

ORDINANCE NO. 2003-088

Granting encroachment to Andrew Clarkson for construction and maintenance of a wrought iron fence and gate with brick knee wall and columns adjacent to his residence at 2330 Wilmot Avenue

WHEREAS, Andrew Clarkson (hereinafter "Grantee") desires to utilize a portion of the right of way area of Princess Street adjacent to his residence at 2330 Wilmot Avenue for installation and maintenance of a wrought iron fence approximately four (4') feet in height with a one (1') foot brick knee wall approximately seventy-five (75') feet in length with four (4) five (5') foot brick columns at the fence corners; a one (1') foot brick knee wall approximately seventy-six (76') feet in length with three (3) two (2') foot brick columns at the fence corners; and a one (1') foot brick knee wall with three (3) two (2') foot brick columns at the fence corners along the right of way of Wilmot Avenue to the adjoining property line for approximately sixty-eight (68') feet, 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 15th day of October, 2003, that Grantee is hereby granted the right to use a portion of the right of way area of Princess Street adjacent to his residence at 2330 Wilmot Avenue for installation and maintenance of a wrought iron fence approximately four (4') feet in height with a one (1') foot brick knee wall approximately seventy-five (75') feet in length with four (4) five (5') foot brick columns at the fence corners; a one (1') foot brick knee wall approximately seventy-six (76') feet in length with three (3) two (2') foot brick columns at the fence corners; and a one (1') foot brick knee wall with three (3) two (2') foot brick columns at the fence corners along the right of way of Wilmot Avenue to the adjoining property line for approximately sixty-eight (68') feet, 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, 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.

ORIGINAL
STAMPED IN RED

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 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.

ORIGINAL
STAMPED IN RED

Requested by:



MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 10/1/2003

Final Reading: 10/15/2003

Andrew Clarkson
841 Rickenbaker Road
Columbia, South Carolina 29205

August 27, 2003

Ms. Shari Ardis
City of Columbia – Legal Department
1401 Main Street, 10th Floor
Post Office Box 667
Columbia, South Carolina 29202

Dear Ms. Ardis:

Thank you for taking time to outline the process for requesting permission to construct a fence on a city easement/right of way.

As I mentioned on the phone, my wife and I own the property at 2330 Wilmot Avenue. It is located on the corner of Wilmot Avenue and Princess Street. We hope to place a brick and wrought iron fence along part of the property on Princess Street to enclose our back yard. The fence would be constructed using five feet tall brick columns at the fence corners and a one foot tall brick knee wall with 4' tall wrought iron fence sections between the columns. The height of the fence surrounding the enclosed backyard would be five feet.

Continuing from the enclosure/backyard fence, along Princess Street up to Wilmot, there will be a one foot tall brick knee wall (excluding wrought iron). At each approach to the house and at each change of direction of the wall, there will be shorter two feet tall columns of the same design and construction. This same theme would continue in front of the house along Wilmot Avenue and terminate at the property line between the next door neighbor and ourselves.

The wrought iron fence, knee walls and columns would be placed at a distance of seven feet from Princess Street. On Wilmot, the knee walls and columns would be placed at a distance of one foot from the side walk and a total of eleven feet from Wilmot Avenue. At the intersection of Princess and Wilmot, the distance would be three feet from the corner curb.

I am enclosing a survey of the property with fence, roads & sidewalk drawn in. The blue highlight indicates the portion standing at five feet. The yellow highlight indicates the one foot portion. Also, I've sketched the design for columns and knee walls and included a photo taken of a similar arrangement in Wales Garden.

It is our sincerest hope that these improvements will not only enhance our property but also add beauty and value for the neighborhood.

Please let me know if you need additional information. I can be reached at home 782-1628, office 799-4400, cell 600-3119, or email Clarkson@cmiNetworks.com. I look forward to hearing from your office soon.

