
1 **R2023-1: TO AUTHORIZE THE TEMPORARY OBSTRUCTION FOR**
2 **CONSTRUCTION PURPOSES OF 1,330 SQUARE FEET PORTION OF AN**
3 **ALLEY LOCATED ADJACENT TO 520 N. OCEAN BLVD TO PROCON &**
4 **ASSOCIATES FOR A CONSTRUCTION AND STAGING AREA FOR THE**
5 **HOMWOOD SUITES TO RUN FROM JANUARY 16, 2023 THROUGH**
6 **JANUARY 30, 2023.**

7 **Applicant/Purpose:** Procon & Associates / to temporarily close an alley for use as a
8 construction staging area.
9

10 **Brief:**

- 11 • Homewood Suites is undergoing some resort renovations.
- 12 • The contract requests to temporarily obstruct 1,330 sq. ft. of an adjacent alley to
13 serve as a construction staging area.
- 14 • The repairs are expected to take two weeks (1/16/23 – 1/30/23).
15

16 **Issues:**

- 17 • Public & resort guests' use of this portion of the adjacent alley will be temporarily
18 closed/restricted during the construction period.
- 19 • This portion of the alley is planned to be closed/restricted thru 1/30/23.
- 20 • Contractor is required to return staging area to a condition which is equivalent to
21 which existed before construction.
- 22 • Contractor agrees to indemnify & hold City harmless from any claims which may
23 arise from the obstruction in this area.
24

25 **Public Notification:** Normal meeting notification.
26

27 **Alternatives:** None considered.
28

29 **Financial Impact:** Per ordinance 2006-20, the encroachment fee = \$332.50.
30

31 **Manager's Recommendation:** I recommend approval.
32

33 **Attachment(s):** Resolution & application.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

RESOLUTION R2023-1

CITY OF MYRTLE BEACH) TO AUTHORIZE THE TEMPORARY
COUNTY OF HORRY) OBSTRUCTION FOR CONSTRUCTION
STATE OF SOUTH CAROLINA) PURPOSES OF 1,330 SQUARE FEET
PORTION OF AN ALLEY LOCATED
ADJACENT TO 520 N. OCEAN BLVD TO
PROCON & ASSOCIATES INC. FOR A
CONSTRUCTION AND STAGING AREA FOR
THE HOMEWOOD SUITES TO RUN FROM
JANUARY 16, 2023 THROUGH JANUARY 30,
2023.

The City Council of the City of Myrtle Beach hereby resolves that Procon & Associates Inc. (hereinafter referred to as "the applicant"), having shown good cause, be allowed to temporarily obstruct a 1,330 square foot portion of an alley adjacent to 520 N. Ocean Blvd, for use as a construction staging and storage area from January 16, 2023 Through January 30, 2023.

IT IS FURTHER RESOLVED that applicant shall be required to secure the sites by a manner approved by the City Engineer.

IT IS FURTHER RESOLVED that permission for the applicant to obstruct this public right-of-way is granted on the condition that the applicant shall comply with all applicable provisions of Ordinance No. 86-33, as amended by Ordinance No. 87-31. Also, following the approved duration of the obstruction, the applicant shall restore the public right-of-way to a condition equivalent to that which existed before the granting of the obstruction.

IT IS FURTHER RESOLVED that permission for the applicant to obstruct this public right-of-way is granted on the condition that 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 mentioned obstruction, and shall continuously maintain in effect an amount and type of liability insurance as shall be required by the City of Myrtle Beach.

SIGNED this 10th day of January 2023.

ATTEST:

BREDNA BETHUNE, MAYOR

JENNIFER ADKINS, CITY CLERK



APPLICATION FOR A TEMPORARY CONSTRUCTION ENCROACHMENT PERMIT

This application is to request a Temporary Construction Encroachment use of public alley or right-of-way in the City of Myrtle Beach. Requests for encroachment and/or non-exclusive use are considered by City Council at their regularly scheduled meetings on the second and fourth Tuesdays at 10:00 a.m. in the Courtroom of the Law Enforcement Center at 1101 Oak Street. **TO BE PLACED ON THE COUNCIL'S AGENDA, THE COMPLETED APPLICATION MUST BE SUBMITTED FIFTEEN (15) DAYS PRIOR TO THE REGULARLY SCHEDULED MEETING AT WHICH CONSIDERATION OF THIS REQUEST IS DESIRED.**

