

ORDINANCE NO.: 2010-030

Granting an encroachment to Ursula R. Pallares for installation and maintenance of an aluminum fence, double walk gate, four brick columns, brick pavers and landscaping within the right of way area adjacent to 407 S. Ravenel Street, Richland County TMS #13801-03-09

ORIGINAL
STAMPED IN RED

WHEREAS, Ursula R. Pallares, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to 407 S. Ravenel Street, Richland County TMS #13801-03-09, for installation and maintenance of an aluminum fence approximately twenty (20') feet in length with a double walk gate approximately ten (10') feet in width; four (4) brick columns approximately sixteen (16") inches in diameter and five (5') feet eight (8") inches in height; brick pavers approximately ten (10') feet in length and three (3') feet two (2") inches in width; and landscaping, 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 7th day of April, 2010, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way area adjacent to 407 S. Ravenel Street, Richland County TMS #13801-03-09, for installation and maintenance of an aluminum fence approximately twenty (20') feet in length with a double walk gate approximately ten (10') feet in width; four (4) brick columns approximately sixteen (16") inches in diameter and five (5') feet eight (8") inches in height; brick pavers approximately ten (10') feet in length and three (3') feet two (2") inches in width; and landscaping, 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 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.

ORIGINAL
STAMPED IN RED

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.
2. 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.
3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets;
4. Landscaping to be maintained by homeowner.

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:

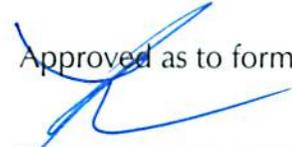
Ursula R. Pallares


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

Introduced: 3/17/2010

Final Reading: 4/7/2010

ATTEST:


City Clerk

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 stardis@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: 1-21-2010 Property Owner: Ursula R. Pallares

Applicant's Name if different from Property Owner: _____

Contact Information: Telephone Number: 799-7854 Fax Number: _____

Mailing address: 407 S. Ravenel Street, Cola SC 29205 E-mail address: _____

Encroachment Location (Address): Same as above

(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: 13801-03-09

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

If Other - specify: _____

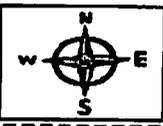
Dimensions (height/width/length): See Photos Attached

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

Construction material: _____

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
John Dooley	Utilities and Engineering	545-3240	733-8674
Joey Jaco	Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Marc Mylott	Planning and Development Services	545-3426	255-8935
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	343-8778	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
Lucinda Statler	Planning and Development Services	545-3222	733-8647

10010051
2010-050

John D. Elliott
ATTORNEY AT LAW

Matter No.: 10010051
Attorney: RB/SLA
Date In: 1-11-10
File No.: 2010-030
Date Out:

THE NBSC BUILDING
1122 LADY STREET, FIFTH FLOOR
Post Office Box 607
Columbia, South Carolina 29202

phone (803) 252-9236
fax: (803) 799-2079
email jayel@mindspring.com



January 8th, 2010

HAND-DELIVERED

Shari Ardis
Legal Department, City of Columbia
1200 Main Street, 10th Floor
Columbia, South Carolina

**RE: Request for Encroachment for Ursula R. Pallares
407 S. Ravenel Street, Columbia SC 29205**

Dear Ms. Ardis:

I represent Ms. Pallares in her request for encroachment at the residence above. Enclosed please find the following: (1) a draft site plan, together with her deed and plat; (2) photographs; and (3) proof of insurance. As to the latter, the insurance will be extended upon approval of the encroachment by city council.

The residence is located at the address above. The tax map number is No. 13801-03-09. Ms. Pallares seeks an encroachment for landscaping, with pavers.

As you can see from the photographs, the intrusion is slight, at best. There is no sidewalk, and the landscaping stops short of the asphalt. For comparison, the photograph in the top left corner shows the former landscaping and perimeter abutment with pillars, in the upper part of the picture. The encroachment does not impede either vehicular or pedestrian traffic. Indeed, the landscaping enhances the right-of-way.

Please let me know if you need anything further to process this request, and by all means notify me when city council prepares to act on her request.

Sincerely,

A handwritten signature in cursive that reads "John D. Elliott".

John D. (Jay) Elliott
JDE/

ENCL.

CC: URSULA PALLARES

Plot accepted by: Frank Strange
Roddick White

verified/measured by: Michael Small
Roddick White

407 So. Ravenel St.

#R13801-03-09

Iron Gate

Concrete
D.I. trim

Fence & 2 gates:
Alum. Metal, iron
Black Base w/
Brick trim
Columns - black w/
Brick trim

3' gate

5' gate

I.

III.

IV.

