



Date: November 1, 2013

To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Marvin G. Williams, Director of Public Works
Subject: License Agreement with Durham County

Executive Summary

Durham County proposes to install and maintain an irrigation system and landscaping in the perimeter of 200 East Main Street (see attached map). A license agreement is required when private features, such as irrigation systems 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 Durham County.

Background

Durham County proposes to install and maintain an irrigation system and landscaping in the perimeter of 200 East Main Street, including Main Street, Queen Street, Ramseur Street, Dillard Street, and Elizabeth Street right-of-ways (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 irrigation systems, 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.