The following shall be submitted with a request for Encroachment or Non-Exclusive Use of Public Property:

\$100.00 Non-refundable Filing Fee (per Application). Procon & Associates Inc.
Applicant

5 Sets of Site Plans indicating the following items: PO Box 4466 North Myrtle Beach 29597
Address

1. Recent boundary survey of adjacent property, preferably no larger than 11" X 17"
2. Total square footage of encroachment
3. Coastal Protection Lines (both City and State, if applicable)
4. Pedestrian walkways and/or Vehicular use areas
5. Fence or barrier to secure area
6. Emergency Service Access

Proof of ability to obtain General Liability Insurance Coverage

Required terms: (1) Minimum Combined single limit of liability of \$1,000,000 per occurrence for bodily injury and property damage. (2) City of Myrtle Beach named as an "Additional Insured". (3) Provide the City thirty (30) days prior written notice of cancellation or modification. (4) Provide the City an acceptable certificate of insurance prior to construction and for the duration of the encroachment. Insurance may be provided by property owner or applicant.

Hold Harmless Indemnification Agreement

This application in no manner implies approval or acceptance of the proposed encroachment by the City of Myrtle Beach nor does the City waive its right and privilege to deny such application or to remove any encroachment.

GENERAL SCOPE OF ENCROACHMENT: (Check all applicable)

- ☐ Storage Area ☒ Staging Area ☐ Crane Location Area
☐ Other (Specify) _____

Expected duration of encroachment: Months _____ Days 14

Total square footage occupied by encroachment: 1330 sq.ft.

Description and justification: (Attach additional pages, if necessary):

This encroachment permit is needed to remove and install 4 windows on the North Elevation of the Hotel. The equipment

to be used is a Mast Climber and the ground clearance (Fencing), OSHA requires encroaches into the parking lot.

The approximate area in the parking lot is 19 l.f. x 70 l.f. or 1330 sq.ft.

GENERAL SCOPE OF ENCROACHMENT (Cont.)

Address of Construction site: Hamewood Suites, 520 N. Ocean Blvd., Myrtle Beach, SC 29577

Tax map parcel no. of Construction Site: 181-11-02-005

Legal description of Construction Site (Section, Block, Lot): Hotel Section, Block 3, Lot 1-3

APPLICANT INFORMATION:

Applicant name: Procon & Associates Inc.

Key contact person: Timothy Dixon

Mailing address: PO Box 4466 North Myrtle Beach 29597

Telephone: (843) 399-8918 Fax: (843) 399-8928

The undersigned hereby certifies that all information and attachments are true and correct to the best of my (our) knowledge and belief.


Signature of Applicant or Duly Authorized Agent

12/2/22
Date

Signature of Co-Applicant/Agent

Date

FOR OFFICE USE ONLY:

RECEIVED BY: _____ DATE: _____

FILING FEE RECEIPT NO: _____ DATE: _____

DEPARTMENTAL REVIEW

____ ZONING ____ ENGINEERING ____ FIRE ____ POLICE ____ RISK MANAGER

FINAL ACTION

APPROVED DISAPPROVED DATE

MYRTLE BEACH CITY COUNCIL RESOLUTION

☐

☐

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

HOLD HARMLESS INDEMNIFICATION AGREEMENT

The following terms and conditions are hereby incorporated as provisions for issuance of Temporary Construction Encroachment Permit Number _____ Issued to: _____

Procon Associates Inc.

Herein "Permittee", at the vicinity of the job address specified on said Permit Application, and in compliance with Ordinance Number 86-33 as amended by Ordinance Number 87-31 and a Resolution (copy attached), adopted by the Mayor and Council for the City of Myrtle Beach:

"Permittee agrees to protect, defend, indemnify and hold the City, its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses and liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind in connection with or arising out of Permittee's use of any right-of-way, as approved under ordinance numbers and resolution referenced herein, that are due to the negligence of Permittee, its officers, employees or agents. Permittee further agrees to investigate, handle, respond to, provide defense for the same at its sole expense and to bear all other costs and expenses related thereto."

