

ORDINANCE NO. 2002-001

*Granting encroachment to Ernest J. Nauful, Jr. and Brenda B. Nauful
for construction, installation and maintenance of a wrought iron fence
and gates at 1809 Heyward Street*

WHEREAS, Ernest J. Nauful, Jr. and Brenda B. Nauful (hereinafter "Grantee") desire to utilize a portion of the right of way area between the sidewalk and their property located at 1809 Heyward Street for construction, installation and maintenance of a wrought iron fence and gates approximately five (5') feet in height and one hundred sixty-five (165') feet in length; 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 10th day of April, 2002, that Grantees are hereby granted the right to utilize a portion of the right of way area between the sidewalk and their property located at 1809 Heyward Street to construct, install and maintain a wrought iron fence and gates approximately five (5') feet in height and one hundred sixty-five (165') feet in length.

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, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, its 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 and in the event the encroachment becomes in conflict with future municipal plans, said property shall be returned to the City by Grantee.

PROVIDED FURTHER that the evidence of public liability insurance naming the City as an insured in the minimum amount of \$600,000.00 for personal injury and property damage shall be filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area

ORIGINAL
STAMPED IN RED

to the satisfaction of the City Manager.

Requested by:



MAYOR

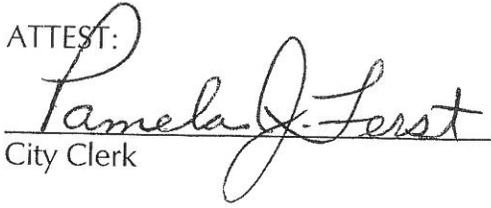
Approved by:

City Manager

Approved as to form:

City Attorney

ATTEST:



City Clerk

Introduced: 3/20/2002

Final Reading: 4/10/2002

ORIGINAL
STAMPED IN RED

ERNEST J. NAUFUL, JR., P.C.
ATTORNEY AND COUNSELLOR AT LAW

1321 LADY STREET
SUITE 670
POST OFFICE BOX 11866
COLUMBIA, SOUTH CAROLINA 29211
(803) 256-4045
FACSIMILE 256-7044

ERNEST J. NAUFUL, JR.

December 12, 2001

Shari Ardis
Legal Department
City of Columbia
P. O. Box 667
Columbia, SC 29202



RE: Encroachment Ordinance/Ernest J. Nauful, Jr. and Brenda B. Nauful
1809 Heyward St., Columbia, SC 29205-0350

Dear Ms. Ardis:

This letter is in follow up to my wife's telephone conversation with today regarding our request for an encroachment ordinance to allow erection of a wrought-iron fence with gates along the front of our residence.

Our property line ends approximately 5 feet from the back edge of the sidewalk. Beginning at that point we would like to erect a 5 foot wrought iron fence to within 6" or so of the back edge of the sidewalk, across the full width of our property and along the back edge of the sidewalk for a total distance of 164.91 feet, which includes the 5' on each side. The fence would include a gate to the walkway and double gates into the driveway. The City of Columbia Zoning Board on December 11, 2001, unanimously granted a one foot variance to allow the fence to be 5 feet. The remainder of the fencing on our property will be a combination of brick piers and wrought iron. Our belief is the proposed location will greatly improve the esthetics of what we are doing and facilitate better landscaping.

Enclosed is a recently prepared plat of our property and a copy of a photograph presented to the Zoning Board illustrating the type of wrought iron fence proposed to be installed. My understanding is our homeowners policy would cover any claim made against the City, but if necessary we could certainly endorse the policy to add the City as an additional insured.

Thank you and the members of City Council for your consideration in this matter.

