



**Date:** January 12, 2012

**To:** Thomas J. Bonfield, City Manager  
**Through:** Theodore L. Voorhees, Deputy City Manager  
**From:** Marvin G. Williams, Director of Public Works  
Edward R. Venable, Manager of Engineering and Stormwater  
Robert N. Joyner Jr., Assistant Manager of Development Review  
**Subject:** License Agreement with Villas at Culp Arbor Condominium Association, Inc.

### **Executive Summary**

Villas at Culp Arbor Condominium Association, Inc. proposes to install and maintain an irrigation system and landscaping within the median of Culp Hill Drive, at the intersection of Culp Hill Drive and Farrington Road (see attached map).

### **Recommendation**

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a license agreement with Villas at Culp Arbor Condominium Association, Inc. to install and maintain an irrigation system and landscaping within the median of Culp Hill Drive.

### **Background**

A license agreement is required when privately owned and/or maintained features are proposed to be installed in the public rights-of-way. Culp Hill Drive is currently under construction and therefore still privately maintained, but it will be taken over by the City for maintenance in the future. The irrigation system and landscaping will remain privately maintained.

### **Issues/Analysis**

Any feature in the rights-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 update.