

ORDINANCE NO.: 2016-030

Granting an encroachment to Seth Thorp and Mae Young for installation and maintenance of a wrought iron fence within the right of way area of the 1800 block of Combahee Avenue adjacent to 329 Edisto Avenue, Richland County TMS #11311-01-02

WHEREAS, Seth Thorp and Mae Young (hereinafter "Grantees") desire to utilize a portion of the right of way area of the 1800 Combahee Avenue adjacent to 329 Edisto Avenue, Richland County TMS #11311-01-02 for installation and maintenance of a wrought iron fence approximately thirty-two (32') feet in length, nine (9') feet in depth and four (4') feet in height, 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 __ day of _____, 2016, that Grantees, its successors and assigns are hereby granted the right to utilize a portion of the right of way area of the 1800 Combahee Avenue adjacent to 329 Edisto Avenue, Richland County TMS #11311-01-02 for installation and maintenance of a wrought iron fence approximately thirty-two (32') feet in length, nine (9') feet in depth and four (4') feet in height, 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, 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. Certificate of Design Approval (CDA) from Design/Development Review staff is required;
2. 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;
3. All trees to be shall be protected;
4. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines;

- 5. Obstructions of more than be four (4') feet in height are prohibited within the sight visibility triangle;
- 6. Forestry and Beautification shall be provided access through gates to both trees that are located within the right of way for maintenance purposes;
- 7. All trees shall be protected and no large tree roots shall be removed from any existing trees; and
- 8. Gates must swing into property.

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:

Assistant City Manager Gentry

Mayor

Approved by:

City Manager

Approved as to form:


Deputy City Attorney

ATTEST:

City Clerk

Introduced:

Final Reading:

**CITY COUNCIL
ENCROACHMENT SUMMARY
2016-030**



**1800 BLOCK OF COMBAHEE AVENUE
ADJACENT TO 329 EDISTO AVENUE
WROUGHT IRON FENCE**

Subject Property:	Right-of-way adjacent to 1800 block of Combahee Avenue adjacent to 329 Edisto Avenue, TMS#11311-01-02
Council District:	3
Proposal:	The applicant is requesting an encroachment for installation and maintenance of a wrought iron fence
Applicant:	Seth Thorp and Mae Young
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of a wrought iron fence approximately thirty-two (32') feet in width, nine (9') feet in depth, and four (4') feet in height, as shown on the attached drawings.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> 1. Certificate of Design Approval (CDA) from Design/Development Review staff is required; 2. 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; 3. All trees to be shall be protected; 4. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines; 5. Obstructions of more than be four (4') feet in height are prohibited within the sight visibility triangle; 6. Forestry and Beautification shall be provided access through gates to both trees that are located within the right of way for maintenance purposes; 7. All trees shall be protected and no large tree roots shall be removed from any existing trees; and 8. Gates must swing into property.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning	Recommend approval.
Streets	Recommend approval.
Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.
Land Development	Recommend approval.

Fire	Recommend approval.
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REQUEST FOR A PERMANENT RESIDENTIAL OR CHURCH DIRECTIONAL SIGNS 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: 4/8/2016 Property Owner: Seth Thorp & Mae Young

Applicant's Name if different from Property Owner: _____

Contact Information: Telephone Number: (504) 289-3366 Fax Number: _____

Mailing address: 329 Edisto Ave, Columbia, SC 29205 E-mail address: stthorp@gmail.com

Encroachment Location (Address): 329 Edisto Ave, Columbia, SC 29205
(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: TMS# R11311-01-02

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

If Other - specify: _____
Dimensions (height/width/length): 4' tall, 32'x 32' wrought iron fence extending off existing brick wall

(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: 4' Tall black powder coated wrought iron (steel)

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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The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers 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

Johnathan Chambers
John Fellows
Brian Cook
Jerry Thompson
Fanessa Pinckney
Amy Moore
Robert Harkins
Denny Daniels
Robert Anderson
Robert Sweat
David Brewer
Sara Hollar
John Hooks
Chip Timmons
David Koon
John David Spade