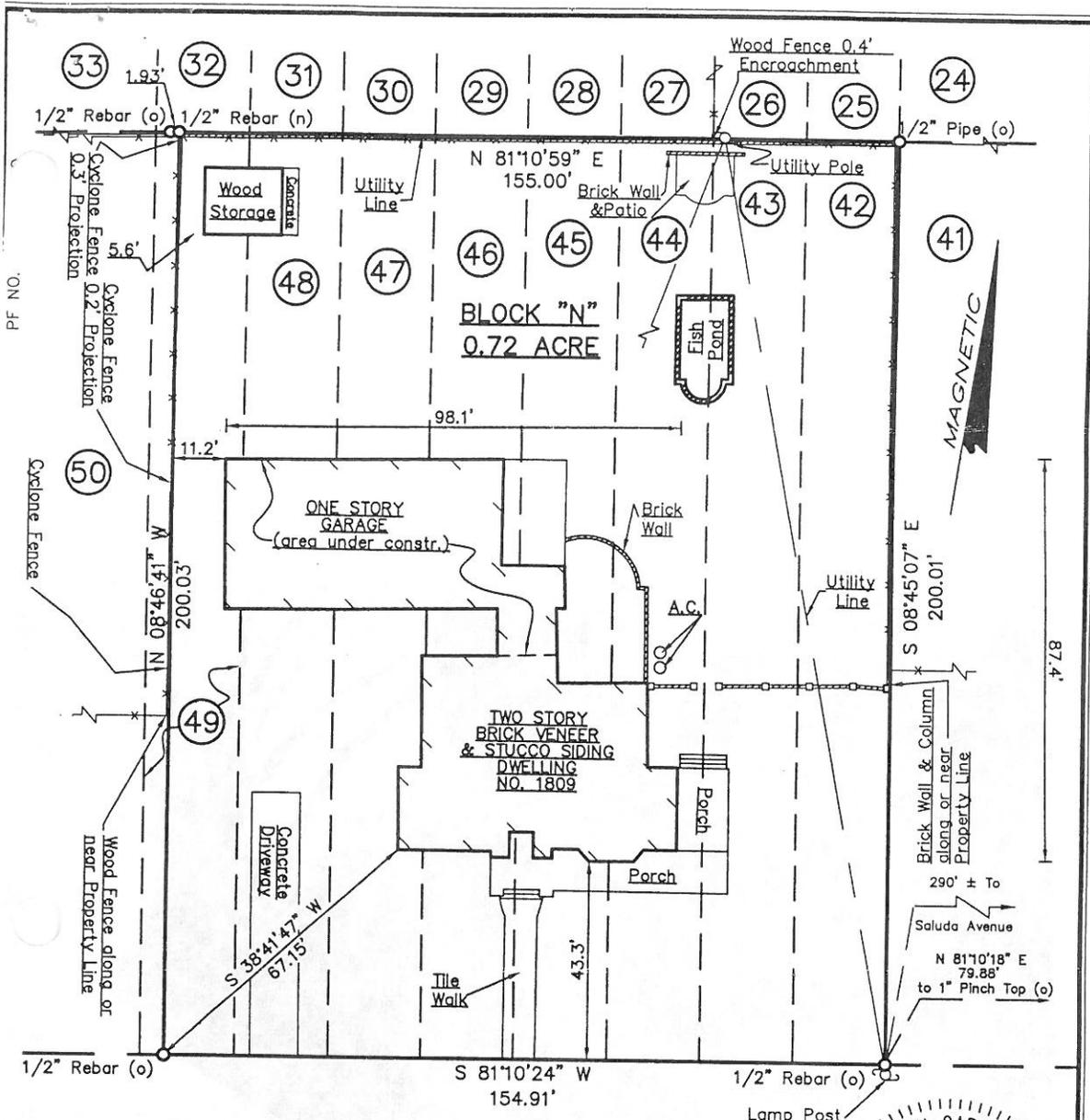
Shari Ardis
December 12, 2001
Page 2

Sincerely,



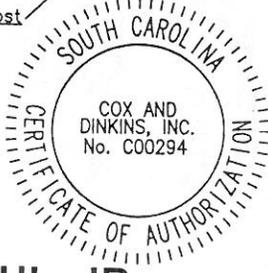
Ernest J. Nauful, Jr.





I hereby certify that this plat depicts only existing parcels or lots and which were platted and duly recorded in the Office of the Register of Deeds at Plat Book D, Page 106, to the survey upon which this plat is based, having substantially same shape and dimensions as shown hereon, and that no new lots or tracts were made in preparing this plat or appear hereon.

10/11/01 DATE
 REGISTERED LAND SURVEYOR



HEYWARD STREET (50' R/W)

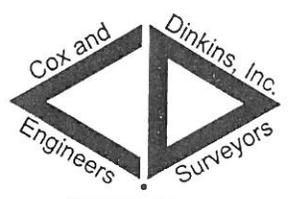
PLAT PREPARED FOR

BRENDA NAUFUL & ERNEST J. NAUFUL, JR.

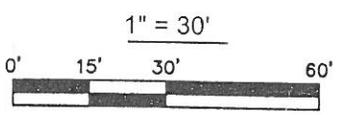
RICHLAND COUNTY, COLUMBIA, S.C.

THE SAME BEING COMPOSED OF LOTS 41 THROUGH 48 AND A PORTION OF LOT NO. 49, BLOCK "N", ON PLAT OF WALES GARDENS, BY M. GOODE HOMES, DATED JUNE, 1914, AMENDED APRIL, 1920, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK "D", PAGES 106 & 107.

OCTOBER 11, 2001



I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class B survey as specified therein; also there are no visible encroachments or projections other than shown.