116" (9' 2")

16"

16"

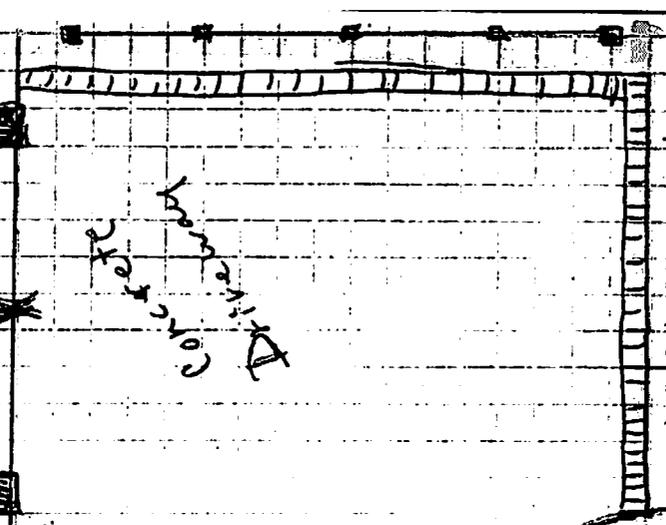
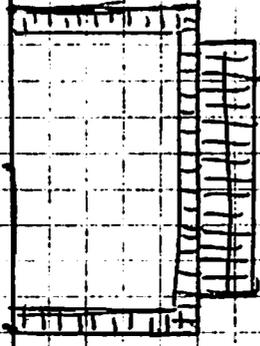
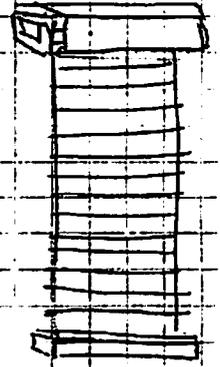
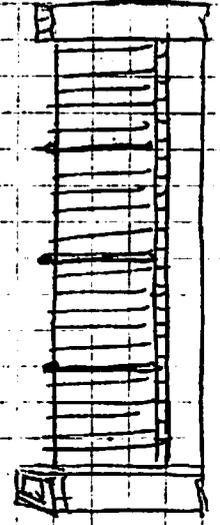
16"

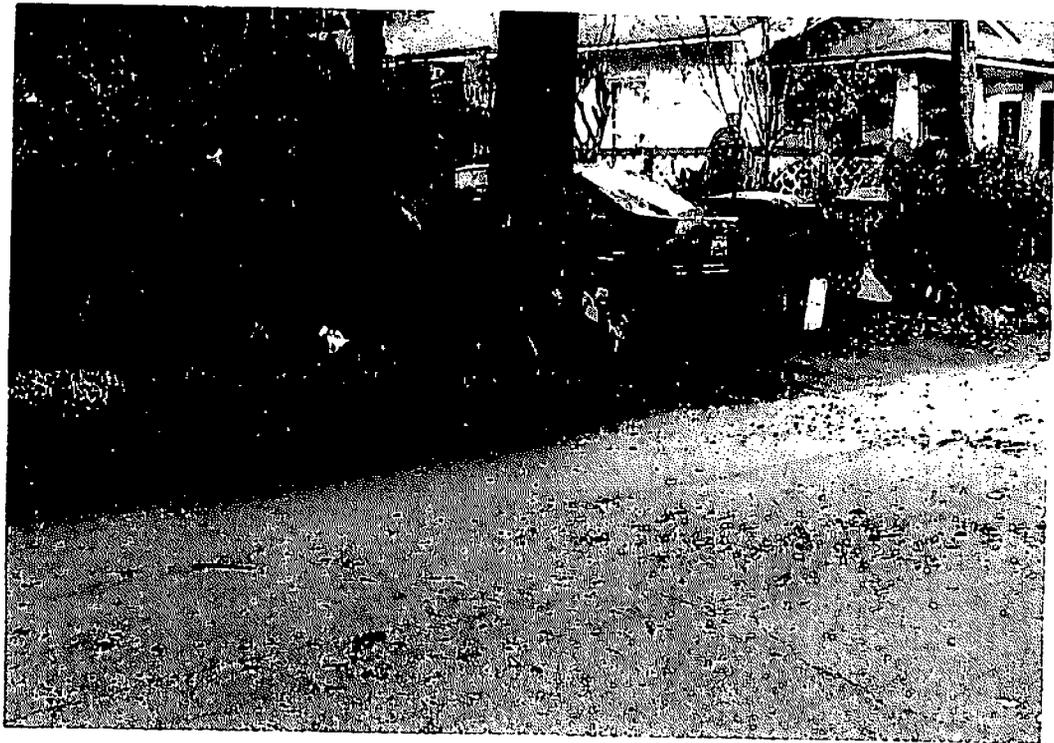
12"

26"

