

ORDINANCE NO.: 2010-130

*Granting an encroachment to William B. Graham and Melinda M. Graham
for installation and maintenance of two concrete walkways within the right of way area
of the 2900 block of Kershaw Street adjacent to 1401 Hagood Road,
Richland County TMS #11414-10-08*

ORIGINAL
STAMPED IN RED

WHEREAS, William B. Graham and Melinda M. Graham, (hereinafter "Grantees") desire to utilize a portion of the right of way area of the 2900 block of Kershaw Street adjacent to 1401 Hagood Road, Richland County TMS #11414-10-08, for installation and maintenance of two (2) concrete walkways approximately five (5') feet in length and four (4') feet in width 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 6th day of October, 2010, that Grantees, their successors and assigns, are hereby granted the right to utilize a portion of the right of way area of the 2900 block of Kershaw Street adjacent to 1401 Hagood Road, Richland County TMS #11414-10-08, for installation and maintenance of two (2) concrete walkways approximately five (5') feet in length and four (4') feet in width, 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 Grantees shall be maintained by the Grantees 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, Grantees, their 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 Grantees 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 vehicles safely traveling or to persons safely walking along

ORIGINAL
STAMPED IN RED

the roadways.

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. 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 Grantees, their 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 Grantees, their 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 Grantees, in consideration of the above privilege, shall at their 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:

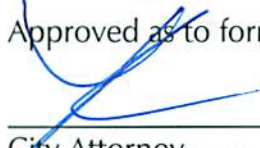
William B. and Melinda M. Graham


MAYOR

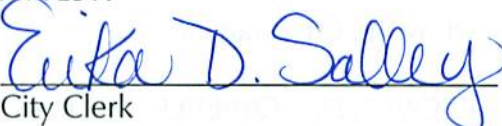
Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 9/15/2010
Final Reading: 10/6/2010

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.

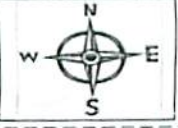
Date: _____ Property Owner: WILLIAM B. & MELINDA M. GRAHAM
 Applicant's Name if different from Property Owner: _____
 Contact Information: Telephone Number: 704-968-0325 Fax Number: _____
 Mailing address: 1401 HAGOOD AVENUE, Columbia 29205 E-mail address: will_graham@genpt.com
 Encroachment Location (Address): 1401 HAGOOD Ave and 2900 Block Kershaw 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: R11414-10-08

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
 If Other - specify: _____
 Dimensions (height/width/length) 2) 5'x4' WALKWAYS - concrete

(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: concrete
 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	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
Lucinda Statler	Planning and Development Services	545-3222	733-8647
Arthur Studwick	Forestry & Beautification	545-3860	733-8648



Matter No.: 10081275
 Attorney: KG SLA
 Date In: 8-19-10
 File No.: 2010-130
 Date Out: 9/1/10

**1401 Hagood Avenue
Columbia, SC 29205**



Front Entrance (East)



