

**ORDINANCE NO.: 2014-091**

*Granting an encroachment to Timothy H. Carroll and Adrienne L. Carroll for placement and maintenance of a retaining wall, landscaping and an irrigation system within the right of way of the 1300 block of Palmer Road adjacent to 1317 Palmer Road  
Richland County TMS #13905-06-05*

ORIGINAL  
STAMPED IN RED

WHEREAS, Timothy H. Carroll and Adrienne L. Carroll (hereinafter "Grantees") desire to utilize a portion of the right of way area of the 1300 block of Palmer Road adjacent to their residence at 1317 Palmer Road for installation and maintenance of a brick retaining wall approximately sixty-eight (68') feet in length, approximately eight (8") inches in width and approximately two (2') feet six (6") inches in height, landscaping and an irrigation system, 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 21st day of October, 2014 that Grantees, their successors and assigns are hereby granted the right to utilize a portion of the right of way area of the 1300 block of Palmer Road adjacent to their residence at 1317 Palmer Road for installation and maintenance of a brick retaining wall approximately sixty-eight (68') feet in length, approximately eight (8") inches in width and approximately two (2') feet six (6") inches in height, landscaping and an irrigation system, 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.
2. All trees shall be protected and no large tree roots shall be removed from any existing trees.

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STAMPED IN RED

3. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.

4. Obstructions of more than four (4') feet in height are prohibited within the sight-visibility triangle.

5. Landscaping to be maintained by property owner.

6. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, his successors and assigns.

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, his successors and assigns, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

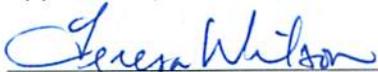
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at his expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

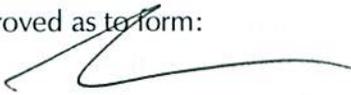
Assistant City Manager Gentry

  
\_\_\_\_\_  
Mayor

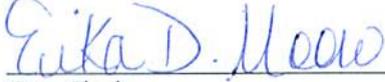
Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced: 10/7/2014

Final Reading: 10/21/2014

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2014-091**



**1300 BLOCK OF PALMER ROAD  
ADJACENT TO 1317 PALMER ROAD  
RETAINING WALL, LANDSCAPING AND IRRIGATION**

<b>Subject Property:</b>	Right-of-way adjacent to 1300 block of Palmer Road adjacent to 1317 Palmer Road, TMS#13905-06-05
<b>Council District:</b>	4
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of a retaining wall, landscaping and irrigation
<b>Applicant:</b>	Timothy and Adrienne Carroll
<b>Staff Recommendation:</b>	Approval.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for the construction of a brick retaining wall approximately sixty-eight (68') feet in length, approximately eight (8") inches in width, approximately two (2') feet (6") six inches in height, landscaping and an irrigation system, as shown on the attached drawings.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. All trees shall be protected and no large tree roots shall be removed from any existing trees.</li> <li>3. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.</li> <li>4. Obstructions of more than four (4') feet in height are prohibited within the sight-visibility triangle.</li> <li>5. Landscaping to be maintained by property owner.</li> <li>6. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.</li> </ol>
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**CITY AGENCY COMMENTS FOR ENCROACHMENT**

<b>Planning</b>	Recommend approval.
<b>Streets</b>	Recommend approval. SCDOT review and approval required.
<b>Utilities and Engineering</b>	Recommend approval.
<b>Traffic Engineering</b>	Recommend approval. SCDOT review and approval required.
<b>Forestry</b>	Recommend approval.
<b>Land Development</b>	Recommend approval.
<b>Fire</b>	Recommend approval.

**REQUEST FOR A PERMANENT RESIDENTIAL OR CHURCH DIRECTIONAL SIGNS ENCROACHMENT ORDINANCE**

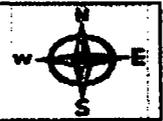
For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for 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 via 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. Enactment 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 insured on your homeowners' policy with limits being increased to \$600,000 as required by Sec. 11-71. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insured prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact Chip Timmons with Risk Management.

Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@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 catimmons@columbiasc.net ) should be contacted regarding the insurance requirements.

