

ORDINANCE NO.: 2009-026

Granting an encroachment to Linda Hiltner for installation and maintenance of a brick walk, brick pavers, two brick columns, two brick steps and landscaping within the right of way area adjacent to 517 Congaree Avenue

ORIGINAL
STAMPED IN RED

WHEREAS, Linda Hiltner (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to her property at 517 Congaree Avenue for installation and maintenance of landscaping; a brick walk approximately thirteen (13') feet in length and four (4') feet five (5") inches in width; two brick steps approximately four (4') feet in width and twelve (12") inches in width; brick pavers along the boarder of the existing driveway to run approximately fourteen (14') feet in length and two (2') feet five (5") inches in width; two brick columns approximately twenty (20") inches in diameter and two feet five inches (2.5') 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 15th day of April, 2009, that Grantee, her successors and assigns, is hereby granted the right to utilize a portion of the right of way area adjacent to her property at 517 Congaree Avenue for installation and maintenance of landscaping; a brick walk approximately thirteen (13') feet in length and four (4') feet five (5") inches in width; two brick steps approximately four (4') feet in width and twelve (12") inches in width; brick pavers along the boarder of the existing driveway to run approximately fourteen (14') feet in length and two (2') feet five (5") inches in width; two brick columns approximately twenty (20") inches in diameter and two feet five inches (2.5') 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, her 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.

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PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. Proposal requires approval of DDRC Commission.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, her 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, her 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 her expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

Linda Hiltner



MAYOR

Approved by:



Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 4/1/2009

Final Reading: 4/15/2009

Submit by Email

Matter No.: 09020221
Attorney: [Signature]
Date In: 2/11/09
File No.: 2009-0216
Date Out: 3/10/2009

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.

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. Judy Edwards with Risk Management (343-8778 or jgedwards@columbiasc.net) should be contacted regarding the insurance requirements.

Date: 2/13/2009 Applicant's Name: Linda Hiltner
Telephone Number: 803-254-0639 Fax Number: n/a
E-mail address: linda@thegourmetshop.net
Encroachment Location (Address): 517 Congaree Avenue Columbia, SC 29205

Encroachment type: Wall Fence Irrigation System Landscaping
If wall or fence - dimensions: 2'x24" (height/length) construction material: 2 brick columns (no wall)
Please provide photographs and drawing or site plan drawn to scale.

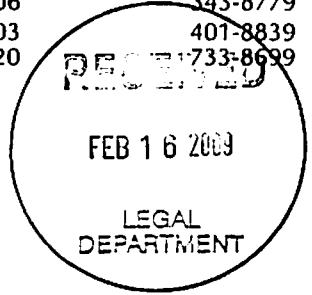
Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)
Location(s) signs are to be placed (i.e. Northeast corner of Main Street)

Outdoor dining/decoration No. of chairs: No. of Tables
Number of planters: Business Hours: Other:

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Chip Land 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
Chip Land	Planning and Development Services	545-3222	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
Judy Edwards	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
Krista Hampton	Planning and Development Services	545-3420	733-8699

Last Revised: 8/25/2008





Hay Hill Services

Narrative—Encroachment Request

PROJECT:

