

ORDINANCE NO. 2013-107

Granting encroachment to John M. Herr and Lucrecia L. Herr and for installation and maintenance of a parking pad within the right of way area adjacent to 3611 Foxhall Road, Richland County TMS# 14109-02-14

WHEREAS, John M. Herr and Lucrecia L. Herr (hereinafter "Grantees") desires to use a portion of the right of way area of the 3600 block of Foxhall Road adjacent to 3611 Foxhall Road, Richland County TMS #14109-02-14 for installation and maintenance of parking pad approximately nine (9') feet in width and forty-five (45') feet in length, as shown on the attached drawings; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the medians 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 15th day of October, 2013, that Grantees are hereby granted the right to install and maintain a parking pad approximately nine (9') feet in width and forty-five (45') feet in length within the right of way area of the 3600 block of Foxhall Road adjacent to 3611 Foxhall Road, Richland County TMS #14109-02-14, 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 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. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.
3. Landscaping to be maintained by property owner.
4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
5. 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.

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.

ORIGINAL
STAMPED IN RED

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:

John M. Herr and Lucrecia L. Herr



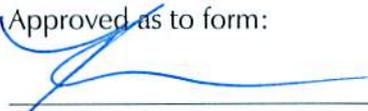
Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:


City Clerk

Introduced: deferred 9/18/2013 at Grantee's request; 10/1/2013
Final Reading: 10/15/2013

**CITY COUNCIL
ENCROACHMENT SUMMARY
2013-107**



**ADJACENT TO 3611 FOXHALL ROAD
PARKING PAD**

Subject Property:	Right-of-way adjacent to 3611 Fox Hall Road, TMS#14109-02-14
Council District:	2
Proposal:	Request encroachment to allow an existing parking pad to remain
Applicant:	John M. and Lucrecia L. Herr
Staff Recommendation:	Denial based upon recommendation of Street Division (see below).

Detail:	<p>Planning and Development Services received a complaint that a recently constructed parking pad was causing drainage on an adjacent property. After an inspection of the property, it was determined that the applicant installed a parking pad (approximately 9' ft. in width and 45 ft. length) without a permit. In addition, there is standing water located between the property lines of 3611 and 3617 (property to the east) Foxhall Road. The property owner was issued a written notice of violation and, in an effort to abate the violation, is requesting an encroachment.</p> <p>Engineering has inspected the property and has determined that the parking pad does not cause storm water to drain on the adjacent property. Street Division recommends denial of the encroachment request citing visibility for persons backing out of the driveway of the property located to the east would be hazardous.</p>
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CITY AGENCY COMMENTS FOR ENCROACHMENT	
Planning & Development Services	Recommend approval.
Streets	Recommend Denial. This appears to be a site hazard for anyone backing out of the driveway next door when vehicles are parked on the pad.
Utilities and Engineering	Recommend approval. Homeowner will be responsible for repairs to the drive should the City be required to dig in this area for maintenance of our water or sewer lines.
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.
Land Development	Recommend approval.
Fire	Recommend approval.

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 (733-8306 or catimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: _____ Property Owner: JOHN M. + LUCRECIA HERR

Applicant's Name if different from Property Owner: _____

Contact Information: Telephone Number: (803) 787-7199 Fax Number: N/A

Mailing address: 3611 FOX HALL RD, COLUMBIA, SC 29204-3716 E-mail address: herra@mailbox.sc.edu

Encroachment Location (Address): 3611 FOX HALL RD, COLUMBIA, SC 29204-3716
(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: 14109-02-14

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

If Other - specify: PARKING PAD ON RIGHT-OF-WAY ADJACENT TO FOX HALL RD

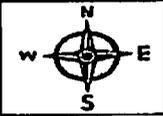
Dimensions (height/width/length): LENGTH: STREET SIDE 43 FT.; YARD SIDE 42 FT. WIDTH: 9 FT

