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1 **R2022-26: TO ALLOW A NON-EXCLUSIVE ENCROACHMENT PERMIT ON CITY**  
2 **PROPERTY THAT ALLOWS MINOR LANDSCAPING AND THE PLACEMENT OF**  
3 **REMOVABLE FURNITURE (CHAIRS, TABLES AND UMBRELLAS ETC) FOR USE BY**  
4 **THE ADJACENT PROPERTY OWNER LOCATED AT 701 S. OCEAN BLVD.,**  
5 **(PIN#44311030224 AND THE BEACH).**

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6 **Applicant/Purpose:** James Wu, Bali Bay LLC / to allow a non-exclusive encroachment permit  
7 that allows minor landscaping and the placement of removable furniture.  
8

9 **Brief:**

- 10 • The City owns a narrow strip of property, varying in depth, between private properties  
11 and the beach.  
12 • Over the years the City has granted Encroachment Permits to adjacent property  
13 owners for limited use of the City’s property, guided by Ordinance 91-22 as amended  
14 from time to time, the latest being Ordinance 2006-21.  
15 • The current condition of the City’s property adjacent to the Bali Bay Resort is wild  
16 vegetation, which catches wind-blown trash and has shown evidence of homeless  
17 activity.  
18 • The property subject to the request is approximately 12’ X 75’.  
19 • The lot is in the X500 flood zone per the 2021 FEMA flood maps. There are no restrictions  
20 as far as this request in the X500 zone.  
21 • The applicant is asking to grade the area to resolve a small erosion issue, plant grass,  
22 and install removable lawn furniture for use by Bali Bay guests.  
23

24 **Issues:**

- 25 • The applicant has requested a Non-Exclusive Use Encroachment Permit. All  
26 improvements will be at the permittee’s expense, and maintenance will be the  
27 responsibility of the permittee. The property will still be accessible and usable by the  
28 public.  
29 • The applicant has signed an agreement holding harmless the City for any damages  
30 arising out of, from or in connection with the exercise of the privilege granted by  
31 issuance of the Non-Exclusive-Use Encroachment Permit.  
32 • The applicant has agreed to hold a \$500,000, per occurrence, liability insurance  
33 policy, naming the city as an additional insured.  
34

35 **Public Notification:** Normal meeting notification.  
36

37 **Alternatives:** Do not pass resolution.  
38

39 **Financial Impact:**

- 40 • Annual permit fee of \$600  
41

42 **Manager’s Recommendation:** I recommend approval.  
43

44 **Attachment:** Resolution  
45

**RESOLUTION R2022-26**

**CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA**

**TO ALLOW A NON-EXCLUSIVE ENCROACHMENT PERMIT ON CITY PROPERTY THAT ALLOWS MINOR LANDSCAPING AND THE PLACEMENT OF REMOVABLE FURNITURE (CHAIRS, TABLES, AND UMBRELLAS ETC) FOR USE BY THE ADJACENT PROPERTY LOCATED AT 701 S. OCEAN BOULEVARD (PIN# 44311030224 AND THE BEACH).**

WHEREAS, James Wu of Bali Bay LLC has requested permission to grade and install grass and moveable beach furniture (chairs, table, umbrellas, ect) on the City's property located along the oceanfront adjacent to the Bali Bay Resort at 701 S. Ocean Boulevard; and

WHEREAS, over the years the City has granted Encroachment Permits to adjacent property owners for limited use of the City's property, guided by Ordinance 91-22 as amended from time to time, the latest being Ordinance 2006-21;

NOW THEREFORE the City of Myrtle Beach resolves to grant a Non-Exclusive Use Encroachment Permit that allows grading and the placement of grass and movable beach furniture (chairs, tables, umbrellas etc) for use by resort guests to encroach twelve feet into the city's property along the oceanfront adjacent to the Bali Bay Resort at 701 S. Ocean Boulevard (between pin# 44311030224 and the beach); provided that:

1. The area of the property upon which improvements may be permitted shall be limited to that area between the extended side lot property lines of the permittee's adjacent property and shall extend no further than 12' as shown in the red hatched area on Exhibit A attached hereto, provided however that no sand dunes will be disturbed; and
2. The permit shall not include irrigation systems, structures fixed or otherwise, paving of any kind, fencing, or hedges intended to separate, or which give the appearance of separating the improved property from other public property; and
3. Permittee may place non-structural recreational amenities (including tables, umbrellas and chairs) on the permitted area for use by its patrons, but such amenities may not be permanently installed and may not include any logos or other advertising except that a small sign no larger than three inches by five inches may be affixed to each item to identify the owner; and
4. The area upon which the improvements are installed may be utilized only for recreational use and shall continue to be available for access and use by the general public; and
5. No solicitation or similar commercial activity is permitted; and
6. The area shall at all times be maintained by the permittee in a very clean and presentable condition; and
7. The permittee shall indemnify and hold the City harmless from any claims or causes of action which may arise as a result of the encroachment or use; and
8. The permittee shall further provide the city with and maintain in effect throughout the permit term general liability insurance in the amount of \$500,000 per occurrence; and
9. The City shall retain the right to eliminate any condition on the city-owned property which poses an imminent threat to public health or safety; and

1 10. The City shall retain the right to terminate any permit granted under the provisions of this  
2 ordinance without penalty and require immediate removal of all improvements or  
3 amenities at any time.  
4

5 This Non-Exclusive Use Encroachment Permit is for a term of one year and may be renewed  
6 annually at the request of the permittee and at the option of the City. An annual permit fee of Six  
7 Hundred (\$600.00) Dollars shall be paid in advance for each permit reissued.  
8

