
1 **2018-5 (2ND READING):** ORDINANCE TO AUTHORIZE ENCROACHMENTS INTO
2 FUTURE PUBLIC RIGHTS-OF-WAY OF ARBOR GLEN PUD, SPECIFICALLY
3 CELESTIAL WAY AND ECLIPSE DRIVE WITH 68 SQ FT OF SIGNAGE, &
4 APPROXIMATELY 1,960 SQ FT ENCROACHMENT IN THE TRAFFIC CIRCLE OF
5 CELESTIAL WAY THAT INCLUDES A WATER FEATURE, SIGNAGE AND SIGN
6 STRUCTURE TO BE MAINTAINED BY THE APPLICANT.

7 **Applicant/Purpose:** DR Horton (G3 Engineering, Agents) / to permit signs to be placed in the
8 future ROW in Arbor Glen development.

9
10 **Brief:**

- 11 • Arbor Glen PUD is a residential PUD created in 2016 involving approximately 152 acres.
- 12 • Homebuilder DR Horton has purchased a large portion of the development & seeks to
- 13 brand the new neighborhood accordingly.
- 14 • The application supports the text amendment proposed in 12/17 to allow neighborhood
- 15 signage in the public ROW's & in the proposed traffic circle on roadways in DR Horton's
- 16 new Meridian neighborhood.
- 17 • 1/16/18: Planning Commission recommends approval pending agreements as requested
- 18 by Public Works (8-0-1, Commissioner Warner recused).
- 19 • No changes since 1st reading.

20
21 **Issues:**

- 22 • The sign tower proposed for the traffic circle has no precedent in the city.
- 23 • The City does not undertake responsibility to maintain or make improvements to the
- 24 signs or water feature in the ROW. These are responsibilities left solely up to the
- 25 developer & HOA.
- 26 • The applicant agrees to remove any improvement made w/in 30-days if the City
- 27 determines the property is required for public use inconsistent w/ the proposed uses.
- 28 • The applicant agrees to indemnify & hold the City harmless against any claims, now or
- 29 in the future which may come about because of said improvements.

30
31 **Public Notification:**

- 32 • Planning Commission Public Hearing Notice: Legal ad ran; 3 property owners notified.
- 33 • Council Meeting notice: Normal meeting notification.

34
35 **Alternatives:**

- 36 • Modify the request.
- 37 • Deny the proposed ordinance.

38
39 **Financial Impact:** No immediate impact.

40
41 **Manager's Recommendation:**

- 42 • I recommend 1st reading w/ the exception of the proposed sign tower in the traffic circle
- 43 (1/23/18).
- 44 • I recommend approval (2/13/18).

45
46 **Attachment(s):** Proposed ordinance, staff report & application.

ORDINANCE 2018-5

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

AN ORDINANCE TO AUTHORIZE ENCROACHMENTS INTO FUTURE PUBLIC RIGHTS-OF-WAY OF ARBOR GLEN PUD, SPECIFICALLY CELESTIAL WAY AND ECLIPSE DRIVE WITH 68 SQ FT OF SIGNAGE, AND APPROXIMATELY 1,960 SQ FT ENCROACHMENT IN THE TRAFFIC CIRCLE OF CELESTIAL WAY THAT INCLUDES A WATER FEATURE, SIGNAGE AND SIGN STRUCTURE TO BE MAINTAINED BY THE APPLICANT

WHEREAS DR Horton, the owners of certain properties in the Arbor Glen Planned Unit Development (PUD), desire to identify the various neighborhoods of their development called "Meridian" and create visual consistency throughout the development; and

WHEREAS the City Council finds it is appropriate to grant permission to install trees, plants, and grasses to beautify area around the requested signs; and

WHEREAS the City Council finds it appropriate to allow DR Horton to install neighborhood identification signage, sign structures, and a water feature in roads that are intended to be dedicated to the public at a time in the future;

THEREFORE, IT IS HEREBY ORDAINED that DR Horton (hereinafter referred to as "the Applicant") and assignees, with interests located in the Arbor Glen PUD, having shown good cause, be allowed to encroach upon said rights-of-way, the locations and encroachment details being specified on the attached exhibits (Exhibits A through F).

IT IS FURTHER ORDAINED that the permission to encroach this public property pursuant to Section 19-3 of the Code of Ordinances of the City of Myrtle Beach is granted on the condition that the Applicant of the contiguous parcel(s) shall have no rights or interest in the use of the public property encroached upon superior to any other member of the public.

IT IS FURTHER ORDAINED that in granting this use, the city does not undertake to improve or maintain the improvements at city expense either now or in the future and hereby provides notice of this fact to the Applicant and any subsequent owner of the property to be served.

IT IS FURTHER ORDAINED that the City of Myrtle Beach reserves the right and privilege to discontinue this use at any time and that, as a condition of the permission to make the improvements, the Applicant shall specifically agree that upon notice by the City of Myrtle Beach that the continued use of the public property in such a manner is not in the best interest of the City of Myrtle Beach or that the public property is required for public or municipal use which is inconsistent with continued use by the Applicant, all improvements constructed pursuant to this ordinance will be removed at no cost to the city within thirty (30) days.

IT IS FURTHER ORDAINED that as a condition of the use of the public property, the Applicant shall agree to indemnify and hold harmless the City of Myrtle Beach, its officers, employees and agents from any claims or actions of any nature which may arise as a result of the above

1 mentioned improvements and shall continuously maintain in effect an amount and type of
2 liability insurance as shall be required by the City of Myrtle Beach.