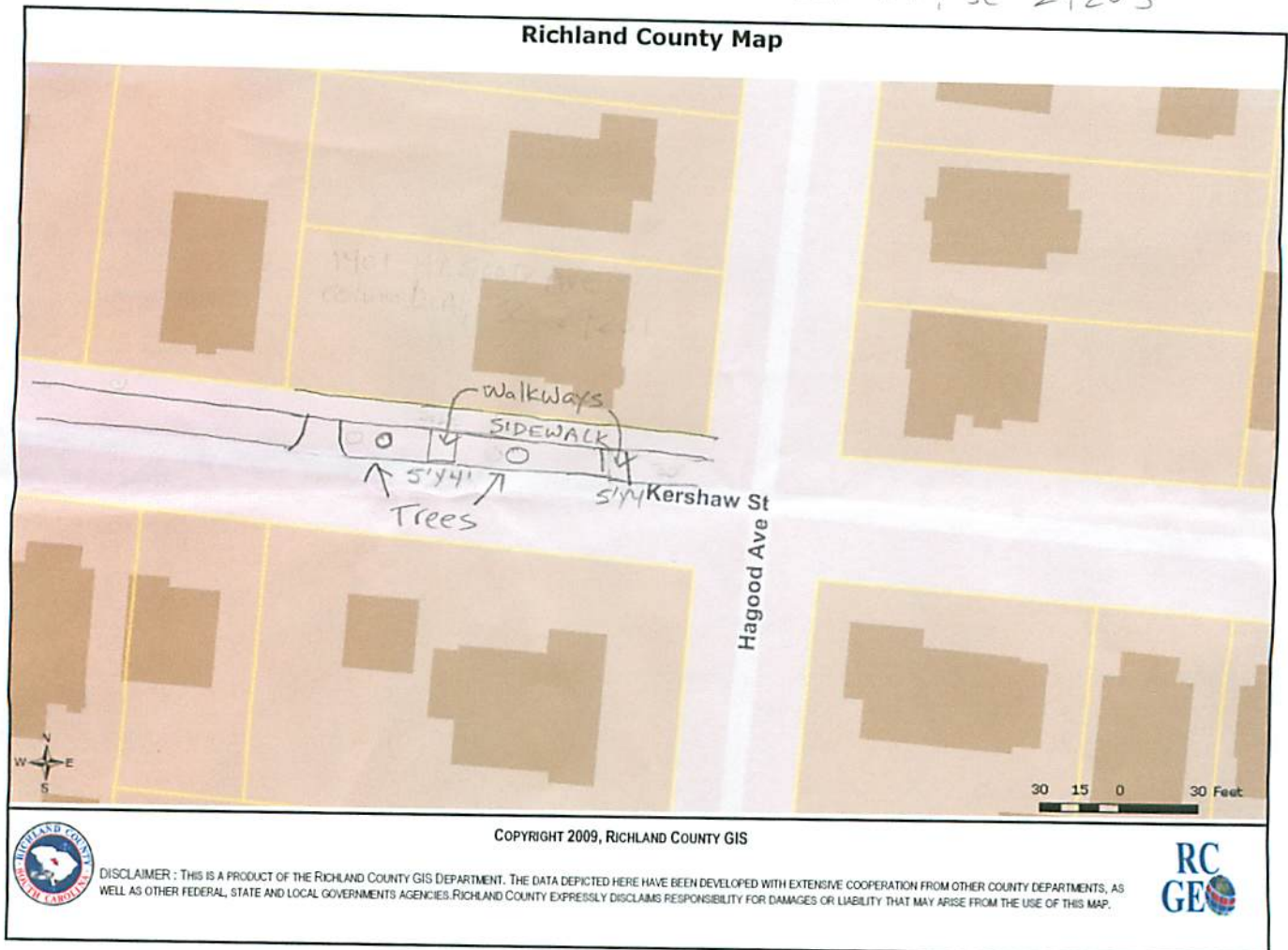
Rear Entrance (West)

2 Walk ways connect the Street to the Side Walk to the street where walks lead to both the front and rear exits of our house.

Walkways are each 5' x 4'

Walk way were installed to prevent soil erosion where foot traffic had wore ruts in the soil, and to prevent my 82 year old mother from falling when visiting.

1401 HAGOOD Avenue - Columbia, SC 29205



② Walkways That connect street to sidewalk - Both are 5'x4'

Walkway on west side is 15' to tree to the left and 17' to tree to the right

Walkway on the East side is 43' to the tree on the right

Walkway install to prevent 82 year old motor from tripping and falling on uneven dirt, and to stop soil erosion on worn path



UNITED SERVICES AUTOMOBILE ASSOCIATION

9800 Fredericksburg Road - San Antonio, Texas 78288
HOMEOWNERS POLICY DECLARATIONS

Named Insured and Residence Premises
WILLIAM B GRAHAM AND MELINDA M GRAHAM
1401 HAGOOD AVE
COLUMBIA, RICHLAND, SC 29205-1326

