

ORDINANCE NO.: 2011-077

Granting encroachment to the Hermitage House Home Owners Association for installation and maintenance of a flagstone path, landscaping and an irrigation system within the right of way area of the 600 block of King Street adjacent to 619 King Street, Richland County TMS #11382

WHEREAS, the Hermitage House Home Owners Association, (hereinafter "Grantees") desires to utilize a portion of the right of way area of the 600 block of King Street adjacent to 619 King Street, Richland County TMS #11382, for installation and maintenance of two (2) flagstone path, each approximately five (5') feet in width and sixteen (16') feet in length; landscaping and an irrigation system, shown as Alternative 2 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 20th day of December, 2011, that Grantees, their successors and assigns are hereby granted the right to utilize a portion of the right of way area of the 600 block of King Street adjacent to 619 King Street, Richland County TMS #11382, for installation and maintenance of two (2) flagstone path, each approximately five (5') feet in width and sixteen (16') feet in length; landscaping and an irrigation system, shown as Alternative 2 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. Landscaping to be maintained by homeowner.
3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

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STAMPED IN RED

ORIGINAL
STAMPED IN REC.

4. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.

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:

Hermitage House Home Owners Association


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:

City Clerk

Introduced: 12/13/2011
Final Reading: 12/20/2011

**CITY COUNCIL
ENCROACHMENT SUMMARY
2011-077**



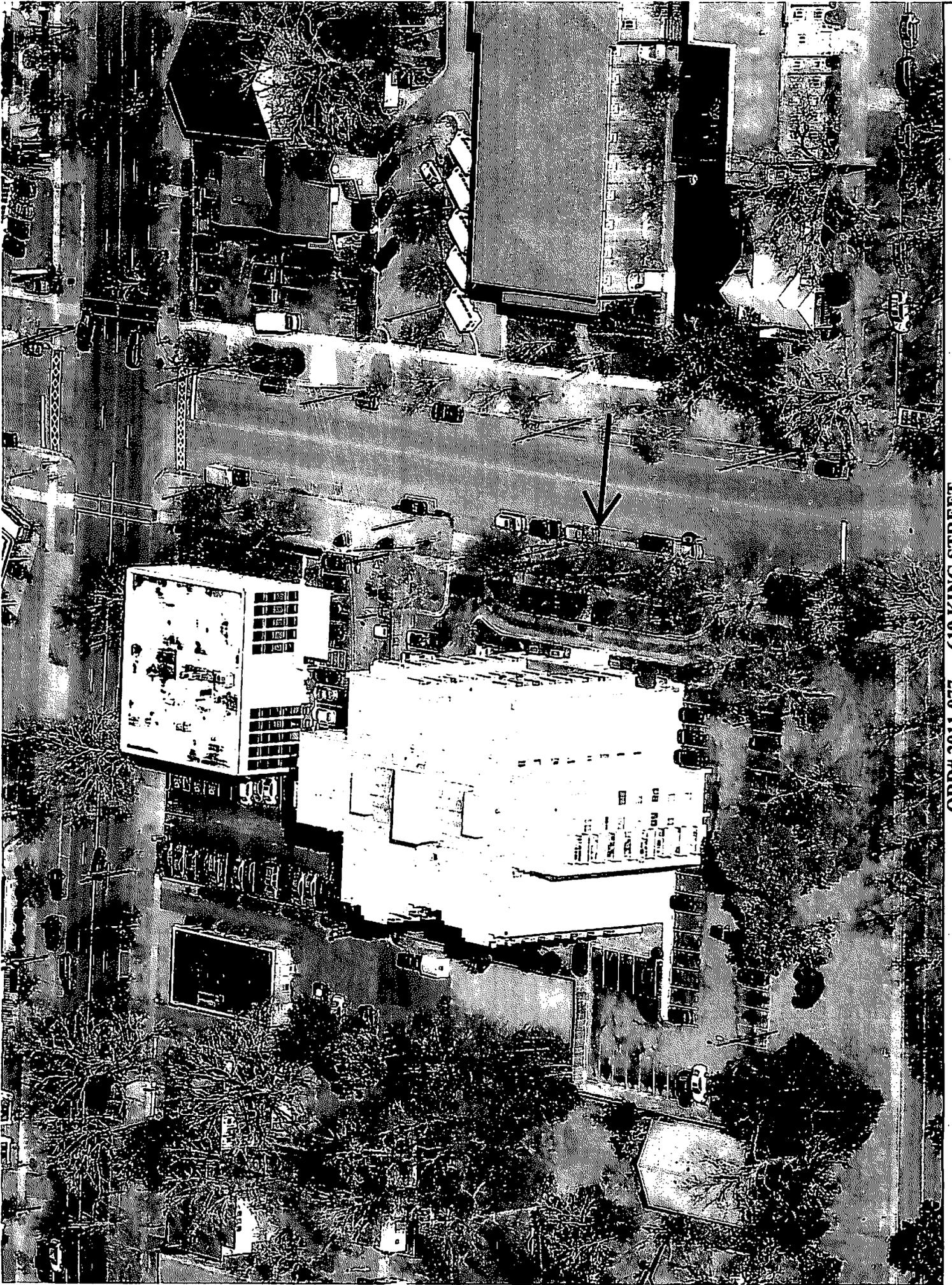
Adjacent to 619 King Street

Subject Property: Adjacent to 619 King Street, TMS# 11382
Council District: 3
Proposal: Request approval to for installation and maintenance of two (2) flagstone path, each approximately five (5') feet in width and sixteen (16') feet in length; landscaping and an irrigation system, shown as Alternative 2 on the attached drawing.
Applicant: Hermitage House Home Owners Association
Staff Recommendation: Approve
Conditions: Standard conditions

Detail: The residents of the Hermitage House propose to beautify the right-of-way in front of their condominium building. They have chosen plants for their drought tolerance and have done so in consultation with City staff. Staff finds no adverse impacts.

CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval
Streets	Recommend Approval
Utilities & Engineering	Recommend Approval
Traffic Engineering	Recommend Approval
Fire Department	Recommend Approval
Forestry	Recommend Approval
Land Development	Recommend Approval



ORD# 2011-077 619 KING STREET

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: May 23, 2011 Property Owner: Hermitage House Home Owners Association
 Applicant's Name if different from Property Owner: Ms. Sue Aude or J. Mark Noble, HOA President