3
4 IT IS FURTHER ORDAINED that this use is granted only to the extent of the City's operations
5 pertaining to the proposed rights-of-way directly adjacent to the Applicant's property in
6 question.

7
8 This ordinance shall become effective immediately upon adoption.

9
10
11
12 ATTEST:

BRENDA BETHUNE,
MAYOR

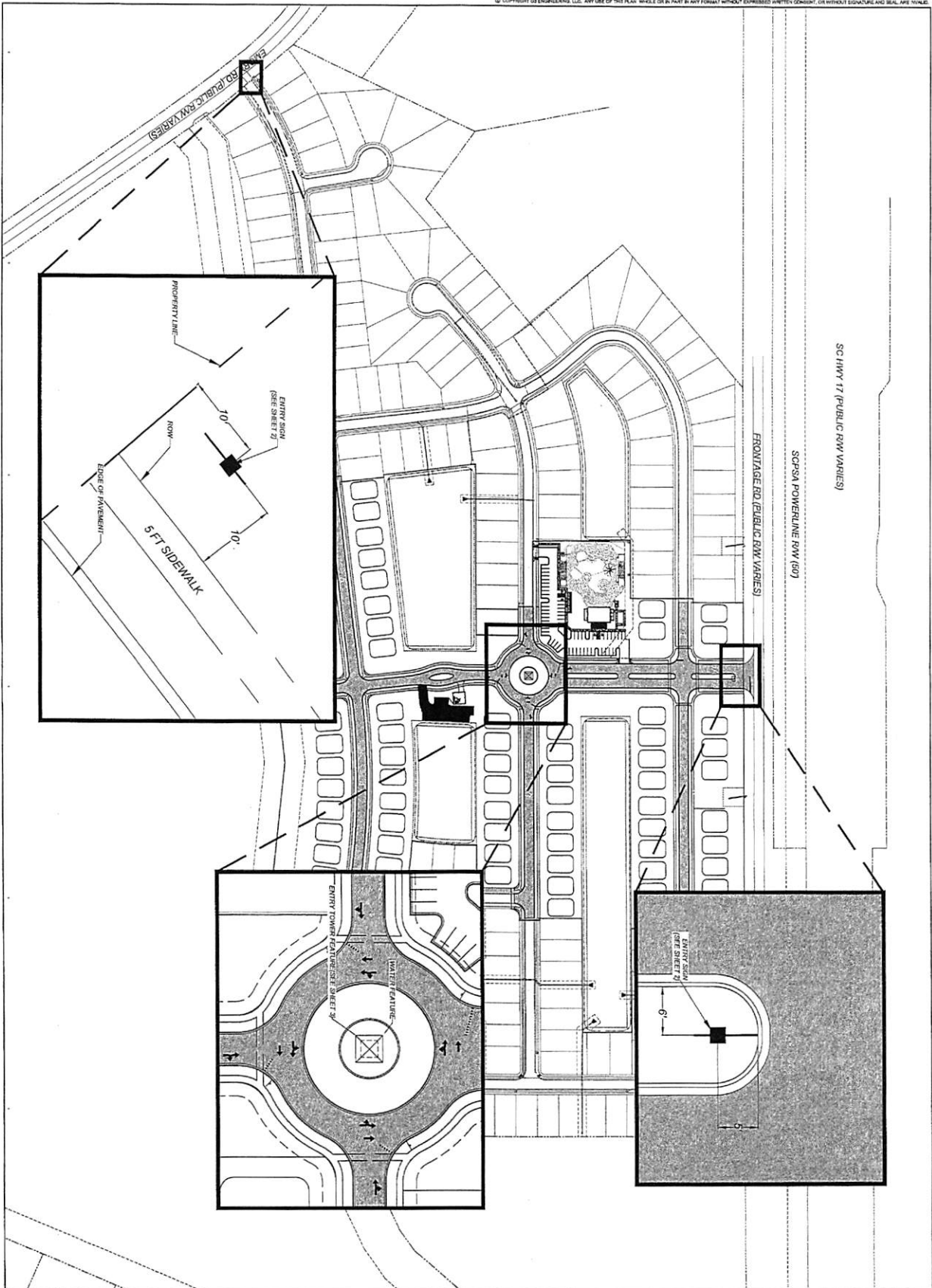
13
14
15
16
17
18

19 JOAN GROVE, CITY CLERK

20
21 1st Reading:

22
23 2nd Reading:

24
25



SHEET A

SCALE: 1" = 20'

DATE: 11/11/11

PROJECT: ARBOR GLEN/MERIDIAN

CLIENT: D.R. HORTON

ARBOR GLEN/MERIDIAN

HORRY COUNTY, MYRTLE BEACH, SC

PREPARED FOR
D.R. HORTON

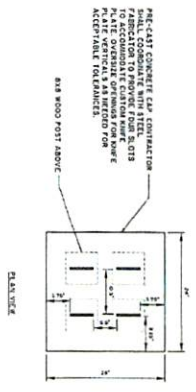
ENTRY SIGNAGE AND WATER FEATURE

GB
ENGINEERING

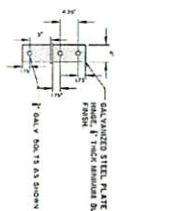
P.O. BOX 2868
PAWLEY'S ISLAND, SC 29555
PHONE: 843.237.1001
www.GBEngineering.org

Professional Engineer Seal for D. R. Horton, State of South Carolina, License No. 10000.

