



Date: August 2, 2013

To: Thomas J. Bonfield, City Manager

Through: Bo Ferguson, Deputy City Manager

From: Marvin G. Williams, Director of Public Works

Subject: License Agreement with Carolina Arbors by Del Webb Homeowners Association, Inc.

Executive Summary

Carolina Arbors by Del Webb Homeowners Association, Inc proposes to install and maintain a black decorative backer on the street signs located at the streets of Carolina Arbors Subdivision (see attached map). A license agreement is required when private utilities, such as a specialty signs, are installed within the City's maintained right-of-way (Section 62-56 of the City of Durham Code of Ordinances).

Recommendation

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a license agreement with Carolina Arbors by Del Webb Homeowners Association, Inc.

Background

Carolina Arbors by Del Webb Homeowners Association, Inc proposes to install and maintain a black decorative backer on the street signs located at Del Webb Arbors Drive, Rosedale Creek Drive, Dickson Mill Lane, Farintosh Lane, Gaston Manor Drive, and Manning Way, which will become City maintained right-of-way in the future (see attached map). Per Section 62-56: "Sidewalks, curbs, gutters, street paving for private interests – Excavations, permits, licenses, and franchises" of the City of Durham Code of Ordinances, a license agreement is required when privately owned and/or maintained features, such as specialty signs, are proposed to be installed in the public right-of-way.

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.