

ORDINANCE NO.: 2014-097

ORIGINAL
STAMPED IN RED

Granting an encroachment to Frederick Ronald Dennis for installation and maintenance of a brick and mortar retaining wall and sidewalk/drainage area within the right of way area of the 800 block of Albion Road adjacent to 819 Albion Road, Richland County TMS #13808-01-01

WHEREAS, Frederick Ronald Dennis (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 800 block of Albion Road adjacent to his residence at 819 Albion Road for installation and maintenance of a concrete pad approximately seventy-five (75') feet in length and approximately three (3') feet six (6") inches in width, and a brick retaining wall approximately two (2') feet six (6") inches in height, seventy-five (75') feet in length and approximately (1") foot 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 18th day of November, 2014 that Grantee, his successors and assigns is hereby granted the right to utilize a portion of the right of way area adjacent to his residence at 819 Albion Road for installation and maintenance of a concrete pad approximately seventy-five (75') feet in length and approximately three (3') feet six (6") inches in width, and a brick retaining wall approximately two (2') feet six (6") inches in height, seventy-five (75') feet in length and approximately (1") foot 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 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. All trees shall be protected and no large tree roots shall be removed from any existing trees.

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3. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.

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

5. Landscaping to be maintained by property owner.

6. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

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:

Assistant City Manager Gentry



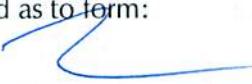
Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:


City Clerk

Introduced: 11/18/2014
Final Reading: 11/18/2014

**CITY COUNCIL
ENCROACHMENT SUMMARY
2014-097**



**800 BLOCK OF ALBION ROAD
ADJACENT TO 819 ALBION ROAD
RETAINING WALL AND CONCRETE PAD**

Subject Property:	Right-of-way adjacent to 800 block of Albion Road adjacent to 819 Albion Road, TMS#13905-13-06
Council District:	4
Proposal:	The applicant is requesting an encroachment for installation and maintenance of a retaining wall and concrete pad
Applicant:	Frederick Roland Dennis
Staff Recommendation:	Approval

Detail:	<p>The applicant is requesting an encroachment for the construction of a concrete pad approximately seventy-five (80') feet in length, approximately three (3') feet six (6") inches in width, brick retaining wall approximately two (2') feet six (6") inches in height, seventy-five (75') feet in length, approximately (1") feet in width, as shown on the attached drawings.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> 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. All trees shall be protected and no large tree roots shall be removed from any existing trees. 3. Grantee is responsible for all costs and repair of the improvements within the right of way area should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines. 4. Obstructions of more than four (4') feet in height are prohibited within the sight-visibility triangle. 5. Landscaping to be maintained by property owner. 6. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning	Recommend approval.
Streets	Recommend approval. SCDOT review and approval required.
Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval. SCDOT review and approval required.
Forestry	Recommend approval.
Land Development	Recommend approval.
Fire	Recommend approval.

REQUEST FOR A PERMANENT RESIDENTIAL OR CHURCH DIRECTIONAL SIGNS 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; walks; 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 stardis@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: 8-22-14 Property Owner: FRANK & RUNALDO DENNIS
 Applicant's Name if different from Property Owner: _____
 Contact Information: Telephone Number: 803-733-2180 Fax Number: _____
 Mailing address: 819 Albion Rd. Col. SC 29206 E-mail address: Ronniedennis@cmb.com
 Encroachment Location (Address): Same as mailing
 (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: 13803-01-01

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
 If Other - specify: erect small retaining wall on area dug out in front of house
 Dimensions (height/width/length): wall is 2 1/2' high and concrete which dig up is 3 1/2' x 12'
 (i.e., 6x42' wooden privacy fence; two 12x4' concrete step; two 12x12" x 24" brick columns; 4x15' brick paver walkway)
 Construction material: brick + concrete + mortar
 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) _____



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The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers 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	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jchambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	kcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rharkins@columbiasc.net
Danny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-988-8199	ddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweet	Public Works (Street Division)	803-545-3790	803-545-3785	rgsweet@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jhooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	ctimmons@columbiasc.net
David Koon	Fire Department	803-545-3701	803-401-8838	dfdkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	jspade@columbiasc.net

LR: 7/2014

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Aug. 22, 2014

Dear Mr. Johnathan Chambers,

First I can not thank you enough for All of your help with this. Please know I really appreciate everything you have done in such a quickly manner.

~~Second~~ Secondly, enclosed you will find the documents we spoke about. Please let me know if you need anything else!

Thank you again!