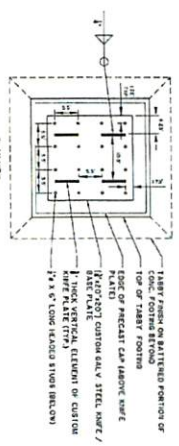
NO.	REVISIONS	BY	DATE



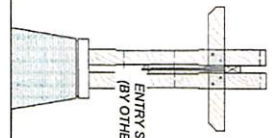
1A) PRECAST CONCRETE CAP
SCALE: 1" = 1'-0"



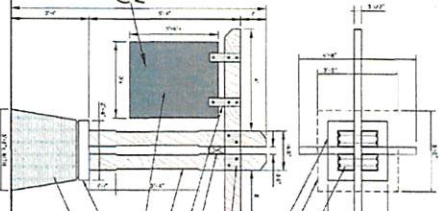
1B) HINGE ENGAGEMENT
SCALE: 1" = 1'-0"



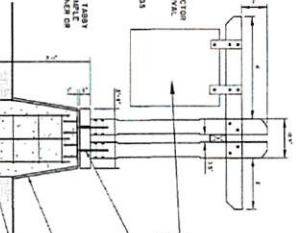
1C) KNIFE PLATE ENGAGEMENT
SCALE: 1" = 1'-0"



1A) PRECAST CONCRETE CAP
SCALE: 1" = 1'-0"



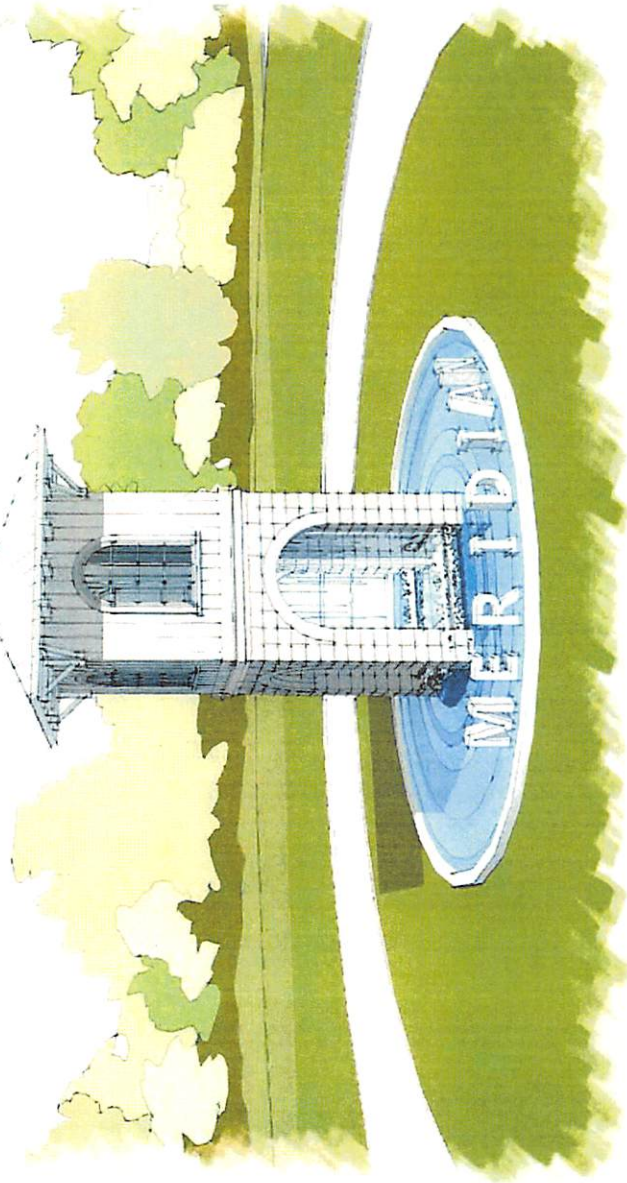
1B) HINGE ENGAGEMENT
SCALE: 1" = 1'-0"



1C) KNIFE PLATE ENGAGEMENT
SCALE: 1" = 1'-0"

- NOTES:
1. CONTRACTOR SHALL VERIFY ALL MATERIALS, DIMENSIONS, AND FINISHES SHOWN ON THESE PLANS.
 2. CONTRACTOR SHALL VERIFY ALL MATERIALS, DIMENSIONS, AND FINISHES SHOWN ON THESE PLANS.
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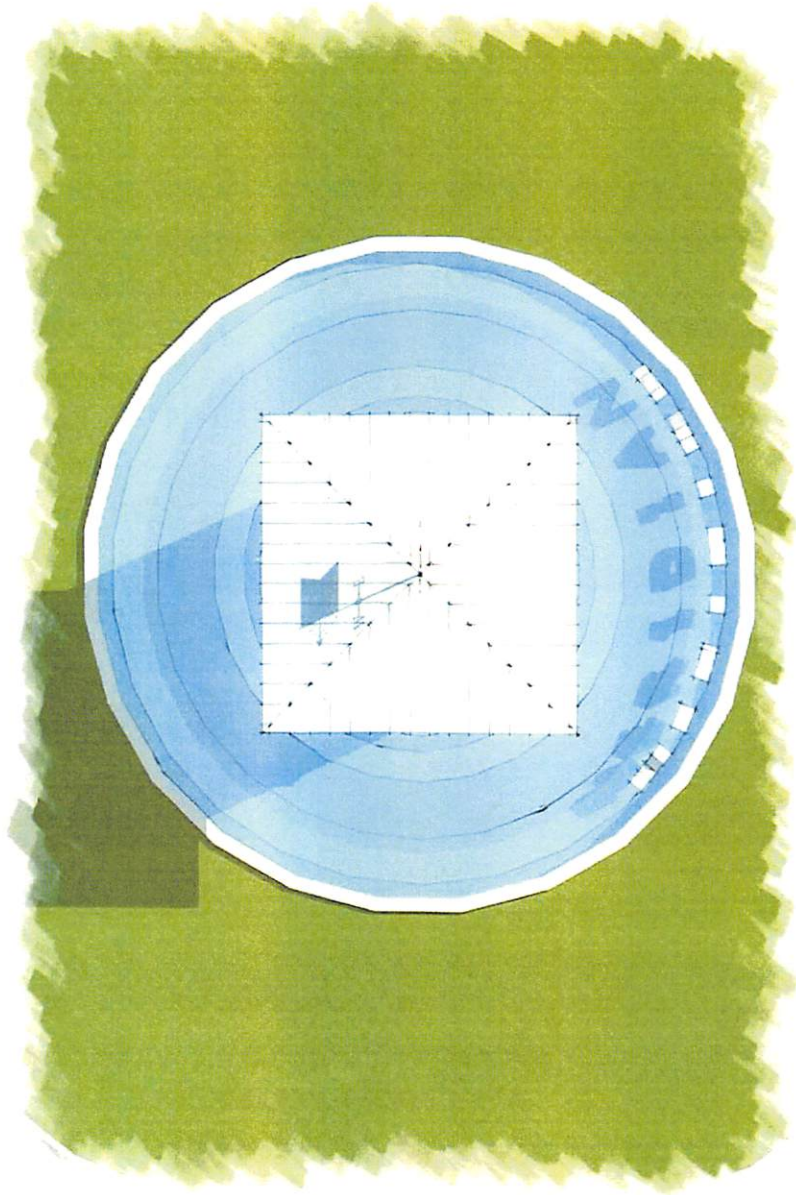
C TOWER PERSPECTIVE VIEW
D. R. HORTON MERIDIAN
11.01.2017

