

ORDINANCE NO.: 2015-012

Granting an encroachment to Carl D. Maas for installation and maintenance of landscaping and an irrigation system within the right of way area of the 2500 block of Heyward Street adjacent to 2517 Heyward Street, Richland County TMS #11310-06-14

WHEREAS, Carl D. Maas (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 2500 block of Heyward Street adjacent to his residence at 2517 Heyward Street, Richland County TMS #11310-06-14 for installation and maintenance landscaping and irrigation system, 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 17th day of March, 2015, that Grantee, his successors and assigns is hereby granted the right to utilize a portion of the right of way area of the 2500 block of Heyward Street adjacent to his residence at 2517 Heyward Street for installation and maintenance of a landscaping and irrigation system, 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.
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.

ORIGINAL
STAMPED IN RED

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: 3/10/2015

Final Reading: 3/17/2015

**CITY COUNCIL
ENCROACHMENT SUMMARY
2015-012**



**2500 BLOCK OF HEYWARD STREET
ADJACENT TO 2517 HEYWARD STREET
LANDSCAPING AND IRRIGATION**

Subject Property:	Right-of-way adjacent to 2500 block of Heyward Street adjacent to 2517 Heyward Street, TMS#11310-06-14
Council District:	3
Proposal:	The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation
Applicant:	Carl D. Maas
Staff Recommendation:	Approval

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of landscaping and irrigation, 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.
----------------	--

CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning	Recommend approval.
Streets	Recommend approval.
Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
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; 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 attachments to Shari Ardis by e-mail at shardis@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: 01/21/2015 Property Owner: Carl D. Maas

Applicant's Name if different from Property Owner: n/a

Contact Information: Telephone Number: 803.873.7908 Fax Number: _____

Mailing address: 2517 Heyward St, Columbia, SC 29205 E-mail address: cdmaas@hotmail.com

Encroachment Location (Address): 2517 Heyward St, Columbia SC 29205

(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: 11310-06-14

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers

Walkway/Side walk Underground Utilities other

If Other - specify: Japanese Maple tree

Dimensions (height/width/length): 8 ft / 2 ft / 2 ft tree.

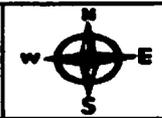
(i.e., 6x42' wooden privacy fence; two 12'x4' concrete step; two 12'x12' x24" brick columns; 4x15' brick paver walkway)

Construction material: n/a

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

n/a 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



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.

