

ORDINANCE NO. 2013-130

Granting encroachment to Terry Dimmery and Betsy Dimmery for installation and maintenance of a wrought iron fence, brick knee wall, brick columns, a walk gate and drive gate within the right of way area of the 2400 block of Wheat Street adjacent to their property located at 2420 Terrace Way, Richland County TMS #11311-07-04

ORIGINAL
STAMPED IN RED

WHEREAS, Terry Dimmery and Betsy Dimmery (hereinafter "Grantees") desire to use a portion of the right of way area of the 2400 block of Wheat Street behind its property located at 2420 Terrace Way, Richland County TMS #11311-07-04 for installation and maintenance of a wrought iron fence approximately eighty-two (82') feet in length and four (4') feet in height; a brick knee wall approximately eighty-two (82') feet in length, eight (8") inches in width and one (1') foot in height; six (6) brick columns approximately sixteen (16") inches in width and five (5') feet in height; a walk gate approximately forty-eight (48") inches in width and four (4') feet in height, and a drive gate approximately twelve (12') feet in width and four (4') feet in height, 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 21st day of January, 2014, that Grantees are hereby granted the right to use a portion of the right of way area of the 2400 block of Wheat Street behind its property located at 2420 Terrace Way, Richland County TMS #11311-07-04 for installation and maintenance of a wrought iron fence approximately eighty-two (82') feet in length and four (4') feet in height; a brick knee wall approximately eighty-two (82') feet in length, eight (8") inches in width and one (1') foot in height; six (6) brick columns approximately sixteen (16") inches in width and five (5') feet in height; a walk gate approximately forty-eight (48") inches in width and four (4') feet in height, and a drive gate approximately twelve (12') feet in width and four (4') feet in height, as shown on the attached drawings.

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. All trees shall be protected.

3. 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.

4. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.

5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.

6. All trees shall be protected and no large tree roots shall be removed from any existing trees.

7. Gates must swing into property.

8. Fence posts must be located outside of the drip line of City trees to insure protection of 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 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:

Terry Dimmery and Betsy Dimmery



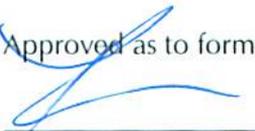
Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 1/7/2014

Final Reading: 1/21/2014

ATTEST:


City Clerk

ORIGINAL
STAMPED IN RED

**CITY COUNCIL
ENCROACHMENT SUMMARY
2013-0130**



**2400 BLOCK OF WHEAT STREET
ADJACENT TO 2420 TERRACE WAY
WROUGHT IRON FENCE**

Subject Property:	Right-of-way adjacent to 2400 block of Wheat Street adjacent to 2420 Terrace Way, TMS#11311-07-04
Council District:	3
Proposal:	The applicant is requesting an encroachment for installation and maintenance of a wrought iron fence, brick knee wall, brick columns, a walk gate and drive gate
Applicant:	Terry Dimmery and Betsy Dimmery
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of a wrought iron fence approximately eighty-two (82') feet in length and four (4') feet in height; a brick knee wall approximately eighty-two (82') feet in length, eight (8") inches in width and one (1') foot in height; six (6) brick columns approximately sixteen (16") inches in width and five (5') feet in height; a walk gate approximately forty-eight (48") inches in width and four (4') feet in height, and a drive gate approximately twelve (12') feet in width and four (4') feet in height, as shown on the attached drawings.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> 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. All trees to be shall be protected; 3. 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; 4. Obstructions of more than be four (4') feet in height are prohibited within the sight visibility triangle; 5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes; 6. All trees shall be protected and no large tree roots shall be removed from any existing trees; 7. Gates must swing into property; and 8. Fence posts must be located outside of the drip line of City trees to insure protection of City trees.
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CITY AGENCY COMMENTS FOR ENCROACHMENT	
Planning	Recommend approval.
Streets	Recommend approval.

Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.
Land Development	Recommend approval.
Fire	Recommend approval.



TERRACE WAY

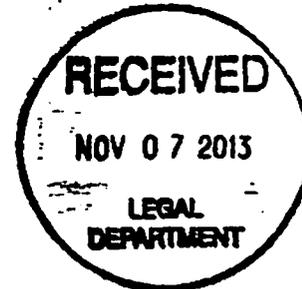


WHEAT ST.

November 4, 2013

13112412
SEALING
11-7-13
2013-130

City of Columbia
Attention: Legal Department
PO Box 147
Columbia SC 29217



Subject: Encroachment Request
2420 Terrace Way
Columbia, SC 29205

Legal Department, City of Columbia:

We would like to request approval to build a fence along Wheat Street which will be an encroachment on the city right of way. Hopefully the enclosed information will be sufficient to make a determination.

