

ORDINANCE NO.: 2014-079

Granting an encroachment to Kenzil F. Summey and Alison Renee Lee for placement and maintenance of a steel Palmetto tree with concrete foundation within the sidewalk right of way area of the northern side of the 500 block of Lady Street adjacent to 1313 Pulaski Street, Richland County TMS #08912-04-01

WHEREAS, Kenzil F. Summey and Alison Renee Lee (hereinafter "Grantees") desires to utilize a portion of the sidewalk right of way area of the northern side of the 500 block of Lady Street adjacent to 1313 Pulaski Street, Richland County TMS #08912-04-01, for installation and maintenance of a steel Palmetto tree approximately nine (9') feet six (6") inches in height with a concrete base approximately four (4') feet six (6") inches in diameter and a metal protective barrier approximately four (4') feet six (6") inches in diameter and three (3') feet in height, 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 5th day of August, 2014 that Grantees, its successors and assigns is hereby granted the right to utilize a portion of the sidewalk right of way area of the northern side of the 500 block of Lady Street adjacent to 1313 Pulaski Street, Richland County TMS #08912-04-01, for installation and maintenance of a steel Palmetto tree approximately nine (9') feet six (6") inches in height with a concrete base approximately four (4') feet six (6") inches in diameter and a metal protective barrier approximately four (4') feet six (6") inches in diameter and three (3') feet in height, 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, his 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 is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.

**CITY COUNCIL
ENCROACHMENT SUMMARY
2014-079**



**MIDBLOCK MEDIAN NORTH SIDE
500 BLOCK OF LADY STREET
PALMETTO STEEL TREE**

Subject Property:	Right-of-way midblock 500 block of Lady Street, TMS#08912-04-01
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of a steel palmetto tree
Applicant:	Kenzil F. Summey and Alison Renee Lee
Staff Recommendation:	Approval with conditions.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of a steel palmetto tree approximately nine and one-half (9' 6") feet in height with a concrete base approximately four and one-half (4' 6") feet in diameter and six (6") inches in height and protective barrier approximately four and one-half (4' 6") feet in diameter and three (3') feet in height.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> 1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard. 2. Sculpture and foundation are to be maintained by property owner. 3. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle. 4. Business advertising of any type on the sculpture or foundation is prohibited. 5. All sharp or jagged edges shall be ground smooth and turned toward the inside center of the sculpture. 6. Grantee is responsible for all costs and repair of the improvements within the right of way should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.
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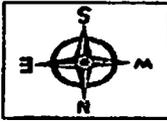
CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development Services	Recommend approval.
Streets	Recommend approval.
Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.
Land Development	Recommend approval.
Fire	Recommend approval.

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Krista Hampton	Development Services (Administration)	803-545-3420	803-733-8647	khampton@columbiasc.net
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jchambers@columbiasc.net
Nancy Lee Tirney	Development Services (Planning)	803-545-3222	803-733-8647	ntirney@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	bcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspectors)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Joey Jaco	Utilities & Engineering (Administration)	803-545-3400	803-988-8198	jjaco@columbiasc.net
Dana Higgins	Utilities & Engineering (Construction Management)	803-545-3372	803-545-4130	dhiggins@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	randerson@columbiasc.net
Robert Swael	Public Works (Street Division)	803-545-3780	803-545-3785	rswael@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	dbrewer@columbiasc.net
Sara Hooks	Public Works (Forestry & Beautification)	803-545-3880	803-733-8648	sehollis@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jhooks@columbiasc.net
Fred Deik	Columbia Development Corporation	803-988-8040	803-988-8039	cd@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	ctimmons@columbiasc.net
George Adams	Fire Department	803-545-3701	803-401-8839	cadams@columbiasc.net
Gerald Koon	Fire Department	803-545-3701	803-401-8839	ckoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	jspade@columbiasc.net

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

Businesses only: _____ Outdoor dining _____
 Hours of operation for outdoor dining: _____
 No. of chairs: _____ No. of Tables _____
 Awning: _____ (dimensions - size/material)
 Number of planters: _____ (for complete applicable "Encroachment type" section above)



Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)
 Location(s) signs are to be placed (i.e. Northeast corner of Main Street)

Encroachment type: _____ Wall _____ Fence _____ Columns _____ Steps _____ Irrigation System _____ Landscaping _____ Driveway _____ Pavers _____
 Walkway/Side walk _____
 Underground Utilities _____
 Other - specify: _____
 Dimensions (height/width/length): _____
 Construction material: _____
 Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.