Thanks again, I am

Sincerely,


Andrew Clarkson

RE
AUG 27 2003
LEGAL DEPARTMENT

MAGNETIC

Pavement

PRINCESS STREET
(60' R/W)

2

15' fence

17' fence

20' fence

Catch Basin

(no fence)

3/4" Pipe (o)
Brick Column Along or Near Property Line
N 82°53'09" W
60.17'
1" Pipe (o)
Pole

Asphalt Driveway

Garage

37

36

35

BLOCK "J"
0.24 ACRE

Conc.

Brick

S 06°54'33" W

172.03'

2.6' Between Dwelling
And Property Line

1-1/2 STORY
BRICK VENEER
DWELLING
(w/ Basement)
NO. 2330
WILMOT AVENUE

34

Basement Entrance

Brick Column
(typical)

172.18'

Brick Column
Along or Near
Property Line

N 82°55'35" W
59.92' To
1" Pinch Top (o)

1" Pipe (o) S 83°01'35" E 59.92' 1" Pipe (o)

SIDE WALK

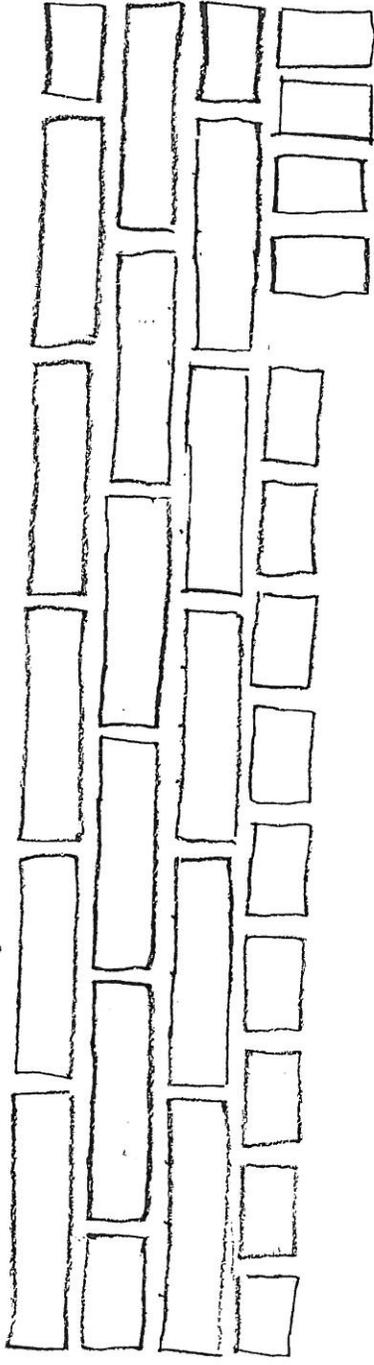
Manhole

San Sewer Line
(Approx. Location)

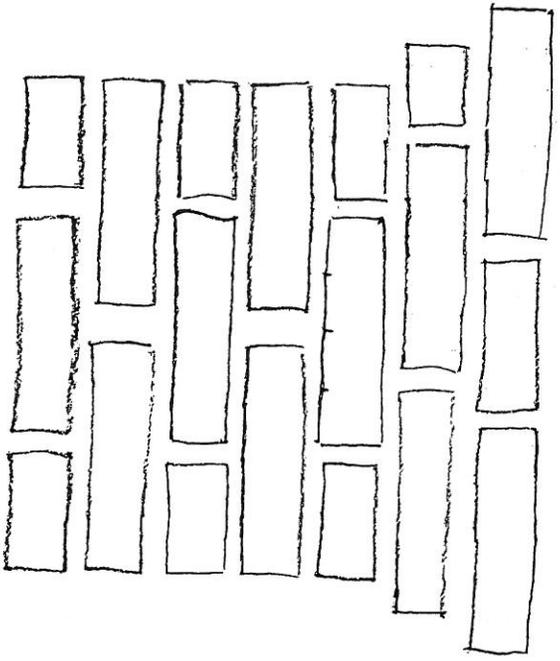
Pavement

WILMOT AVENUE
(70' R/W)

Hand-drawn wavy lines representing a sidewalk or pavement edge.



Knee wall (8" to 12" high)



Columns w/ capital
(5' & 2' high)