SYNCHRONI II 7
LAND ARCHITECTURE

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TOWER PLAN VIEW
D. R. HORTON MERIDIAN
11.01.2017

synchrotron
LAND ARCHITECTURE

+



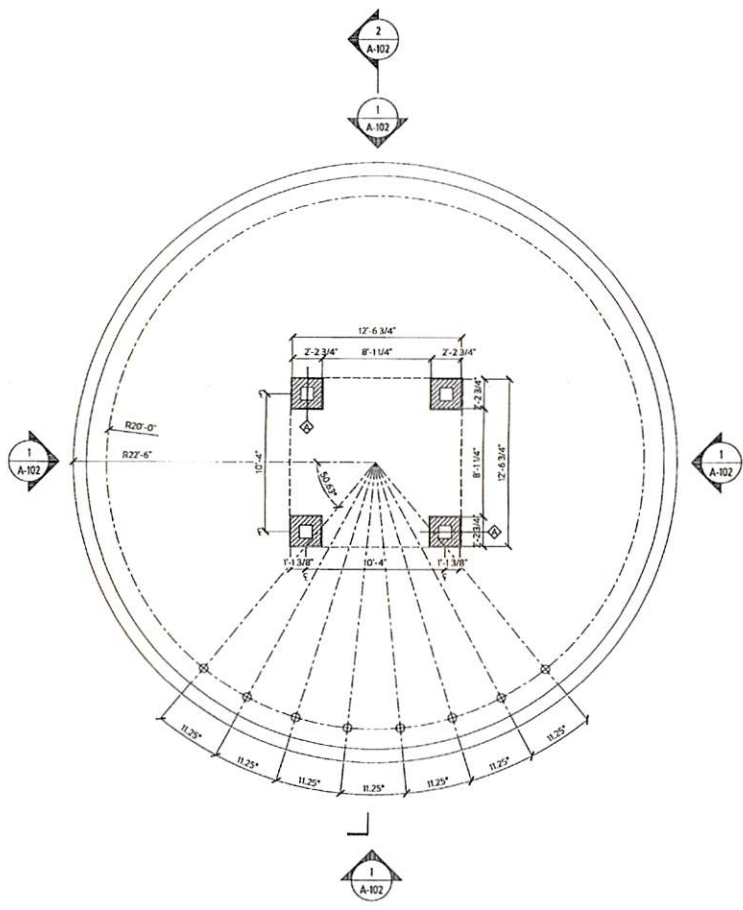
M E R I D I A N
 T O W N
 MYRTLE BEACH
 SOUTH CAROLINA

WINDOW SCHEDULE					
NO.	MFG. UNIT NO.	R.O. W X H	HEADER	TYPE	REMARKS
1		60" X 102"	12'-0"	ARCHITECT WINDOW	

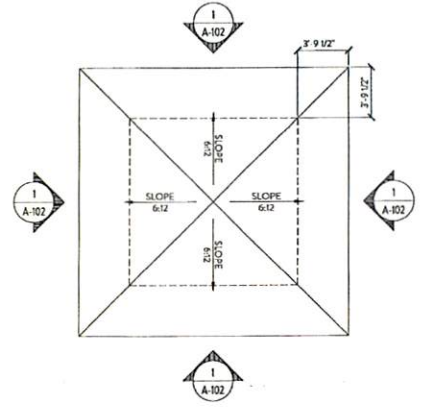
NOTES:
 * ALL EXTERIOR GLAZING TO BE USED IN THE PROJECT SHALL COMPLY WITH ASTM D793 STANDARD SPECIFICATION FOR PERFORMANCE OF EXTERIOR WINDOW, CURTAIN WALLS, DOORS, AND IMPACT PROTECTIVE SYSTEMS IMPOSED BY WINDBORNE DEBRIS IN HURRICANE PRONE ZONE 4.
 * ALL WINDOWS TO RECEIVE HEAD JAMB AND SILL FLASHING IN ACCORDANCE WITH AFGC REQ. 5 & DETAIL DRAWINGS.

