

ORIGINAL

ORDINANCE NO.: 2025-101

Granting an encroachment to Shawn Eubanks for the use of the right of way area of the 6100 block of Hampton Leas Lane for the installation and maintenance of a wooden fence adjacent to 1 Copperfield Court, Richland County TMS# 13713-02-41

WHEREAS, Shawn Eubanks, (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 6100 block of Hampton Leas Lane for the installation and maintenance of a wooden fence measuring approximately six (6') feet in height one hundred twenty-five (125') feet in length adjacent to 1 Copperfield Court, as shown on the attached drawings; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the medians 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 6th day of January, 2026, that Grantee is hereby granted the right to use the right of way area of the 6100 block of Hampton Leas Lane adjacent to 1 Copperfield Court, Richland County TMS# 13713-02-41, for the installation and maintenance of a wooden fence measuring approximately six (6') feet in height one hundred twenty-five (125') feet in length, as shown on the attached drawings.

PROVIDED FURTHER that all work shall comply with the requirements of The City of Columbia, South Carolina Department of Transportation (SCDOT) and Federal Emergency Management Agency (FEMA) 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 Grantee's 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; and,

PROVIDED further that in the event the City has to make repairs or maintain utility lines located within the encroachment area the City will replace any items removed for the utility repair or maintenance with like items to those removed; and,

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; and,

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.

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. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.

3. Grantee is responsible for maintaining landscaping and improvements.

4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

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

6. Forestry and Beautification shall be provided access to trees 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.

8. If maintenance to storm drain running along property line within the right-of-way is needed in the future, grantee shall be required to remove the fence to allow access to the pipe.

9. If new gate is installed in the future, gate shall swing inward into property, not outward further into right-of-way.

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:

Assistant City Manager Palen

Mayor

Approved by:

Cherise B. Wilson
City Manager

Approved as to form:

ATTEST:

[Signature]
City Attorney

Zuka D. Hammond
City Clerk

Introduced: 12/16/2025
Final Reading: 01/06/2026

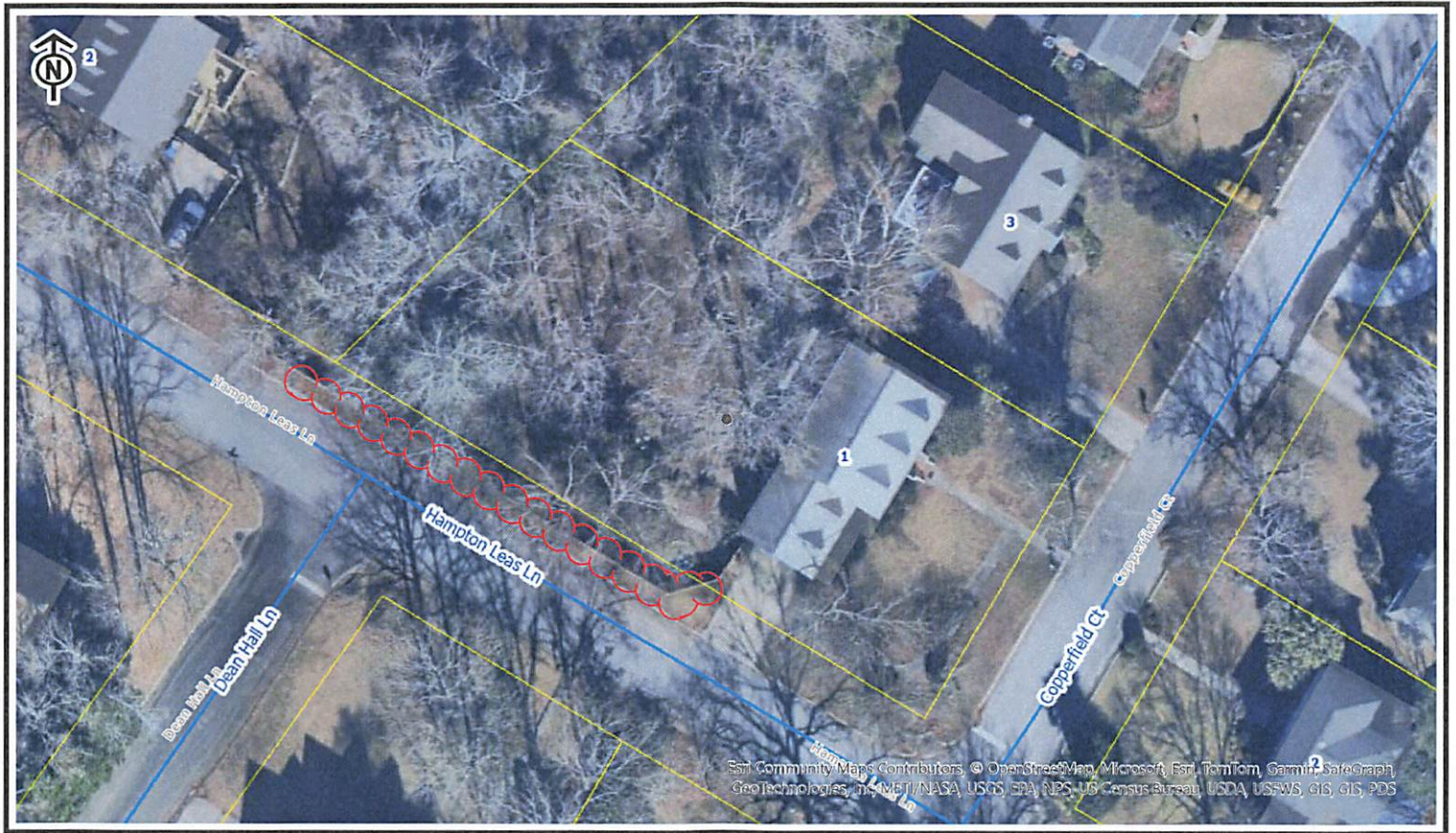
**CITY COUNCIL
ENCROACHMENT SUMMARY
2025-101**