As you will note from the survey provided in the packet, the front of our home faces on Terrace Way. The back of our home faces on Wheat Street. We would like to build a fence along Wheat Street such that it is in line with the existing brick and wrought iron fence owned by Ms. Boal on our left (when facing the back of our home). The fence would continue on a line towards the Boyer home on our right and would align with the shrubbery line already in place. We will have a 48" gate on the left side of the lot (when viewed from Wheat Street) and an automobile gate on the right side.

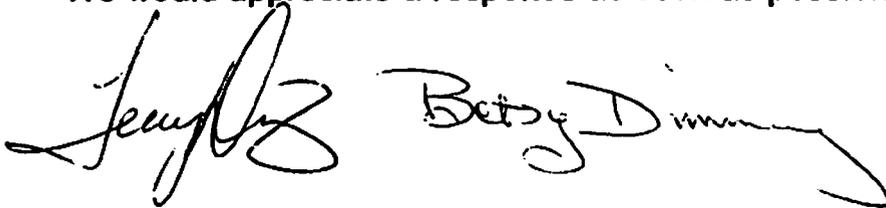
The addition of the fence would be consistent with the rest of our neighbors and would provide us with a security barrier on the rear of our home. We find that we receive many unwanted solicitations from the back portion of our home and we believe the addition of the fence would discourage that from occurring. We also recently had a group of three dogs come in to our yard in the middle of the night; they attacked and killed two of our cats. About a year ago, we had a GPS unit stolen from one of our cars while it

was parked in our driveway. We believe the fence would provide a barrier that would serve as a deterrent to future such events.

As defined on the city web site, we have included:

1. Address: 2420 Terrace Way, Backyard faces Wheat Street.
2. Enclosed is a Richland County Assessors report showing tax map sheet #.
3. Lot Lines are noted on the enclosed survey
4. Trees can be observed from Photos provided.
5. Existing Curb Cuts can be observed from the photos, they are also noted on the survey.
6. Location of the fence is noted on the photo and survey.
7. Enclosed is a letter from our State Farm insurance agent noting the action to be taken for the liability insurance requirement. We have not put this into effect pending approval of our request, but will do so immediately upon approval and prior to any work being initiated.

Hopefully the information provided is sufficient to make a determination. We would appreciate a response as soon as possible.

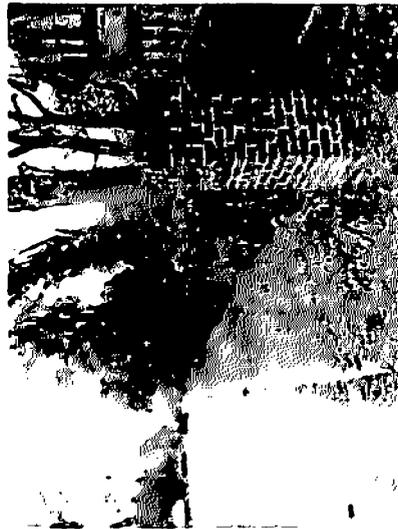
The image shows two handwritten signatures in black ink. The signature on the left is 'Terry Dimmery' and the signature on the right is 'Betsy Dimmery'. Both signatures are written in a cursive, flowing style.

Terry and Betsy Dimmery
2420 Terrace Way
Columbia SC 29205
Telephone 704-846-8874
Email: Tdimmery@gmail.com

Adjacent Lots



View from Wheat Street



Neighbor on left standing in Wheat Street (Boal)



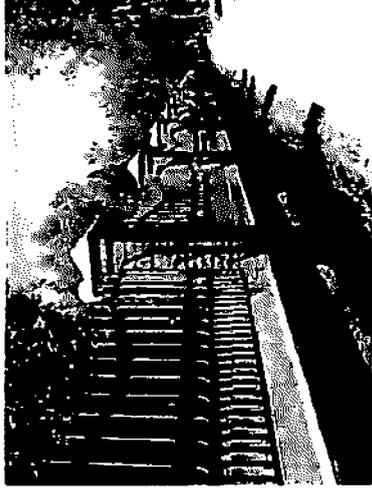
Neighbor on right standing in Wheat Street (Boyer)

Fence to be along the hedge line



— Approximate Fence Line, to line up with neighboring fences.

Fence Construction - Examples



Basic intent is brick columns with wrought iron between, 36-42" high