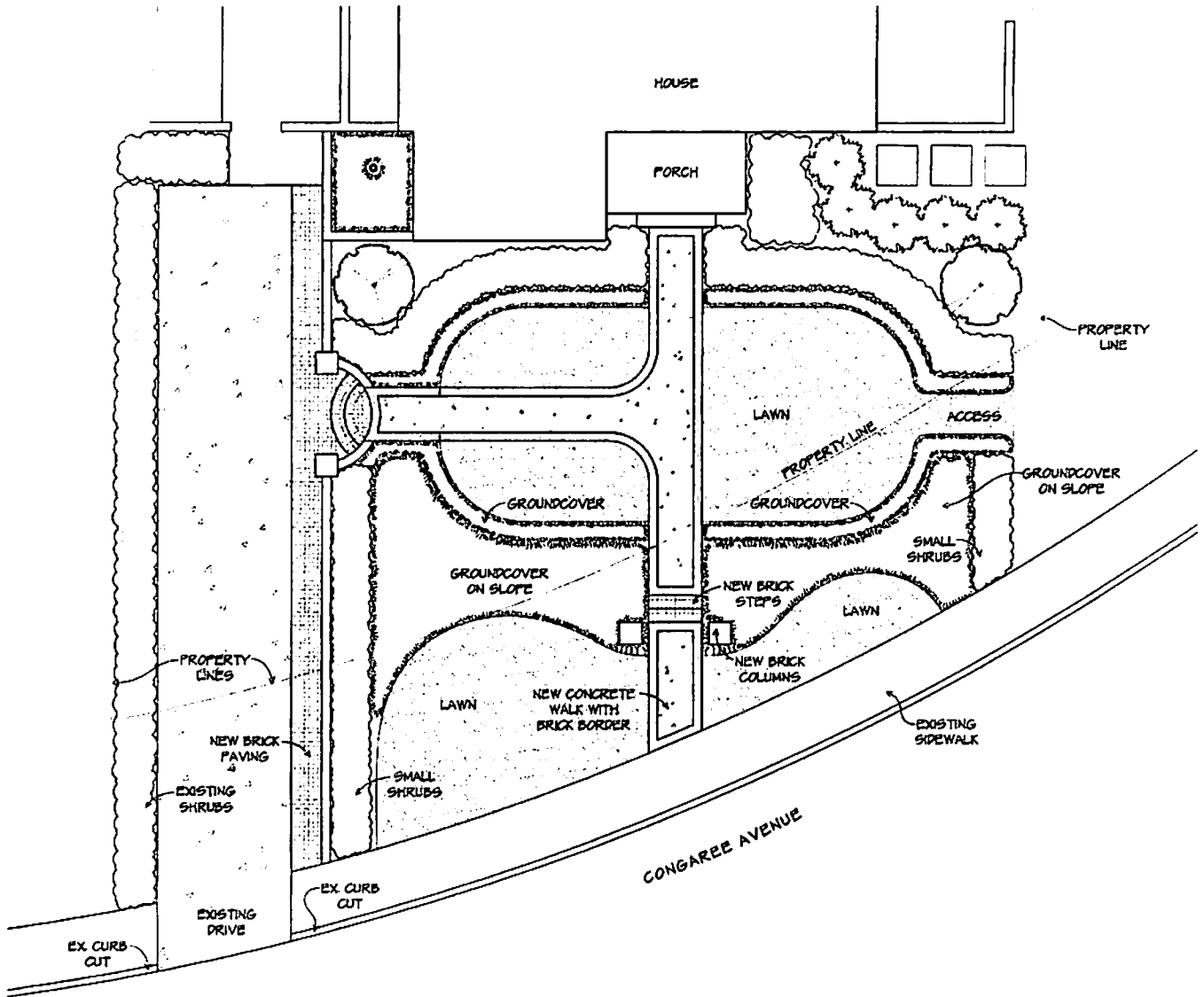
Hiltner Residence
517 Congaree Avenue
Columbia, SC 29205

Property Type: Residential

We request an encroachment permit for the following items within the right of way:

- 1) Replacement of existing brick walk with new concrete walk with brick border:
 - The existing brick walk is hazardous and uneven. It also needs to be realigned since the City recently removed a large diseased tree from within the right of way.
- 2) New brick paving along existing concrete driveway:
 - Currently the driveway is not wide enough to easily accommodate the size of the owner's car. Adding brick paving between the existing driveway and existing retaining wall allows more space for circulation around parked cars while also serving as an aesthetic addition to the property.
- 3) Two new low brick columns with two new brick steps:
 - The brick columns will each be 20" sq. x 2.5' ht. They are intended to serve as an accent for the new entrance walk. Because of their small size, they are unobtrusive while adding a more formal look to match the existing Shandon neighborhood. The new brick steps will be 4' wide x 12" tread depth. The steps will be set a minimum of 8'-10' back from the public sidewalk to avoid any potential hazards.
- 4) Landscaping:
 - The landscaped area of front yard within the right of way currently consists of lawn and a large dirt area where the City recently removed the large tree (see attached photos). As shown on the plan, the new landscaping within the right of way will contain a few small/low shrubs, groundcover (on the sloped area), and lawn.

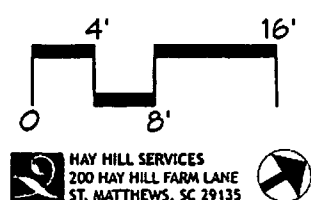
Please note that the existing concrete sidewalk along Congaree Avenue as well as the existing curb cuts at the owner's driveway will not be altered/disturbed in any way. The purpose of this project is to enhance the existing hardscape and landscape of this residence.



