ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2011-041

Granting encroachment to Brian Truluck and Dianne Poston for installation and maintenance of landscaping, brick and mortar wall, steps and six piers with concrete caps within the right of way area of the 600 block of Waccamaw Avenue adjacent to 601 and 603 Waccamaw Avenue, Richland County TMS #11307-05-03

WHEREAS, Brian Truluck and Dianne Poston, (hereinafter "Grantees") desire to utilize a portion of the right of way area adjacent to 601 and 603 Waccamaw Avenue, Richland County TMS #11307-05-03, for installation and maintenance of landscaping; a brick and mortar wall approximately forty-seven (47') feet in length and twenty-four (24") inches in height; removal and replacement of brick and mortar steps approximately two (2') feet in width and four (4') feet in length; and six piers with concrete caps approximately thirty-six (36") inches in height and sixteen (16") inches in diameter only, 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 2nd day of August, 2011, that Grantees, their successors and assigns are hereby granted the right to utilize a portion of the right of way area adjacent to 601 and 603 Waccamaw Avenue, Richland County TMS #11307-05-03,for installation and maintenance of landscaping; a brick and mortar wall approximately forty-seven (47') feet in length and twenty-four (24") inches in height; removal and replacement of brick and mortar steps approximately two (2') feet in width and four (4') feet in length; and six piers with concrete caps approximately thirty-six (36") inches in height and sixteen (16") inches in diameter only, 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. 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. Fence posts must be located outside of the drip line of City trees to insure protection of City trees.

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.

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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:

Brian Truluck & Dianne Poston

MAYOR

Approved by:

City Manager

Approved as to form:

City Attorney

ATTEST:

Erika D. Salley

City Clerk

Introduced: 7/19/2011
Final Reading: 8/2/2011

Last Revised: 7/6/2011
11050736

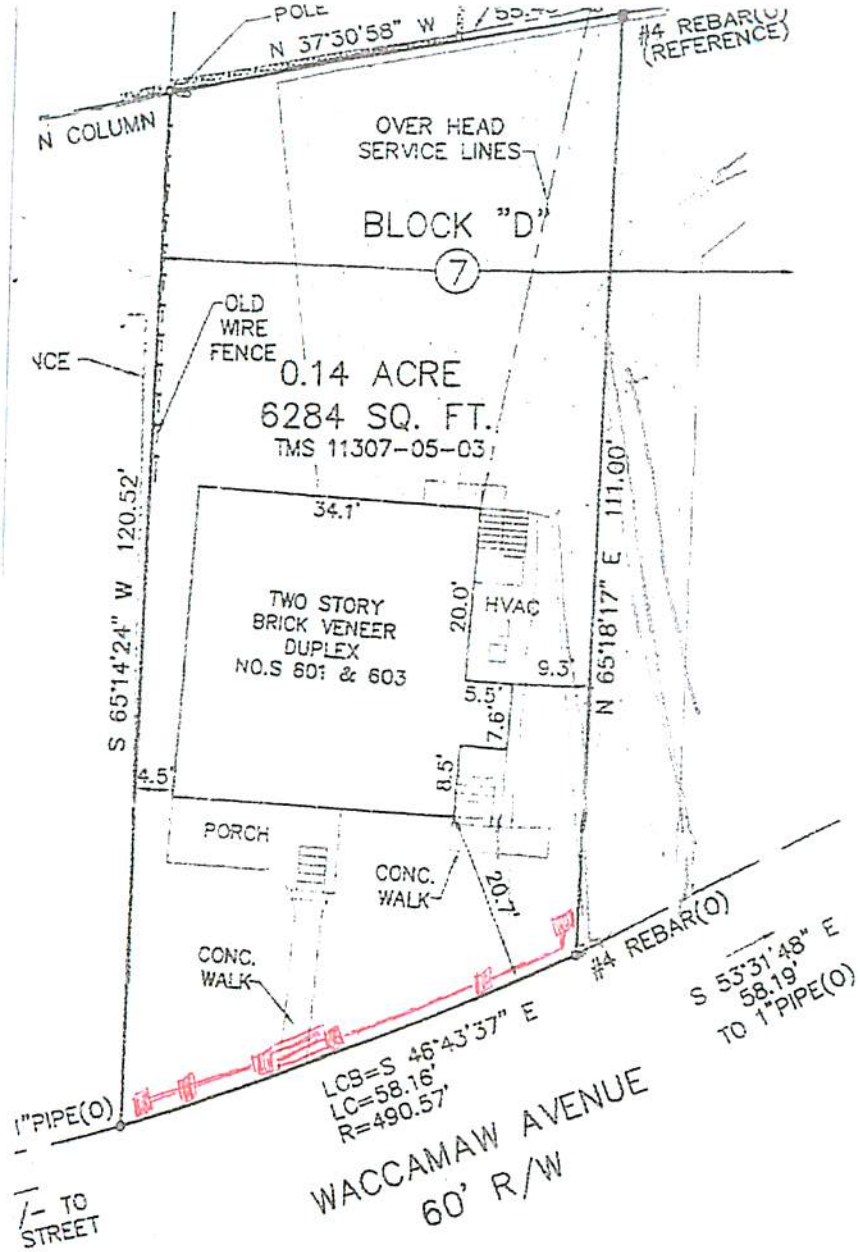
CITY COUNCIL
ENCROACHMENT SUMMARY
2011-041

