

ORDINANCE NO.: 2012-075

Granting an encroachment to Heather Digdon and Raymond Torres for installation and maintenance of a stone wall within the right of way area of the 1400 block of Haynesworth Road and the 3700 block of Linwood Road adjacent to 1427 Haynesworth Road, Richland County TMS #13906-11-03

WHEREAS, Heather Digdon and Raymond Torres (hereinafter "Grantees") desire to utilize a portion of the right of way area of the 1400 block of Haynesworth Road and the 3700 block of Linwood Road adjacent to 1427 Haynesworth Road, Richland County TMS #13906-11-03, for installation and maintenance of a stone retaining wall approximately two (2') feet in height, one (1') foot in width and two hundred twenty-five (225') feet in length for erosion control, 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 18th day of September, 2012, that Grantees, their successors and assigns are hereby granted the right to utilize a portion of the right of way area of the 1400 block of Haynesworth Road and the 3700 block of Linwood Road adjacent to 1427 Haynesworth Road, Richland County TMS #13906-11-03, for installation and maintenance of a stone retaining wall approximately two (2') feet in height, one (1') foot in width and two hundred twenty-five (225') feet in length for erosion control, 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. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
3. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.

4. No large tree roots shall be removed from any of the large existing 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, 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:

Heather Digdon and Raymond Torres



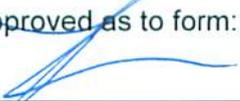
MAYOR

Approved by:



City Manager

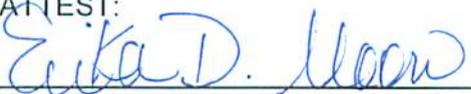
Approved as to form:



City Attorney

Introduced: 9/4/2012

Final Reading: 9/18/2012

ATTEST:


City Clerk

Encroachment Request Narrative

1427 Haynesworth Road, 29205

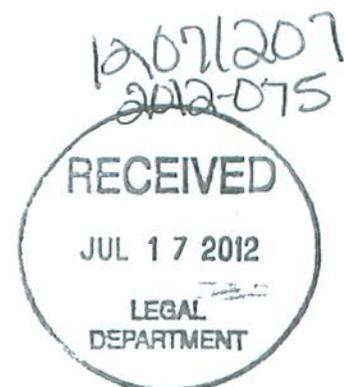
Tax Map # 13906-11-05

Owners: Heather Digdon tel: 803 807 1428
Raymond Torres tel: 803 530 0605

The property for the encroachment request is residential. We are requesting to build a low stone retaining wall between the edge of the paved road and the hill slope. The reason for buiding the retaining wall is to prevent erosion of the hill slope.

The following items are enclosed:

1. Request for an encroachment ordinance
2. Site Map
3. Four Photos of the proposed encroachment area
4. Fence/wall building zone permit
5. Proof of insurance.



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 (733-8306 or catimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: July 2, 2012 Property Owner: Heather Digdon Raymond Torres
 Applicant's Name if different from Property Owner: _____
 Contact Information: Telephone Number: 803 807 1428 Fac Number: 803 530 0605
 Mailing address: 1427 Haynesworth Rd E-mail address: _____
 Encroachment Location (Address): 1427 Haynesworth Rd - Elmwood corner
 (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: 13906 - 11-05

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

If Other - specify: _____

Dimensions (height/width/length): 2ft or less high, 1ft wide, 255ft long

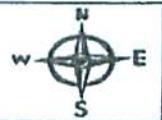
(i.e., 6x42' wooden privacy fence; two 12"x4' concrete step; two 12"x12" x24" brick columns; 4"x15' brick paver walkway)

Construction material: stone

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.

