

ORDINANCE NO.: 2009-105

Granting an encroachment to Samer G. Touma for installation and maintenance of a driveway, landscaping and an irrigation system within the right of way area of the 300 block of Queen Street adjacent to 2501 Duncan Street, Richland County TMS #11311-10-17

ORIGINAL
STAMPED IN RED

WHEREAS, Samer G. Touma (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 300 block of Queen Street adjacent to his property at 2501 Duncan Street, for installation and maintenance of a driveway approximately ninety-five (95') feet in length (approximately fifty (50') feet chord distance) and approximately twelve (12') feet in width with aprons approximately sixteen (16') feet in width; landscaping and an 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 7th day of October, 2009, that Grantee, his successors and assigns, is hereby granted the right to utilize a portion of the right of way of the 300 block of Queen Street adjacent to his property at 2501 Duncan Street, for installation and maintenance of a driveway approximately ninety-five (95') feet in length (approximately fifty (50') feet chord distance) and approximately twelve (12') feet in width with aprons approximately sixteen (16') feet in width; landscaping and an 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 or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee 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, Grantees, their 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:

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STAMPED IN RED

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/road. 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 must not obstruct access or view of any fire hydrant.

3. 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 Grantees, their 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 Grantees, their 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 Grantees, in consideration of the above privilege, shall at their expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

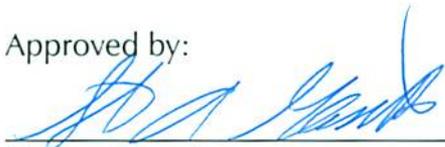
Requested by:

Samer G. Touma



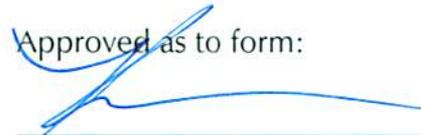
MAYOR

Approved by:



Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 9/16/2009

Final Reading: 10/7/2009

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.

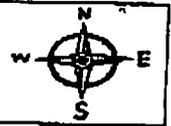
Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Chip Timmons with Risk Management (343-8778 or catimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: 8-25-09 Property Owner: Samer Touma
Applicant's Name if different from Property Owner: Same
Contact Information: Telephone Number: 330 9708 Fax Number: 256 0195
Mailing address: 2501 Duncan St Col. S.C. 29205 E-mail address: 2
Encroachment Location (Address): 2501 Duncan St.
(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: 11311-10-17

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

(i.e., 6'x42' wooden privacy fence; two 12"x4' concrete stop; two 12"x12' x24' brick columns; 4'x15' brick paver walkway)
Construction material: Concrete
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) _____



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)

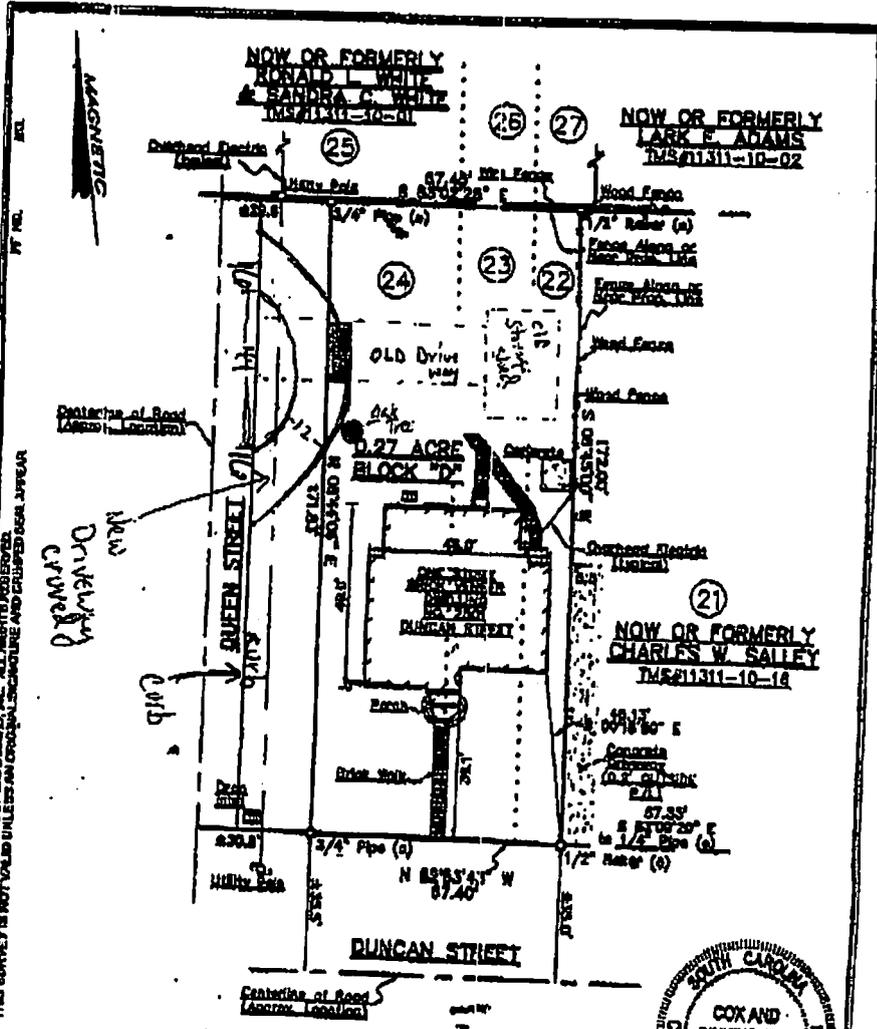
The proposed ordinance will be sent to the requesting party and City offices for review and approval. Krista Hampton will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

Contact	Department	Telephone Number	Fax Number
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
Krista Hampton	Planning and Development Services	545-3420	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
Chip Timmons	Risk Management	343-8778	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Swcatt	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
Lucinda Statler	Planning and Development Services	545-3222	733-8647



LR 7/30/2009

Matter No.: 09081289
Attorney: Krista Hampton
Date In: 8-25-09
File No.: 2009-105
Date Out: 9/2/09

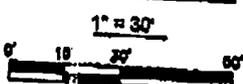


Inside 50'
outside 95'

FLAT
PREPARED FOR
SAMER G. TOUMA
RICHLAND COUNTY, COLLABIA, S.C.

THE SAME BEING COMPOSED OF LOT NUMBERS 24, 23, AND A WESTERN PORTION OF LOT NUMBER 22, BLOCK "D", ON MAP OF PLEASANT PLACE, BY TOMLINSON ENGR. CO. DATED JANUARY 30, 1932, AND RECORDED IN THE OFFICE OF THE R.O.D. FOR RICHLAND COUNTY IN PLAT BOOK 46, PAGE 141. ADDITIONAL REFERENCE IS ALSO MADE TO PLAT PREPARED FOR DONALD C. WEATHERS & MARY ELLEN WEATHERS, BY COX and DINKINS, P.C., DATED DECEMBER 11, 1988.

JUNE 26, 2009



COX AND DINKINS, INC.
704 BATTLE BLVD.
COLUMBIA, SOUTH CAROLINA 29204
803-684-0518 Fax 803-748-0513
Email: cdb@coxanddinkins.com

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the American Standards Institute for the Practice of Land Surveying (S 1000). I, Eric L. Inghel, do not make or intend to make any claim or warranty as to the accuracy of the survey shown herein.

PROF. LAND SURVEYOR NO. 34373
ERIC L. INGHEL, JR.