Ray Weston

Ray Weston 

City of Columbia

819 Albion Road



Wednesday, October 08, 2014



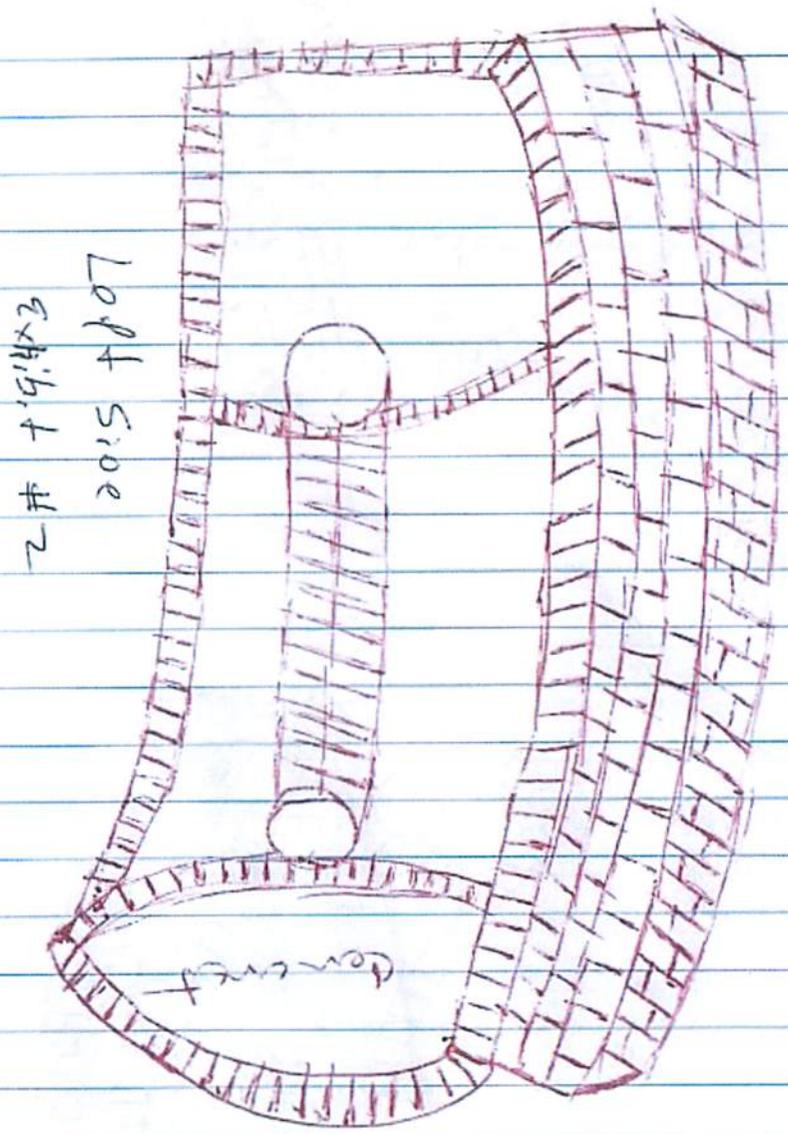
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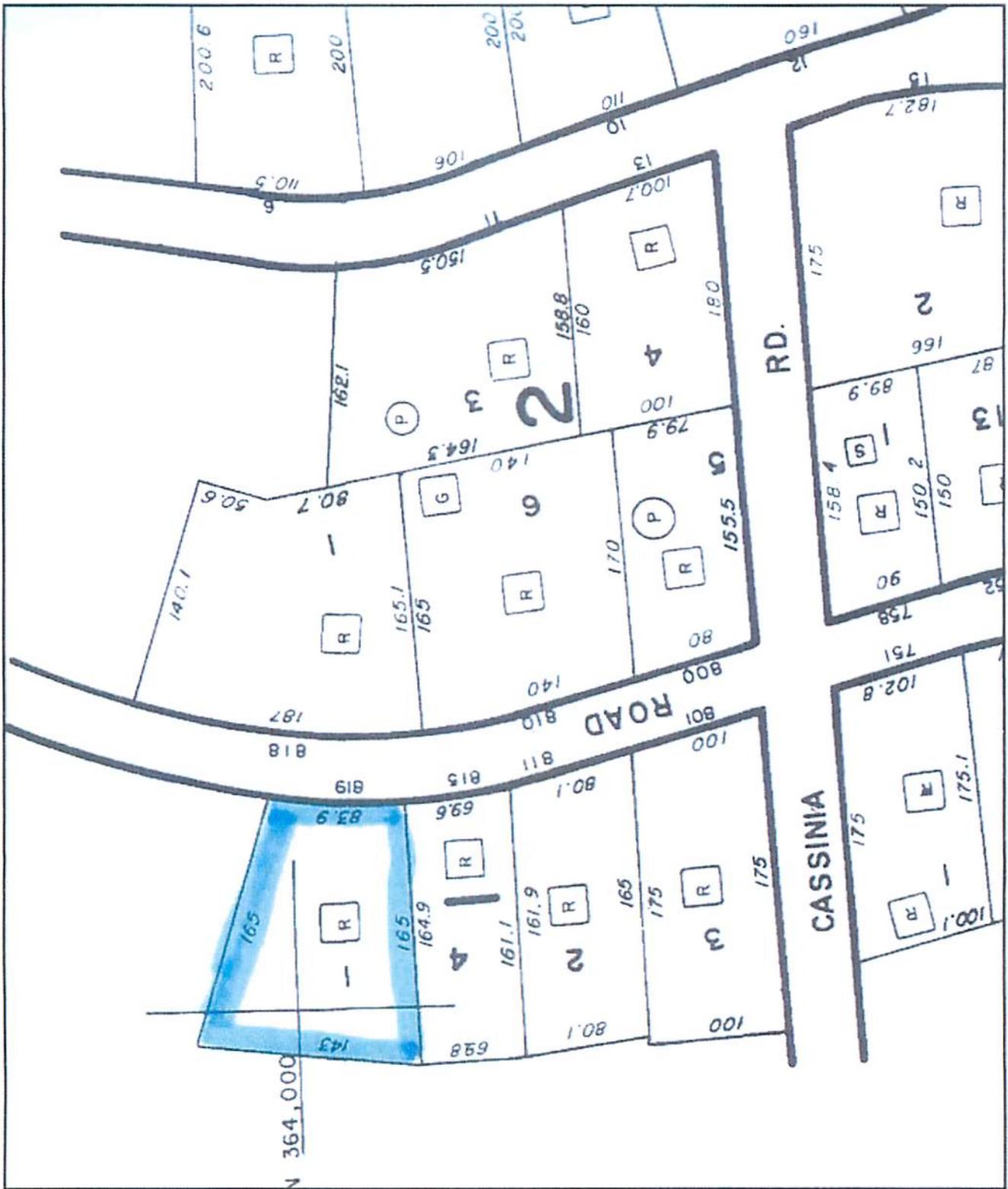








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