PERMITTEE

Christie C. Hughes
WITNESS

[Signature]
DATE 12/21/22



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/2/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Wester Insurance Agency
P.O. Box 769
Henderson NC 27636

CONTACT NAME: John Wester
PHONE (A/C No. Excl): 252-438-8185 FAX (A/C No): 252-438-6840
E-MAIL ADDRESS: john@westerinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Cincinnati Insurance Company	10677
INSURER B: Cincinnati Indemnity	23280
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Procon & Associates, Inc.
P O Box 4466
North Myrtle Beach SC 29597-4466

PROCAAS-01

COVERAGES

CERTIFICATE NUMBER: 1667478748

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y		EPP 0107041	9/1/2022	9/1/2023	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			EPP 0107041	9/1/2022	9/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE			EPP 0107041	9/1/2022	9/1/2023	EACH OCCURRENCE \$1,000,000 AGGREGATE \$ DED RETENTION \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NJ) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	EWC 0462036	9/1/2022	9/1/2023	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Robert Gallagher is Excluded as Officer

CERTIFICATE HOLDER

City of Myrtle Beach

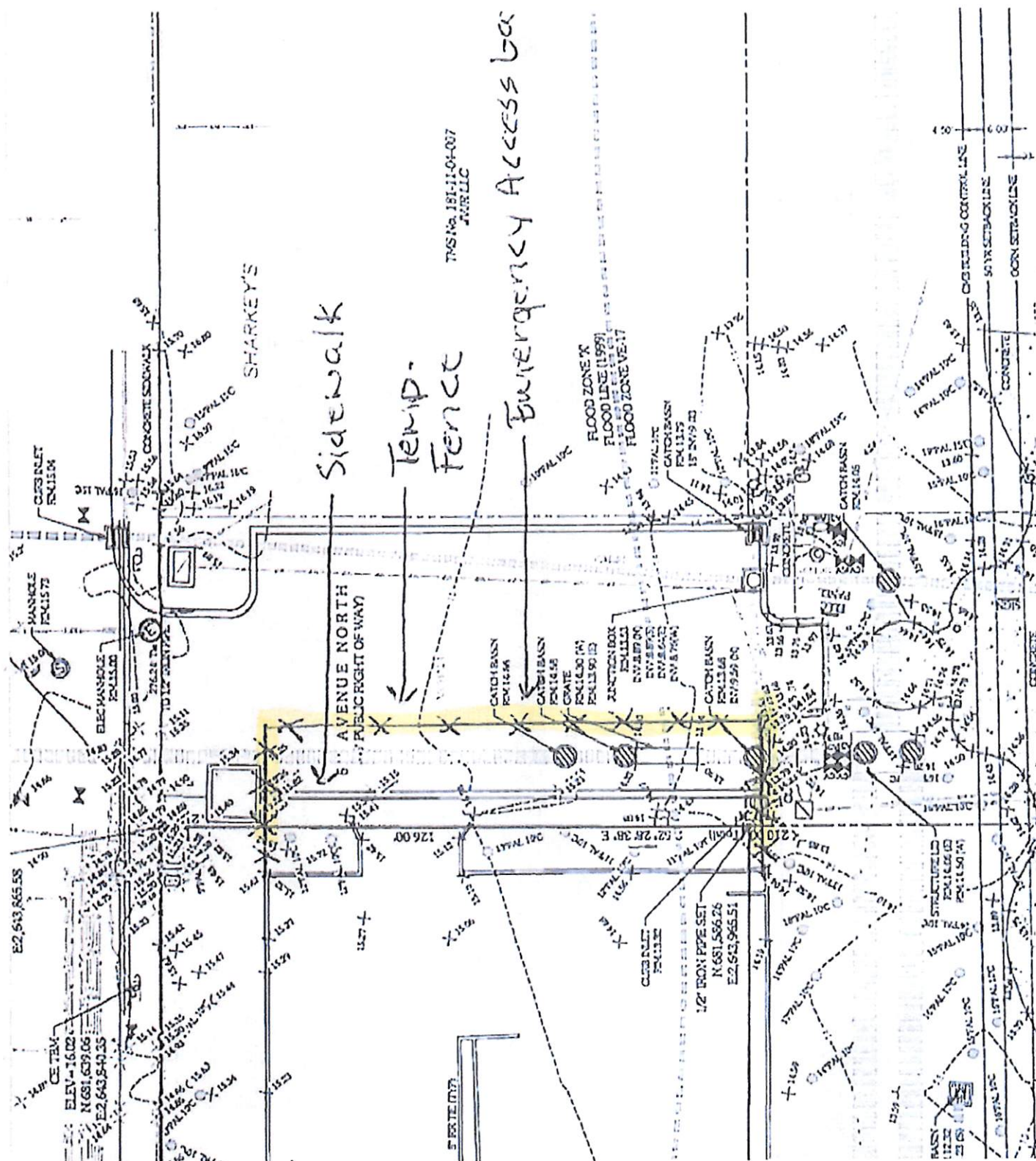
CANCELLATION

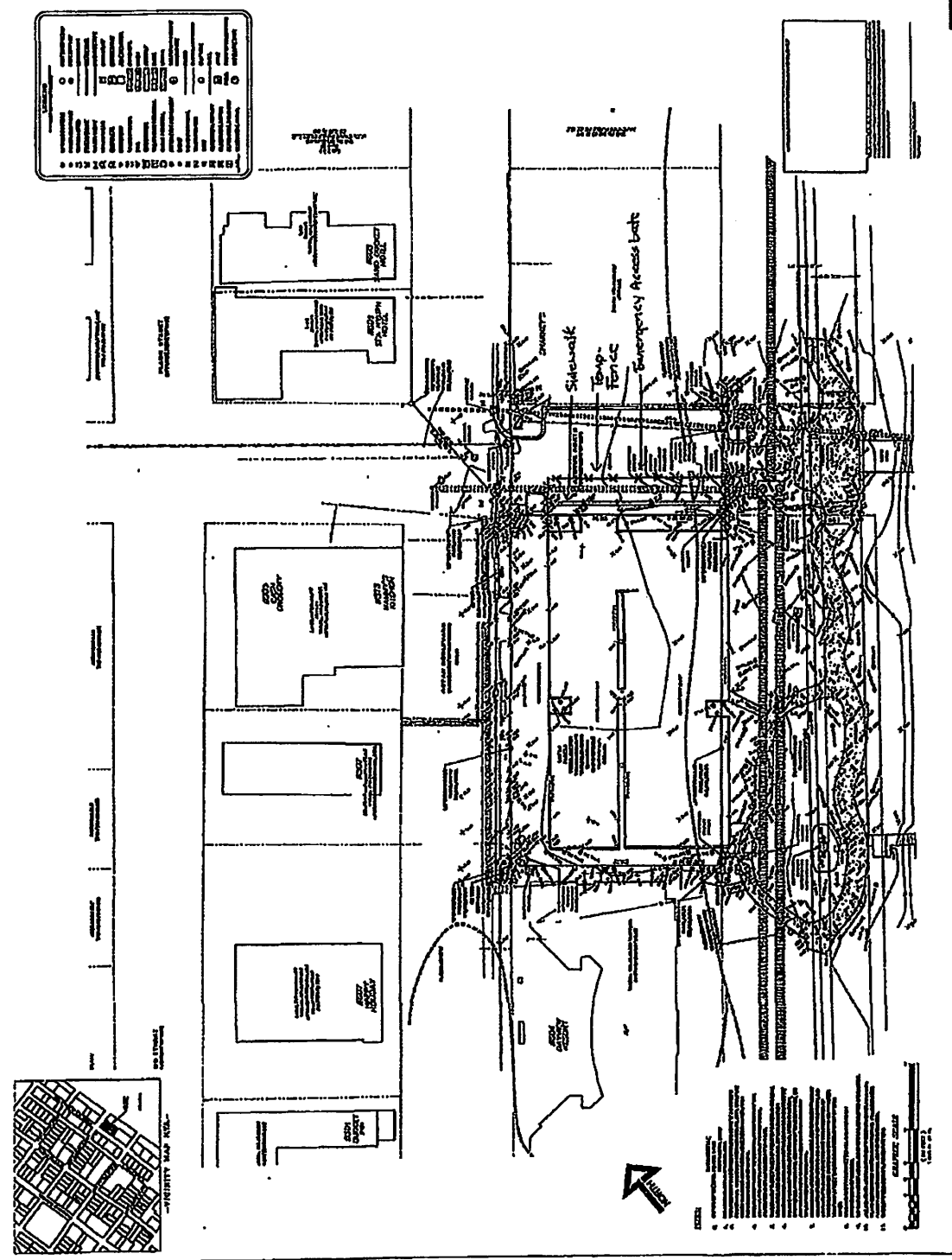
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

John P. Wester

© 1988-2015 ACORD CORPORATION. All rights reserved.





City Ordinance #2006-20