(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 SLAB WITH CONCRETE BLOCK BARRIER AT THE MARGIN

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: _____

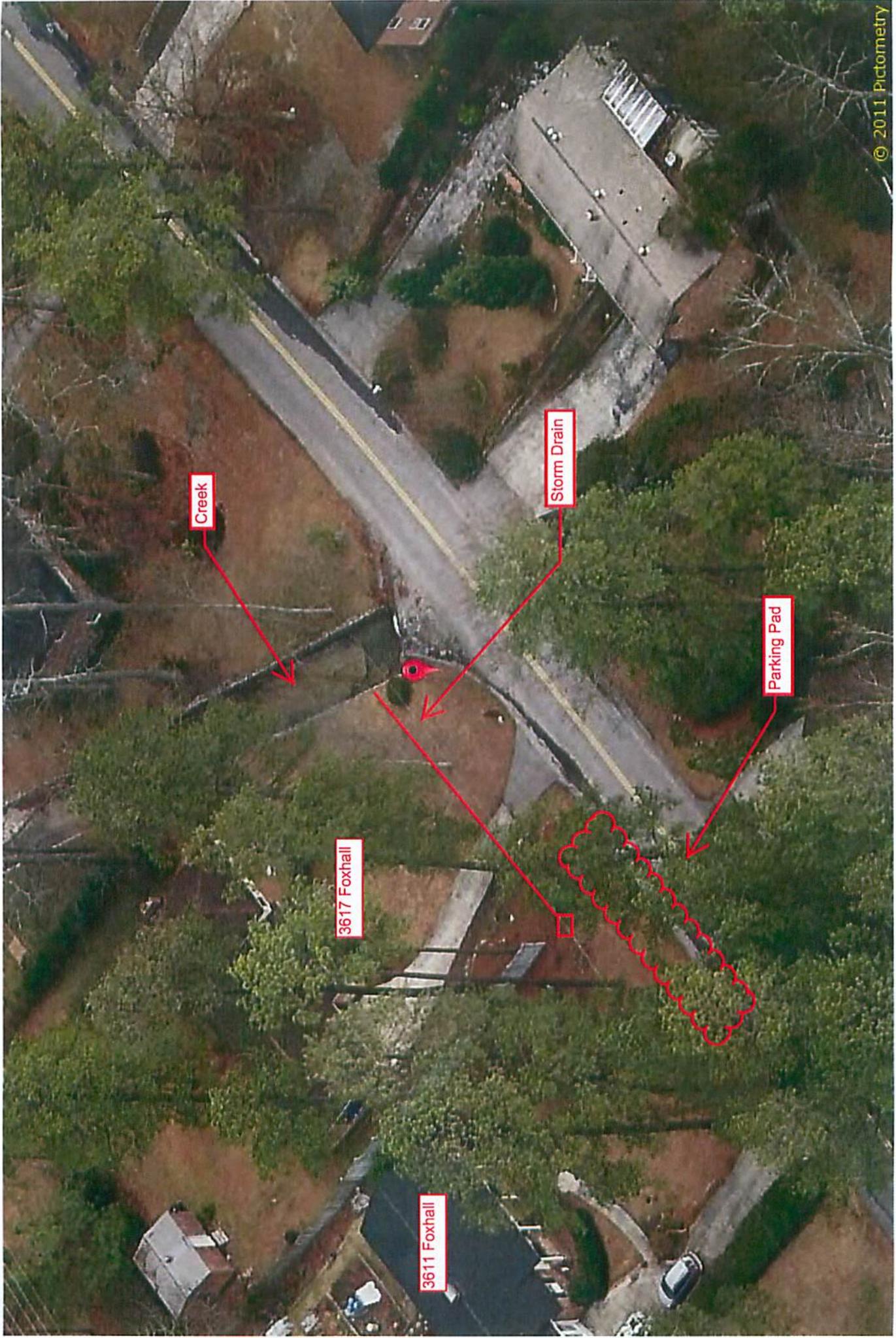
Number of planters: _____ Awning: _____ (dimensions - size/material) _____

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





Creek

Storm Drain

Parking Pad

3617 Foxhall

3611 Foxhall



07.12.2018 22:16



45 ft.

9 ft.

07.12.2013 22:15



07.12.2019 22:16