ROOF PLAN NOTES	GENERAL PLAN NOTES
1. ALL EAVE DIMENSIONS TAKEN FROM OUTSIDE OF JOIST END TO OUTSIDE FACE OF STUD (OR PORCH BEAM) 2. 5V METAL CRIMP ROOF INSTALLED PER IRC 2015 SECTION 1507.4 WITH ADDITIONAL NOTES BELOW 3. RIDGE VENTS AT ALL RIDGE LOCATIONS 4. ICE & WATER SHIELD MEMBRANE TO BE APPLIED AT ALL EAVES TO 24" INSIDE OF THE WALL PLANE 5. AT ALL VALLEYS, BAY PROJECTIONS, HEAD WALLS AND DORMERS INSTALL 24" LIP ROOF OR WALL 6. (2) LAYERS FULL MEMBRANE ON ALL ROOF PLANES SLOPED LESS THAN 5:12	1. ALL DIMENSIONS ARE TAKEN FROM THE FACE OF STUD. 2. IF DISCREPANCIES ARE FOUND IN THE DRAWINGS OR IF ANY DRAWING IS UNCLEAR THE GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT AND BE GIVEN DIRECTION OR CLARIFICATION IN ACCORDANCE WITH THE ORIGINAL DESIGN INTENT BY THE ARCHITECT BEFORE PROCEEDING WITH AFFECTED WORK. 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2015 INTERNATIONAL BUILDING CODE; IN ADDITION, STRICT ATTENTION MUST BE GIVEN TO ALL LOCAL AND STATE ORDINANCES WHICH APPLY TO THIS WORK.

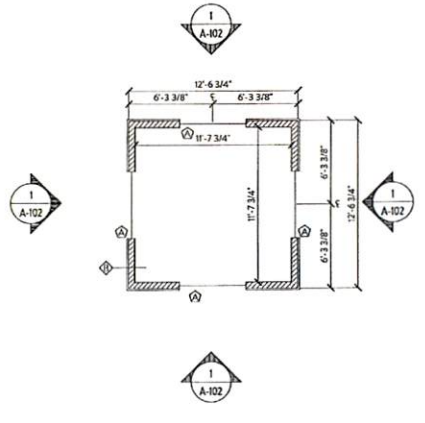
WALL TYPE LEGEND
3 COAT PORTLAND CEMENT OVER METAL LATH OVER CMU BLOCK PILLAR
FIBER CEMENT EXTERIOR SIDING W/ 6" EXPOSURE (REF. ELEVATION) OVER VAPOR BARRIER OVER 3/4" EXTERIOR SHEATHING OVER 2X6 WOOD STUD, 5/8" GWS ON INTERIOR FACE



3 GROUND FLOOR PLAN
 SCALE: 1/4"=1'-0" @ 24"x36" OR 1/8"=1'-0" @ 12"x18"



2 ROOF PLAN
 SCALE: 1/4"=1'-0" @ 24"x36" OR 1/8"=1'-0" @ 12"x18"



1 SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0" @ 24"x36" OR 1/8"=1'-0" @ 12"x18"

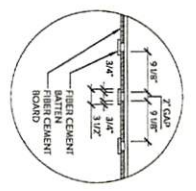


SHEET TITLE
 FLOOR & ROOF PLANS
 SHEET #
E
 JOB #: 2112.01
 DATE: 11.12.07
 RE: PERMIT ISSUE

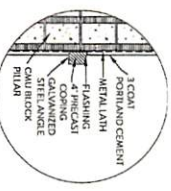


WINDOW SCHEDULE						
NO.	MAT. UNIT. NO.	R.O. WxH	HEADER	TYP.	COLOR	REMARKS
1	101	6'-0" x 11'-0"	1'-0"	1'-0"	1'-0"	

ALL DIMENSIONS GIVEN TO FACE UNLESS NOTED OTHERWISE. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE. ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.



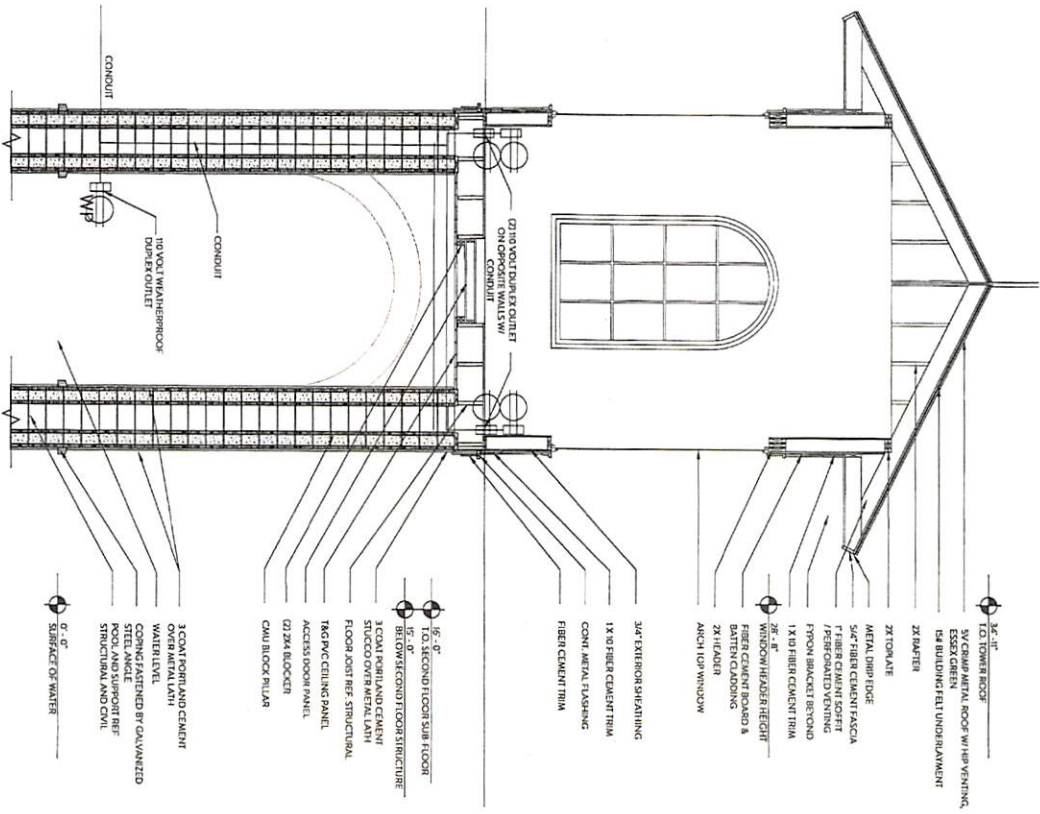
4 BOARD & BATTEN DETAIL TYP.
SCALE: 1/4"=1'-0" @ 24"x36" OR 1/2"=1'-0" @ 12"x18"



