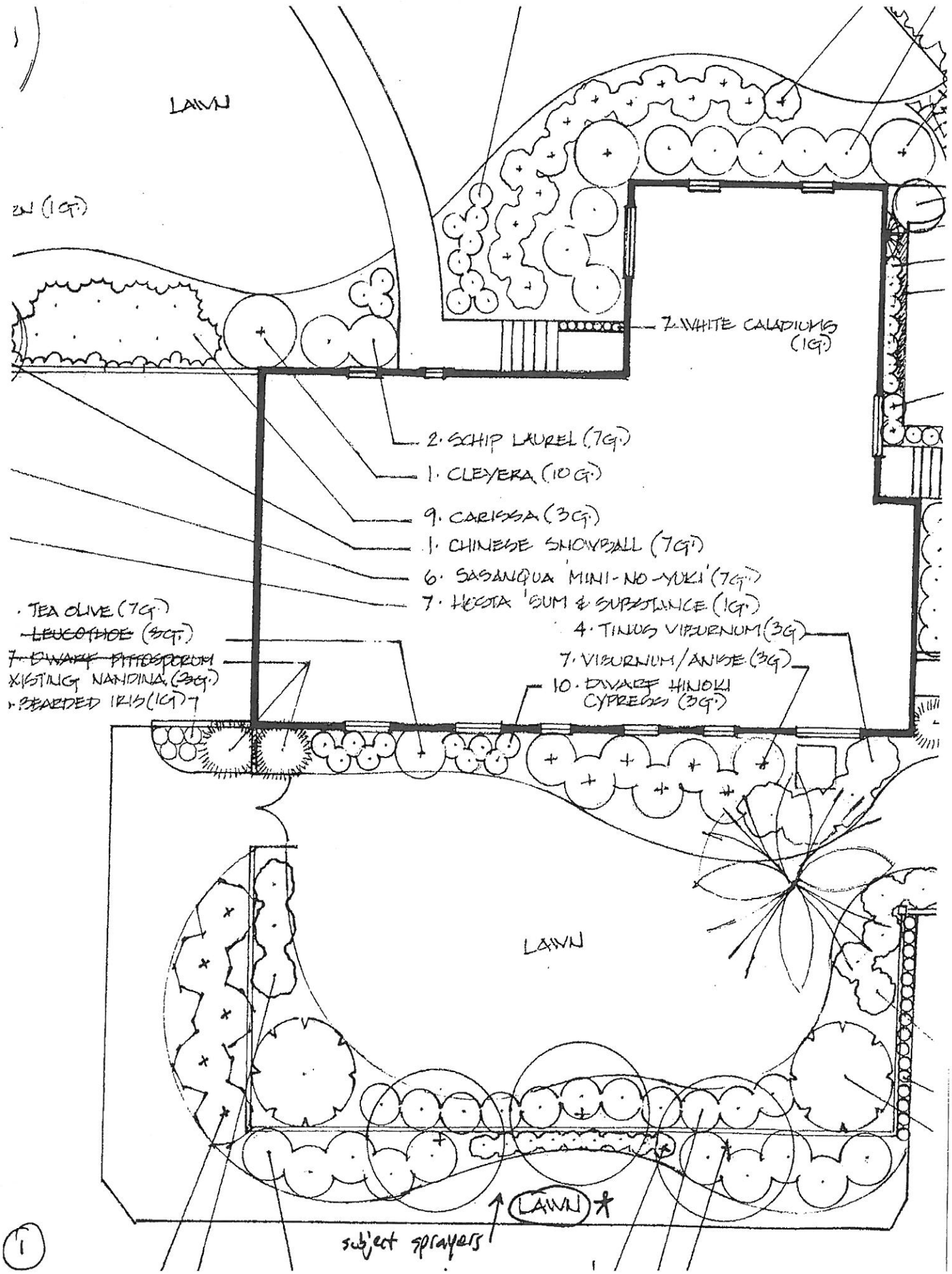
Thank you for all your assistance in this matter. If you need further information or have any questions, please do not hesitate to call me at work (799.2000), home (738-0900) or mobile (606-2978), or by email at [billy.mcgee@nelsonmullins.com](mailto:billy.mcgee@nelsonmullins.com).