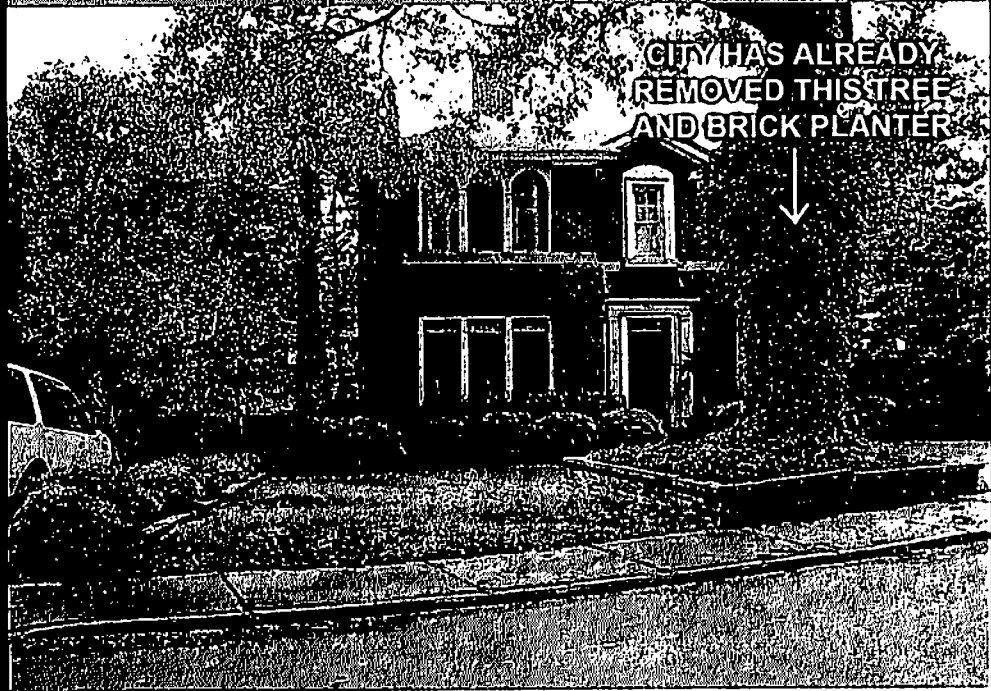
HILTNER RESIDENCE

517 CONGAREE AVENUE
 COLUMBIA, SOUTH CAROLINA 29205

TAX MAP #: R11308-09-04



MAY HILL SERVICES
 200 MAY HILL FARM LANE
 ST. MATTHEWS, SC 29135



Submit by Email

Matter No.: 09020221
Attorney: LEGISL
Date In: 2/16/09
File No.: 2009-026
Date Out: 3/10/2009

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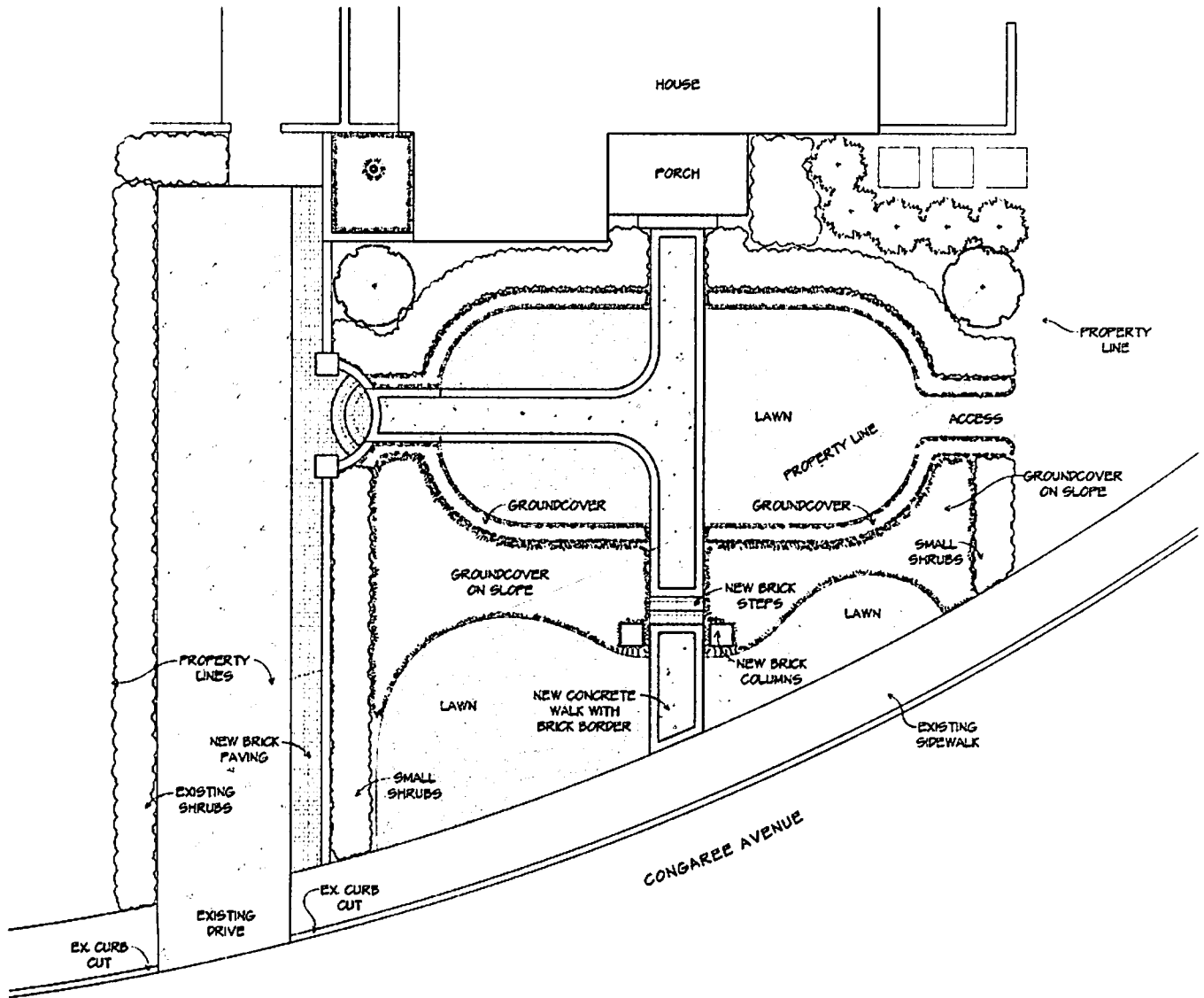
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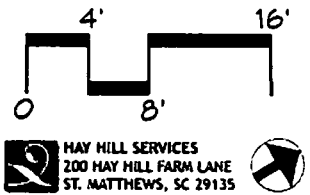
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 COLUMBIA, SOUTH CAROLINA 29205

