

ORDINANCE NO.: 2009-122

Granting an encroachment to Michael Beets and Violet Beets for installation and maintenance of a wooden privacy fence and two gates adjacent to 402 S. Prospect Street at the 3700 block of Prentice Avenue, Richland County TMS #13805-10-01

WHEREAS, Michael Beets and Violet Beets (hereinafter "Grantees") desire to utilize a portion of the right of way area adjacent to their property at 402 S. Prospect Street at the 3700 block of Prentice Avenue, Richland County TMS #13805-10-01, for installation and maintenance of a wooden privacy fence approximately six (6') feet in height and ninety-five (95') feet in length, to include two (2) gates approximately six (6') feet in height and five (5') feet 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 6th day of January, 2010, that Grantee, their successors and assigns, are hereby granted the right to utilize a portion of the right of way area adjacent to their property at 402 S. Prospect Street at the 3700 block of Prentice Avenue, Richland County TMS #13805-10-01 for installation and maintenance of a wooden privacy fence approximately six (6') feet in height and ninety-five (95') feet in length, to include two (2) gates approximately six (6') feet in height and five (5') feet 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 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:

ORIGINAL
STAMPED IN RED

ORIGINAL
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. Gates must swing into the property.

3. Fence posts must be located outside of the drip line of the City trees.

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:

Michael Beets and Violet Beets



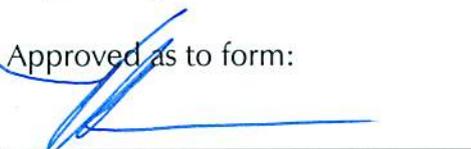
MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 12/16/2009

Final Reading: 1/6/2010

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. 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: 11-13-2009 Property Owner: Michael and Violet Beets

Applicant's Name if different from Property Owner: _____

Contact Information: Telephone Number: 803-403-5837 Fax Number: _____

Mailing address: 402 S Prospect St E-mail address: mwbeets@gmail.com

Encroachment Location (Address): 402 S. Prospect St and the 3700 block of Prentice Ave.

(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: R13805-10-01

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other

If Other - specify: _____

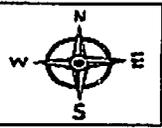
Dimensions (height/width/length): 6' x 95' wooden privacy fence

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

Construction material: Wood

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 _____

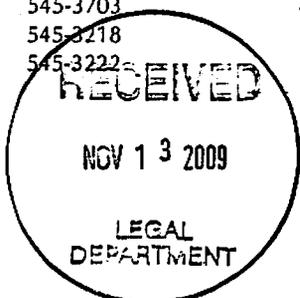
Hours of operation for outdoor dining: _____

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 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
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
Lucinda Statler	Planning and Development Services	545-3222	733-8647



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**CITY COUNCIL
ENCROACHMENT SUMMARY
2009-122**



402 S. PROSPECT STREET

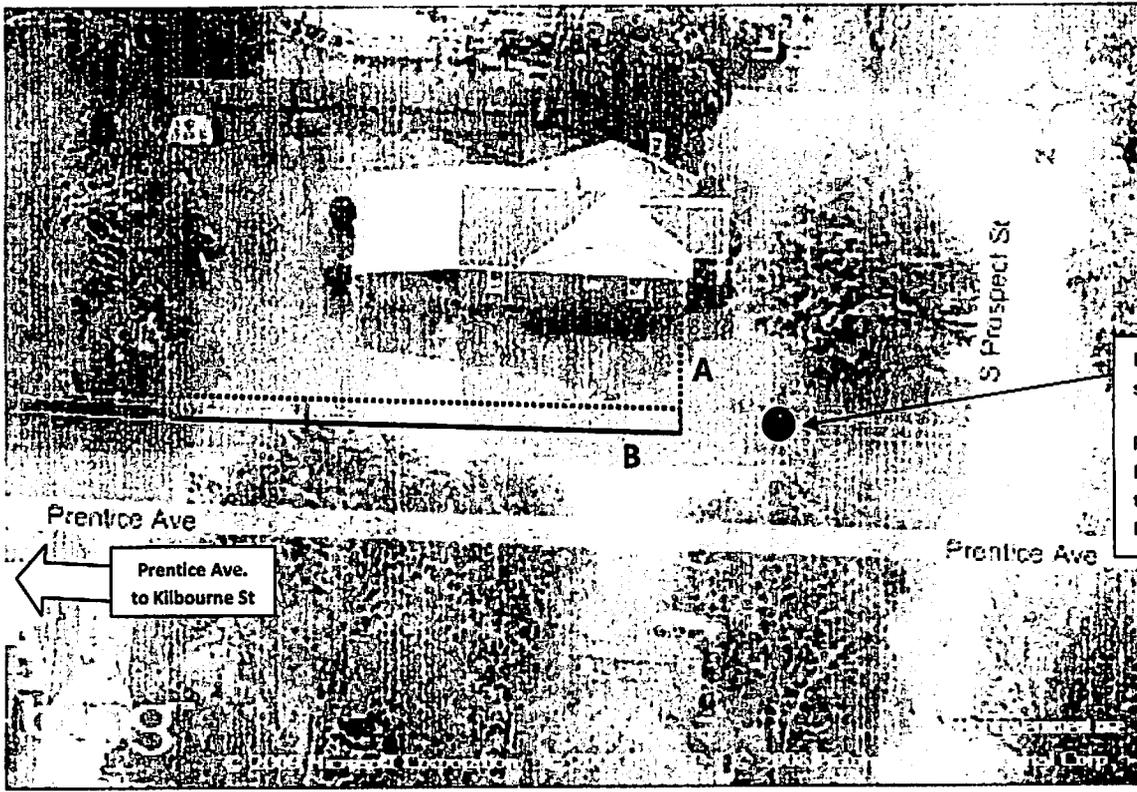
Subject Property: 402 S. Prospect Street at 3700 Blk of Prentice Avenue, TMS# 13805-10-01
Council District: 3
Proposal: Request approval for installation and maintenance of a wooden privacy fence approximately six (6') feet in height and ninety-five (95') feet in length.
Applicant: Michael and Violet Beets
Staff Recommendation: Approve
Conditions:

- 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;
- Gates must swing into the property;
- Fence posts must be located outside of drip line of City tree.

Detail: The homeowners propose to fence in their north side yard, the location of which extends into the right-of-way. The fence will be 6' and made of wood. The location of the fence should pose no hazards and is out of the sight visibility triangle.

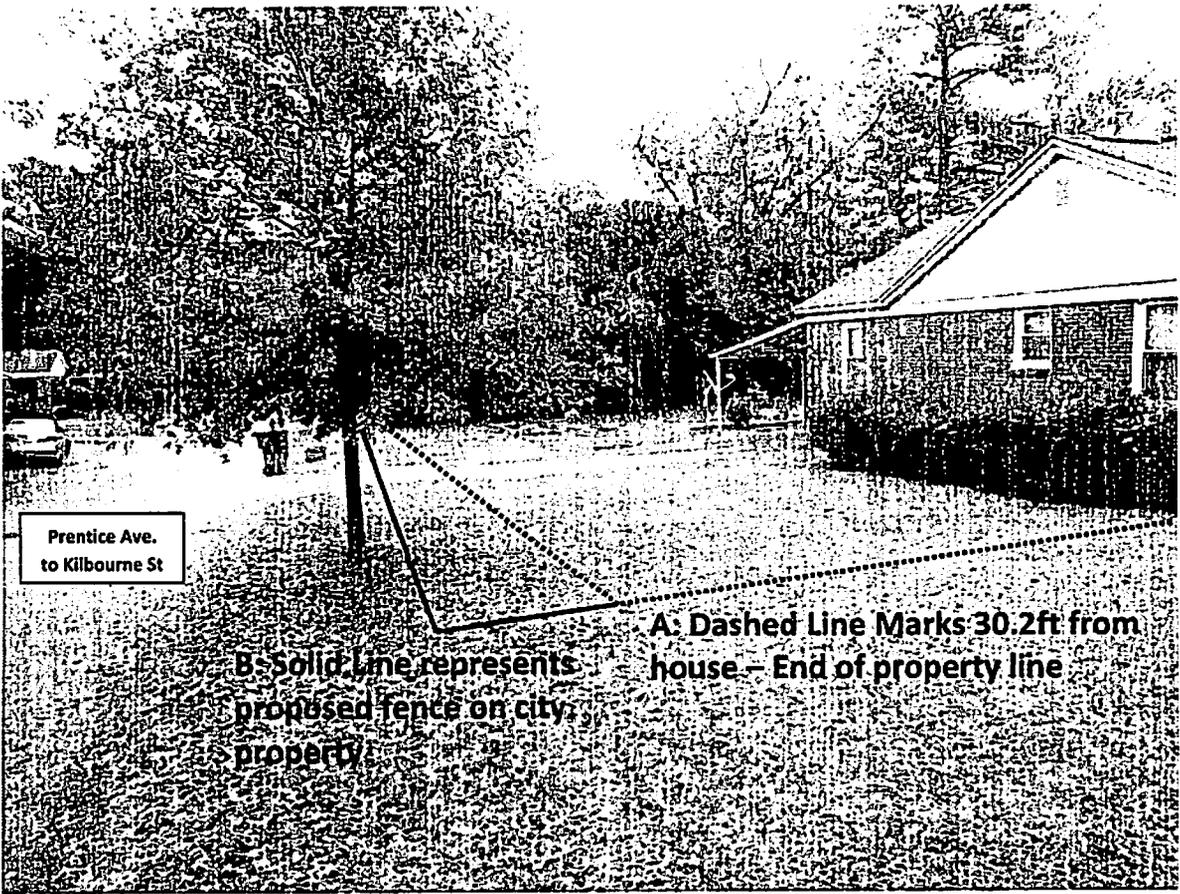
CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval with Conditions: 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.
Zoning	Recommend Approval.
Streets	Recommend Approval provided any gates swing into the property.
Utilities & Engineering	Recommend Approval.
Traffic Engineering	Recommend Approval.
Fire Department	Recommend Approval.
Forestry	Recommend Approval provided fence posts are located outside of drip line of City tree.
Land Development	Recommend Approval provided care is taken to minimize disturbance to tree roots.