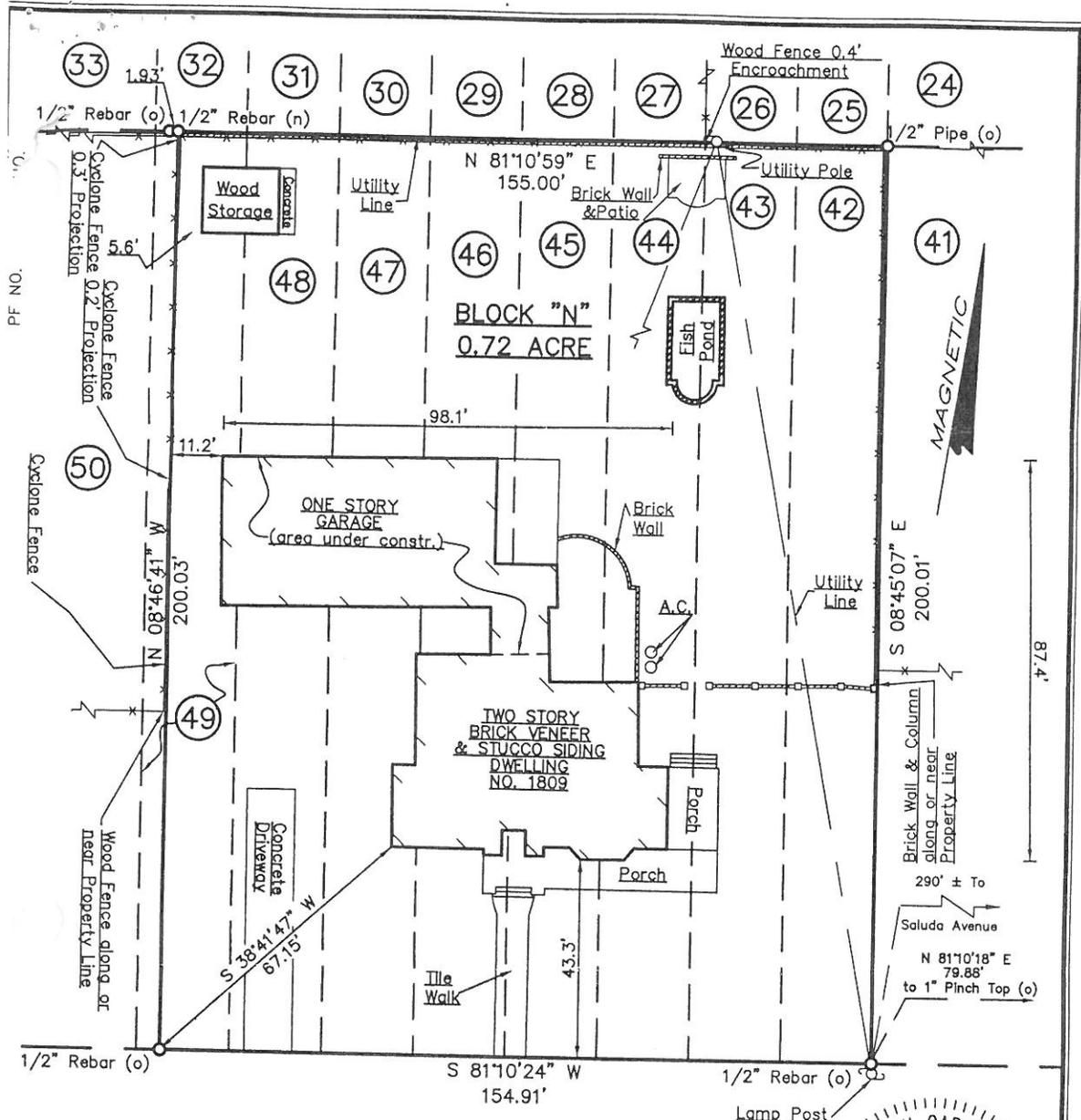
614 HOLLY STREET
 COLUMBIA, SOUTH CAROLINA 29205
 803.254.0518 Fax: 803.765.0993
 Email: cdinc@coxanddinkins.com

REG. LAND SURVEYOR NO. 17926
 RONALD W. FISHER

BOOK: L33-8 to 14	CHK: 12	TMS: 11310-22-10	SF NO.: 129	NO.: 7	PROJ: 1VL33-08.DWG	BY: 4
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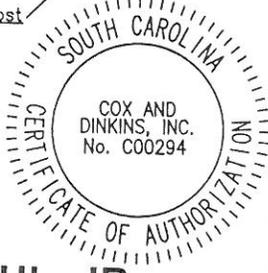


I hereby certify that this plat depicts only existing parcels or lots which were platted and duly recorded in the Office of the Register of Deeds at Plat Book D, Page 106, to the survey upon which this plat is based, having substantially the same shape and dimensions as shown hereon, and that no new lines creating new or different lots or tracts were made in preparing this plat or appear hereon.

10/11/01
DATE

Ronald W. Fisher
REGISTERED LAND SURVEYOR

HEYWARD STREET
(50' R/W)

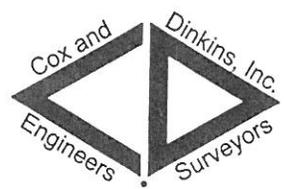
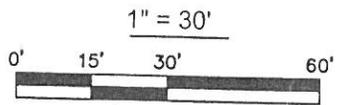


BRENDA NAUFUL & ERNEST J. NAUFUL, JR.

RICHLAND COUNTY, COLUMBIA, S.C.

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OCTOBER 11, 2001



614 HOLLY STREET
COLUMBIA, SOUTH CAROLINA 29205
803.254.0518 Fax: 803.765.0993
Email: cdinc@coxanddinkins.com

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Ronald W. Fisher
REG. LAND SURVEYOR NO. 17926
RONALD W. FISHER

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