

ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2011-099

Granting encroachment to Byron Larry Lawson for installation and maintenance of a chain link fence, walk gate and landscaping within the right of way area of the 3700 block of Witherspoon Street adjacent to 3707 MacGregor Drive, Richland County TMS #13907-06-04

WHEREAS, by Ordinance No. 92-75, approved on October 7, 1992 and Ordinance No. 94-090 approved on January 18, 1995, B. Larry Lawson was granted the right to install and maintain a chain link fence within the right of way area of the 3700 block of Witherspoon Street adjacent to his property at 3707 MacGregor Drive; and,

WHEREAS, Byron Larry Lawson, (hereinafter "Grantees") desire to continue to utilize a portion of the right of way area of the 3700 block of Witherspoon Street adjacent to his property at 3707 MacGregor Drive, Richland County TMS #13907-06-04, by removing a portion of the existing chain link fence and installing and maintaining a new chain link fence approximately twenty-four (24') feet in length and five (5') feet in height with a walk gate approximately four (4') feet in width and five (5') feet in height, and landscaping, 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 21st day of February, 2012, that Grantees, his successors and assigns is hereby granted the right to utilize a portion of the right of way area of the 3700 block of Witherspoon Street adjacent to his property at 3707 MacGregor Drive, Richland County TMS #13907-06-04, for installation and maintenance of a new chain link fence approximately twenty-four (24') feet in length and five (5') feet in height with a walk gate approximately four (4') feet in width and five (5') feet in height, and landscaping, 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

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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. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.

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:

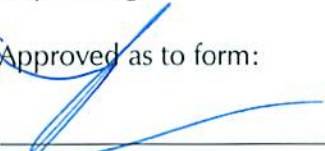
Byron Larry Lawson _____


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 2/7/2012

Final Reading: 2/21/2012

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: 11/26/2011 Property Owner: BYRON LARRY LAWSON *[Signature]*
 Applicant's Name if different from Property Owner: N/A
 Contact Information: Telephone Number: 803 7228500 Fax Number: SAME
 Mailing address: 3707 MacGregor Drive E-mail address: lawsonconstruction@sc.rr.com
 Encroachment Location (Address): 3700 BL WITHERSPOON DR. (corner of 3707 MacGregor Drive)
 (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: 13907-06-04

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

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

<p><input type="checkbox"/> 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) _____</p>	
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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 Jacob	Utilities & Engineering	545-3400	988-8199
Missy Genry	Public Works	545-3780	733-8648
Krista Hampton	Planning and Development Services	545-3420	733-8647
Jerry Thompson	Buikling 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