**6100 BLOCK OF HAMPTON LEAS LANE
ADJACENT TO 1 COPPERFIELD COURT
WOODEN FENCE**

Subject Property:	Right-of-way adjacent to 1 Copperfield Court
Council District:	3
Proposal:	The applicant is requesting an encroachment for installation and maintenance a wooden fence.
Applicant:	Shawn Eubanks
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of a wooden fence measuring approximately six (6') feet in height one hundred twenty-five (125') feet in length adjacent to 1 Copperfield Court, as shown on the attached drawings; and,</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none">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. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.3. Grantee is responsible for maintaining landscaping and improvements.4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.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 to trees 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.8. If maintenance to storm drain running along property line within the right-of-way is needed in the future, grantee shall be required to remove the fence to allow access to the pipe.9. If new gate is installed in the future, gate shall swing inward into property, not outward further into right-of-way.
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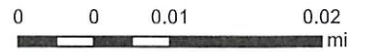
City of Columbia

This map was prepared using the City GIS Viewer

City of Columbia - GIS Division
11/21/2025 1:47 PM



- | | | |
|---|--|---|
| <ul style="list-style-type: none"> Building Footprint Tax Parcel Address Point Dwelling Type Single Family Multi Unit Others InActive | Street & Ownership
CFCC,Ownership <ul style="list-style-type: none"> Interstate Highway City Maintained State Maintained Private Others | <ul style="list-style-type: none"> Columbia City Limits NearMap Cache 2025
RGB <ul style="list-style-type: none"> Red: Band_1 Green: Band_2 Blue: Band_3 |
|---|--|---|



**CITY OF COLUMBIA
GIS DATA DISCLAIMER:**
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Permanent Encroachment Application and Checklist

4. Project Description

Provide a brief description of the project and list all items that will be placed in the right-of-way (walls, fences, columns, steps, irrigation systems, landscaping, driveways, pavers, sidewalks/walkways, planters, awnings, etc.)

I respectfully request an encroachment for a wooden fence along the Hampton Leas Lane side of my property.

The fence is necessary for several reasons:

First, my back yard contains a creek, surrounded in certain areas by slippery, rocky, and potentially dangerous terrain. It has not been uncommon to see neighborhood children wander onto the property (attracted by the creek/terrain). We are concerned that a fence is necessary to prevent potential injury to unexpected guests.

Second, we have young children (3yo and 1yo) who enjoy playing in the woods of our back yard. However, Hampton Leas Lane (which runs along our back yard) is the primary road for leaving our neighborhood. It is long, straight, and can be busy - and people often drive fairly fast down the road. While our children do not play outside unattended, a fence provides added peace of mind that our children are safe.

I am requesting approval for the fence to be built on the right of way because there are a significant number of large trees extending from my property into the right of way which would prevent a fence from enclosing my back yard and connecting to my neighbor's fence, unless I am allowed to build the fence beyond them in the right of way.