DEPARTMENT

Development Services (Land Development)
Development Services (Planning)
Development Services (Zoning)
Development Services (Building Inspections)
Development Services (Permits)
Development Services (Historic Preservation)
Development Services (Plans Review)
Utilities & Engineering (Construction Management)
Public Works (Administration)
Public Works (Street Division)
Public Works (Traffic Engineering)
Public Works (Forestry & Beautification)
Public Works (Solid Waste)
Risk Management
Fire Department
Parking Services

PHONE

803-545-3333
803-545-3222
803-545-3332
803-545-3420
803-545-3420
803-545-3222
803-545-3420
803-545-3400
803-545-3780
803-545-3790
803-545-3850
803-545-3860
803-545-3800
803-733-8306
803-545-3701
803-545-3070

FAX

803-343-8779
803-733-8647
803-733-8647
803-733-8699
803-733-8699
803-733-8647
803-733-8647
803-988-8199
803-733-8648
803-545-3785
803-733-8648
803-733-8648
803-733-8648
803-733-8245
803-401-8839
803-733-8523

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aemoore@columbiasc.net
rlharkins@columbiasc.net
jddaniels@columbiasc.net
raanderson@columbiasc.net
rgsweatt@columbiasc.net
ddbrewer@columbiasc.net
sehollar@columbiasc.net
jphooks@columbiasc.net
catimmons@columbiasc.net
cfdgkoon@columbiasc.net
spade@columbiasc.net

City of Columbia

329 Edisto Avenue - Fence Encroachment



Monday, April 18, 2016



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

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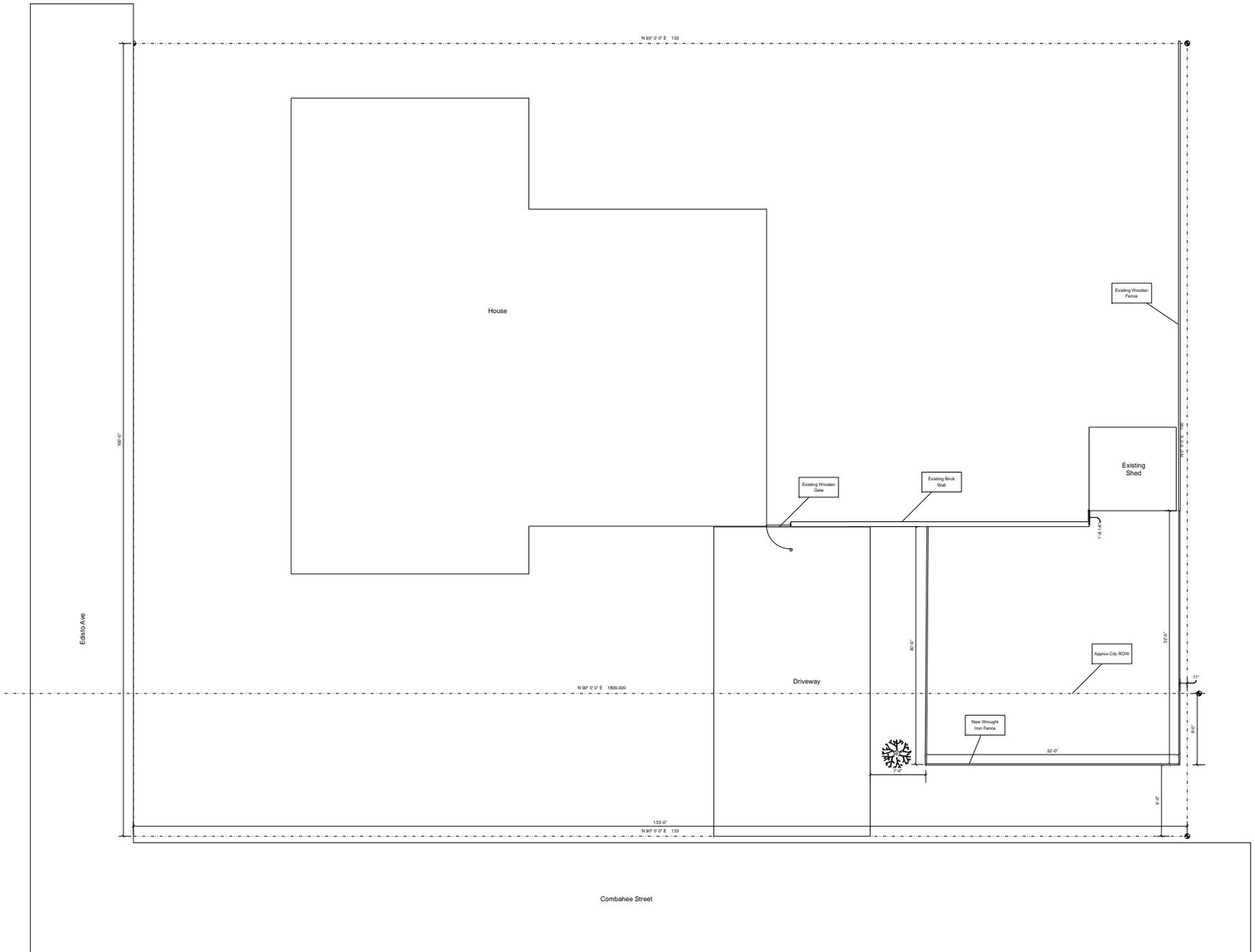


