

**ORDINANCE NO.: 2010-115**

ORIGINAL  
STAMPED IN RED

*Granting an encroachment to Mark Schimmoeller and Sabra Smith for installation and maintenance of a brick and stone veneer fireplace, partial lattice fence and landscaping within the right of way area of the 1900 block of Ocoola Street adjacent to 417 S. Edisto Avenue, Richland County TMS #11309-14-11*

WHEREAS, Mark Schimmoeller and Sabra Smith, (hereinafter "Grantees") desires to utilize a portion of the right of way area of the 1900 block of Ocoola Street adjacent to 417 S. Edisto Avenue, Richland County TMS #11309-14-11, for installation and maintenance of a brick and stone veneer fireplace approximately eight (8') feet in height, four (4') feet seven (7") inches deep and ten (10') feet four (4") inches in width with side benches to be enclosed by two sections of lattice fencing approximately six (6') feet in height and five (5') feet seven (7") inches in width; and landscaping, 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 8th day of September, 2010, that Grantees, their successors and assigns, are hereby granted the right to utilize a portion of the right of way area of the 1900 block of Ocoola Street adjacent to 417 S. Edisto Avenue, Richland County TMS #11309-14-11, for installation and maintenance of a brick and stone veneer fireplace approximately eight (8') feet in height, four (4') feet seven (7") inches deep and ten (10') feet four (4") inches in width with side benches; two sections of lattice fencing approximately six (6') feet in height and five (5') feet seven (7") inches in width; and landscaping, 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 Grantees shall be maintained by the Grantees 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.

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PROVIDED FURTHER that the privilege granted hereby is subject to the Grantees 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 vehicles safely traveling or to persons safely walking along the roadways.
2. 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.
3. Landscaping to be maintained by homeowner.

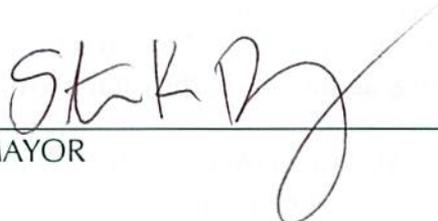
PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantees, their successors and assigns.

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.

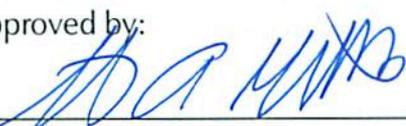
BE IT FURTHER ORDAINED that Grantees, in consideration of the above privilege, shall at their expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

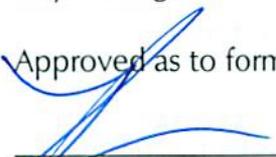
Mark Schimmoeller & Sabra Smith

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney  
Introduced: 8/18/2010  
Final Reading: 9/8/2010

ATTEST:  
  
City Clerk

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 sardis@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: July 8, 2010 Property Owner: Mark Schimmoeller

Applicants Name if different from Property Owner:

Contact Information: Telephone Number: 803-609-0559 Fax Number: 803-256-0554

Mailing address: 2825 Commerce Dr. Columbia, SC 29205 E-mail address: svistas@bellsouth.net

Encroachment Location (Address): 417 S Edisto Ave and 1900 block of Oceola 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: LMS 11309-14-11

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

If Other - specify: fireplace and partial lattice fence

Dimensions (height/width/length): fireplace is 4'-7" deep x 10'-4" wide which includes the side benches. 8'k

The lattice will be approx. 5'-7" wide x 5' in depth on each side of the FP 6'k

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

Construction material: block, stone veneer and brick

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) [Compass rose diagram]

Businesses only: Outdoor dining No. of chairs: No. of Tables

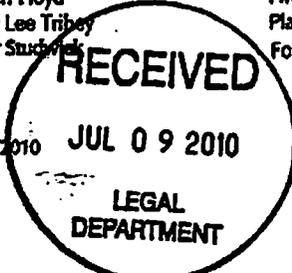
Hours of operation for outdoor dining:

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.

Table with 4 columns: Contact, Department, Telephone Number, Fax Number. Lists various city departments and their contact information.



