

ORDINANCE NO.: 2012-028

Granting an encroachment to Jeffrey A. Guy for installation and maintenance of a deck within the pedestrian right of way area adjacent to 1700 Phelps Street, Richland County TMS #11307-11-01

ORIGINAL
STAMPED IN RED

WHEREAS, Jeffrey A. Guy, (hereinafter "Grantee") desires to utilize a portion of the pedestrian right of way area adjacent to 1700 Phelps Street, Richland County TMS #11307-11-01 for installation and maintenance of a steel framed composite deck approximately fifteen (13') feet in width and eight (8') feet in length, 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 5th day of June, 2012, that Grantees, their successors and assigns are hereby granted the right of way area adjacent to 1700 Phelps Street, Richland County TMS #11307-11-01 for installation and maintenance of a steel framed composite deck approximately fifteen (13') feet in width and eight (8') feet in length, 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 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.

ORIGINAL
STAMPED IN RED

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

3. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.

4. No large tree roots shall be removed from any of the large existing trees.

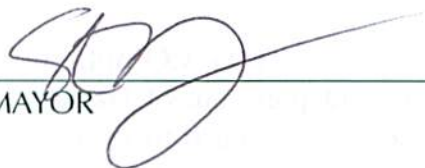
PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, his successors and assigns.

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:

Jeffrey A. Guy _____



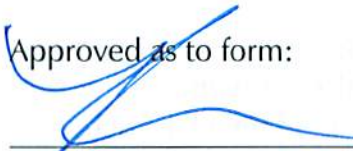
MAYOR

Approved by:




City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 5/15/2012
Final Reading: 6/5/2012

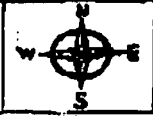
REQUEST FOR AN ENCROACHMENT ORDINANCE

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; billboards 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 Hall. 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 sandus@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 ctimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: _____ Property Owner: Jeffrey A. Gull
Applicant's Name if different from Property Owner: SAME
Contact Information: Telephone Number: (803) 479-6400 Fax Number: _____
Mailing address: 1700 Phelps Street Columbia, SC E-mail address: JAG@DR@aol.com
Encroachment Location (Address): 1700 Phelps Street
(if corner lot, include name and block number of abutment street, i.e., 1737 Main Street and 1100 block of Laurel Street)
Tax Map Number for Encroachment Location: 81307-11-01
Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
If Other - specify: deck overhang
Dimensions (height/width/length): 2.39 ft to 2.65 ft (see attached plot) by 2nd brick wall
(i.e., 6x42 wooden privacy fence; two 12x4 concrete steps; two 12x12x24 brick columns; 4x15 brick paver walkway)
Construction material: composite decking boards
Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.

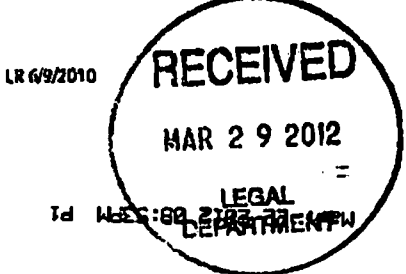
Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)
Location(s) signs are to be placed (i.e. Northeast corner of Main Street) N/A



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.

Table with 4 columns: Contact, Department, Telephone Number, Fax Number. Lists various city departments and their contact information.



Master No: 12030523
Approved: [Signature]
Date: 3-29-12
By: [Signature]