We Are Columbia



Site Plan

329 Edisto Avenue
TMS # R11311-01-02
Scale: 1 in = 5 ft
Seth T. Thorp
4/4/2016



LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00'	N 52°14'09" E

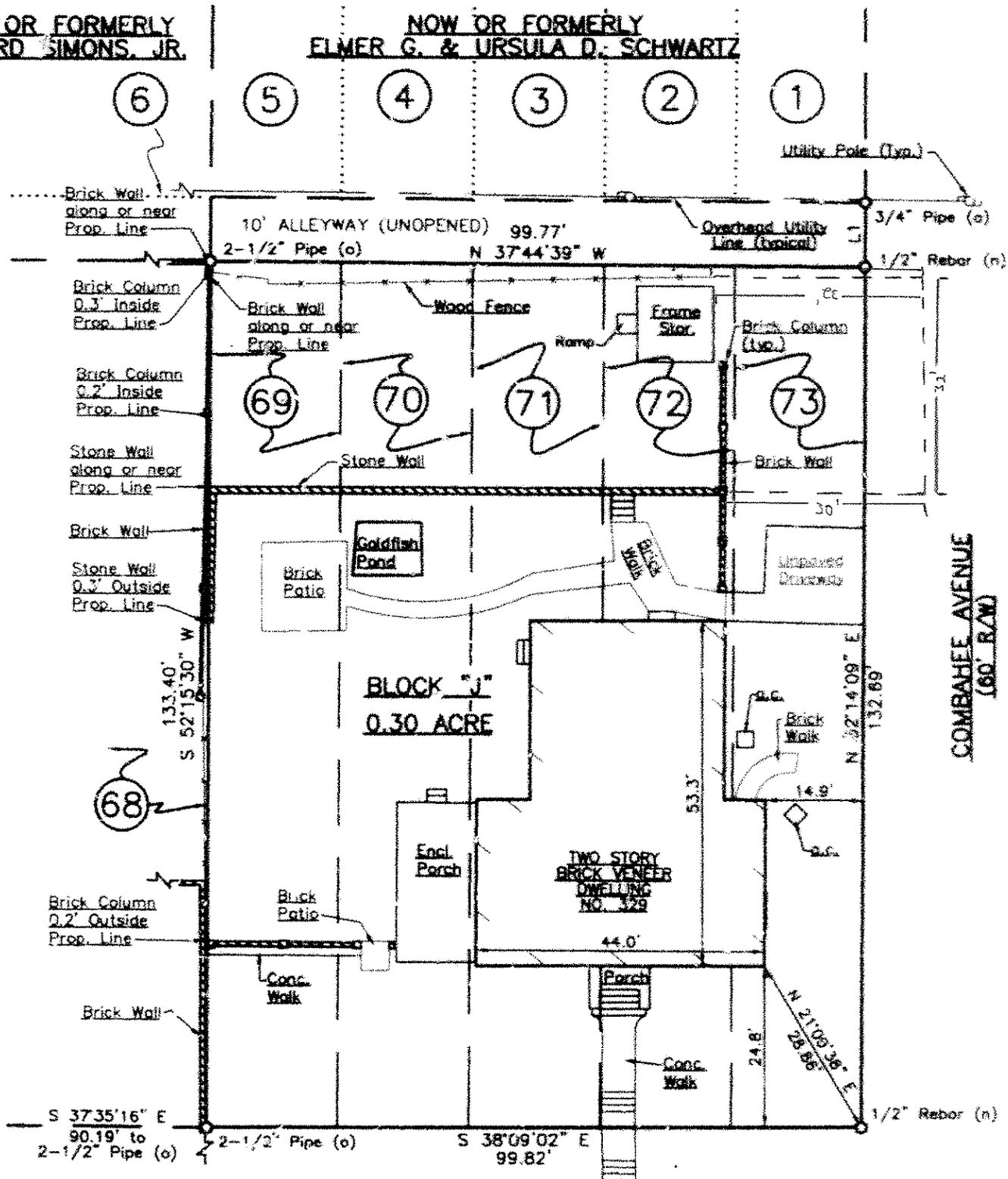


NOW OR FORMERLY
RICHARD SIMONS, JR.

NOW OR FORMERLY
ELMER G. & URSULA D. SCHWARTZ

NOW OR FORMERLY
CHARLES H. MOOREFIELD

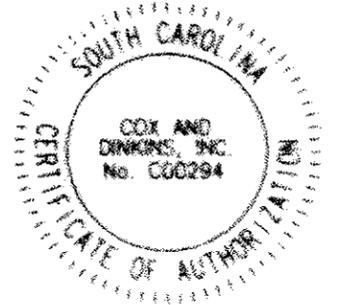
COMBAHEE AVENUE
(60' R/W)



Book 01037-3755
Plat Oversized
Fee \$10.00 County Tax \$0.00 State Tax \$0.00



EDISTO AVENUE
(60' R/W)



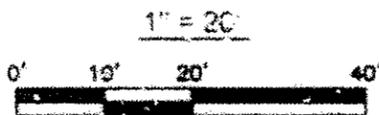
PLAT
PREPARED FOR

ROBERT GRUMBACH & SUSAN SMALL

RICHLAND COUNTY, COLUMBIA, S.C.

THE SAME BEING COMPOSED OF LOTS NO. 69, 70, 71, 72 & 73, BLOCK "J", ON PLAT OF WALES GARDENS, BY M. GOODE HOMES, DATED JUNE, 1914, AMENDED APRIL, 1920, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK "D", PAGE 107 REFERENCE IS ALSO MADE TO RICHLAND COUNTY DEED BOOK 823, PAGE 869.

MARCH 23, 2005



COX AND DINKINS, INC.
724 BELTLINE BLVD
COLUMBIA, SOUTH CAROLINA 29205
803-254-0518 Fax: 803-785-0993
Email: cdinc@coxanddinkins.com

