

**ORDINANCE NO. 2002-106**

*Granting encroachment to L. Patricia Wharton for landscaping and construction and maintenance of a driveway, lighting fixtures, steps and railings at 3519 Monroe Street and Bonham Street*

WHEREAS, L. Patricia Wharton (hereinafter "Grantee") desires to utilize a portion of the right of way areas adjacent to her property at 3519 Monroe Street for landscaping, construction and maintenance of steps, railings and lighting, and within the right of way area of Bonham Street for landscaping, construction and maintenance of a driveway and lighting fixtures as shown on the attached plat; and,

WHEREAS, Grantee is to replace the two trees removed with permission from the right of way area with two (2) two (2") inch caliper shade trees, and the tree removed without permission from the right of way area shall be replanted with two (2) four (4") inch caliper shade trees or three (3) three (3") inch caliper shade trees. The planting plan shall be approved by the City of Columbia Forestry and Beautification Department prior to planting; 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 8th day of January, 2003, that Grantee is hereby granted the right to use a portion of the right of way areas adjacent to her property at 3519 Monroe Street for landscaping, construction and maintenance of steps, railings and lighting, and within the right of way area of Bonham Street for landscaping, construction and maintenance of a driveway and lighting fixtures as shown on the attached plat.

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, 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 may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns.

ORIGINAL  
STAMPED IN RED

PROVIDED FURTHER that the evidence of public liability insurance naming the City as an insured in the minimum amount of \$600,000.00 for personal injury and property damage shall be filed annually with the City Clerk by Grantee, its successors and assigns.

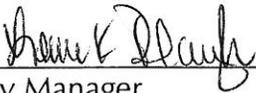
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 12/18/2002

Final Reading: 1/8/2003

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STAMPED IN RED

**Ardis, Shari**

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**From:** City Clerk  
**Sent:** Wednesday, December 11, 2002 4:26 PM  
**To:** Meggs, Jim  
**Cc:** Ardis, Shari  
**Subject:** FW: Ordinance 2002-106 Revised: Wharton Residence 3519 Monroe

**Importance:** High

Anne Sinclair wants the following incorporated into the Ordinance: Planting plan must be approved by the city of Columbia Forestry and Beautification Department.

-----Original Message-----

**From:** Price, Debbie  
**Sent:** Tuesday, December 10, 2002 9:21 AM  
**To:** Land, Chip  
**Cc:** Gantt, Steven; City Clerk  
**Subject:** Ordinance 2002-106 Revised: Wharton Residence 3519 Monroe

The ordinance has been revised to include wording clarifying the number and sizes of trees to be planted, and that all trees will be 'shade' trees (no small ornamental trees). Mrs. Wharton has agreed to have the plan approved by the Forestry & Beautification Department prior to planting. Approval is recommended.

## Ardis, Shari

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**From:** Price, Debbie  
**Sent:** Wednesday, December 04, 2002 9:47 AM  
**To:** Ardis, Shari  
**Subject:** RE: Wharton ordinance

Shari, please revise the ordinance to specify that 'shade trees' will be planted and that the plan will require approval by the city of Columbia Forestry & Beautification Department. That will clarify requirements. (I spoke with Ms. Wharton and she is willing to follow these directives.)

-----Original Message-----

**From:** Ardis, Shari  
**Sent:** Monday, December 02, 2002 4:51 PM  
**To:** Price, Debbie  
**Subject:** Wharton ordinance

<< File: 2002-106.enc.wpd >>

## Shari ardis

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**From:** City Clerk [cityclerk@columbiasc.net]  
**ent:** Monday, November 11, 2002 2:10 PM  
**To:** Meggs, Jim  
**Cc:** Ardis, Shari  
**Subject:** FW: Ordinance No. 2002-106

**Importance:** High

> -----Original Message-----

> From: Plaugh, Leona  
> Sent: Sunday, November 10, 2002 1:23 PM  
> To: City Clerk  
> Subject: FW: Ordinance No. 2002-106

> Please handle.

> -----Original Message-----

> From: Land, Chip  
> Sent: Tuesday, November 05, 2002 5:04 PM  
> To: Chambers, Johnathan; City Clerk; Plaugh, Leona; Meggs, Jim;  
> Mylott, Marc  
> Subject: FW: Ordinance No. 2002-106

> Lets incorporate Debbie's stipulations in the encroachment ordinance.