600 BLOCK WACCAMAW AVENUE
Adjacent to 601 and 603 WACCAMAW AVENUE

Subject Property:	600 Block of Waccamaw Avenue adjacent to 601-603 Waccamaw Avenue
Council District:	3
Proposal:	Request approval for installation and maintenance of installation and maintenance of landscaping, brick and mortar wall, steps and six piers with concrete caps
Applicant:	Brian Truluck and Dianne Poston
Staff Recommendation:	Approve
Conditions:	1) Ensure protection of any street trees; 2) No obstructions above four feet within the sight-visibility triangle; 3) Ensure irrigation has no negative impacts on sidewalk.
Detail:	The property owner proposes to construct a low brick wall with piers within the right-of-way. The parcel is located within a design review district and has received approval from the staff of the DDRC.

CITY AGENCY COMMENTS FOR ENCROACHMENT	
Planning & Development	Recommend Approval
Streets	Recommend Approval
Utilities & Engineering	Recommend Approval
Forestry	Recommend Approval
Land Development	Recommend Approval

ORD# 2011- 041 - NX 601-603 WACCAMAW AVE



PLAT PREPARED FOR

DIANE BOSTON

DDRC
APPROVED
Submitted April 27, 2011
L. Cick

Design / Development Review Commission

Staff Certificate of Design Approval

Thursday, April 28, 2011

Project: Low brick wall and stairs

Nature of Request: Request for a Certificate of Design Approval for site improvements

Address: 601/603 Waccamaw Avenue

TMS# 11307-05-03

Date of Hearing: April 28, 2010

The above listed project was reviewed by staff to the D/DRC and approved with conditions based on its conformance with the guidelines adopted for the Wales Garden Architectural Conservation District. Any conditions for approval are listed below.

1. **Any changes** to the project from approved plans must come before the D/DRC or staff for approval.

2. This certificate **is not** a Zoning Permit. The required permit will need to be applied for from the Zoning Department.

3. A low brick wall with concrete accents shall be erected as depicted on the site plan submitted to staff on April 27, 2011.