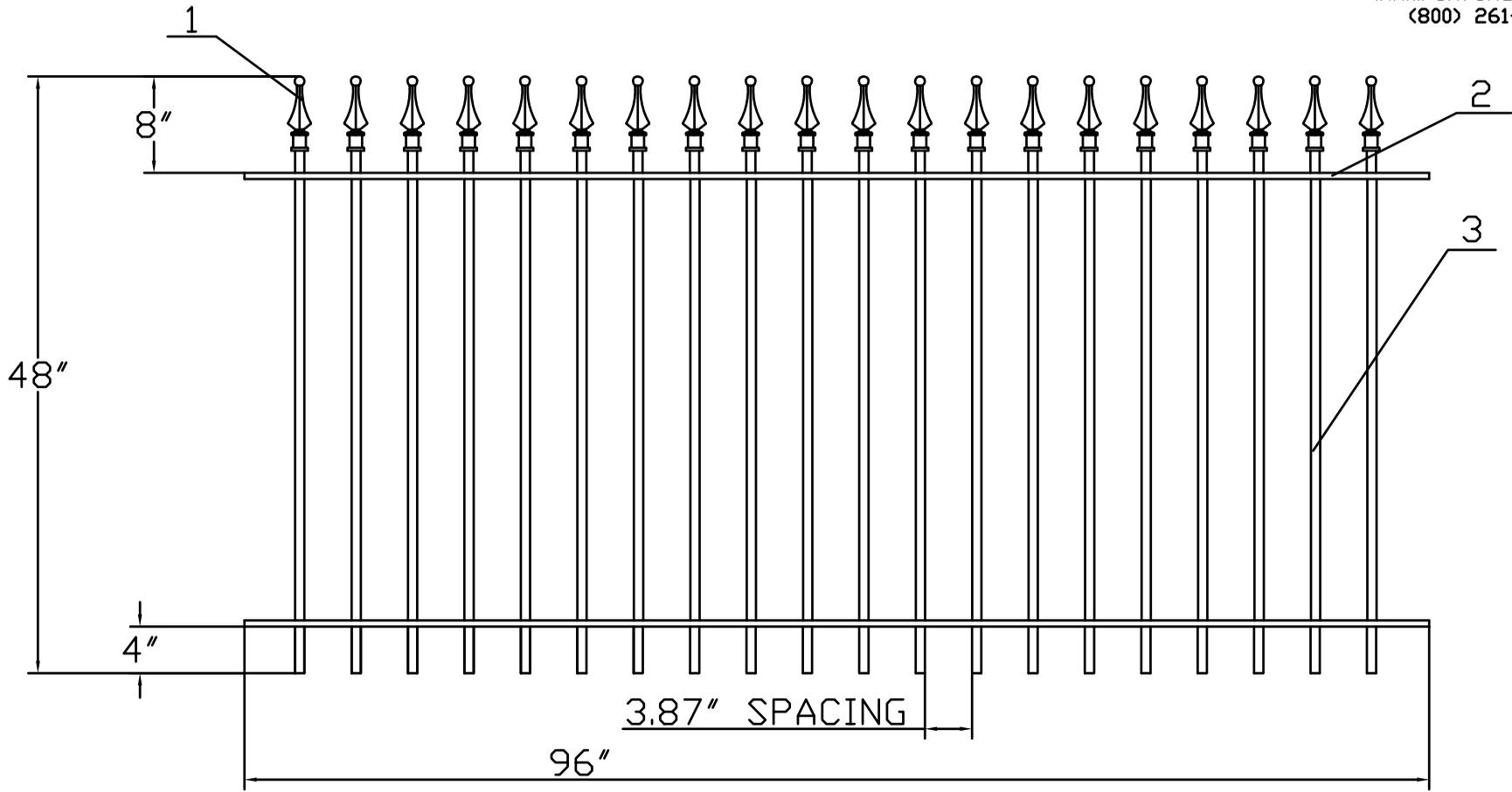
I hereby state (and to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein; and there are no known encroachments or projections other than shown.

