

ORDINANCE NO.: 2007-105

*Granting an encroachment to London I, LLC for the Palmetto Building
at the northeastern corner Washington Street and Main Street*

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WHEREAS, on April 15, 1912, Columbia City Council adopted an ordinance which authorized the excavation of the sidewalk area adjoining the site of a then-proposed 15-story building to be constructed by the Palmetto Construction Company at the corner of Main and Washington Streets; and,

WHEREAS, the ordinance further authorized the construction of below grade retaining walls along the outer edge of the curbing on Main and Washington Streets and the reconstruction of the public sidewalks on top of the excavated areas, it being contemplated that the underground structure thereby created would be occupied by certain improvements needed for the service of the proposed building;

WHEREAS, a 15-story skyscraper was constructed as proposed and opened in 1913. It is of Gothic design, lavishly ornamented and is designated by City ordinance as an historic landmark structure known as the Palmetto Building; and,

WHEREAS, after decades of neglect and deterioration the building has been acquired by London I, LLC ("London"); and,

WHEREAS, London is investing millions of dollars in a complete renovation of the Palmetto Building and is desirous of utilizing the basement area of the building which projects into the street rights of way of Main and Washington Streets, as authorized by the 1912 ordinance noted above; and,

WHEREAS, Columbia City Council finds that the utilization of the basement area referred to herein will not interfere with the public's use and enjoyment of the right of way and further that the use proposed by London will substantially advance the success of the renovated Palmetto Building, an architectural treasure of Columbia and its owners; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia this 9th day of January, 2008, as follows:

London I, LLC (hereinafter "Grantee") its successors and assigns, is authorized to occupy and use those portions of the right of way of Main and Washington Streets into which the original construction of the Palmetto Building encroaches, including those features of the building which project into the right of way below, at or above grade level. Grantee shall be solely and exclusively responsible for insuring the water tight and structural integrity of the basement of the building and the City shall have no obligation to improve, repair or maintain

the sidewalk or street rights of way on Main or Washington Streets so as to prevent water intrusion into the basement of the building or maintain the structural integrity of any of the improvements constructed or maintained by the Grantee.


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 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.

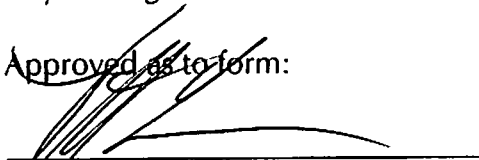
Requested by:


MAYOR

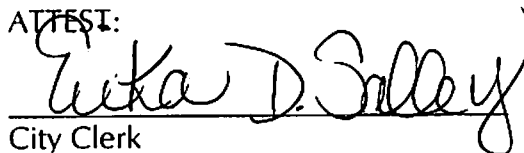
Approved by:


City Manager

Approved as to form:


Interim City Attorney

ATTEST:


City Clerk

Introduced: 12/12/2007
Final Reading: 1/9/2008

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