

ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2023-039

Granting an encroachment to Chick Fil A, Inc., and WM Columbia Trust for the use of the right of way area of the 5400 block of Ring Road for the installation and maintenance of sidewalks, landscaping and irrigation adjacent to 5440 Forest Drive, Richland County TMS#16706-04-05 and 16706-04-06

WHEREAS, Chick Fil A, Inc. and WM Columbia Trust, (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 5400 block of Ring Road for the installation and maintenance of sidewalks measuring approximately six (6') feet in width two hundred sixty five (265') feet in length, landscaping and irrigation adjacent to 5440 Forest Drive, as shown on the attached drawings; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the medians 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 18th day of April, 2023, that Grantee is hereby granted the right to use the right of way area of the 5400 block of Ring Road adjacent to 5440 Forest Drive, Richland County TMS# 16706-04-05 and 16706-04-06 , for the installation and maintenance of sidewalks measuring approximately six (6') feet in width two hundred sixty five (265') feet in length, landscaping and irrigation as shown on the attached drawings.

PROVIDED FURTHER that all work shall comply with the requirements of The City of Columbia, South Carolina Department of Transportation (SCDOT) and Federal Emergency Management Agency (FEMA) 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 Grantee's 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; and,

PROVIDED further that in the event the City has to make repairs or maintain utility lines located within the encroachment area the City will replace any items removed for the utility repair or maintenance with like items to those removed; and,

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns; and,

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, his successors and assigns, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee 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 persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.

2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.

3. Grantee is responsible for maintaining landscaping and improvements.

4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.

6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.

7. All trees shall be protected and no large tree roots shall be removed from any existing trees.

8. Prior to installation, coordinate with Traffic Engineering.

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 to the satisfaction of the City Manager.


Requested by:

Assistant City Manager Gentry



Mayor

Approved by:




City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 4/4/2023

Final Reading: 4/18/2023

**CITY COUNCIL
ENCROACHMENT SUMMARY
2023-039**



**5400 BLOCK OF RING ROAD
ADJACENT TO 5440 FOREST DRIVE
SIDEWALKS, CURB CUTS, LANDSCAPING AND IRRIGATION**

Subject Property:	Right-of-way adjacent to 5440 Forest Drive
Council District:	4
Proposal:	The applicant is requesting an encroachment for installation and maintenance of sidewalks, landscaping and irrigation.
Applicant:	Interplan, LLC
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of sidewalks measuring approximately six (6') in width two hundred sixty five (265') feet in length, landscaping and irrigation adjacent to 5440 Forest Drive, as shown on the attached drawings; and,</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none">1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.3. Grantee is responsible for maintaining landscaping and improvements.4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.7. All trees shall be protected and no large tree roots shall be removed from any existing trees.8. Prior to installation, coordinate with Traffic Engineering.
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City of Columbia

This map was prepared using
the City GIS Viewer:

City of Columbia - GIS Division
Tuesday, February 7, 2023



Address Point

- Active
- Vacant
- Tax Parcel

Street & Ownership

- Interstate
- Highway

- City Maintained
- State Maintained
- - Private
- Others

Bailey Bill

- Bailey Bill Property

- Columbia City Limits

FEMA Flood Hazard Area

- AE - Floodway
- AE - 100yr Flood Plain
- A - No Base Flood Elevation
- X - 500yr Flood Plain
- Red: Band_1

- National Register of Historic Places

Green: Band_2

Blue: Band_3

CITY OF COLUMBIA GIS DATA DISCLAIMER:

The City of Columbia GIS data represented on this map or plan is the product of the compilation of data produced by others. It is provided for informational purposes only and the City of Columbia makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



Permanent Encroachment

Application and Checklist

4. Project Description

Provide a brief description of the project and list all items that will be placed in the right-of-way (walls, fences, columns, steps, irrigation systems, landscaping, driveways, pavers, sidewalks/walkways, planters, awnings, etc.)

A portion of a 5' wide concrete sidewalk, asphalt driveway connections from properties to the Ring Road, concrete curbing, irrigation line/backflow preventer for irrigation line within curbed island, landscaping (grass).

For staff use only

Date received (M/D/Y): ____/____/____

By: _____



Permanent Encroachment

Application and Checklist


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.

Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements.

Permittee understands and agrees that the privilege granted may be modified or terminated by the City of Columbia at any time without notice and that the privilege granted hereby is subject to applicant's compliance with the following conditions, restrictions or limitations:

Permittee must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted.

