

**ORDINANCE NO.: 2009-015**

*Granting encroachment to Michael Drennan for installation and maintenance of landscaping, an irrigation system, two flagstone pavers walking paths, an arbor and a bench within the right of way area of the 2300 block of Blossom Street adjacent to his property at 2227 Terrace Way*

WHEREAS, Michael Drennan (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 2300 block of Blossom Street adjacent to his property at 2227 Terrace Way for the installation and maintenance of landscaping, an irrigation system, two flagstone pavers walking paths both approximately three (3') feet in width, one being approximately thirty-five (35') feet in length and the other being approximately sixty-five (65') feet in length, an arbor approximately eight (8') feet in width and eight (8') feet in height; and a six (6') foot bench, all 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 25th day of March, 2009, that Grantee, his successors and assigns, is hereby granted the right to utilize a portion of the right of way area of the 2300 block of Blossom Street adjacent to his property at 2227 Terrace Way for the installation and maintenance of landscaping, an irrigation system, two flagstone pavers walking paths both approximately three (3') feet in width, one being approximately thirty-five (35') feet in length and the other being approximately sixty-five (65') feet in length, an arbor approximately eight (8') feet in width and eight (8') feet in height; and a six (6') foot bench, all 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.

ORIGINAL  
STAMPED IN RED

ORIGINAL  
STAMPED IN RED

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. Soaker or drip irrigation must be utilized and designed in order to prevent water runoff onto the sidewalk or road.

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:

Michael Drennan



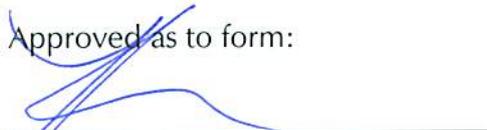
MAYOR

Approved by:



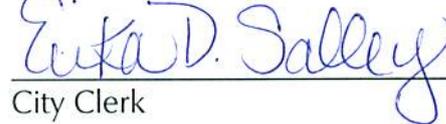
Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 3/4/2009

Final Reading: 3/25/2009

Submit by Email

Matter No.: 09020149  
Attorney: LEGAL  
Date In: 2/2/09  
File No.: 2009-015  
Date Out: 2/16/09

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.*

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. Judy Edwards with Risk Management (343-8778 or jgedwards@columbiasc.net) should be contacted regarding the insurance requirements.

Date: FEBRUARY 2, 2009 Applicant's Name: MICHAEL DRENNAN  
Telephone Number: 803-447-7025 Fax Number: 806-606-2430  
E-mail address: michael@michaeldrennan.com  
Encroachment Location (Address): 2227 TERRACE WAY, COLUMBIA SC 29205 (at back of property)

Encroachment type:  Wall  Fence  Irrigation System  Landscaping/Other LANDSCAPING, PATH & ARBOR & BENCH  
If wall or fence - dimensions: \_\_\_\_\_ (height/length) construction material: \_\_\_\_\_  
Please provide photographs and drawing or site plan drawn to scale.

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) \_\_\_\_\_

Outdoor dining/decoration No. of chairs: \_\_\_\_\_ No. of Tables \_\_\_\_\_  
Number of planters: \_\_\_\_\_ Business Hours: \_\_\_\_\_ Other: BENCH

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Chip Land 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
John Dooley	Utilities and Engineering	545-3240	733-8674
Joey Jaco	Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Marc Mylott	Planning and Development Services	545-3426	255-8935
Chip Land	Planning and Development Services	545-3222	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
Judy Edwards	Risk Management	343-8778	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
Krista Hampton	Planning and Development Services	545-3420	733-8699

Last Revised: 8/25/2008



## Request for an Encroachment

RE: 2227 Terrace Way, Columbia, SC 29205  
Michael Drennan  
803-447-7025

I am requesting permission to install landscaping, an arbor, a path, a bench and temporary soaker hose irrigation on the city right of way behind my property at 2227 Terrace Way, Columbia, SC 29205.

The City of Columbia Forestry Department recently completed an assessment of the health of the existing trees in the right of way and removing an oak tree which was rotting.

I am requesting an encroachment on the right of way so that I can plant replacement landscaping and other simple features to improve the aesthetics of the grounds in keeping with neighborhood standards and city forestry goals. The city right of way is the sunniest part of the space and is best suited for the fruit bearing trees and bushes I wish to grow.

The existing site plan and proposed plan are attached for your review. Since there are power and phone lines that run along the back of the property and sufficient existing 50 foot plus tall trees, I am proposing to plant understory trees and bushes ranging in height from 4 feet to 12 feet. A 4 to 5 foot privet hedge along the line of the sidewalk would help to dampen noise from traffic, afford some privacy and provide a safety barrier to keep my children from running into Blossom Street.

The proposed wooden arbor would provide an attractive focal point and provide access through the hedge. The arbor would be approximately 8 feet wide and 8 feet high with grape vines growing on it.

The paths would be constructed of flagstone pavers spaced several inches apart with ground cover growing between.

These plantings would only require irrigation during establishment so a series of hoses and soaker hoses will be concealed by mulch and moved as needed.

