

ORDINANCE NO.: 2005-127

*Granting encroachment to Capitol Places IV, LLC at
1338-1350 Main Street (Barringer Building)*

WHEREAS, Capitol Places IV, LLC (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to its building at 1338-1350 Main Street (Barringer Building) for installation and maintenance of lamps, cornices and awnings 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 18th day of January, 2006, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the right of way area adjacent to its building at 1338-1350 Main Street (Barringer Building) for installation and maintenance of lamps, cornices and awnings as 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.

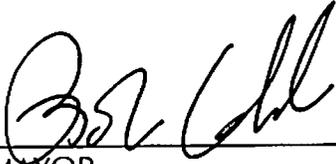
PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall

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STAMPED IN REC

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: 1/11/2006
Final Reading: 1/18/2006

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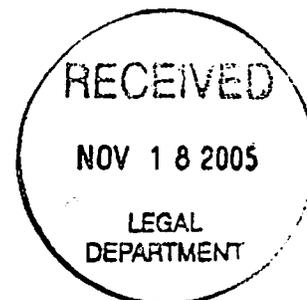
ELLIS:LAWHORNE

WILLIAM P. McELVEEN, JR.
803 212 4957
wmcelveen@ellislawhome.com

Master No.:	05111605
Attorney:	WPM
Date In:	11/18/05
File No.:	005-127
Date Out:	11/29/05

November 17, 2005

James S. Meggs, Esquire
City Attorney
1401 Main Street, 10th Floor
Post Office Box 667
Columbia, South Carolina 29202



RE: Barringer Building
Our File No.: 1021-21553

Dear Jim:

I am enclosing a copy of the as-built survey of the subject property. You will notice from reviewing the survey that portions of the building such as lamps, cornices and awnings project onto the rights of way of Main Street and Washington Street. On behalf of Capitol Places IV, LLC I am requesting the City of Columbia issue encroachment permits for these projections. Please let me know what additional information you will need from my client to consider this request. Thank you for your attention to this matter.

With kindest regards,

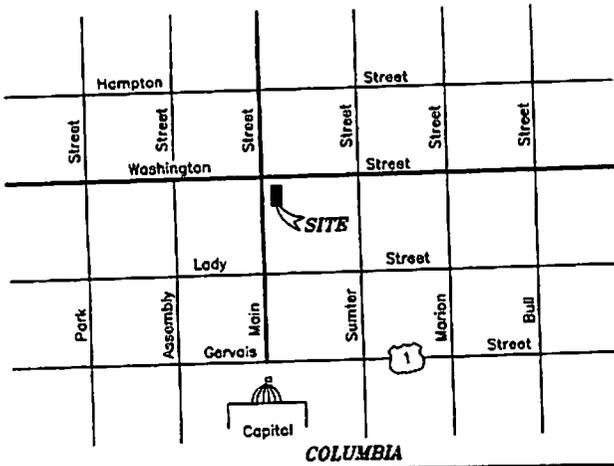
Sincerely,

A handwritten signature in cursive that reads "Bill".

