

ORDINANCE NO: 2007-084

Granting encroachment to Richard A. Harpootlian for installation and maintenance of landscaping, a brick wall and drive gates within the right of way area adjacent to 228 St. James Street

WHEREAS, Richard A. Harpootlian (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to 228 St. James Street for installation and maintenance of landscaping, a brick wall and wrought iron fence approximately five (5') feet in height with seven (7') foot columns along the property boundary, a brick wall and wrought iron fence approximately four (4') feet in height with five (5') foot columns along the driveway area and drive gates as shown on the attached drawings; 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 9th day of January, 2008, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the right of way area adjacent to 228 St. James Street for installation and maintenance of landscaping, a brick wall and wrought iron fence approximately five (5') feet in height with seven (7') foot columns along the property boundary, a brick wall and wrought iron fence approximately four (4') feet in height with five (5') foot columns along the driveway area and drive gates as shown on the attached drawings.

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.

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.

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:

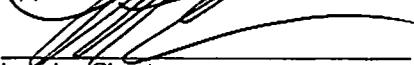
Richard A. Harpootlian

  
MAYOR

Approved by:

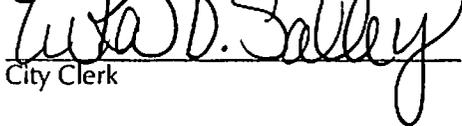
  
City Manager

Approved as to form:

  
Interim City Attorney

Introduced: 12/12/2007  
Final Reading: 1/9/2008

ATTEST:

  
City Clerk

ORIGINAL  
STAMPED IN REC

Matter No.: 07090937  
Attorney: RAG/SC  
Date In: 9/18/07  
File No.: 2007-1584  
Date Out: 10/11/07

**Richard A. Harpootlian, P.**

ATTORNEYS AT LAW  
P.O. BOX 1090  
1410 LAUREL STREET  
COLUMBIA, SOUTH CAROLINA 29202

RICHARD A. HARPOOTLIAN  
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FACSIMILE (803) 252-4810

September 17, 2007  
**VIA HAND DELIVERY**

Shari Ardis, City Legal Counsel  
Legal Department  
City of Columbia  
Post Office Box 667  
Columbia, SC 29202

In re: Encroachment Request for St. James Street, f/k/a Barnwell Street

Dear Ms. Ardis:

I am in the final stages of planning for building my house on the two lots located at 228 St. James Street in the Whales Garden Subdivision.

Please enclosed a plat and several photographs of the lots.

I would like permission to erect a brick privacy wall to the outside of the tree line as close to St. James as possible. By doing so, it will enable me to increase my yard, but more importantly will allow me to save the beautiful line of old oak trees that border St. James Street. It would further enhance the appearance of the house and conform to the wall on the lot adjacent to mine, which is owned by the Stuckey family, at the corner of St. James and Catawba Streets.

The enclosed plat shows the proposed location of the residence and the existing and planned streetscape. On the lot in which the residence would rest there would be, as you can see, a wall with driveway openings and the lot would have a garden, a wall and additional vegetation.

The encroachment would go no further than that allowed that Mr. Stuckey in 2001, when he built his residence on the corner of St. James and Catawba Streets and would be consistent with the brick and style of his residence.



**Shari Ardis, City Legal Counsel**  
**Legal Department**  
**September 18, 2007**  
**Page Two**

I am excited about building a home on St. James Street. I have lived in this neighborhood over 30 years and would like to begin construction as soon as given approval by the City of Columbia.

