



CITY OF DURHAM | NORTH CAROLINA

Date: January 13, 2011

To: Thomas J. Bonfield, City Manager

Through: Theodore L. Voorhees, Deputy City Manager
Ed Venable, Manager of Engineering and Stormwater

From: Robert N. Joyner, Development Review Group Manager

Subject: License Agreement with Ellerbe Creek Preserve Homeowners Association, Inc.

Executive Summary

Ellerbe Creek Preserve Homeowners Association, Inc. proposes to install and maintain landscaping located within the traffic circle intersection of Golden Crest Drive and Sweet Gale Drive.

Recommendation

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a license agreement with Ellerbe Creek Preserve Homeowners Association, Inc.

Background

A license agreement is required when privately owned and/or maintained features are proposed to be installed in the public right-of-way.

Issues/Analysis

Any feature in the right-of-way has the potential to pose a hazard to the public, and to increase liability to the licensee. To the maximum extent allowed by law, Licensee shall indemnify and save harmless Indemnities from and against all Charges that arise in any manner from, in connection with, or out of this license as a result of acts or omissions of Licensee or subcontractors or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

Alternatives

City Council can choose not to approve the request.

Financial Impact

The Licensee will assume the cost of installation, maintenance, and repair, including the cost of repairs to the street and pavement associated with the installation, maintenance, and repair of the System.

SDBE Summary

The SDBE Summary is not applicable for this item.