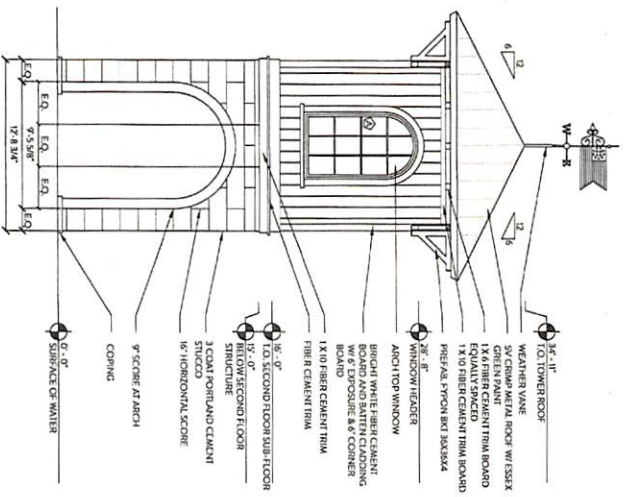
3 COPING DETAIL TYP.
SCALE: 1/4"=1'-0" @ 24"x36" OR 1/2"=1'-0" @ 12"x18"

GENERAL PLAN NOTES

- ALL DIMENSIONS ARE TAKEN FROM THE FACE OF STUD.
- IF DIMENSIONS ARE FOUND IN THE DRAWINGS OR BY DIMENSIONS UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE CORRECT DIMENSIONS IN ACCORDANCE WITH THE ORIGINAL DESIGN AND CONSTRUCTION WORK.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2015 INTERNATIONAL BUILDING CODE, IN ACCORDANCE WITH THE 2015 INTERNATIONAL RESIDENTIAL CODE, IN ACCORDANCE WITH THE 2015 INTERNATIONAL ENERGY EFFICIENCY CODE, AND ALL LOCAL AND STATE ORDINANCES WHICH APPLY TO THIS WORK.



2 SECTION TYP.
SCALE: 1/2"=1'-0" @ 24"x36" OR 1/4"=1'-0" @ 12"x18"



1 ELEVATION TYP.
SCALE: 1/4"=1'-0" @ 24"x36" OR 1/8"=1'-0" @ 12"x18"

MERIDIAN TOWER
MYRTLE BEACH
SOUTH CAROLINA

SHEET TITLE
SECTION & ELEVATION
F
JOB #
DATE: 11.20.17
PROJECT ISSUE



1 **APPLICANT** DR Horton
2 *Felix Pitts, Agent*
3
4 **STATUS OF APPLICANT** Owners
5
6 **REQUESTED ACTION** Permit signage areas along future public roadways
7 Celestial Way and Eclipse Dr, and a sign structure with
8 water feature in the center of the traffic circle planned
9 for Celestial Way.
10
11 **ENCROACHMENT LOCATIONS** Varied - see attachment
12
13 **COMMERCIAL/RESIDENTIAL?** Primarily Residential
14
15 **AREA OF ENCROACHMENT** Approximately 2100 total sq ft
16
17 **HOLD HARMLESS SIGNED** Not as of 1/12/18
18
19 **REASON FOR REQUEST** To unify new development Meridian with neighborhood
20 identification signage
21
22 **PUBLIC NOTICE** **LEGAL AD RAN** Yes
23 **SIGNS POSTED** 2
24 **LETTERS SENT** 3
25 **CALLS/EMAILS REC'D** 0
26
27 **ALTERNATIVES TO APPROVAL** Recommend amended application.
28 Recommend denial.
29
30 **ANALYSIS BASED ON CHAPTER 19-3**
31
32 **Question 1: Is the encroachment exempt?**
33
34 • **No.** Only “grass” is allowed to be planted in the right-of-way without a permit. This
 encroachment includes structures.
35
36 **Question 2: Does the encroachment meet the guidelines where the Planning**
 Commission could issue an encroachment permit?
37
38 • **No.** Staff finds the application does not meet the criteria in Section 19-3(e), which
39 reads in part: *requested encroachment is landscaping vegetation not greater than 30*
40 *inches in height at maturity...*
41
42 **Question 3: Does the application fit the conditions required by ordinance for**
43 **encroachment?**
44
45 Per Ord. 2008-06, the following three points were applied regarding the applicant’s request:
46