Date: \_\_\_\_\_ Property Owner: Timothy A Carroll & Adrienne L Carroll  
 Applicant's Name if different from Property Owner: \_\_\_\_\_  
 Contact Information: Telephone Number: 803 629 0152 Fax Number: None  
 Mailing address: 1317 Palmer Ave Col 29205 E-mail address: Tim AND Adrienne @ yahoo . Com  
 Encroachment Location (Address): Same as Above  
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)  
 Tax Map Number for Encroachment Location: Plot Book 8 Page 424  
 =====  
 Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  
 Walkway/Side walk  Underground Utilities  other  
 If Other - specify: \_\_\_\_\_  
 Dimensions (height/width/length): \_\_\_\_\_  
 (i.e., 6'x42' wooden privacy fence; two 12'x4' concrete step; two 12'x12' x24" brick columns; 4'x15' brick paver walkway)  
 Construction material: \_\_\_\_\_  
 Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.  
 =====

**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) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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.

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.

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jchambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-645-3332	803-733-8647	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Plnckney	Development Services (Permits)	803-545-3420	803-733-8699	fcplnckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rtharkins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-888-8199	jddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweat	Public Works (Street Division)	803-545-3780	803-645-3785	rgsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jhooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	catimmons@columbiasc.net
David Koon	Fire Department	803-545-3701	803-401-8839	cdgkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	spade@columbiasc.net



**CITY OF COLUMBIA  
SOUTH CAROLINA**

OFFICE OF THE CITY ATTORNEY • POST OFFICE BOX 667 • COLUMBIA, SC 29202 • (803) 737-4242 • FAX (803) 737-4250

August 18, 2014



Mr. Michael Higgins

RE: 1317 Palmer Road

Dear Mr. Higgins:

Enclosed please find the request for encroachment form. As we discussed on the phone, once I receive the form and back up materials to prepare a draft ordinance I will send it out for City staff review. I have requested that Mr. Chambers or Mr. Wilson contact you about continuing with construction.

Since you don't have e-mail, you may want to check with the property owner to see if they have an e-mail address I can send the draft to them for review rather than communicate by regular mail to avoid delaying the request.

Once City staff has reviewed and provided comments the ordinance will be sent to the City Clerk for scheduling before City Council. Ordinances require two readings of City Council for enactment.

Please contact me if you have any questions regarding the process.

Sincerely,

Shari Lynn Ardis  
Office Manager

/sla  
Enclosure

STAPLES

# INFO About Property

	Initials	Date
Prepared By		
Approved By		

## Wall

Lowest Point 5"

Highest Point 27"

Width 8"

2 Front Columns 16X16X24" H

2 Column Laters app 15"

Length of wall 68'