7. Signature

Signature of Applicant	
	
Print Name	Date
Donna Brown	February 7, 2023



Letter of Agency

Application Supplement

TO: Planning and Development Services, City of Columbia

I, the undersigned property owner, do hereby attest that I am the person that holds, or I am authorized on behalf of the party that holds, fee simple interest in the following parcel(s):

Common Street Address

5440 Forest Drive

Tax Map Reference Numbers

R16706-04-05

Further, I hereby authorize the persons and/or entities listed as AUTHORIZED AGENT(S) below to act on my behalf for the purpose of submitting documents, amending documents, meeting with staff, attending public meetings and hearings, and as otherwise may be necessary and proper to fulfill the required steps to request the following:

1. Variance, Special Exception, and/or Administrative Appeal (Board of Zoning Appeals)
2. Zoning Map Amendment (Planning Commission and City Council, if applicable)
3. Site Plan Review (Planning Commission or D/DRC)
4. Design Review (D/DRC)
5. Minor Subdivision (Staff)
6. Major Subdivision (Planning Commission)
7. Encroachment (Staff and City Council, if applicable)
8. Street Naming/Renaming (Planning Commission)

*****Please strike-through and initial any of the above-listed steps that do not fall under the scope of this Letter of Agency***

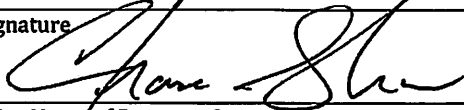

[signatures on following page]



Letter of Agency

Application Supplement

Property Owner

Signature 		Date 10/5/22
Print Name of Property Owner Chick-fil-A, Inc.		
Address (street, city, name, zip) 5200 Buffington Road Atlanta, GA 30349		
Email of Property Owner pamela.fowler@cfacorp.com		Phone 470-725-8012
Signature of Witness 		Date 10/6/22
Print Name of Witness Kelsi E Templeton		

Authorized Agent

Signature		Date
Print Name Richard Scott, Donna Brown, and/or Kim Rickman		
Address (street, city, name, zip) 220 E. Central Parkway, Suite 4000 Altamonte Springs, FL 32701		
Email of Authorized Agent rscott@interplanllc.com, dbrown@interplanllc.com, krickman@interplanllc.com		Phone 407.645.5008



Chick-Fil-A
5200 Birmahurst Road
Atlanta, Georgia 30346-2988



manley LAND DESIGN
Nancy Land Design, Inc.
3108 Cooper Street
Atlanta, Georgia 30305
770.438.1711

FOR
REFERENCE
ONLY

CHICK-FIL-A
SAR FOREST DR FSR
5440 FOREST DR
COLUMBIA, SC 29208

FSU# 00945
PERMISSION TO CONSTRUCT
ON 10/11/17 BY 10/11/17

DATE: 10/11/17
BY: 10/11/17
DATE: 10/11/17
BY: 10/11/17

PERMIT
Landscape Plan
L-100

LEGEND

- X EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN
- TREE PROTECTION FENCING

PLANT LIST

PLANT	QUANTITY	NOTES	PLANT	QUANTITY	NOTES
1. Black Oak	2	2" Cal. 17' Hg.	11. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
2. Yellow Oak	1	2" Cal. 17' Hg.	12. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
3. Black Oak	1	2" Cal. 17' Hg.	13. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
4. Black Oak	1	2" Cal. 17' Hg.	14. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
5. Black Oak	1	2" Cal. 17' Hg.	15. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
6. Black Oak	1	2" Cal. 17' Hg.	16. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
7. Black Oak	1	2" Cal. 17' Hg.	17. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
8. Black Oak	1	2" Cal. 17' Hg.	18. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
9. Black Oak	1	2" Cal. 17' Hg.	19. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub
10. Black Oak	1	2" Cal. 17' Hg.	20. 10' Pruning Let Tree Shrub	1	10' Pruning Let Tree Shrub

LANDSCAPE REQUIREMENTS

1. 30' wide per area
2. 1.5' wide per area
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22. 1.5' wide per area
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24. 1.5' wide per area
25. 1.5' wide per area

ATLANTIC LANDSCAPE NOTES

1. Existing trees to be removed shall be removed within 30 days of the start of construction.
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FOREST DR / SC HWY. 12