Matter No: 10071076
Attorney: SLA
Date In: 7-9-10
File No: 2010-113
Date Out: 9/5/10

LR 6/9/2010

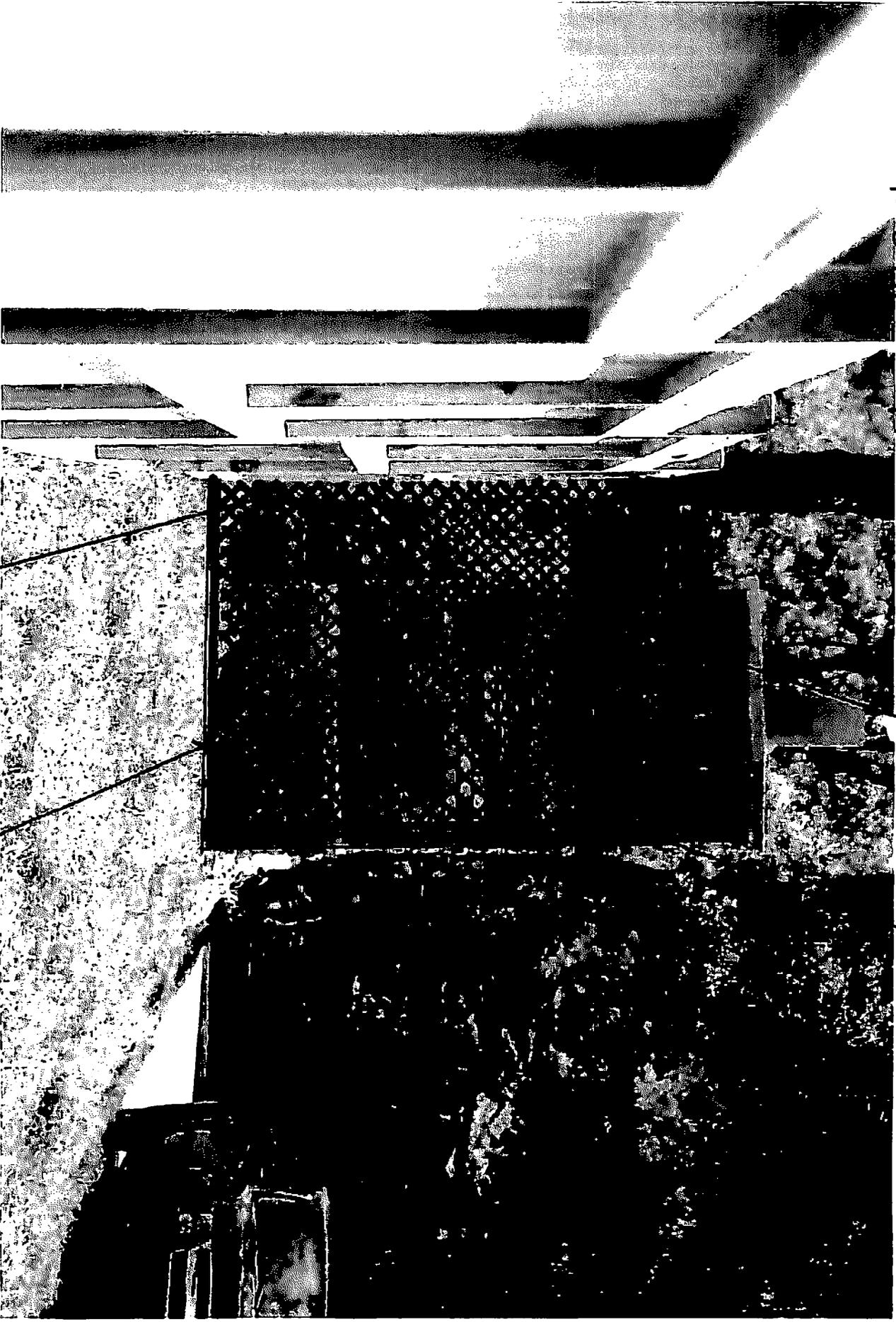
PROPOSE LATTICE  
TO COMPLETE ENCLOSEURE.