Tax Map Number for Encroachment Location: _____
 (If corner lot, include name and block number of side street, i.e., 1700 Main Street and 1100 Block of Laurel Street)
 Mailing address: _____
 Encroachment Location (Address): _____
 Contact Information: Telephone Number: _____ Fax Number: _____
 Applicants Name if different from Property Owner: _____
 Date: _____
 Property Owner: _____

Please complete and submit this form along with any attachments to Shari Ardis by e-mail at sharis@columbiasc.net; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Chip Timmons with Risk Management (733-8306 or ctimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Chip Timmons with Risk Management
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For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches) Business signs are NOT permitted as an encroachment. An encroachment must comply with all existing City codes, rules and regulations. The Americans with Disabilities Act, if applicable, and is subject to review and approval by City staff. Encroachment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required. In order to obtain an encroachment ordinance from the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insurer on your homeowners policy with limits being increased to \$600,000 as required by Sec. 11-21. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insurer prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact

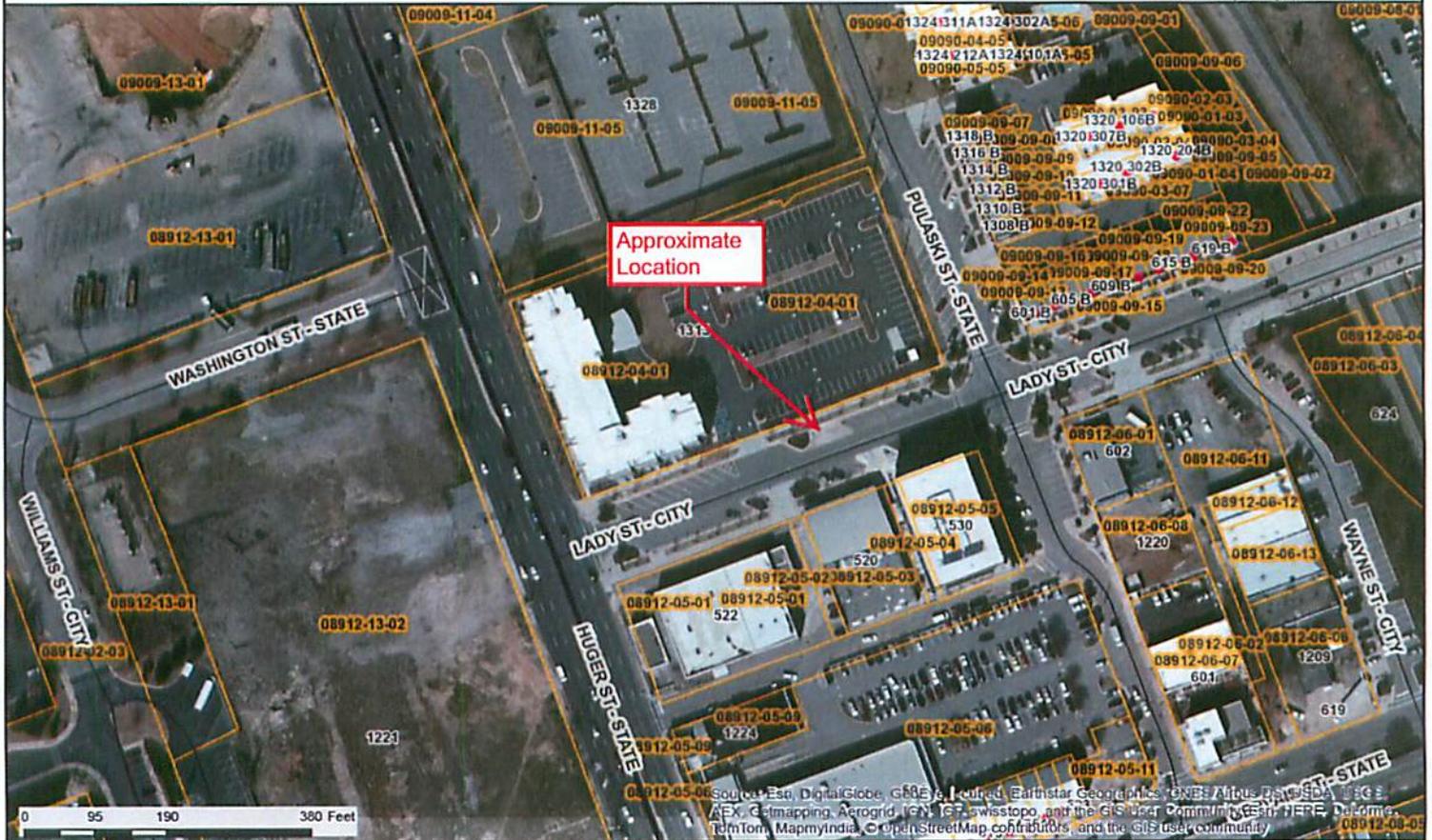
REQUEST FOR AN ENCROACHMENT ORDINANCE

City of Columbia

Lady Street Palmetto Tree



Tuesday, July 01, 2014



CITY OF COLUMBIA GIS DATA DISCLAIMER

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A Project of The Cultural Council
of Richland and Lexington Counties
Chernoff/Silver & Associates
In collaboration with the City of Columbia,
Richland County and Lexington County
Present

"Let Me See"

by Sandra G. Hilton

Sponsored by First Citizens Bank

Supported by Chatham Steel & Samuel Temenba