The fruit producing trees and shrub have been placed far enough away from the sidewalk and street so as not to create litter or stain the surfaces. All of the new plantings will be easy for me to maintain and will not require any tree maintenance resources from the city.

Thank you for your time in reviewing my request. I can be contacted at [Michael@michaeldrennan.com](mailto:Michael@michaeldrennan.com) or 803-447-7025 if you would like to discuss my proposal.





**From:** Michael Drennan [mailto:michael@michaeldrennan.com]  
**Sent:** Tuesday, February 03, 2009 9:18 AM  
**To:** Ardis, Shari  
**Cc:** Land, Chip  
**Subject:** Re: encroachment ordinance request

Hi Shari,

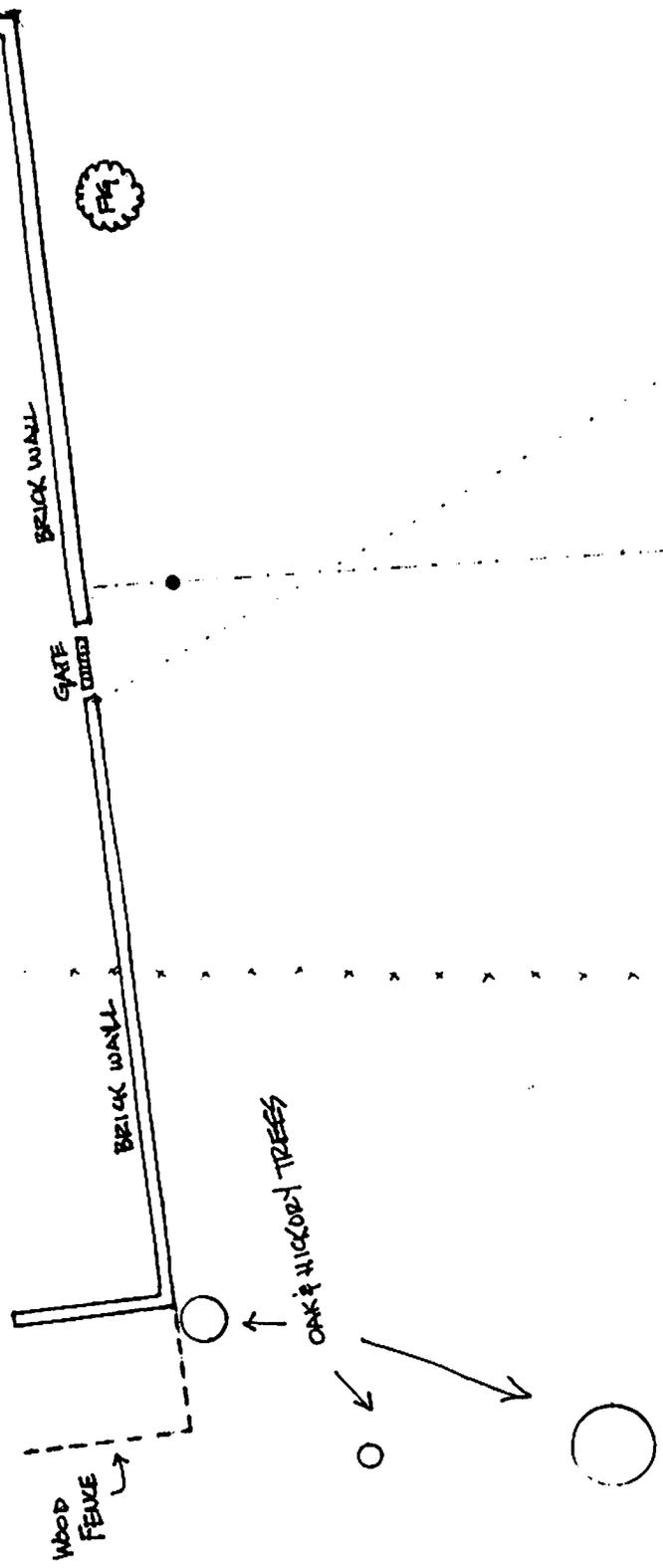
The width of the main walkway that runs from my gate to the street is 5 feet. It's total length is 80 feet (with 35 feet on the city right-of-way and 45 feet on my property). The secondary path is 3 feet wide and 65 feet long with its entire length on the right of way.

As for the construction of the path, I would like to set individual flagstones into the ground and plant ground cover between them. So there will be no compacting of the soil, sand/gravel or plastic underlayment or any grouting or pouring of concrete.

Thank you!  
Michael Drennan

1-31-08

227 TERRACE WAY BACKYARD → EXISTING SITE

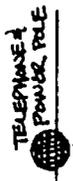


SLOPE from South to North @ 16:37 (11' drop over 67')

SYMBOLS

- 1- 25'H power line ●●
- 2- 15'H phone lines ○○
- 3- sewer pipe ---
- 4- city right of way - - -

SCALE 1" = 10'



CITY RIGHT OF WAY

SIDEWALK

BLOSSOM STREET