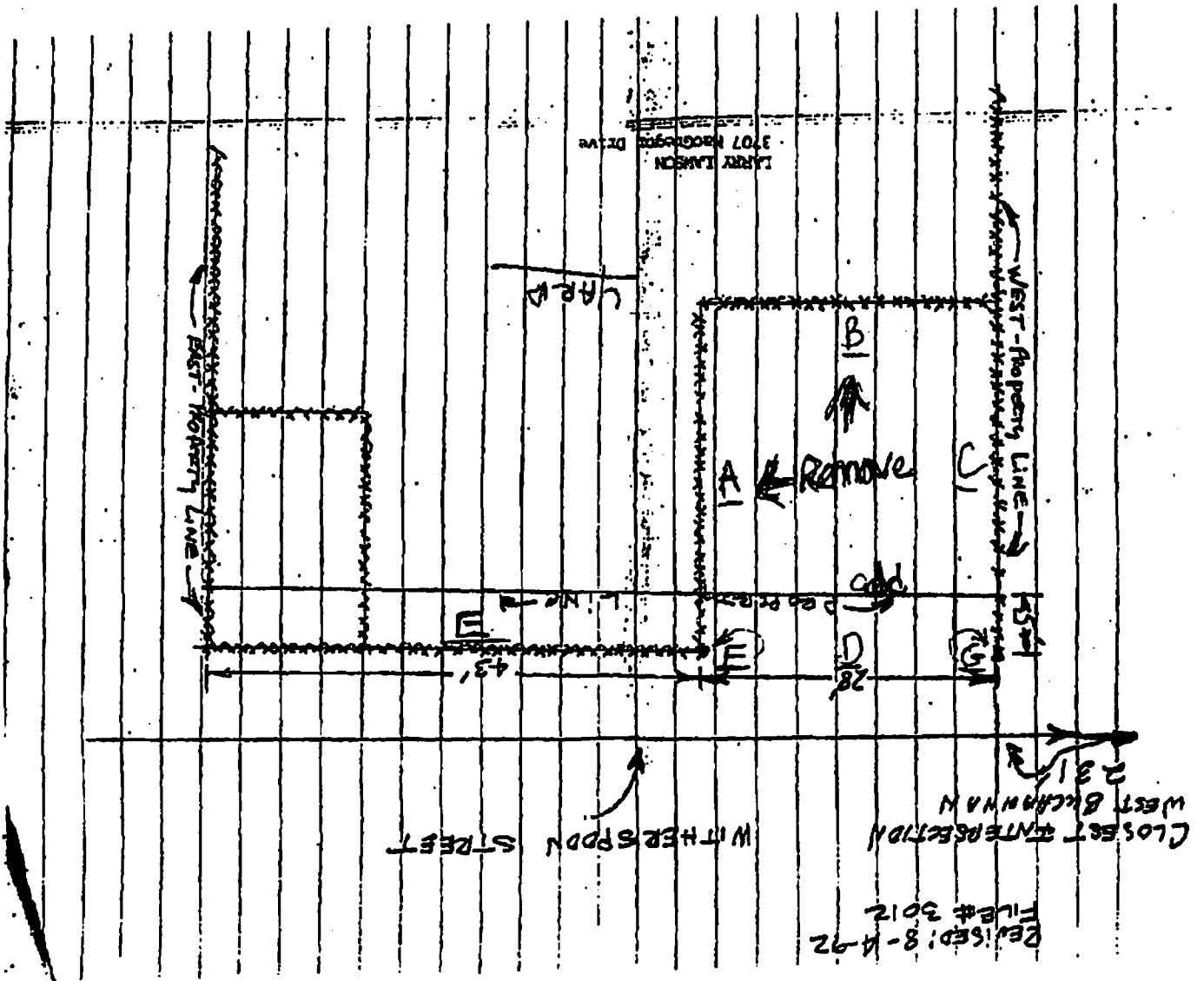


Permit No: 1111950
 Date Iss: 11-28-11
 Expiry: 2011-09-11
 Date Exp: 11/28/12

LR 1/25/2011

803 7374250

BZ [Signature]



Attachment: Fence @ 3707 MacGregor Drive
11/26/2011

A and B were removed to allow for material delivery access during remodeling. The parking area @ same location is no longer needed and would like to eliminate A and B and add D that will be an extension of E connecting existing post F and G with an access gate.

A handwritten signature in black ink, appearing to read "B. L. S.", is centered on the page.

**CITY COUNCIL
ENCROACHMENT SUMMARY
2011-099**



**3700 BLOCK OF WITHERSPOON STREET ADJACENT TO
3707 MACGREGOR DRIVE**

Subject Property: 3700 block of Witherspoon Street adjacent to 3707 MacGregor Drive
Council District: 4
Proposal: Request approval for installation and maintenance of a new chain link fence approximately twenty-four (24') feet in length and five (5') feet in height with a walk gate approximately four (4') feet in width and five (5') feet in height, and landscaping.
Applicant: Byron Larry Lawson
Staff Recommendation: Approve
Conditions: Forestry and Beautification shall be provided access to trees in right-of-way for maintenance purposes.

Detail: The property owner proposes to amend a previously granted encroachment to permit a new fence and landscaping at the above location. Staff finds no adverse impacts associated with this encroachment.

CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval
Streets	Recommend Approval
Utilities & Engineering	Recommend Approval
Forestry	Recommend Approval with Conditions: Forestry and Beautification shall be provided access to trees in right-of-way for maintenance
Land Development	Recommend Approval