

ORDINANCE NO.: 2012-110

Granting an encroachment to Pearlz Oyster Bar for installation and maintenance of a landing, steps and railing in the right of way area of the 1100 block of Park Street adjacent to its building at 936 Gervais Street

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STAMPED IN RED

WHEREAS, Pearlz Oyster Bar (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area of the 1100 block of Park Street adjacent to its building at 936 Gervais Street for installation and maintenance of a landing approximately four (4') feet in length and three (3') feet eight (8") inches in width with (2) steps approximately four (4') feet in length and each approximately seven (7") inches in height with metal hand railing; a wheel stop approximately six (6') feet in length, four (4") inches height and six (6") inches in width; and eight (8) architectural bollards approximately two (2') feet six (6") inches in height and six (6") inches in diameter, as shown on the attached drawing;

WHEREAS, the landing, steps and railing shall be installed adjacent to the building to prohibit obstruction of pedestrian movement and vehicle parking; the general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement and disturbance of existing trees and roots shall be prohibited; and,

WHEREAS, it appears that the additional encroachment will not interfere with the use of the 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 day 8th day of January, 2013, that Grantee is hereby granted the right to utilize a portion of the sidewalk right of way area of the 1100 block of Park Street adjacent to its building at 936 Gervais Street for installation and maintenance of a landing approximately four (4') feet in length and three (3') feet eight (8") inches in width with (2) steps approximately four (4') feet in length and each approximately seven (7") inches in height with metal hand railing; a wheel stop approximately six (6') feet in length, four (4") inches height and six (6") inches in width; and eight (8) architectural bollards approximately two (2') feet six (6") inches in height and six (6") inches in diameter, 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 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, Grantee 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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1. No item shall be placed that creates a visual impediment to persons safely entering or exiting the building, adjoining driveway or walking along the sidewalk. The City reserves the right to remove any item located within the right of way which it deems to be a safety hazard; and,

2. The area and general exterior of the building shall be kept clean and orderly at all times to include placing roll carts within an area screened from view; other improvements, interference with pedestrian movement or the parking lane and disturbance of existing trees and roots shall be prohibited; and,

3. In order to be in compliance with the Americans with Disabilities Act, all site furnishing shall not encroach into the five (5') foot wide and eight (8') foot tall accessible pedestrian zone; and,

4. Fire Department Connection shall not be obstructed.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee.

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.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its 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:

Pearlz Oyster Bar _____



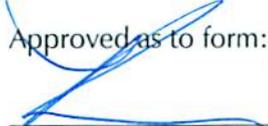
MAYOR

Approved by:



City Manager 1-14-2013

Approved as to form:



City Attorney

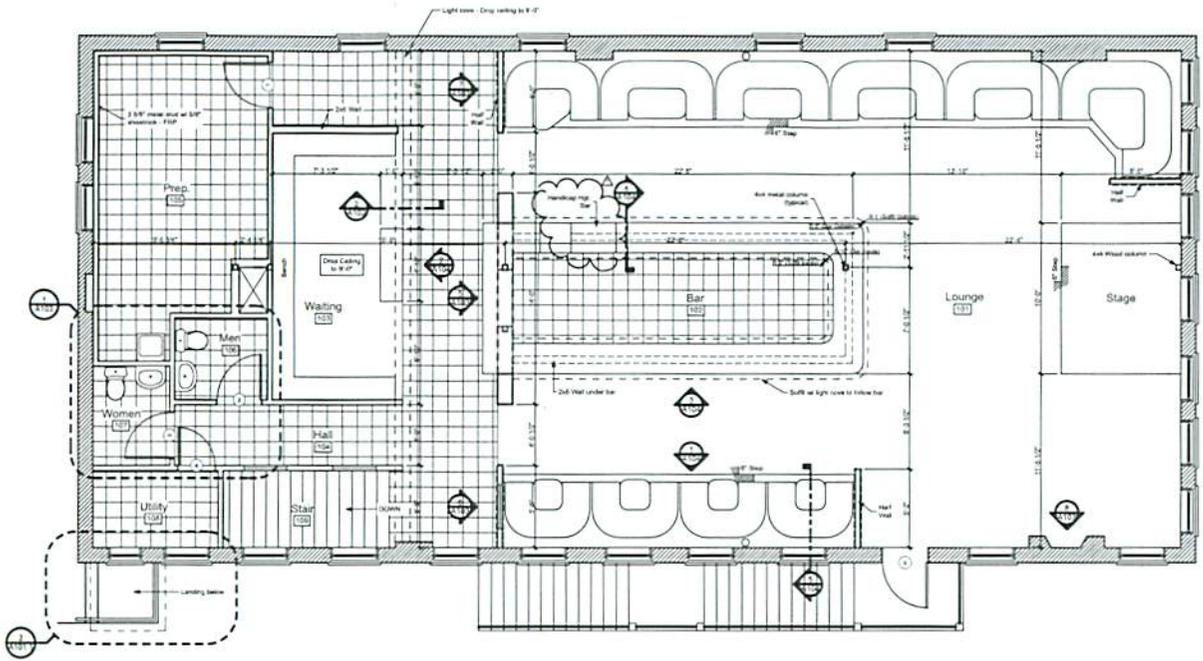
ATTEST:


City Clerk

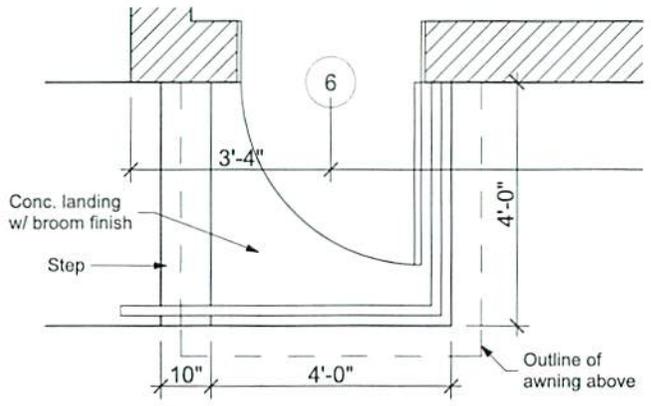
Introduced: 12/18/2012

Final Reading: 1/8/2013

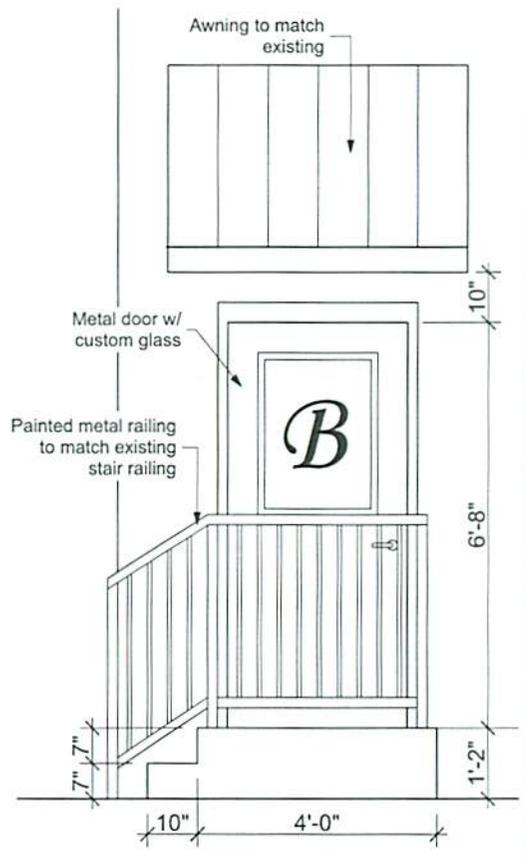
THE DRAWING AND THE DESIGN SHOWN THEREON ARE THE PROPERTY OF JEFF LEWIS, AIA. THE REPRODUCTION, COPYING OR OTHER USE OF THIS DRAWING WITHOUT WRITTEN CONSENT OF JEFF LEWIS, AIA, IS PROHIBITED AND INFRINGEMENTS WILL BE SUBJECT TO LEGAL ACTION.



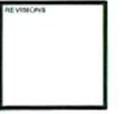
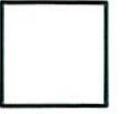
1 Floor Plan
SCALE: 1/8" = 1'-0"



2 Entrance Plan
SCALE: 1/2" = 1'-0"



3 Entrance Elevation
SCALE: 1/2" = 1'-0"



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.*

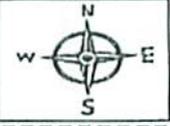
Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiase.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Chip Timmons with Risk Management (733-8306 or catimmons@columbiase.net) should be contacted regarding the insurance requirements.

Date: 10/17/12 Property Owner: JERRY SCHAEFER
 Applicant's Name if different from Property Owner: MIKE EVANS
 Contact Information: Telephone Number: 803 661 7241 Fax Number: 803 661 7748
 Mailing address: 936 GERIARD ST COLASC 29101 E-mail address: MEVANS@TRONZ.COM
 Encroachment Location (Address): adj to 936 GERIARD ST - 1100 block
 (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: 0B916 - 02 - 06

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

(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: concrete & metal
 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
Joey Jaco	Utilities & Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
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	733-8306	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
John Fellows	Planning and Development Services	545-3222	733-8647

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