As far as the right-of-way land itself, I had been under the impression that it was part of our land, and I have been maintaining it since we moved in. I have cut back limbs and brush, and have planted (or attempted to plant) grass, and watered, mowed and edged the area.

To the extent that the right-of-way has been preserved for the purpose of potential widening of the road, it does not seem likely that it will ever need to be used for that purpose since Hampton Leas ends in a dead end, and the surrounding neighborhood is fully developed. The current road fulfills the traffic needs of the area.

For staff use only

Date received (M/D/Y): ____/____/____

By: _____



Permanent Encroachment Application and Checklist


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.

Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements.

Permittee understands and agrees that the privilege granted may be modified or terminated by the City of Columbia at any time without notice and that the privilege granted hereby is subject to applicant's compliance with the following conditions, restrictions or limitations:

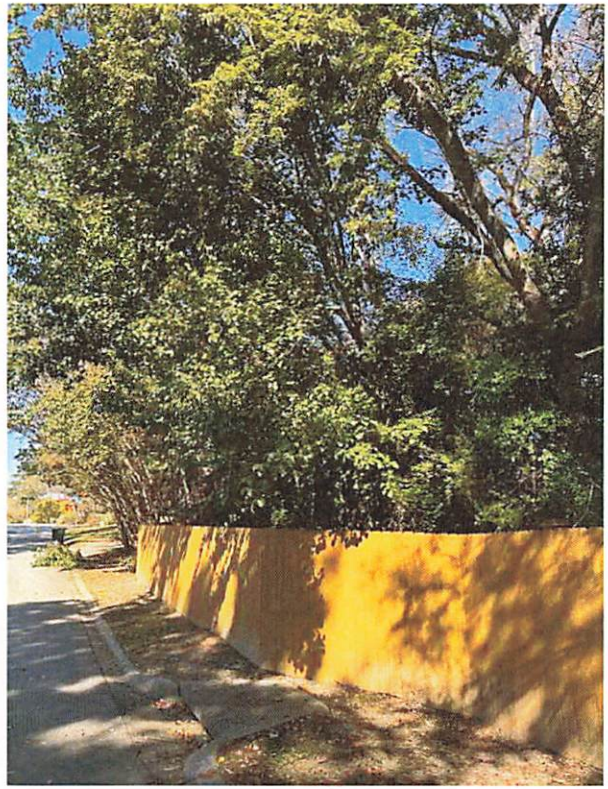
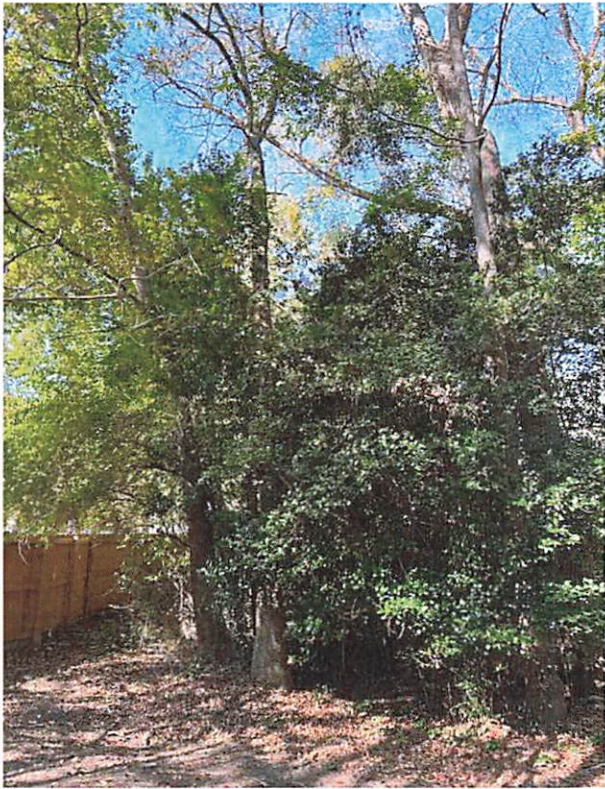
Permittee must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted.

7. Signature

Signature of Applicant 	
Print Name Shawn D. Eubanks	Date November 3, 2025



We keep the right of way area well-maintained.