 Contact Information: Telephone Number: 803.779-7276 Fax Number: _____
 Mailing address: 619 King St. # 501, Columbia 29205 E-mail address: jmnoble@bellsouth.net
 Encroachment Location (Address): 619 King Street and 2500 block of Blossom Street
 (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: 11382

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
 If Other - specify: _____
 Dimensions (height/width/length): new landscaping for a strip of lawn 346' by 16' with a five foot wide flagstone path
 (i.e., 6'x42' wooden privacy fence; two 12'x4' concrete step; two 12'x12' x24" brick columns; 4'x15' brick paver walkway)
 Construction material: plantings and mulch, flagstone
 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) _____ _____ _____	
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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
John Fellows	Planning and Development Services	545-3222	733-8647

11091607
 2011 - 077
 10/5/2011

September 30, 2011

Jackie Boland
Columbia Green Grant Programs
P O Box 50191
Columbia, SC 29250
via email cgreen1984@hotmail.com

Dear Ms. Boland:

Re: Neighborhood Beautification of Hermitage House Condominiums,
619 King Street in Columbia's Shandon Neighborhood

The Hermitage House Board of Directors proposes to beautify a median parallel with the sidewalk facing our building at 619 King Street. This median is not an asset to our homes or the City, it is covered in clover, spots of grass and weeds with an abundance of bare earth spots under five fairly large oak trees.

The Hermitage is a nine-story circa 1974 brick residential building home to 84 tax-paying families of all backgrounds and ages, a wonderful mix of residents who are enthusiastic about the completion of this project that will improve the appearance of our home and our neighborhood.

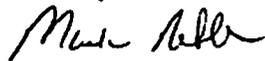
Our irrigation system, after a bit of tweaking, will provide adequate water for the new plants; these plants have been selected by City of Columbia staff and our project chairperson, Ms. Sue Aude, for their low maintenance and drought tolerance abilities. Mulch will be used in this xeriscape to aid with water and energy conservation. Installation and maintenance work will be provided by our landscape personnel on a regular basis to promote the project's viability and attractiveness.

Attached are the two lowest cost bids of the four we received: We will contribute \$1540 to this project's labor cost, which can begin soon after the grant is approved and should be completed within six weeks. Our property insurance agency, Theodore & Associates, will be glad to name the City of Columbia as an additional insured for this encroachment request. We will accept the lowest bid and are requesting a grant of \$3,634 to purchase plants and complete this needed project.

Also attached are the encroachment request sent to Shari Ardis of the City's Legal Dept. and the plan we selected for the project.

Thank you for your consideration and if you have any questions please contact me at jmnoble@bellsouth.net or 803.422-5255.

