

ORDINANCE NO.: 2010-116

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Granting an encroachment to Washington Square, LLC for installation and maintenance of two brick columns with wrought iron fencing within the right of way area adjacent to 701 Santee Avenue, Richland County TMS #11308-08-08

WHEREAS, Washington Square, LLC, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to 701 Santee Avenue, Richland County TMS #11308-08-08, for installation and maintenance of two (2) brick columns approximately five (5') feet in height, and two (2') feet width with wrought iron fencing approximately four (4') feet in height and fourteen (14') feet in length, 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 Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way area adjacent to 701 Santee Avenue, Richland County TMS #11308-08-08, for installation and maintenance of two (2) brick columns approximately five (5') feet in height, and two (2') feet width with wrought iron fencing approximately four (4') feet in height and fourteen (14') feet in length, 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.

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

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. Enforcement 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 ctimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: July 8, 2010 Property Owner: Washington Square, LLC

Applicant's Name if different from Property Owner: _____

Contact information: Telephone Number: 803-799-4321 Fax Number: 803-744-4447

Mailing address: P. O. Box 101, Columbia, SC 29202 E-mail address: liba.lidikay@cbresc.com

Encroachment Location (Address): 701 Santee Avenue

(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: 11308-08-08

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers

Walkway/Side walk Underground Utilities other

If Other - specify: _____

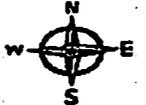
Dimensions (height/width/length): two brick 5' (h) x 2' (w) x 2' (l) columns with wrought iron

fencing 4' (h) x 14' (l)

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

Construction material: Brick and wrought iron

Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.

<p>_____ Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)</p> <p>Location(s) signs are to be placed (i.e. Northeast corner of Main Street) _____</p> <p>_____</p> <p>_____</p>	
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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
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 Hallar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Deik	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
Arthur Studwick	Forestry & Beautification	545-3860	733-8640

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