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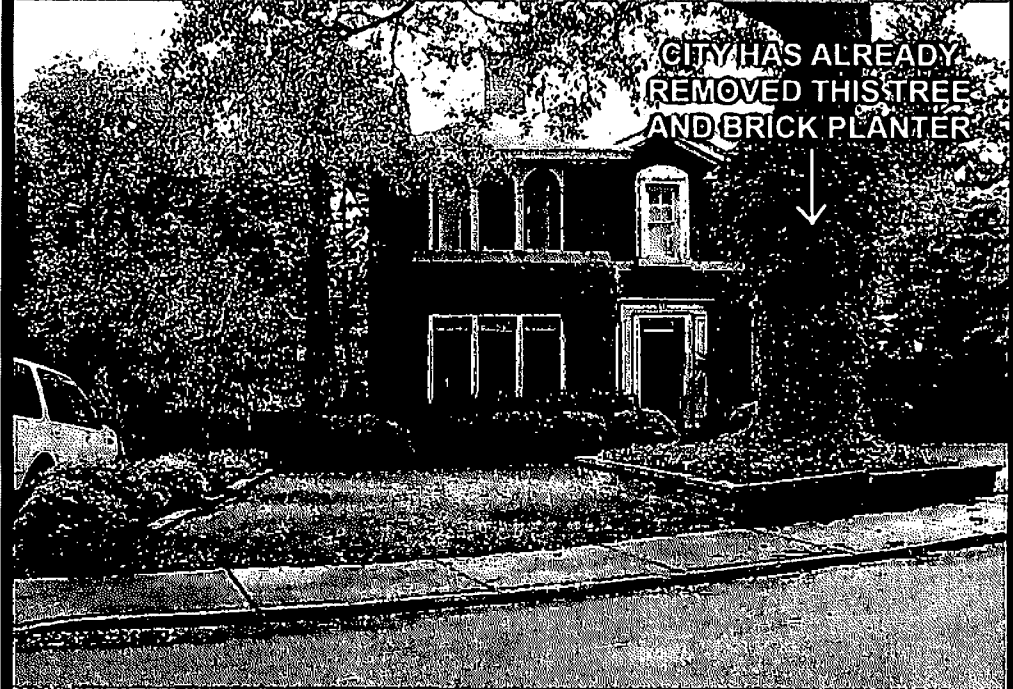


MAY HILL SERVICES
 200 MAY HILL FARM LANE
 ST. MATTHEWS, SC 29135



ADJACENT
PROPERTY

OWNER
PROPERTY



CITY HAS ALREADY
REMOVED THIS TREE
AND BRICK PLANTER