With warmest personal regards, I am

Sincerely,

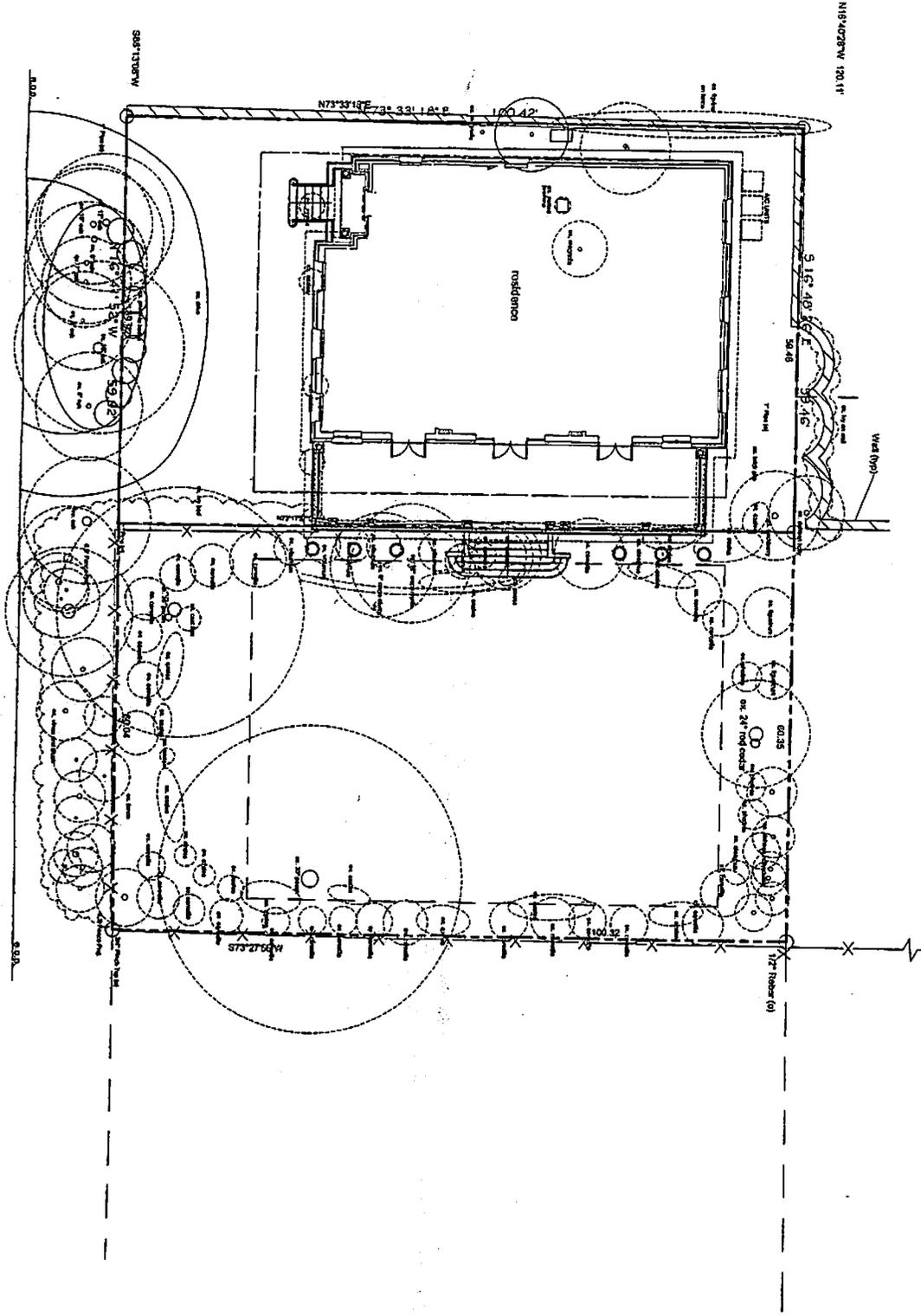


Richard A. Harpootlian

RAH:hal  
Enclosures



To Catawba Street  
120.0'± To



**Harpoollan**  
228 St. James  
Columbia, SC 29201  
85628



Date: 11-1-05a  
Rev: 12-20-06 cc  
CS-15-07 st

*Shirley Wether*

Wether & Associates Landscape Architects  
517 Meeting Street, Charleston, SC 29403  
voice: (843) 577-3330 fax: (843) 577-4206  
general email: info@wetherarch.com