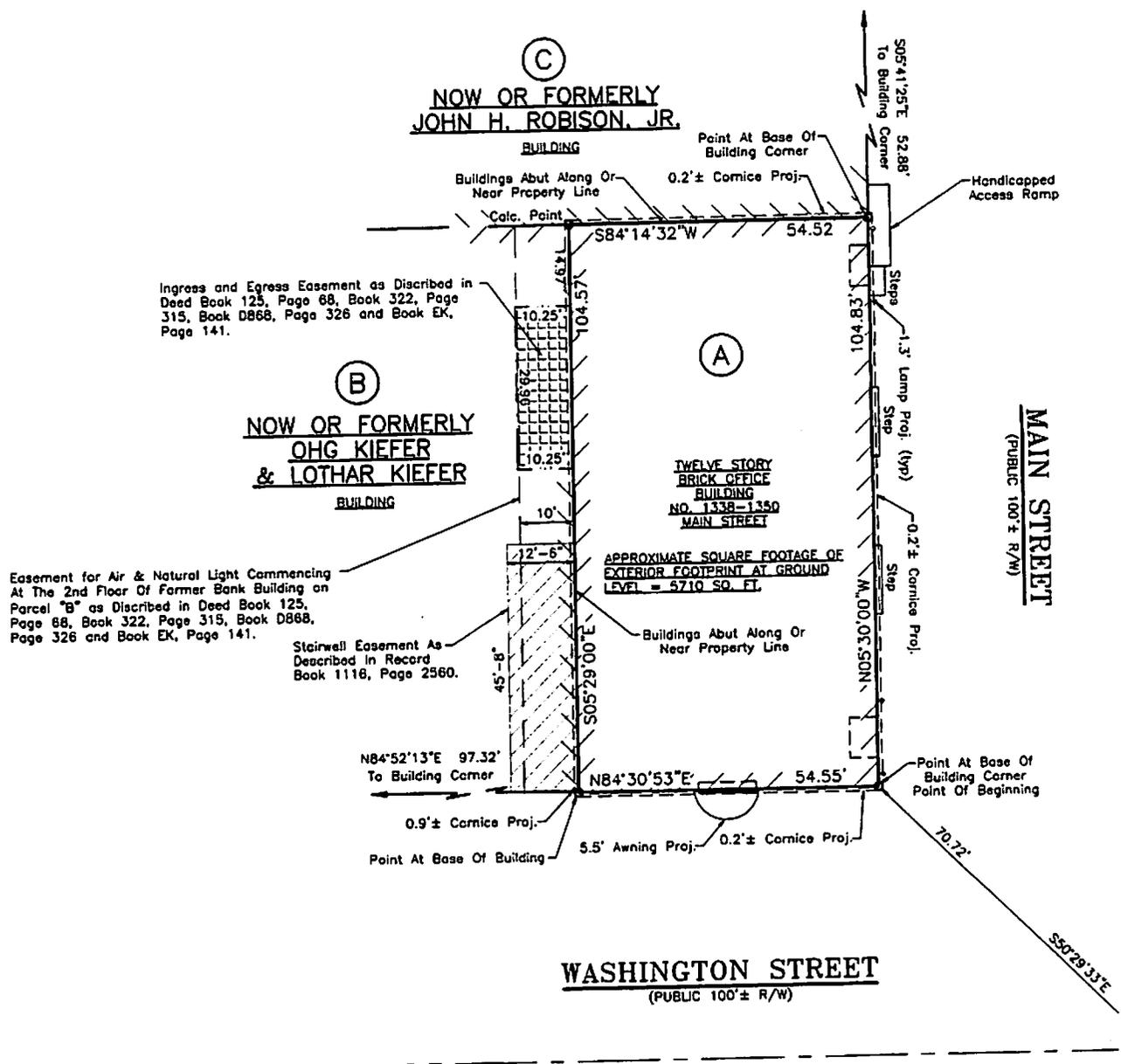
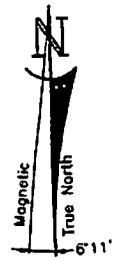
William P. McElveen, Jr.

WPM/abm
Enclosure

cc: (w/o Enclosure)
Mr. Thomas J. Prioreshi
Mr. Jim Gambrell



COLUMBIA
LOCATION MAP



Ingress and Egress Easement as Discrbed in Deed Book 125, Page 68, Book 322, Page 315, Book D868, Page 326 and Book EK, Page 141.

Easement for Air & Natural Light Commencing At The 2nd Floor Of Former Bank Building on Parcel "B" as Discrbed in Deed Book 125, Page 68, Book 322, Page 315, Book D868, Page 326 and Book EK, Page 141.

Stairwell Easement As Discrbed in Record Book 1116, Page 2560.

Centerline Intersection Of Washington Street & Main Street (Point Of Commencement)