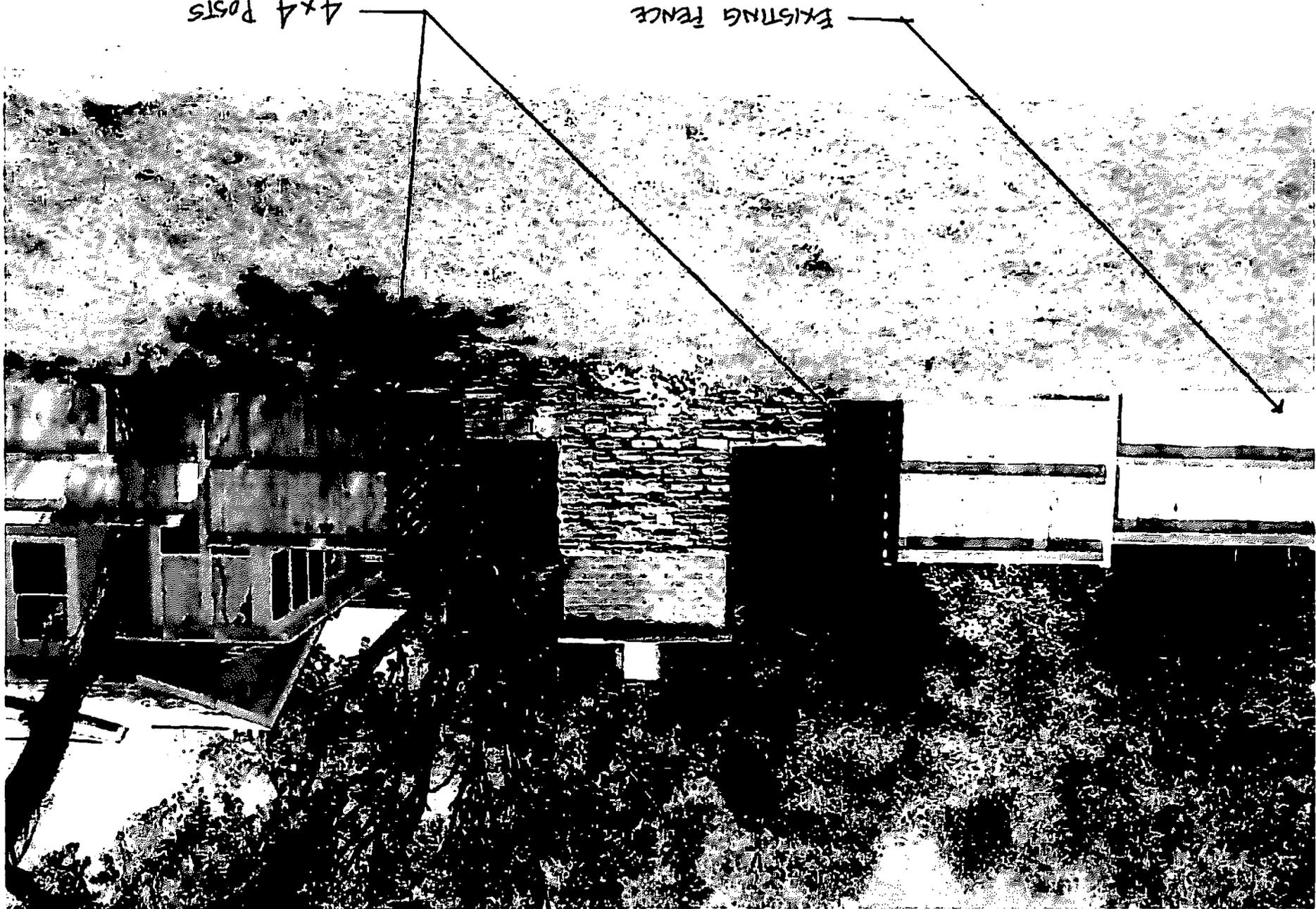
2x4 CAP

4x4 POST

LATTICE  
w/VINES

2x4 BOTTOM RAIL





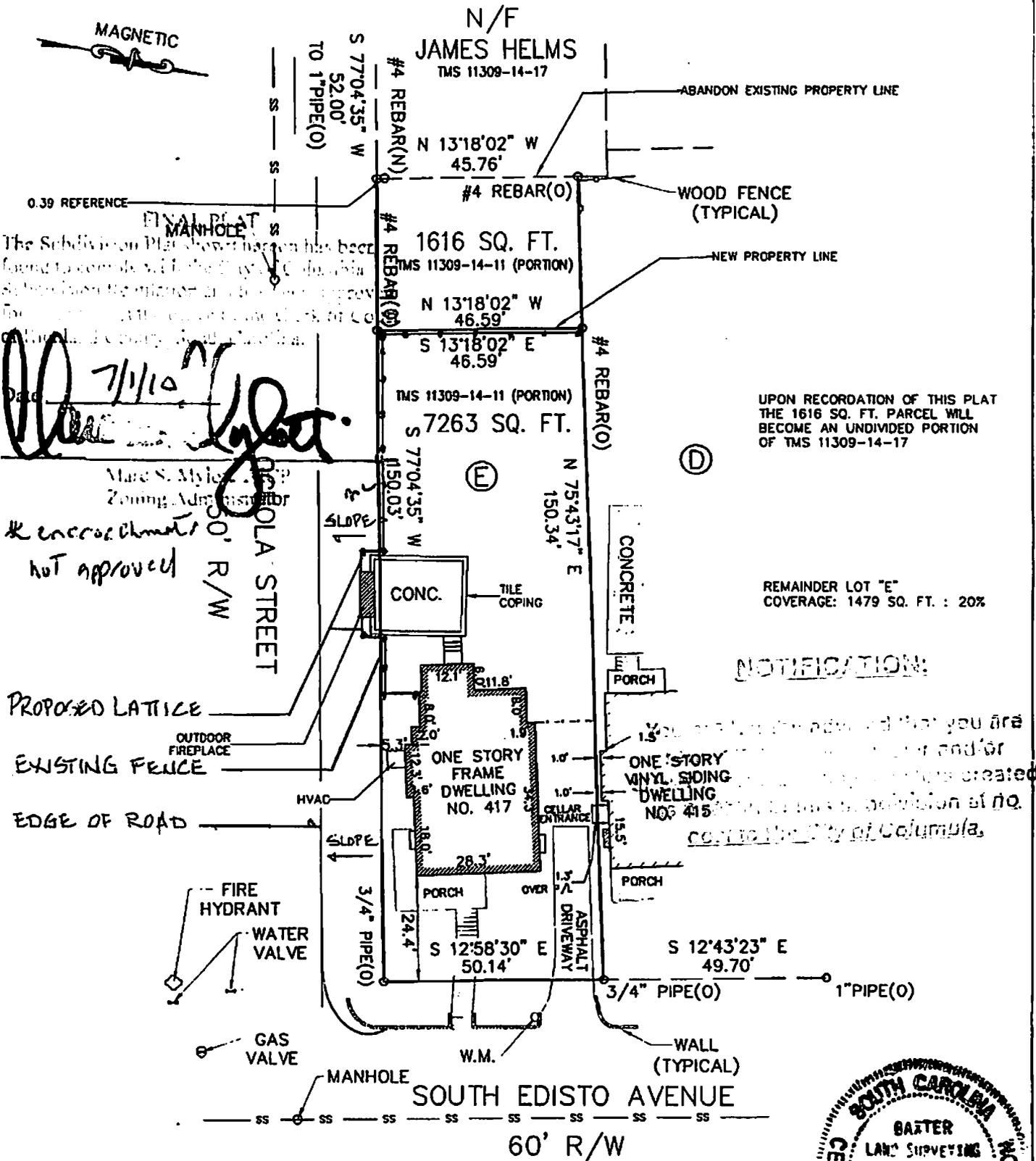
4x4 POSTS

EXISTING FENCE

LATTICE SCREEN W/VINES

PROPOSED LATTICE  
TO COMPLETE FENCE ENCLOSURE.

PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS OR RESTRICTIONS NOT OBSERVED AND TO INFORMATION REVEALED IN A COMPLETE TITLE SEARCH. THE SURVEYOR DID NOT PERFORM A TITLE SEARCH. UNDERGROUND UTILITIES MAY BE PRESENT BUT THEIR LOCATION WAS NOT DETERMINED.



The Subdivision Plat shown hereon has been found to comply with the City of Columbia Subdivision Ordinance and is hereby approved for recording. All dimensions are in feet and inches.

Date: 7/1/10  
*[Signature]*

Marie S. Myler  
 Zoning Administrator  
 Encroachment not approved

UPON RECORDED OF THIS PLAT THE 1616 SQ. FT. PARCEL WILL BECOME AN UNDIVIDED PORTION OF TMS 11309-14-17

REMAINDER LOT "E" COVERAGE: 1479 SQ. FT. : 20%

**NOTIFICATION:**  
 You are hereby advised that you are responsible for the accuracy of the information provided hereon and for any errors or omissions that may have been created in this plat. This notification is in accordance with the provisions of the City of Columbia, South Carolina.



PLAT PREPARED FOR  
**MARK SCHIMMOELER**