Contact	Department	Telephone Number	Fax Number
Joey Jaco	Utilities & Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Krista Hampton	Planning and Development Services	545-3420	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Delk	Columbia Dev. Corporation	988-8040	988-8039
Chip Timmons	Risk Management	733-8306	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Sweatt	Street Division	545-3790	545-3785
Jonathan Chambers	Planning and Development Services	545-3206	343-8779
Carmen Floyd	Fire Marshall	545-3703	401-8839
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
Arthur Studwick	Forestry & Beautification	545-3860	733-8640
John Fellows	Planning and Development Services	545-3222	733-8647

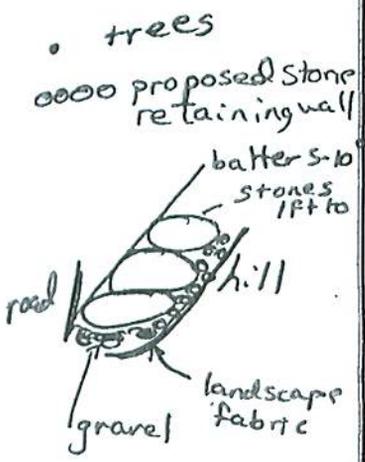
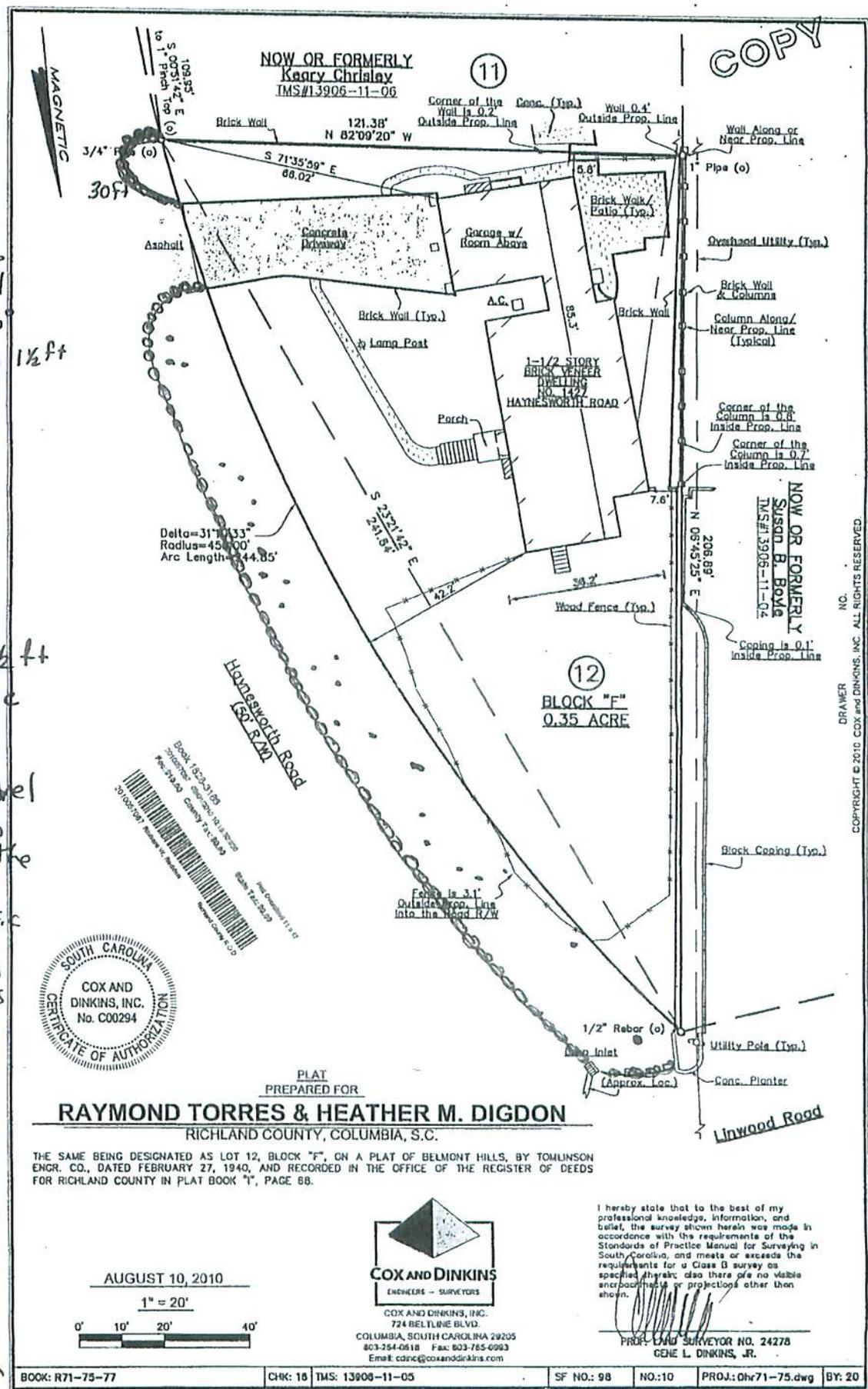


