

ORIGINAL
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ORDINANCE NO.: 2009-124

Amending Ordinance 2009-112 to Charles T. Overturf and Christine Overturf to allow for encroachment for installation and maintenance of flower beds adjacent to 3300 Prentice Avenue, Richland County TMS #13801-04-01

WHEREAS, by Ordinance 2009-112 enacted on November 18, 2009, Charles T. Overturf and Christine Overturf (hereinafter "Grantees") were granted an encroachment to utilize the tree zone right of way area for installation of landscape timbers to boarder an area approximately seventy-five (75') feet in length, six (6") inches in height and three (3") inches in width; and,

WHEREAS, Grantees desire to have the ordinance amended to allow for installation and maintenance of flower beds within the right of way area adjacent to their property at 3300 Prentice Avenue, Richland County TMS #13801-04-01; 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 6th day of January, 2010, that Grantees, their successors and assigns, are hereby granted the right to utilize a portion of the right of way area adjacent to their property at 3300 Prentice Avenue, Richland County TMS #13801-04-01, only for installation and maintenance of a flower bed and landscape timbers to boarder an area approximately seventy-five (75') feet in length, six (6") inches in height and three (3") inches in width.

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 or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee 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, Grantees, their 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/road. The City reserves the right to remove or cut any item

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located within the right of way which it deems to be a safety hazard.

2. There shall be limited disturbance to the root zone of any existing City trees. The soil level under any City trees should be kept at existing levels and planting should avoid damaging tree roots.

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/road. 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.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantees, their 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 Grantees, their 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.

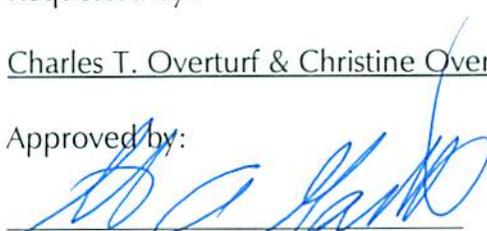
BE IT FURTHER ORDAINED that Grantees, in consideration of the above privilege, shall at their expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

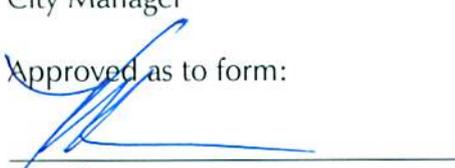
Charles T. Overturf & Christine Overturf


MAYOR

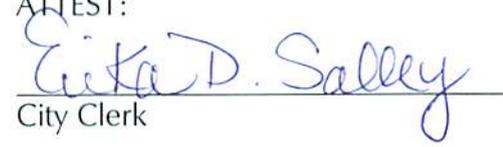
Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 12/16/2009

Final Reading: 1/6/2010

**CITY COUNCIL
ENCROACHMENT SUMMARY
2009-124**



3300 PRENTICE AVENUE

Subject Property: 3300 Prentice Avenue, TMS# 13801-04-01

Council District: 3

Proposal: Request amendment to approved encroachment (2009-112) to permit the installation and maintenance of flower beds.