Policy Number
USAA 00403 63 79 92A

COINSURANCE CONTRACT

POLICY PERIOD From: 06/14/10 To: 06/14/11
(12:01 A.M. standard time at location of the residence premises)

COVERAGES AND LIMITS OF LIABILITY

SECTION I	A. Dwelling	\$445,000
	C. Personal Property	\$333,750
	D. Loss of Use (UP TO 12 MONTHS)	UNLIMITED
SECTION II	E. Personal Liability - Each Occurrence	\$500,000
	F. Medical Payments to Others - Each Person	\$5,000

Your premium has already been reduced by the following:
FIRE/BURGLARY CREDIT \$198.48 CR

BASIC PREMIUM \$1,234.14

OTHER COVERAGES AND ENDORSEMENTS

Form and Endorsements are printed on the following page. \$40.00

DEDUCTIBLES (SECTION I ONLY)

We cover only that part of the loss over the deductible stated.

WIND AND HAIL	\$2,000
ALL OTHER PERILS	\$1,000

DEDUCTIBLE CREDIT \$172.02

TOTAL POLICY PREMIUM \$1,102.12

THIS IS NOT A BILL. STATEMENT TO FOLLOW.

SOUTH CAROLINA VALUATION CLAUSE

\$445,000

FIRST MORTGAGEE:

BAC HOME LOANS SERVICING, LP
ITS SUCCESSORS AND/OR ASSIGNS, ATIMA
PO BOX 961291
FORT WORTH, TX 76161-0291

LOAN NR 220383021

In Witness Whereof, this policy is signed on 06/07/10

Laura Bishop
Laura Bishop
President, USAA Reciprocal Attorney-in-Fact, Inc.

REFER TO YOUR POLICY FOR OTHER COVERAGES, LIMITS AND EXCLUSIONS.

August 16, 2010

To: Agents for the City of Columbia

Kindly find enclosed encroachment forms. We are sending these in accordance with the directions for permission for encroachment. We have recently moved to South Carolina and have never lived within city limits. Please know that we were unaware of the city encroachment policies and are making every effort to comply with the rules as outlined now that we have been made aware.

Thank you for your kind consideration. We are pleased to be a part of the community and hope that we can move forward in a constructive way.

Sincerely,

Will and Melinda Graham

1401 Hagood Avenue, Columbia SC 29205

(704) 968-0325

Encroachments

SIDEWALK CAFES AND OTHER ENCROACHMENTS WITHIN PUBLIC RIGHT-OF-WAY
The use of the public right-of-way for a sidewalk cafe, directional sign, fence, wall, landscaping, irrigation system, or other permanent fixture requires permission of the City Council through two readings of an encroachment ordinance. An encroachment is required from City Council regardless of whether the right-of-way is owned by the City of Columbia, the County, or the State

CONTACT

Legal Department
City of Columbia
P.O. Box 147
Columbia, SC 29217
803.737.4242

INFORMATION TO PROVIDE

- Request for Encroachment Ordinance [-\(click here for copy\)](#)
- Site Plan (No larger than 11" x 17") showing:
 - Address
 - Tax Map Sheet #
 - Lot lines
 - Location of any street trees
 - Any curb cuts in the vicinity
 - Location and nature of the proposed encroachment
- Photograph of encroachment area
- Narrative: Use of property (whether commercial or residential) and a written description of the encroachment request
- Proof of Insurance: Public liability insurance naming the City as an additional insured in the amount required by ordinance for personal injury and property damage is also required and should be submitted to Chip Timmons, Risk Management, for review.

PROCESS

- Submit site plan, narrative and request for encroachment to the Legal Department
- Submit Proof of Insurance to Risk Manager - Chip Timmons (803.733.8306 or cttimmons@columbiasc.net)
- Legal Department forwards the request to the reviewing agencies and the Planning staff compiles comments
- Request is placed upon City Council agenda for two readings
- Upon second reading a permit may be obtained, if necessary, for the work in question

TIME

Minimum three weeks, but may vary according to application date and available