

ORDINANCE NO.: 2009-125

Granting an encroachment to Shelby King for installation and maintenance of a wooden split rail fence within the right of way area adjacent to her property at 3108 Hope Avenue, Richland County TMS #13801-21-21

ORIGINAL
STAMPED IN RED

WHEREAS, Shelby King, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to her property at 3108 Hope Avenue for installation and maintenance of a split rail fence approximately five (5') foot in length and thirty-eight (38") inches in height; sixteen (16') feet in length and thirty-eight (38") inches in height; five (5') feet in length and thirty-eight (38") inches in height; and twenty (20') feet in length and thirty-eight (38") inches in height, as shown in the attached photograph; 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 17th day of February, 2010, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way adjacent to her property at 3108 Hope Avenue for installation and maintenance of a split rail fence approximately five (5') foot in length and thirty-eight (38") inches in height; sixteen (16') feet in length and thirty-eight (38") inches in height; five (5') feet in length and thirty-eight (38") inches in height; and twenty (20') feet in length and thirty-eight (38") inches in height, as shown in the attached photograph.

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, Grantee, its 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:

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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. Gates must swing into property.
3. Fence posts must be located outside of the drip line of City trees.

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

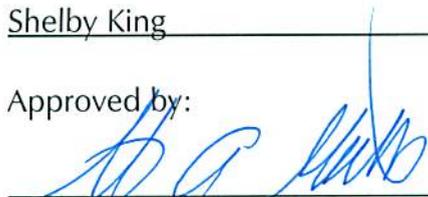
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

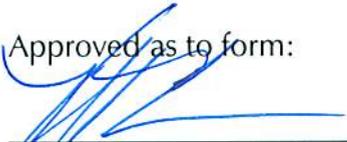
Shelby King


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 2/3/2010

Final Reading: 2/17/2010

REQUEST FOR AN 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 (343-8778 or ctimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: Property Owner: SHELBY KING

Applicant's Name if different from Property Owner:

Contact Information: Telephone Number: 803 413 3421 Fax Number: 18862572378

Mailing address: 3008 HOPE AVE E-mail address: SHELBYFKING@AOL.COM

Encroachment Location (Address): 3108 HOPE AVE, 29205

(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: 13801-21-21

Encroachment type: Wall X Fence Columns Steps Irrigation System Landscaping Driveway Pavers Walkway/Side walk Underground Utilities other

If Other - specify:

Dimensions (height/width/length): WOODEN SPLIT RAIL FENCE ADDED FOR LOT BEAUTIFICATION AND PROTECTION FROM

5' X 16' AND 5' X 20' X 39' NEIGHBOOR'S PARKING IN MY YARD.

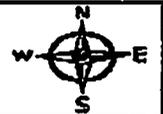
(i.e., 6x42' wooden privacy fence; two 12'x4' concrete step; two 12'x12' x24' brick columns; 4'x15' brick paver walkway)

Construction material: WOOD

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)



Businesses only: Outdoor dining No. of chairs: No. of Tables

Hours of operation for outdoor dining:

Number of planters: Awning: (dimensions - size/material)

Other: (or complete applicable "Encroachment type" section above)

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

Table with 4 columns: Contact, Department, Telephone Number, Fax Number. Lists various city departments and their contact information.

Matter No.: 0911775
Attorney: LEGISLA
Date In: 11/25/09
File No.: 2009-125
Date Out: 11/28/09

**CITY COUNCIL
ENCROACHMENT SUMMARY
2009-125**



3108 HOPE AVENUE

Subject Property: 3108 Hope Avenue, TMS# 13801-21-21
Council District: 3
Proposal: Request approval for installation and maintenance of a 38" high split rail fence
Applicant: Shelby King
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;
- Gates must swing into the property;
- Fence posts must be located outside of drip line of City tree.

Detail: The applicant proposes to construct a 38" high, split rail fence. The fence will encroach into the right-of-way, but if above conditions are followed, staff sees no adverse impacts.

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 provided any gates swing into the property.
Utilities & Engineering	Recommend Approval.
Traffic Engineering	Recommend Approval.
Fire Department	Recommend Approval.
Forestry	Recommend Approval.
Land Development	Recommend Approval.



