

ORDINANCE NO.: 2007-073

Granting encroachment to Matthew Addison, Jr. and Frances J. Addison for installation and maintenance of an irrigation system, landscaping, sidewalk and steps within the right of way area adjacent to 407 Pickens Street and for installation and maintenance of an irrigation system, landscaping and two driveways within the right of way area of Rice Street adjacent to 1509 Rice Street

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WHEREAS, the Wheeler Hill PUD II dated July 24, 2006 requires each single family residential lot to have two on site vehicular parking spaces; and,

WHEREAS, a forty (40') foot portion of the northern right of way of Rice Street adjacent to 1509 Rice Street is currently an unopened and unused portion of the Rice Street right of way; and,

WHEREAS, the installation and maintenance of a driveway and parking area within the unopened and unused portion of Rice Street does not meet the criteria of City Code Chapter 22, Article VII, Curb Cuts and Driveway Approaches; and,

WHEREAS, Matthew Addison, Jr. and Frances J. Addison (hereinafter "Grantee") desire to utilize a portion of the unopened and unused northern right of way area of Rice Street adjacent to 1509 Rice Street for installation and maintenance of an irrigation system, landscaping, a driveway approximately forty (40') feet in length and twenty (20') feet in width for parking and to allow ingress and egress into their garage, a driveway approximately eighty (80') feet in length and twenty (20') feet in width to allow ingress and egress into their back yard area, and to utilize a portion of the right of way area adjacent to 407 Pickens Street for installation and maintenance of an irrigation system, landscaping, and a sidewalk and steps, as shown on the attached drawing; 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 28th day of November, 2007, that Grantee, its successors and assigns, is hereby granted the right to use portion of the unopened and unused northern right of way area of Rice Street adjacent to 1509 Rice Street for installation and maintenance of an irrigation system, landscaping, a driveway approximately forty (40') feet in length and twenty (20') feet in width for parking and to allow ingress and egress into their garage, a driveway approximately eighty (80') feet in length and twenty (20') feet in width to allow ingress and egress into their back yard area, and to utilize a portion of the right of way area adjacent to 407 Pickens Street for installation and maintenance of an irrigation system, landscaping, and a sidewalk and steps, as

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shown on the attached drawing.

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 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 relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:


MAYOR

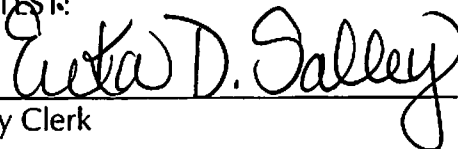
Approved by:


City Manager

Approved as to form:


Interim City Attorney

ATTEST:

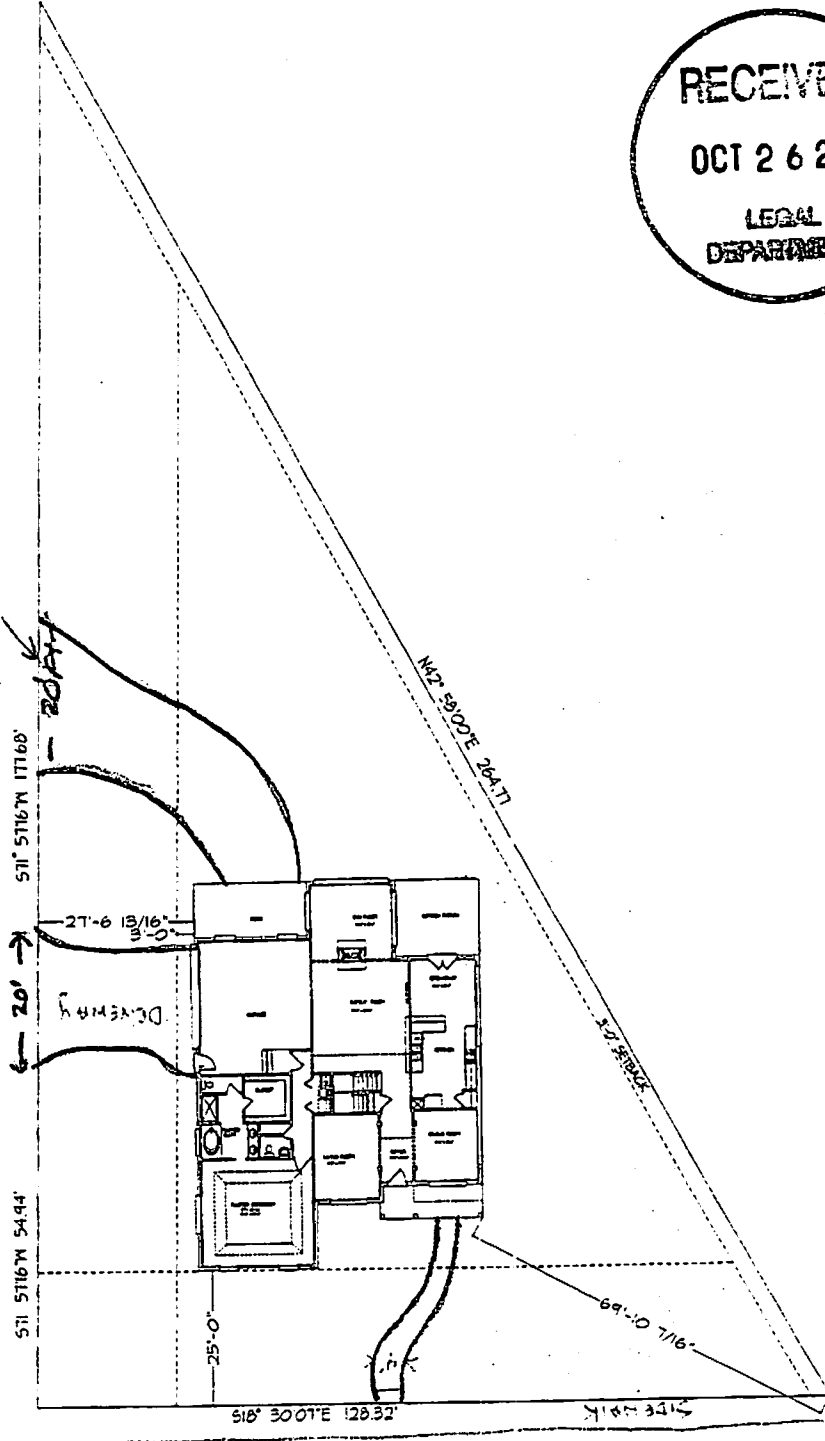

City Clerk

Introduced: 11/7/2007

Final Reading: 11/28/2007



REAR ENTRANCE



SITE PLAN
SCALE: 1" = 25'-0"

Sheet No.	SITE PLAN	THE OWEN PLANNING SERVICE HAS MADE EVERY EFFORT TO AVOID ERRORS AND OMISSIONS IN PREPARING THIS PLAN. WE CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AGAINST OTHER DETAILS AND BE RESPONSIBLE FOR THE SAME.		OWEN PLANNING SERVICE PROFESSIONAL SERVICE <small>Owen Planning Service 1000 S. 20th Street Tulsa, OK 74106 918-584-0174</small>
	PLAN NO. 09-ADDISON			