4. The brick and concrete wall shall have the design as shown in photo submitted to staff on April 26, 2011.

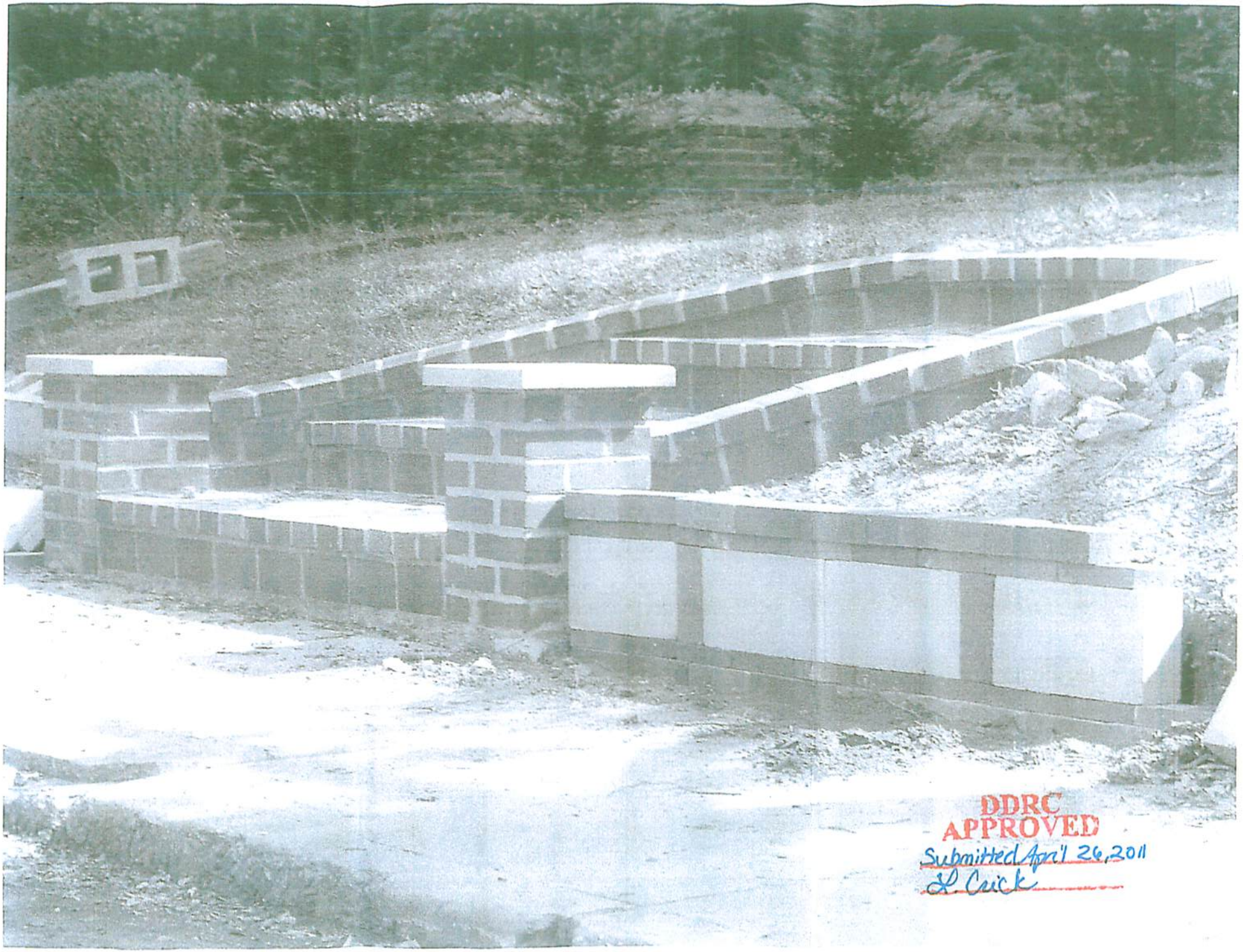
5. Old brick and concrete steps shall be removed and replaced with brick steps and two low piers with concrete caps.

Comments: Any other exterior work to the house or on the site shall be brought back to staff for review. An encroachment will be required for the work described above. Property owner is Brian Truluck, 803-695-0720.

Staff Lindsay Crick

Lindsay Crawford, Preservation Planner

COPIES TO: X DD/DP FILE __ ZONING



DDRC
APPROVED
Submitted April 26, 2011
L. Crick

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: BRIAN TRULUCK / DIANNE POSTON

Applicant's Name if different from Property Owner:

Contact Information: Telephone Number: 803-695-0720 Fax Number: 803-462-5801

Mailing address: PO BOX 5264 COLUMBIA, 29250 E-mail address:

Encroachment Location (Address): 601/603 WACCAMAW AVE

(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: R11307-05-03

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

If Other - specify:

Dimensions (height/width/length): 47' LONG BY (APPROX) 24" HIGH

(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: BRICK & MORTAR

Please provide photographs and drawing or site plan ***drawn to scale*** - no larger than 8-1/2 x 11.