Matter No.: 12071207
 Attorney: KG/glew
 Date In: 7-17-12
 File No.: _____
 Date Out: _____





COPY



materials:
 -> gravel
 -> stones 1ft to 1 1/2 ft
 -> landscape fabric

method:
 - base layer of gravel
 - stones laid so they slope into the hill
 - landscape fabric against the hill with gravel fill between stones and fabric

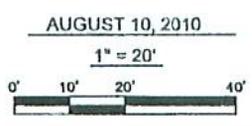
Dimensions:
 - 1ft wide
 - 255ft long
 - 6 inches to 2ft high depending on slope of hill.

Purpose:
 To prevent erosion of hill slope.



PLAT PREPARED FOR
RAYMOND TORRES & HEATHER M. DIGDON
 RICHLAND COUNTY, COLUMBIA, S.C.

THE SAME BEING DESIGNATED AS LOT 12, BLOCK "F", ON A PLAT OF BELMONT HILLS, BY TOMLINSON ENGR. CO., DATED FEBRUARY 27, 1940, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK "T", PAGE 68.



COX AND DINKINS, INC.
 724 BELTLINE BLVD.
 COLUMBIA, SOUTH CAROLINA 29205
 803-254-0618 Fax 803-745-0993
 Email: cdinc@coxanddinkins.com

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.

PROF. ENGR SURVEYOR NO. 24278
 GENE L. DINKINS, JR.

BOOK: R71-75-77	CHK: 18	TMS: 13906-11-05	SF NO.: 98	NO.: 10	PROJ.: 0hr71-75.dwg	BY: 20
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DRAWER NO. NC. COPYRIGHT © 2010, COX AND DINKINS, INC. ALL RIGHTS RESERVED. THIS SURVEY IS NOT VALID UNLESS AN ORIGINAL SIGNATURE AND CRIMPED SEAL APPEAR.

**CITY COUNCIL
ENCROACHMENT SUMMARY
2012-075**



**ADJACENT TO 1427 HAYNESWORTH ROAD
STONE RETAINING WALL**

Subject Property:	Right-of-way adjacent to 1427 Haynesworth Road, TMS#13906-11-03
Council District:	4
Proposal:	Request approval for installation and maintenance of stone retaining wall to mitigate erosion
Applicant:	Heather Digdon and Raymond Torres
Staff Recommendation:	Approve

Detail:	<p>The applicant requesting an encroachment to install a stone retaining wall approximately two (2') feet in height, one (1') foot in width and two hundred twenty-five (225') feet in length for erosion control.</p> <p>Based upon the height and location of the retaining wall, it appears that this encroachment will not interfere with vehicular or pedestrian safety.</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. Obstructions of more than four (4') feet in height are prohibited within the sight visibility triangle. 3. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes. 4. No large tree roots shall be removed from any of the large existing trees.
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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. Upon completion of the wall, the applicant understands that Forestry will not have access to grind any stumps in the future.
Land Development	Recommend approval.
Fire	Recommend approval.