- 1 1. *The proposed encroachment, by layout or materials choice, presents no physical*
2 *threat of safety to pedestrians, motor vehicle drivers or passengers, or others or*
3 *their property, in lawful use of the right-of-way.*

4 **Negative.** Although the roads in Arbor Glen have not been constructed, the
5 nature of a concrete-based structure in the right-of-way will always be a physical
6 threat to drivers or their property in their lawful use of rights-of-way. The
7 potential damage can be mitigated through design, material choice, and
8 landscaping, but remains a potential conflict point with a vehicle.
9

- 10 2. *The proposed encroachment is compatible in use and design with the right-of-way.*

11 **Negative.** While great care will be taken with the design, the concerns
12 mentioned in item #1 remain.
13

- 14 3. *The constructed extension or encroachment will increase the assessed value of the*
15 *building to which it is attached and will not decrease the value of any building in*
16 *the immediate vicinity.*

17 **Affirmative.** Staff has noted that the subdivision developers of late have been
18 spending considerable time and resources on neighborhood identity signage in
19 order to “place-make” and create a sense of value for the neighborhood.
20

21 **Question 4 (east of Kings Hwy): Does the application fit the conditions of the Public**
22 **Beach Access and Oceanfront Development Policies and Guidelines ordinance (2006-**
23 **20/86-33)?**
24

25 This application does not fall east of Kings Hwy, so Ordinance 2006-20 is not applicable.
26

27 **FINANCIAL ANALYSIS**

28

- 29 • No direct initial impact. The City will not take over maintenance of these proposed
30 encroachments, and states so in the ordinance.
31

32 **STAFF COMMENTS**

33

34 **Public Works:** “Entry features and/or any other streetscape type structures (false
35 bridge appurtenances, fountains, columns, etc) and pedestrian bridges
36 will require an Encroachment Permit to be approved and issued by City
37 Council. A maintenance agreement for these items will also need to be
38 prepared and executed by the developer, to be part and parcel on the
39 encroachment permit. The maintenance agreement must also include
40 the proposed grass-paver guest parking areas in the right-of-way. (After
41 further consideration, grass-paver’s are not recommended due to
42 difficulty of maintenance.) Furthermore, the large canal running through
43 the property is currently maintained by the City and is on a mowing
44 schedule of a few times per year. If it is desired and preferred by the
45 developer to have a higher level of maintenance, improved bank
46 stabilization, more frequent mowing of this are than what the City has
47 provided, a maintenance agreement needs to be prepared for the canal
48 maintenance as well. This will include any pedestrian trails or other
49
50

1 amenities located in the canal easement area. All maintenance
2 agreements needs to be prepared by the developer and submitted to the
3 City for review and comment.”
4

5 **Planning:** See report.
6

7 **Fire, Construction Services, Addressing, Police:** No concerns.
8

EXHIBIT A

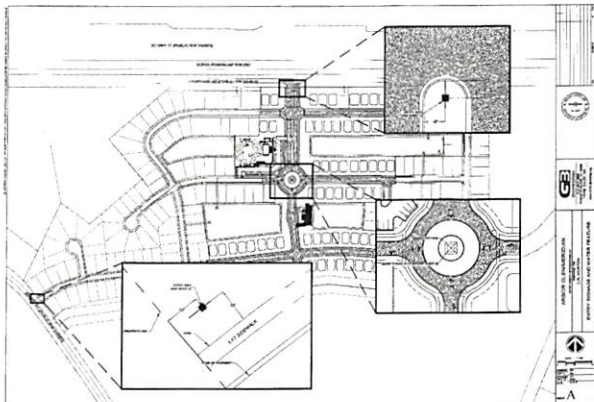


EXHIBIT B

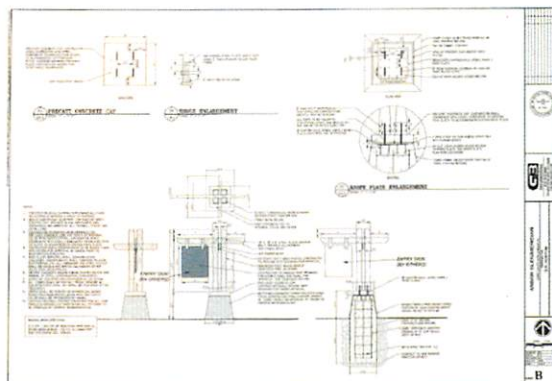


EXHIBIT C



EXHIBIT D

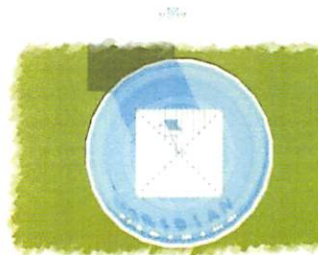


EXHIBIT E

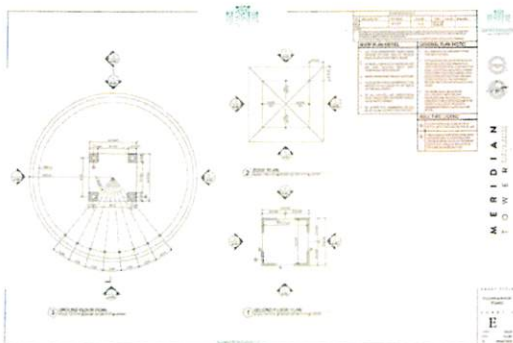
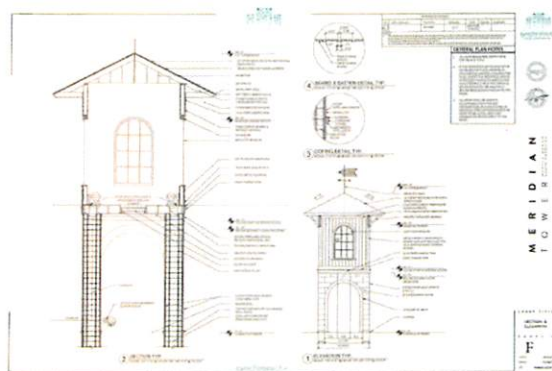