## Yard

Wiring for lights

Wiring for sprinklers

~~Wiring for~~ drip/zone System 4 Zones

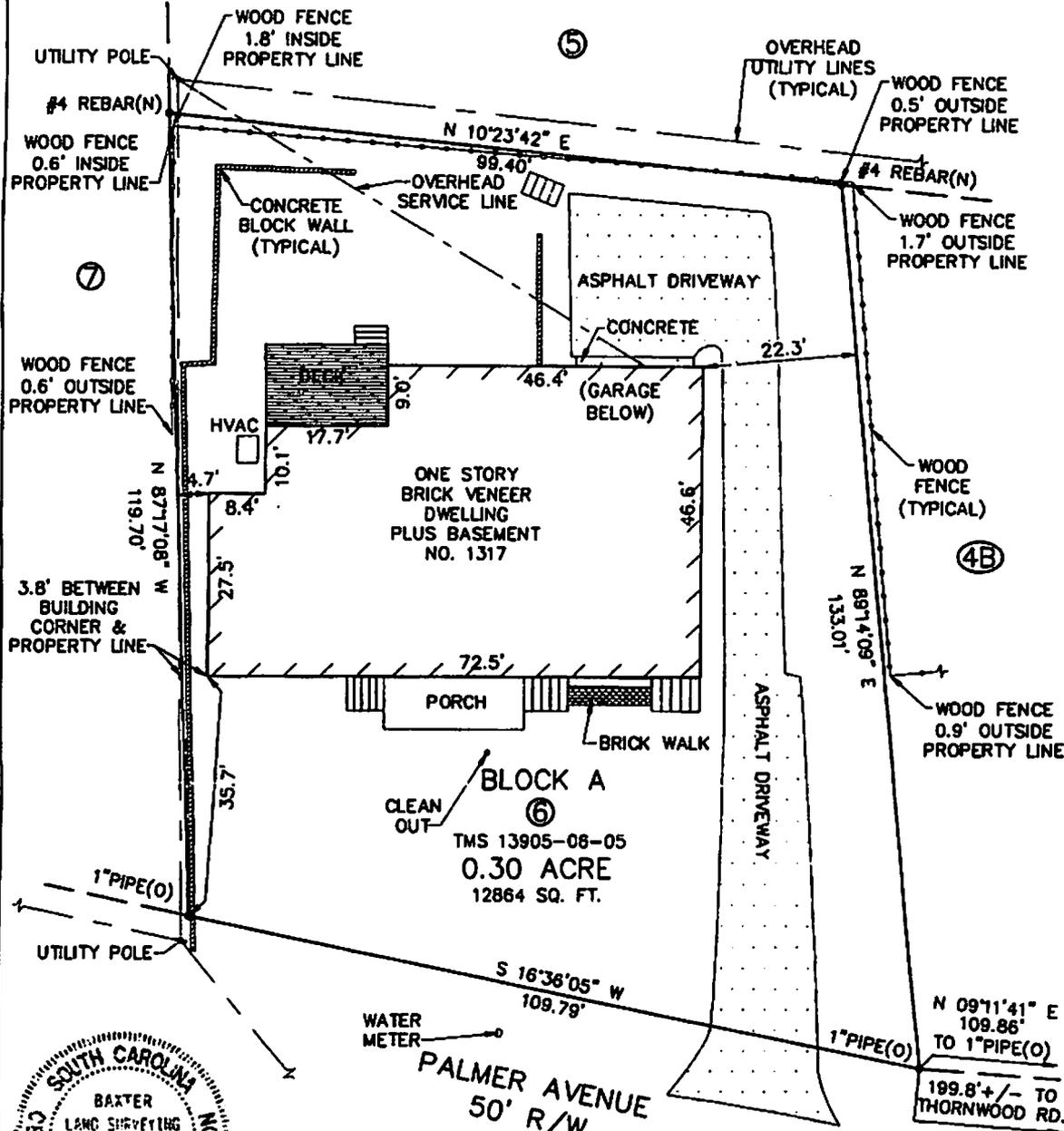
Water meter

Cleanouts

Michael Higgins  
8034049024

PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS OR RESTRICTIONS NOT OBSERVED AND TO INFORMATION REVEALED IN A COMPLETE TITLE SEARCH. THE SURVEYOR DID NOT PERFORM A TITLE SEARCH. UNDERGROUND UTILITIES MAY BE PRESENT BUT THEIR LOCATION WAS NOT DETERMINED.

MAGNETIC

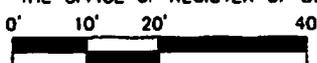


EXEMPTION FROM REVIEW PROCESS  
 This plat is a SURVEY of an existing lot of record with no changes to existing lot line  
*Rosser W. Baxter, Jr.*  
 ROSSE W. BAXTER, JR.  
 SC REGISTERED LAND SURVEYOR NO. 7613

PLAT PREPARED FOR

TIMOTHY N. CARROLL & ADRIENNE L. WERNER-CARROLL

FB253-53 RICHLAND COUNTY, COLUMBIA, SC  
 THE SAME BEING SHOWN AS LOT 6, BLOCK A, ON PLAT OF BELMONT HILLS, BY B. P. BARBER & ASSOCIATES, ENGINEERS, DATED JANUARY 16, 1956, REVISED SEPTEMBER 14, 1956, AND RECORDED IN THE OFFICE OF REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK 8, PAGE 424.



1" = 20'

JUNE 23, 2014

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON.

BAXTER LAND SURVEYING CO., INC.  
 2204 DEVINE STREET  
 COLUMBIA, SC 29205  
 (803)-252-8564

*Rosser W. Baxter, Jr.*  
 ROSSE W. BAXTER, JR. SCRS NO. 7613