Applicant: Charles T. Overturf and Christine Overturf

Staff Recommendation: Approve

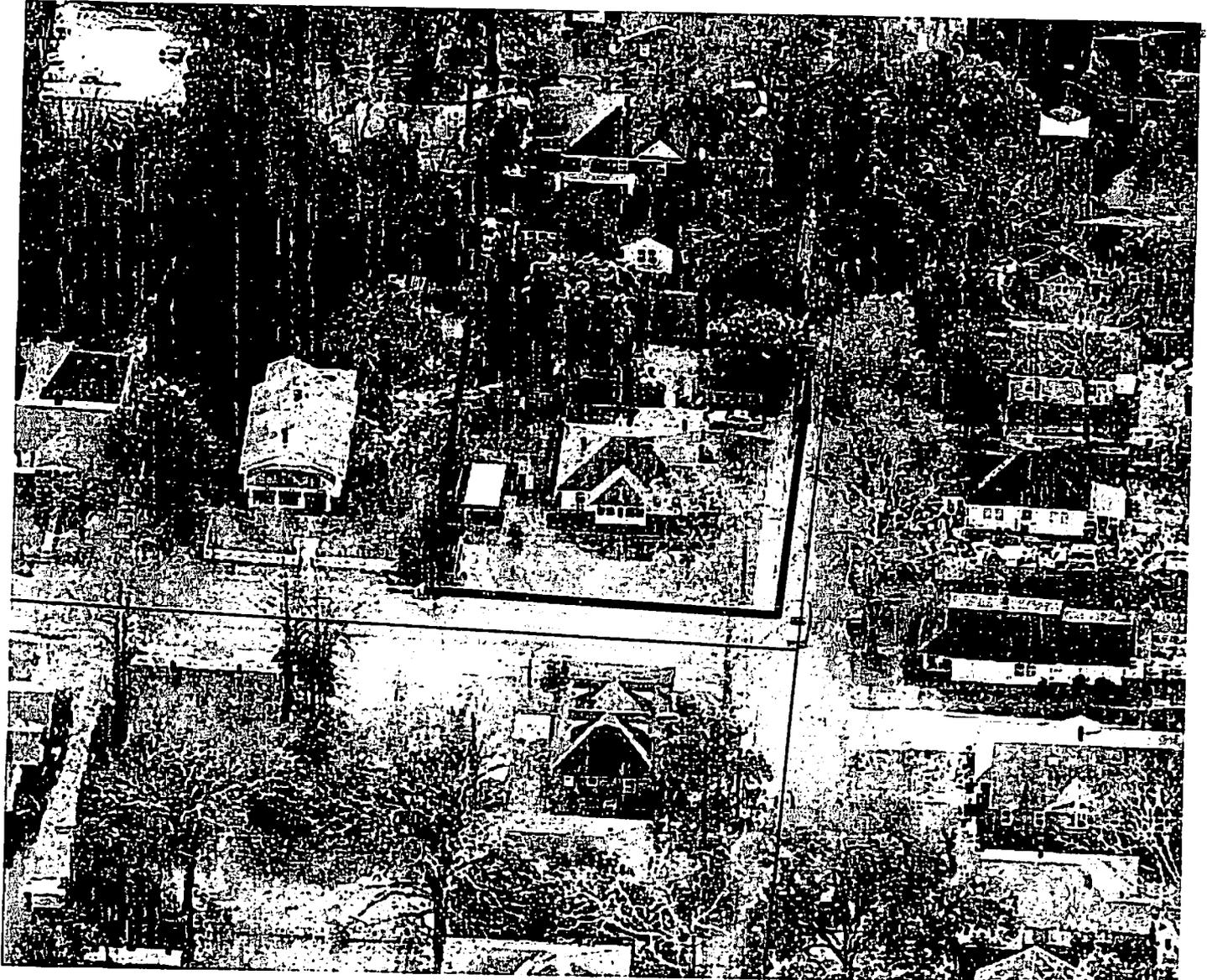
Conditions:

- 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.
- Limit disturbance to the root zone of any existing City trees --the soil level under any City tree should be kept at existing level, and planting should avoid damaging tree roots.

Detail: The property owner received approval to encroach in the right-of-way with landscape timbers approximately 6" wide and 3" in height. They wish to amend this request to permit the installation of a flower bed within this area.

CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval with Conditions: 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.
Zoning	Recommend Approval
Streets	Recommend Approval
Utilities & Engineering	Recommend Approval
Traffic Engineering	Recommend Approval
Fire Department	Recommend Approval
Forestry	Recommend Approval
Land Development	Recommend Approval provided disturbance to the root zone of any existing City trees is minimal--the soil level under any City tree should be kept at existing level, and planting should avoid damaging tree roots.



Average Scale: 1 inch = 35.6 feet

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