9 The permittee, by accepting the permit, waives, releases and is estopped to claim any and all  
10 ownership or right of usage of the City owned property other than as is granted herein.  
11

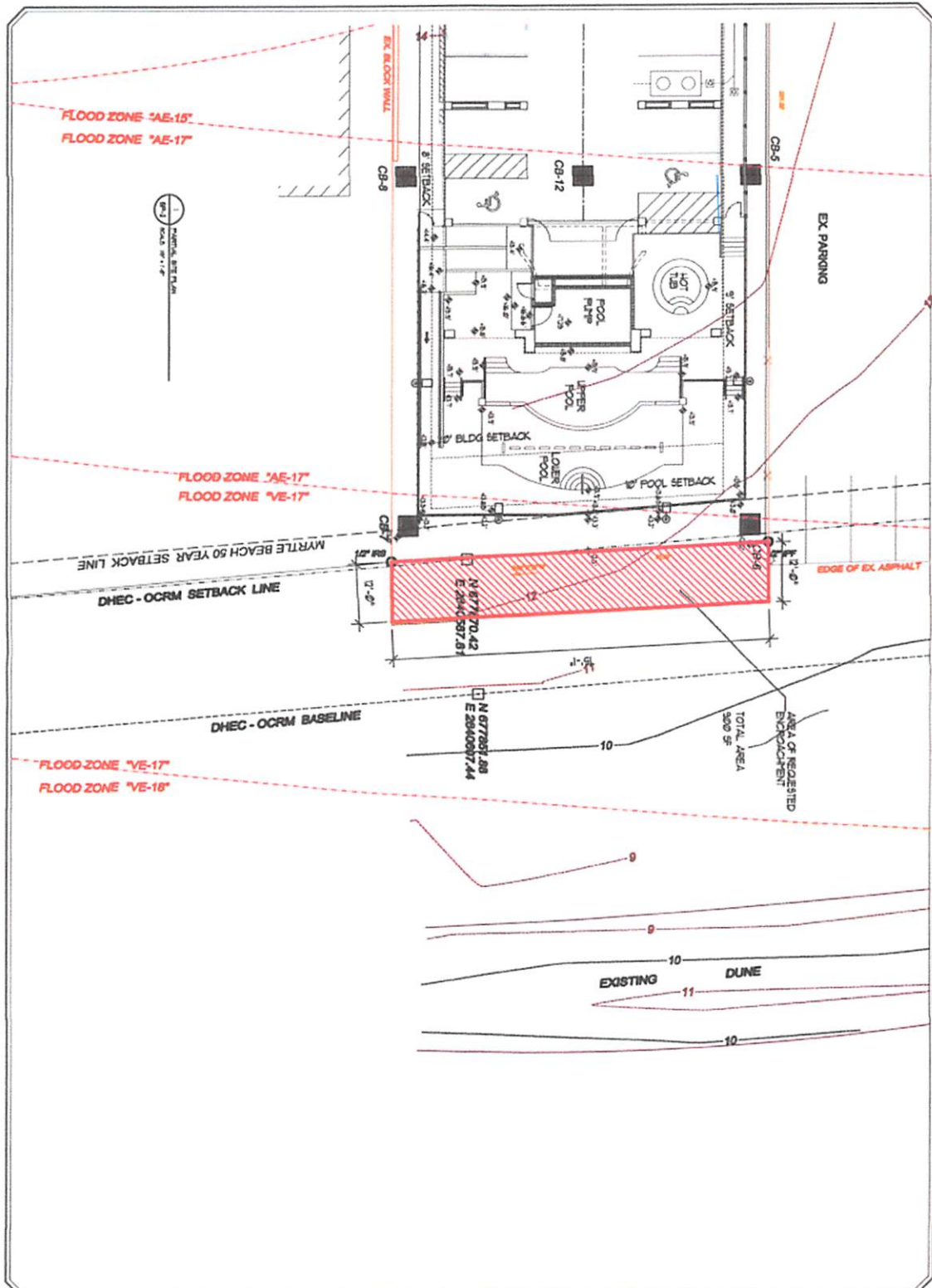
12  
13 SIGNED, SEALED and DATED this 14<sup>th</sup> day of June, 2022.  
14  
15  
16

17  
18 \_\_\_\_\_  
19 BRENDA BETHUNE, MAYOR

20 ATTEST:

21  
22  
23 \_\_\_\_\_  
24 JENNIFER ADKINS, CITY CLERK  
25  
26  
27

Exhibit A



<p><b>MULLER DESIGN SERVICES</b> P.L.L.C. 1000 W. PALM BLVD. SUITE 200 MIRAMONTE BEACH, FL 32909 TEL: 305.441.1111 WWW.MULLERDESIGN.COM</p>	<p>DATE: 08/14/2014 DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS SCALE: AS SHOWN</p>	<p>PROJECT NO.: 14-001 SHEET NO.: 1 OF 1</p>	<p>AN ENCROACHMENT REQUEST FOR <b>BALI BAY RESORT</b> 734 AVENUE SOUTH CONDO #102 MYRTLE BEACH, SOUTH CAROLINA</p>		<p>ENCROACHMENT REQUEST FOR ENCROACHMENT AREA TOTAL AREA 300 SF</p>	<p>ENCROACHMENT REQUEST FOR ENCROACHMENT AREA TOTAL AREA 300 SF</p>
			<p>ENCROACHMENT REQUEST FOR ENCROACHMENT AREA TOTAL AREA 300 SF</p>			