EXHIBIT F



Full sized (11"x17") copies of these exhibits are attached to the ordinance

1
2
3
4

5
6
7
8

9

APPLICATION FOR NON-EXCLUSIVE USE OF PUBLIC PROPERTY ENCROACHMENT

PRINT OR TYPE ALL ANSWERS (EXCEPT SIGNATURE)

GENERAL SCOPE AND TYPE OF NON-EXCLUSIVE USE ENCROACHMENT: (Check All Applicable)

- Permanent New Construction Staging Area
- Temporary Public Improvements Crane Location
- Landscaping Other (Please specify): Signage and Water feature

Expected duration of non-exclusive use encroachment: In Perpetuity
 Total square footage occupied by non-exclusive use encroachment: 5,697 SF

Nature and description of the proposed encroachment including layout, plant choice, etc, (attach additional pages, if necessary): _____

See plans and elevations

Location and description of city-owned property proposed to be encroached upon: _____

Future public right of way, see exhibits

Is the applicant the contiguous property owner? Yes If not, what is the nature of the applicant's interest in the encroachment location? _____

Justification of request (attach additional pages, if necessary): Entry Signage for Project

Street address of site where non-exclusive use encroachment will be located: _____

Celestial Boulevard

Horry County Tax Map (TMS) Number: 442-00-00-0023

APPLICATION FOR NON-EXCLUSIVE USE OF PUBLIC PROPERTY ENCROACHMENT

PRINT OR TYPE ALL ANSWERS (EXCEPT SIGNATURE)

APPLICANT INFORMATION:

Primary Contact: Brad Brundage

Mailing Address: 4049 Belle Terre Boulevard, Myrtle Beach, SC 29579

Day Phone: 843-357-8400 **Fax:** _____

Email: bcbhundage@drhorton.com

Property Owner # 1: Same as above

Mailing Address: _____

Day Phone: _____ **Fax:** _____

Authorized Agent # 1 (if applicable): _____

Mailing Address: _____

Day Phone: _____ **Fax:** _____

Property Owner # 2: _____

Mailing Address: _____

Day Phone: _____ **Fax:** _____

Authorized Agent # 2 (if applicable): _____

Mailing Address: _____

Day Phone: _____ **Fax:** _____

Property Owner # 3: _____

Mailing Address: _____

Day Phone: _____ **Fax:** _____

Authorized Agent # 3 (if applicable): _____

Mailing Address: _____

Day Phone: _____ **Fax:** _____

PRINT OR TYPE ALL ANSWERS (EXCEPT SIGNATURE)

CERTIFICATION AND SIGNATURE:

State of South Carolina, County of Horry
ENCROACHMENT PERMIT RELATING TO PRIVATE PROPERTY
TMS# 442-00-00-0023

*That, I am the owner of property located at Meridian/ Arbor Glen PUD,
designated on the tax map roles of Horry County as TMS# 442-00-00-0023, and
that I, the undersigned have authority to bind and covenant on behalf of myself or the entity represented that I
understand and agree that any permit issued hereon regarding an encroachment on abutting public property shall
be issued pursuant and subject to the provisions of law;*

*that such permit may be revoked by the City, acting by and through its City Council or Manager, at any time and
that the encroachment must be removed within 30 days thereafter;*

*that the City shall have the absolute right to remove the encroachment for any purpose at any time and shall not be
required to replace or repair any encroachment so removed and shall be held harmless for any result from such
removal;*

*that no right, title or interest in any property owned by the City or expectation of continuation of encroachment
shall vest or accrue to me by any reason of the issuance of such permit or exercise of the privilege given thereby;*

*that I will not suffer or permit any dangerous or defective condition of property to exist in connection with the
exercise of the privilege;*

that I am solely responsible for any maintenance or upkeep of the encroachment,

*and that I, either individually or on behalf of the entity I represent, am solely responsible for any liability which
may result from the existence of the encroachment and that I will hold harmless the City for any damages arising
out of, from or in connection with the exercise of the privilege granted by the issuance of the permit sought;*

*and that I acknowledge that I must carry liability insurance in the amount of \$500,000.00 per occurrence for as
long as I encroach, naming the City as an additional insured, with notice of cancellation, and proof of insurance by
way of certificate.*

Notice of a change in ownership shall be provided within 30 days of the change.

*This form bearing my signature may be filed by the City of Myrtle Beach at the Horry County Register of Deeds in
relation to my property to establish a public record that such encroachment shall not be considered as an interest
in land.*

The undersigned hereby certifies that all information and attachments are true and correct to the best of my
knowledge and belief. Signature(s) of all property owners(s) or authorized agent(s) must be obtained before
application can be accepted for processing.

Signature of Property Owner # 1:  Date: 1-11-18

Authorized Agent # 1 _____ Date: _____

Signature of Property Owner # 2: _____ Date: _____

Authorized Agent # 2: _____ Date: _____

Signature of Property Owner # 3: _____ Date: _____

Authorized Agent # 3: _____ Date: _____