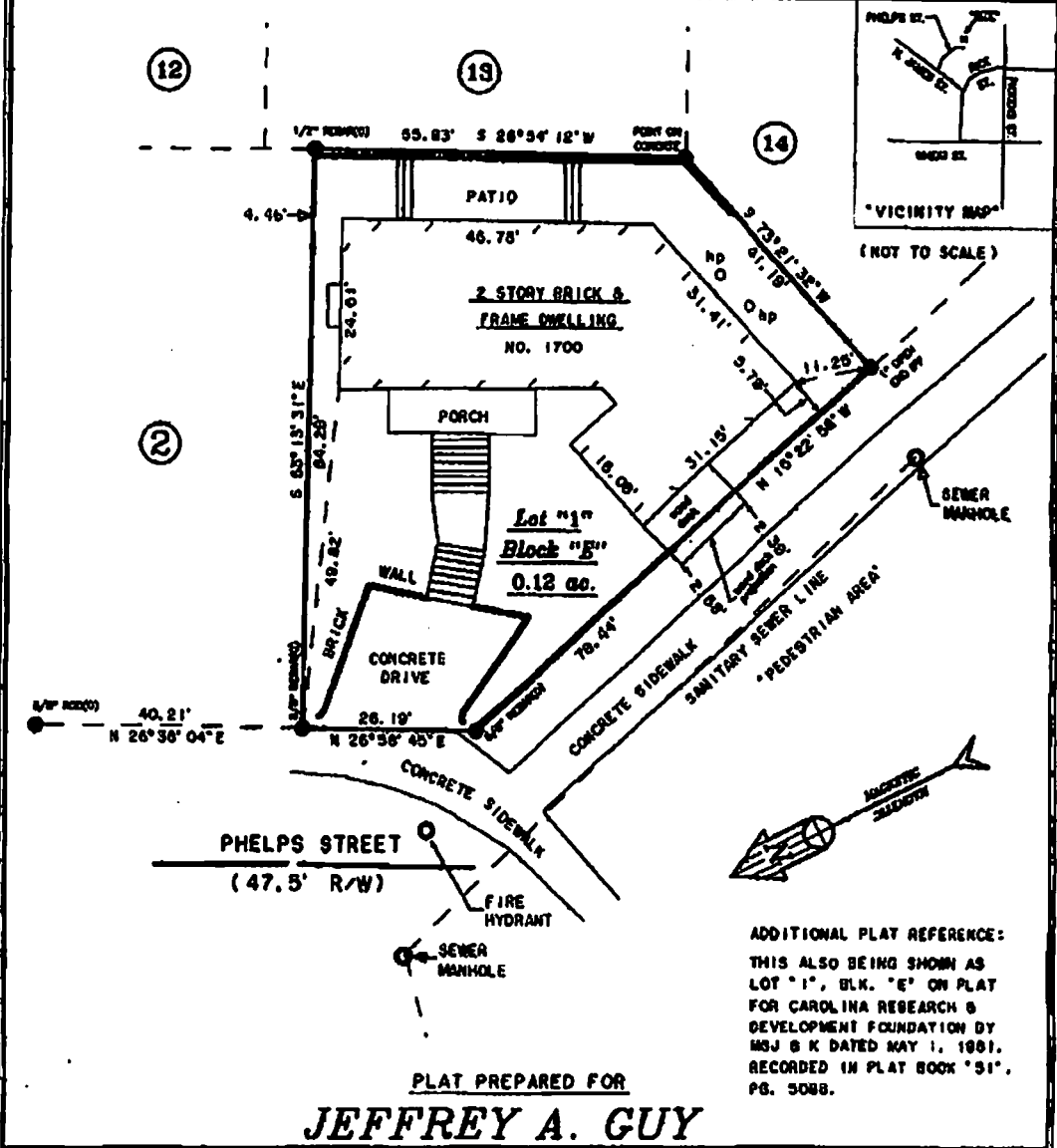
I HAVE GRAPHICALLY DETERMINED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY INSURANCE RATE MAP; AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS NOT LOCATED IN SPECIAL FLOOD HAZARD ZONE A,B, or V.

F. I. R. M. PANEL NO. 46079C-0084-M
DATE: FEBRUARY 20, 2002

NOTE: THIS SURVEY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS NOT SHOWN HEREON; THIS SURVEY IS SUBJECT TO ANY INFORMATION THAT MAY BE DISCOVERED DURING A COMPLETE TITLE SEARCH.

LEGEND:

- I.P.F. - IRON PIN FOUND
- I.P.S. - IRON PIN SET
- NOTE: CORNERS THAT ARE NOT LABELED ARE I.P.S.'s
- P.P. - POWER POLE CAPPED (1/2") REBAR SET



DATE: MARCH 9, 2012
SCALE 1"=20'

RICHLAND COUNTY, COLUMBIA, S.C.

NOTES / REFERENCES:

TAX MAP NO. R11307-11-01
DEED BOOK= R0625, 1973
PLAT BOOK= 284, PG. 1247
PLAT REFERENCE:

PLAT PREPARED FOR DARBY B. HOTT & MARY HELEN B. SINCLAIR BY COLLINGWOOD SURVEYING, INC. DATED FEBRUARY 23, 1999.

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY CORNER HEREON HAS BEEN IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND BEST OF MY EXERCISE THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROBABLY OTHER THAN SHOWN.

Douglas E. Platt Sr.
DOUGLAS E. PLATT SR.

S.C.P.L.S. NO. 4041
1902-A AIRPORT BLVD.
WEST COLUMBIA, S.C. 29170
PHONE NO. 803-796-0874
EMAIL : plattlandsurveyors@sc.rr.com



**CITY COUNCIL
ENCROACHMENT SUMMARY
2012-028**



Adjacent to 1700 BLOCK OF PHELPS STREET

Subject Property: Right-of way adjacent to 1700 blk of Phelps Street, TMS# 11307-11-01

Council District: 3

Proposal: Request approval for installation and maintenance of a steel framed composite deck approximately fifteen (13') feet in width and eight (8') feet in length,

Applicant: Jeffrey A Guy

Staff Recommendation: Approve.

Detail: The homeowner constructed a cantilevered deck, which partially encroaches into the right-of-way. It does not interfere with City landscaping or the adjacent sidewalk and staff finds no adverse impacts from this encroachment.

CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval
Streets	Recommend Approval
Forestry	Recommend Approval
Land Development	Recommend Approval
Fire	Recommend Approval