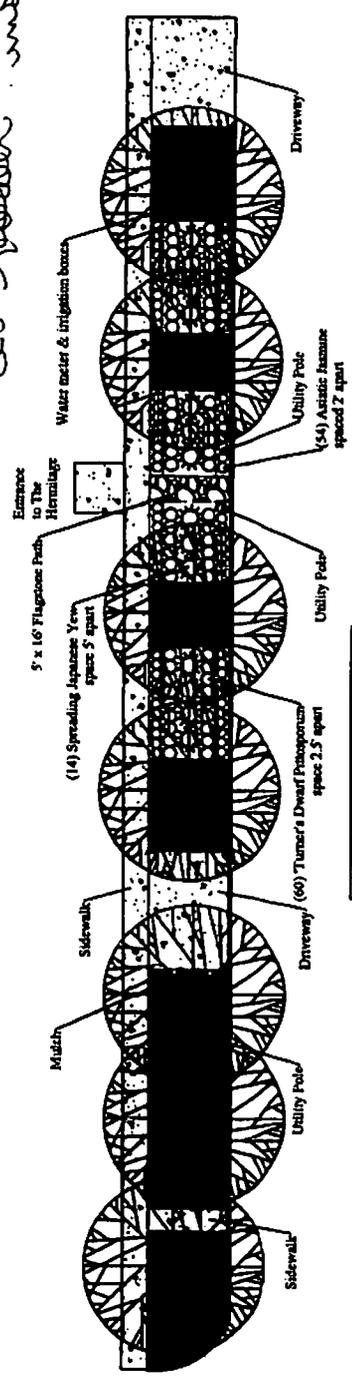
Sincerely,



Mark Noble
Hermitage HOA President
619 King Street # 501
Columbia, SC 29205

cc: Ms. Sue Aude, 619 King St. # 304 via email
Ms. Shari Ardis, City of Columbia Legal Dept. via email
Dr. Belinda Gergel, District 3, Columbia City Council via email, w/o attachments

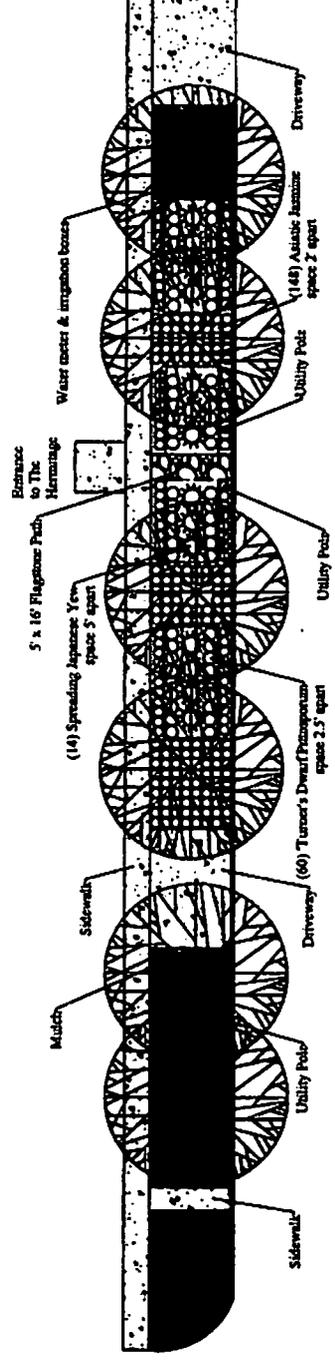
Ornate Semine
as garden instead
mulch
grass
are
mulched



- Plant List**
- (60) Turner's Dwarf Pittosporum
Pittosporum tobira 'Turner's'
 - (14) Spreading Japanese Yew
Cephalotaxus harringtoniana 'Prostrata'
 - (54) Asiatic Jasmine
Trachelospermen asiaticum

Mulched area
 = 3,099 sf
 = 29 cu yd @
 3" depth

619 King Street Right of Way Area
 Alternative 2
 Columbia, SC
 A. Bidbee April 2011
 Division of Forestry & Beautification
 City of Columbia
 Scale: 1" = 30' N = [North Arrow]



- Plant List**
- (60) Turner's Dwarf Pittosporum
Pittosporum tobira 'Turner's'
 - (14) Spreading Japanese Yew
Cephalotaxus harringtoniana 'Prostrata'
 - (224) Asiatic Jasmine
Trachelospermen asiaticum

Mulched area
 = 2,315 sf
 = 21 cu yd @
 3" depth

619 King Street Right of Way Area
 Alternative 3
 Columbia, SC
 A. Bidbee April 2011
 Division of Forestry & Beautification
 City of Columbia
 Scale: 1" = 30' N = [North Arrow]