> Chip

> -----Original Message-----

> From: Price, Debbie  
> Sent: Tuesday, November 05, 2002 5:01 PM  
> To: Land, Chip  
> Subject: Ordinance No. 2002-106

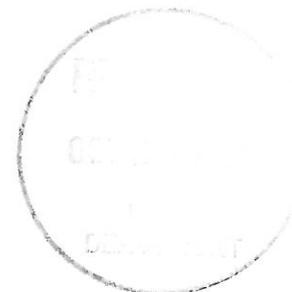
> I recommend approval of the encroachment request for Patricia Wharton.

> (Note: Two trees were removed from the right-of-way with permission,  
> and one hickory was removed in violation of the Landscape & Tree  
> Ordinance. I have written Ms. Wharton a letter regarding the  
> replacement trees required, which will be two two-inch trees for the  
> two removed with permission, and two four-inch trees or three  
> three-inch trees for the one removed without permission.)

106

**WHITENER & WHARTON, P.A.**ATTORNEYS AND COUNSELORS AT LAW  
2001 PARK STREET  
PARK AT CALHOUN  
COLUMBIA, SOUTH CAROLINA 29201H. DAVE WHITENER, JR.  
L. PATRICIA WHARTONTELEPHONE (803) 779-7830  
TELECOPIER (803) 765-4649

October 22, 2002

Ms. Shari Ardis, Legal Coordinator  
Legal Department  
CITY OF COLUMBIA  
1737 Main Street, 3<sup>rd</sup> Floor  
Post Office Box 667  
Columbia, South Carolina 29202

Re: 3519 Monroe Street, Columbia, SC 29205

Dear Ms. Ardis:

I am in the process of constructing a single-family residence on the above-described lot, located at the corner of Bonham Street and Monroe Street, in the Shandon area of Columbia. It is my understanding that the City of Columbia owns a strip of land on the Bonham Street side of my lot, as well as a strip of land on the Monroe Street side of my lot as part of the road right-of-ways for possible future expansion of the streets. I do not know exactly how wide these strips of land are, but I would estimate that they are anywhere from five (5') feet to fifteen (15') feet wide.

I have already received permission from Debbie Price, Superintendent of the Forestry and Beautification Department, regarding the removal of two trees in these unpaved rights-of-way strips in exchange for planting replacement trees once construction has been completed. She suggested, however, that I obtain an encroachment permit from your office for several other activities which I would like to occur in these strips of land:

In that regard, I would like to respectfully request two encroachment permits that allow the following uses:

1. First encroachment permit: The right to remove existing tree stumps and the right to grade and landscape these two strips of land (My contractor has already obtained a grading permit from the City for the lot itself); and
2. Second encroachment permit:
  - A. The right to construct a driveway and lighting fixtures on the Bonham Street side; and
  - B. The right to construct steps and railings and install lighting on the Monroe Street side.

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Ms. Shari Ardis, Legal Coordinator

Legal Department

CITY OF COLUMBIA

Re: 3519 Monroe Street, Columbia, SC 29205

October 22, 2002

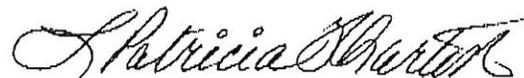
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For your easy reference, I have enclosed herewith a plot plan showing the proposed location of the driveway, and walkway. Where the walkway joins the front property line is the approximate location where I would construct the steps and railings.

Thank you for your consideration of this matter and if you should have any questions, please feel free to contact me at work 779-7830.