[Signature]
PROF. LAND SURVEYOR NO. 17928
RONALD W. FISHER

4'H X 8'W STRONGHOLD IRON FENCE PANEL
SIGNATURE GRADE - STYLE #1: CLASSIC

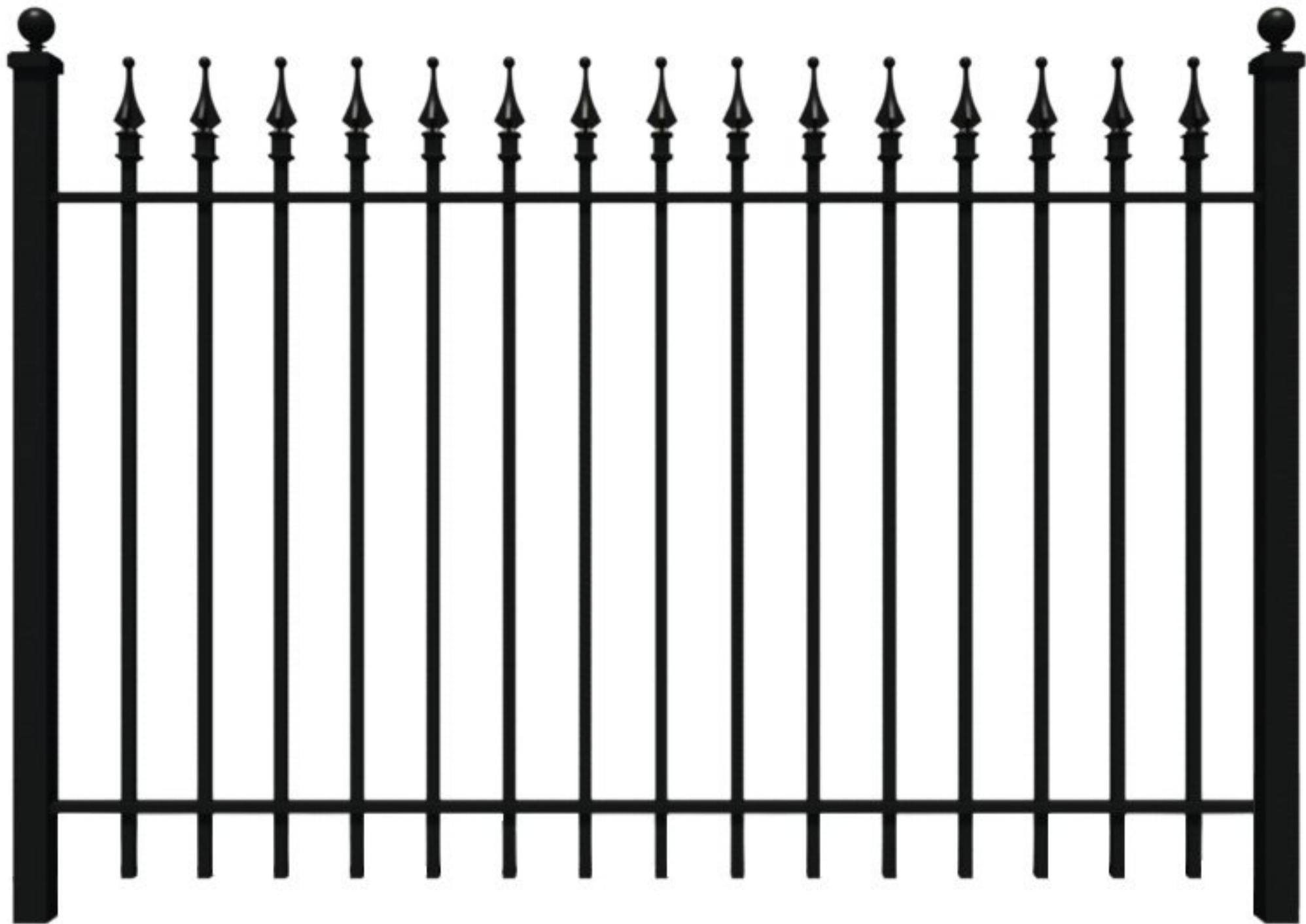


www.ironfenceshop.com
(800) 261-2729



NO.	MATERIAL	QTY
1	CAST IRON FINIAL	20
2	┌ 1 1/2"X1/2"X1/8"	2
3	3/4"X3/4"X16gauge	20