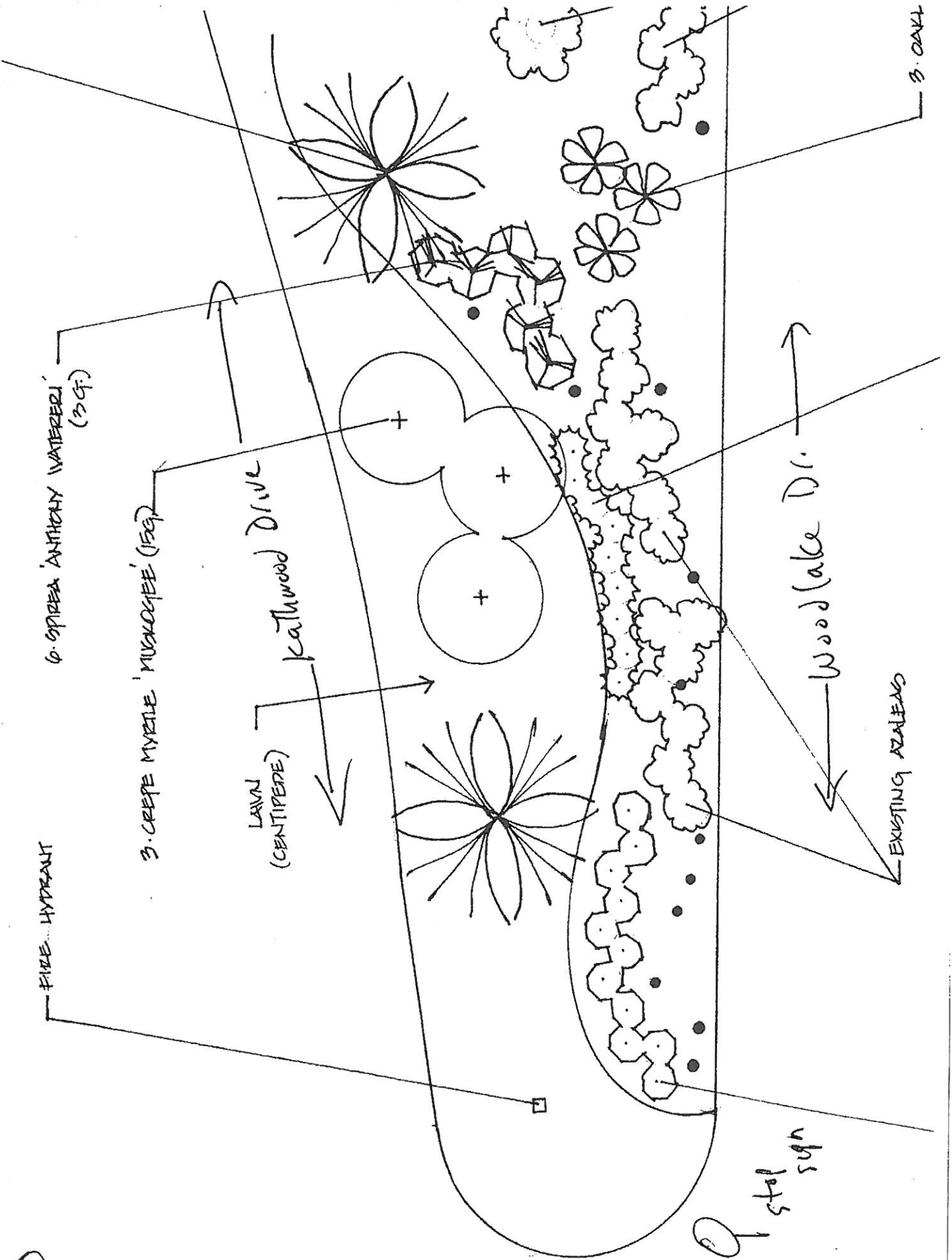
With kind regards, I remain

Very truly yours,

  
Thomas William McGee III







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