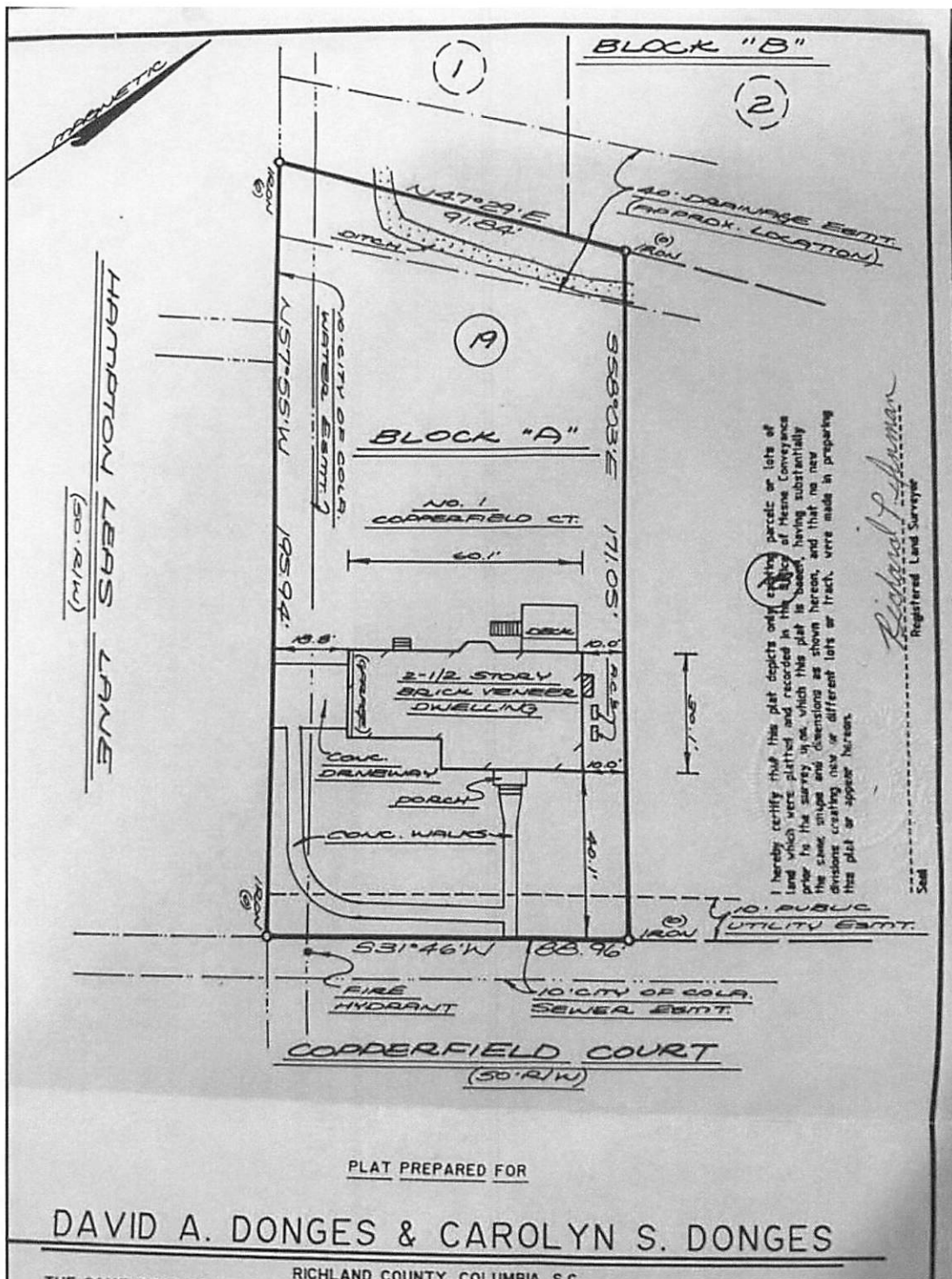
Even after we cleared back the brush and vines from the right-of-way, the area has large trees that required the fence to be placed where it is.



The fence encloses a creek area that is surrounded by very steep, rocky, slippery terrain.

Prior to building the fence, it was common for neighborhood children to enter the property unannounced – attracted by the creek.

We believed a fence was necessary because we were concerned about this area being a safety risk, especially because the steepest part of the area is not easily visible from the house or the street, so someone could be hurt and not immediately seen.



We reviewed our plat before building the fence and it appeared that the area next to the road was an *easement*, not a right-of-way. Because of this, when I reviewed the City rules for building fences, I mistakenly read the rules for easements, which allow a wood fence to be built on it. I believed I was following the correct rules, but unfortunately I had misunderstood my plat.