Very truly yours,

**WHITENER & WHARTON, P.A.**

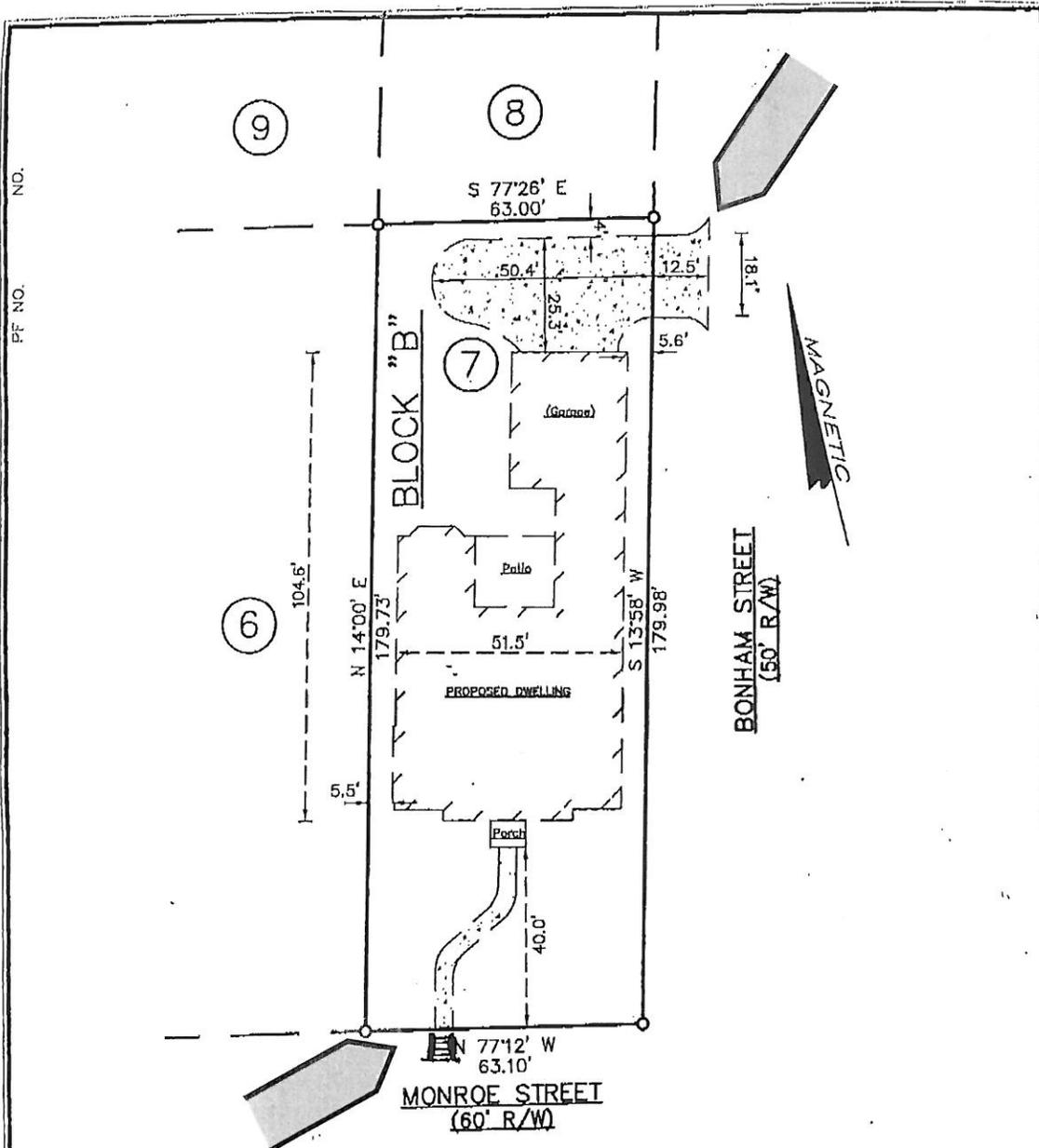


L. Patricia Wharton

via Facsimile

Encl (1)

cc: Debbie Price (via Facsimile)



PLOT PLAN  
PREPARED FOR

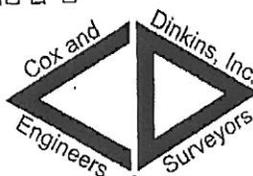
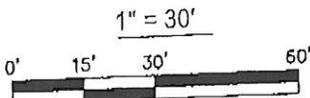
### D.R. HORTON, INC.

RICHLAND COUNTY, COLUMBIA, S.C.

THE SAME BEING DESIGNATED AS LOT NO. 7, BLOCK "B", ON PLAT OF PROPERTY SURVEYED FOR MRS. STITT HARRIS SIMS, DATED APRIL 14, 1934, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK "G", PAGE 94. REFERENCE ALSO MADE TO PLAT PREPARED FOR JOHN D. & PATRICIA C. KASSEL, BY COX and DINKINS, INC., DATED MAY 26, 1994, AND RECORDED IN PLAT BOOK 55, PAGE 2649.

# PRELIMINARY

MAY 31, 2002



614 HOLLY STREET  
COLUMBIA, SOUTH CAROLINA 29205  
803.254.0518 Fax: 803.765.0993  
Email: cdinc@coxanddinkins.com

**NOTES:**

- 1) No field work done by us at this time.
- 2) Verify dwelling options and final dimensions with contractor before starting construction.
- 3) This Plot Plan is a conceptual drawing and contents shown hereon are subject to variation upon final construction.

REG. LAND SURVEYOR NO. 13517  
J. DON RAWLS, JR.

BOOK:	CHK: ?	TMS: 13802--6--3	SF NO.: 121	NO.: 21	PROJ: 2TMONROE.dwg	BY: 1
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