Location of photo shown below

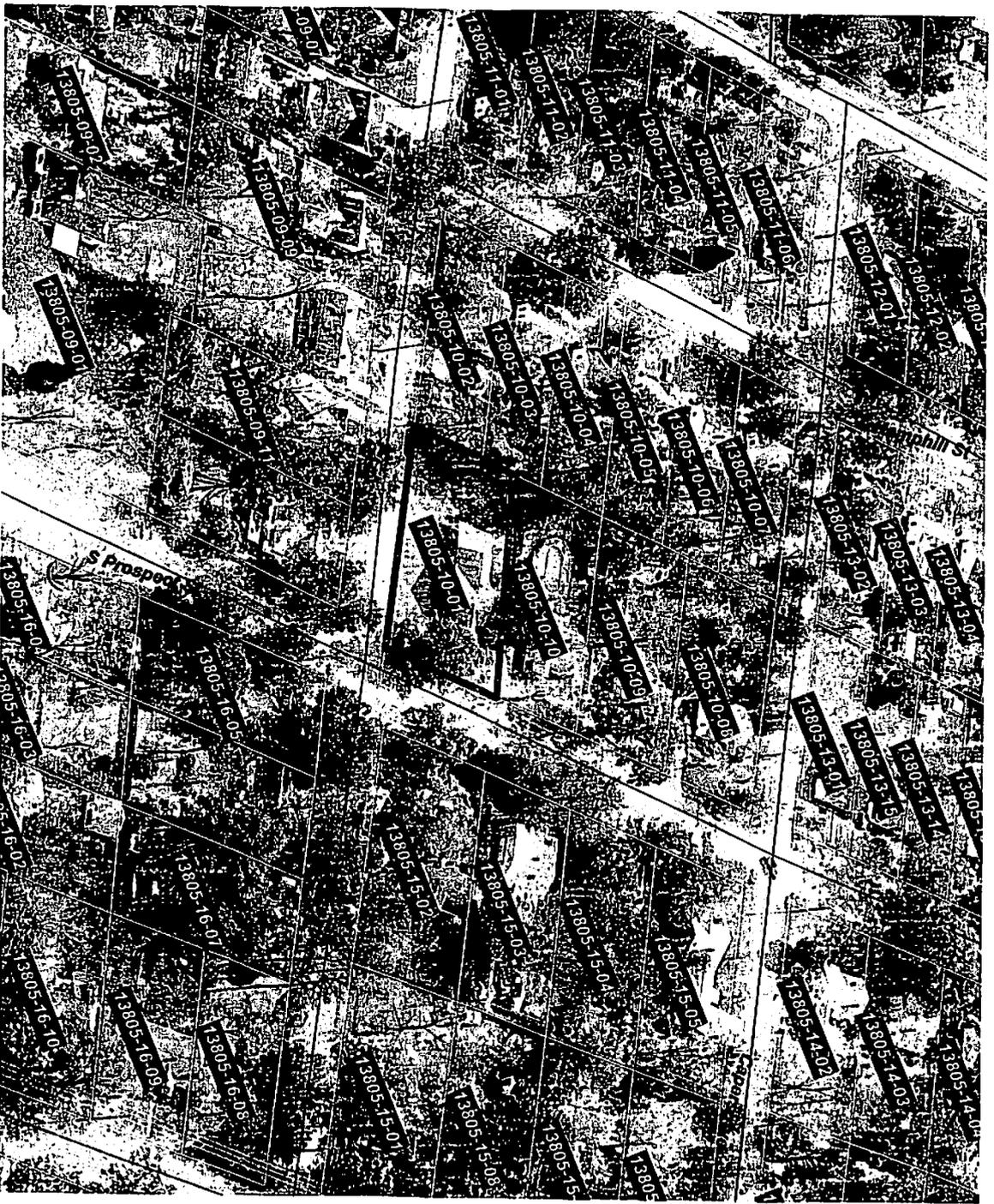
Photo shows Prentice Ave towards Kilbourne St



Prentice Ave. to Kilbourne St

B: Solid Line represents proposed fence on city property

A: Dashed Line Marks 30.2ft from house - End of property line



Average Scale: 1 inch = 76.4 feet

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