25"

mail box post





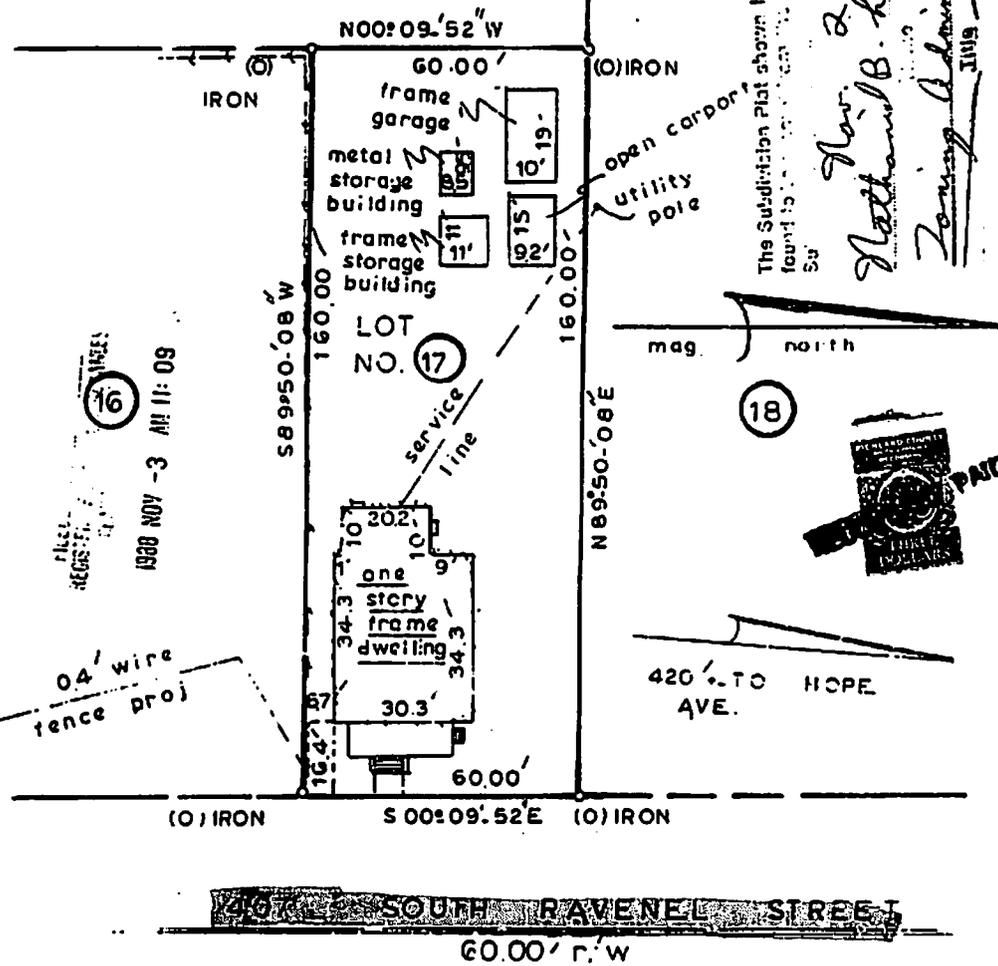


N11059

AB1242

this is to certify that i have consulted the federal insurance administration flood hazard boundary map and found that the described property (17) or (is not) located in a flood hazard area

BOOK 52 PAGE 3967
UNDESIGNATED



The Subdivision Plat shown hereon has been found to conform to the Act of Columbia, S.C.

Nathan B. Handy
James Administration
 JMS

FILED
 REGISTERED
 1988 NOV -3 AM 11:09
 16

407 SOUTH RAVENEL STREET

60.00' r.w

PLAT PREPARED FOR BOOK 52 PAGE 3967

GREGORY S. SIZEMORE & PATTY W. SIZEMORE

RICHLAND COUNTY, IN THE CITY OF COLUMBIA, S.C.
 THE SAME BEING SHOWN AS LOT NO. 17 on a plat of RICHLAND REALTY COMPANY
 BY W. H. MILLER DATED APRIL 18, 1913 AND RECORDED
 IN THE OFFICE OF THE REGISTER OF MESNE CONVEYANCE FOR RICHLAND
 COUNTY IN PLAT BOOK C AT PAGE NO. 101

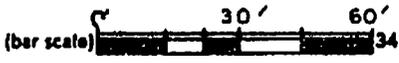
I HEREBY CERTIFY THAT THE MEASUREMENT AS SHOWN ON THIS PLAT ARE CORRECT AND THERE ARE NO ENCROACHMENT OR PROJECTIONS OTHER THAN SHOWN.

I HEREBY CERTIFY THAT THE RATIO OF FIELD PRECISION OF FIELD SURVEY IS NOT LESS THAN ONE FOOT IN 10,000 FEET ON THE AREA WAS DETERMINED BY D.M.D. METHOD.

REFERENCE DEED RECORDED IN DEED BOOK 0626 AT PAGE 243
 DATE OCT. 27, 1988

Donald G. Platt
 DONALD G. PLATT
 REG. LAND SURVEYOR
 NO. 4778
 341 GLENN ROAD W. COLUMBIA
 PHONE 796-5384

SCALE 1" = 30.00'



BEEPER NO 748.6413

DEPT. OF RECORDS - COLUMBIA