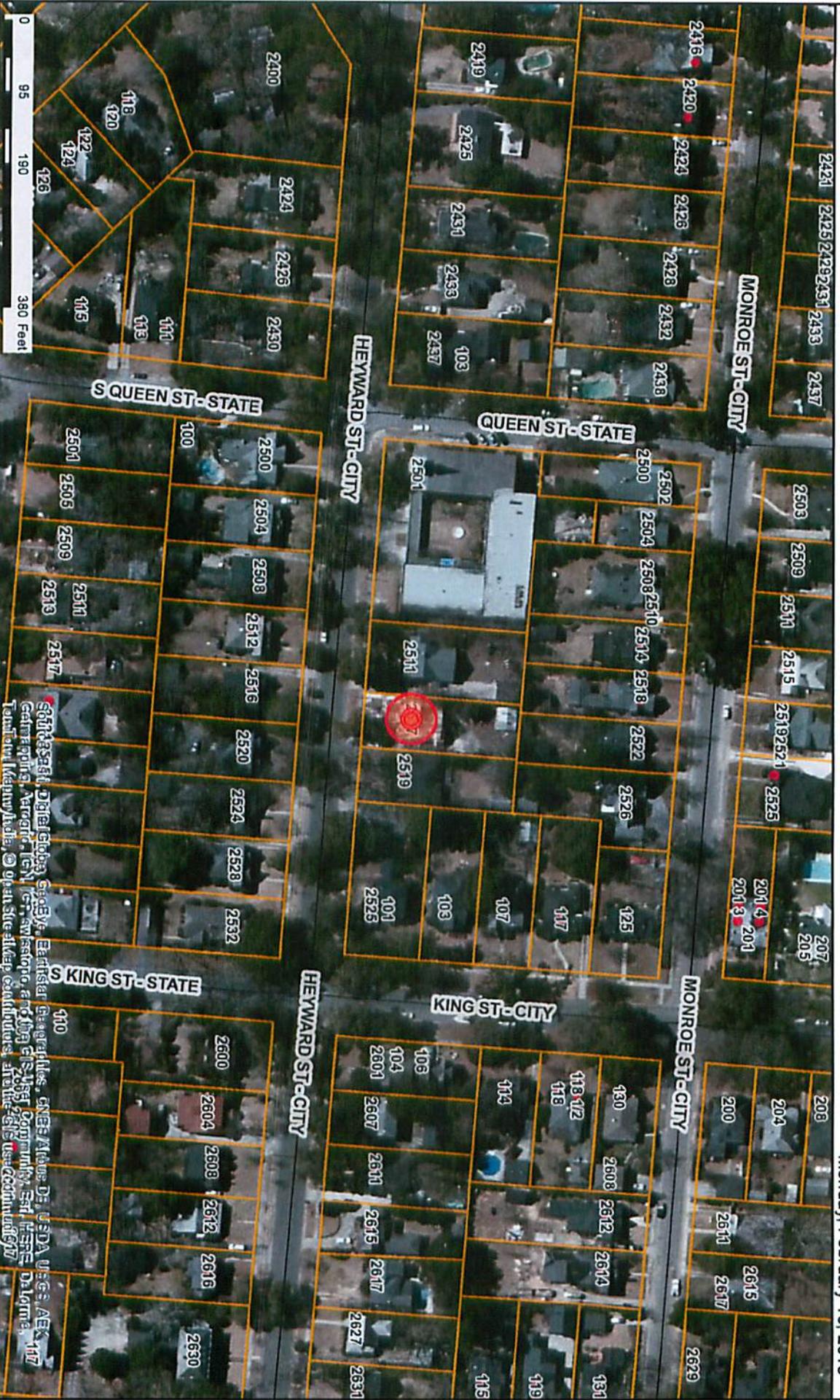
The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-645-3333	803-343-8779	jchambers@columbiasc.net
John Fellows	Development Services (Planning)	803-645-3222	803-733-8847	jfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-645-3332	803-733-8847	bcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-645-3420	803-733-8889	jthompson@columbiasc.net
Faneese Pindney	Development Services (Permits)	803-645-3420	803-733-8889	fpindney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-645-3222	803-733-8847	amoore@columbiasc.net
Robert Hartins	Development Services (Plans Review)	803-645-3420	803-733-8847	rhartins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-645-3400	803-888-8189	ddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-645-3780	803-733-8848	randerson@columbiasc.net
Robert Sweet	Public Works (Street Division)	803-645-3790	803-645-3785	rsweet@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-645-3850	803-733-8848	dbrewer@columbiasc.net
Sara Holler	Public Works (Forestry & Beautification)	803-645-3860	803-733-8848	sholler@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-645-3800	803-733-8848	jhooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	ctimmons@columbiasc.net
David Koon	Fire Department	803-645-3701	803-401-8839	dkoon@columbiasc.net
John David Spade	Parking Services	803-645-3070	803-733-8523	jspade@columbiasc.net

City of Columbia

2517 Heyward Street - Tree Encroachment

Monday, February 16, 2015



© 2014 Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, E-Mapbox, DeLorme, HERE, DeLorme, Esri, Swisstopo, GEBCO, IGN, Esri, Swisstopo, and other contributors. All rights reserved. The City of Columbia GIS Data is provided for informational purposes only and the City of Columbia makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.

CITY OF COLUMBIA GIS DATA DISCLAIMER

The City of Columbia GIS data represented on this map or plan is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Columbia makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.

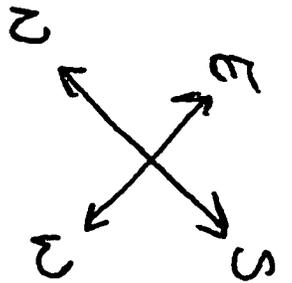




King St

Mybend St.

⊗
Squarish
People.
2517



Queen St