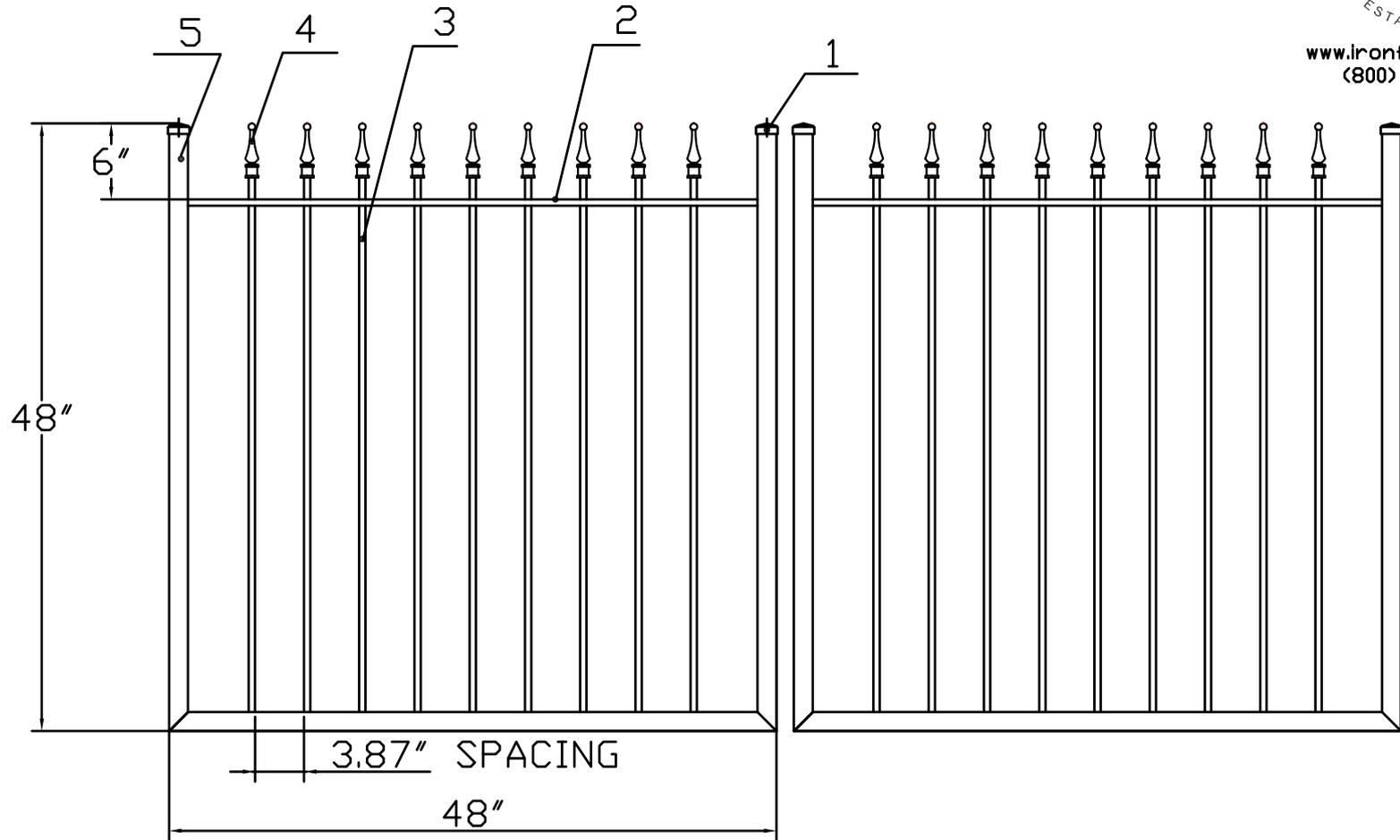
TP0408-2C



4'H X 8'W STRONGHOLD IRON DOUBLE WALK GATE
 TRADITIONAL GRADE - STYLE #1: CLASSIC



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NO.	MATERIAL	QTY
1	CAST IRON CAP	4
2	┌ 1"X1/2"X1/8"	2
3	1/2"X1/2"X18ga	18
4	CAST IRON FINIAL	18
5	1-1/2"X1-1/2"X14ga	6

TP0404-RGD