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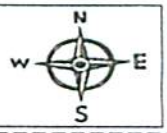
___ **Church Directional Signs** (Must provide picture or drawing of proposed signs that reflect dimensions)

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

LR 1/25/2011

RECEIVED
MAY 16 2011
LEGAL DEPARTMENT

Matter No.: 11050736
Attorney: KG-DLA
Date In: 5-16-11
File No.: 2011-041
Date Out: 5/24/11

Certificate of Insurance

This certifies that

- [x] **State Farm Fire and Casualty Company,** Bloomington, Illinois
- [ ] **State Farm General Insurance Company,** Bloomington, Illinois
- [ ] **State Farm Fire and Casualty Company,** Aurora, Ontario
- [ ] **State Farm Florida Insurance Company,** Winter Haven, Florida
- [ ] **State Farm Lloyds,** Dallas, Texas

insures the following policyholder for the coverages indicated below:

Policyholder: **DIANNE T. POSTON AND J. BRIAN TRULUCK**

Address of policyholder: **603 WACCAMAW AVE , COLUMBIA SC 29205-2226**

Location of operations: **SAME**

Description of operations: **BUILDING RETAINING WALL ON HOME PROPERTY**

The policies listed below have been issued to the policyholder for the policy periods shown. The insurance described in these policies is subject to all the terms, exclusions, and conditions of those policies. The limits of liability shown may have been reduced by any paid claims.

Policy Number	Type of Insurance	Policy Period Effective Date	Policy Period Expiration Date	Limits of Liability (at beginning of policy period)	
	Comprehensive Business Liability				BODILY INJURY AND PROPERTY DAMAGE
This insurance includes:	[ ] Products - Completed Operations [ ] Contractual Liability [ ] Personal Injury [ ] Advertising Injury			Each Occurrence General Aggregate Product - Completed Operations Aggregate	$ $ $
Policy Number	**EXCESS LIABILITY**	**Policy Period Effective Date**	**Policy Period Expiration Date**	**BODILY INJURY AND PROPERTY DAMAGE (Combined Single Limit)**	
	[ ] Umbrella [ ] Other			Each Occurrence Aggregate	$ $
		Policy Period Effective Date	**Policy Period Expiration Date**	Part I - Workers Compensation - Statutory	
	Workers' Compensation and Employers Liability			Part II - Employers Liability Each Accident Disease - Each Employee Disease - Policy Limit	 $ $ $
Policy Number	**Type of Insurance**	**Policy Period Effective Date**	**Policy Period Expiration Date**	**Limits of Liability (at beginning of policy period)**	
40-BJ-E335-9 F	**HOMEOWNER**	**10/01/10**	**10/01/11**	**$1,000,000**	

THE CERTIFICATE OF INSURANCE IS NOT A CONTRACT OF INSURANCE AND NEITHER AFFIRMATIVELY NOR NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE APPROVED BY ANY POLICY DESCRIBED HEREIN.

Name and Address of Certification Holder

CITY OF COLUMBIA
PO BOX 147
COLUMBIA, SC 29217

If any of the described policies are canceled before their expiration date, State Farm® will try to mail a written notice to the certificate holder **30** days before cancellation. If we fail to mail such notice, no obligation or liability will be imposed on State Farm or its agents or representatives.

Terri D. Brock By David L. Hyde, LSA-5

Signature of Authorized Representative

AGENT — Title

05/06/11 — Date

TERRI D. BROCK — Agent Name

Telephone Number **(803) 772-4000**

Agent's Code Stamp
Agent Code 40-1903
AFO Code F-344

BRIAN TRULUCK

1214 Libby Arial Circle
Chapin, SC 29036
colaprops@gmail.com

Business: 803-695-0720
Cell: 803-695-0720
Fax: 803-462-5801

5-11-11

Shari Ardis
Legal Department
PO Box 147
Columbia, SC 29217

Ms. Ardis,

I have enclosed for your review a copy of information for the "Request For an Encroachment Ordinance" for a wall to be fabricated at my personal residence 601/603 Waccamaw Avenue.

I emailed this information earlier, but my system did not return a received receipt, so I send it in hard copy just to make sure.

If there is a process whereby I may check to see if the paperwork is received and the ongoing status, please advise me of the process.

Thank you,

Brian Truluck
803-695-0720

dtruluck@
SC.RR.com