

ORIGINAL  
STAMPED IN RED

ORDINANCE NO.: 2023-049

*Granting an encroachment to the University of South Carolina for the use of the alley right of way area of the 1300 block of Flora Street for the installation and maintenance of a drive aisle adjacent to 205 S. Sumter Street, Richland County TMS# 11301-11-01 and 11301-11-02*

WHEREAS, the University of South Carolina (hereinafter "Grantee") desires to utilize a portion of the alley right of way area of the 1300 block of Flora Street for the installation and maintenance of a drive aisle adjacent to 205 S. Sumter Street, 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 2<sup>nd</sup> day of May, 2023, that Grantee is hereby granted the right to use the alley right of way area of the 1300 block of Flora Street adjacent to 205 S. Sumter Street, Richland County TMS#11301-11-01 and 11301-11-02, for the installation and maintenance of a drive aisle, 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 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.

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: 4/18/2023

Final Reading: 5/2/2023

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2023-049**



**1300 BLOCK OF FLORA STREET  
ADJACENT TO 205 S. SUMTER STREET  
DRIVE AISLE**

<b>Subject Property:</b>	Right-of-way adjacent to 205 S. Sumter Street
<b>Council District:</b>	3
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of a drive aisle.
<b>Applicant:</b>	University of South Carolina
<b>Staff Recommendation:</b>	Approval.

<b>Detail:</b>	<p>The applicant is requesting an encroachment within the alley right of way for the installation and maintenance of a drive aisle adjacent to 205 S. Sumter Street, as shown on the attached drawings; and,</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"><li>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.</li><li>2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.</li><li>3. Grantee is responsible for maintaining landscaping and improvements.</li><li>4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.</li><li>5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.</li><li>6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.</li><li>7. All trees shall be protected and no large tree roots shall be removed from any existing trees.</li></ol>
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## City of Columbia



This map was prepared using  
the City GIS Viewer.

City of Columbia - GIS Division  
Thursday, February 23, 2023

### Address Point

- Active
- Vacant
- Tax Parcel

### Street & Ownership

- Interstate

- Highway
- City Maintained
- State Maintained
- Private
- Others
- Columbia City Limits

### Bailey Bill

- Bailey Bill Property
- National Register of Historic Places
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

### CITY OF COLUMBIA GIS DATA DISCLAIMER:

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# Permanent Encroachment

## Application and Checklist

### Checklist for All Applications

A complete site plan application shall include the following information. Refer to the Procedures Manual for additional information about these requirements. Please initial to signify that the requested information has been provided.

	Applicant Initials	Staff Initials
A copy of this Application Checklist, completed by the applicant.	JNO	RBH
A completed and signed Application Form	JNO	RBH
Letters of Agency for all applications where the applicant is not the owner of the subject property	n/a	RBH
Pictures or specification sheet of the items to permanently encroach the Right-of-way	JNO	LGH
Existing Site Plan Please see page 4 below for required content.	JNO	RBH
Proposed Site Plan Please see page 4 below for required content.	JNO	LGH



# Permanent Encroachment

## Application and Checklist

### 1. Applicant Information

Name <b>Tom Opal, Director of Facilities Design &amp; Construction</b>	
Company (if applicable) <b>University of South Carolina</b>	
Address (street, city, state, zip) <b>1300 Pickens Street Columbia, SC 29208</b>	
Phone <b>803.777.5500</b>	Email <b>tnopal@fmc.sc.edu</b>

### 2. Property Information

Address <b>Flora Street @ S. Sumter Street and S. Evans Street; E Broadway Street and Poe Street</b>	
Tax Map Reference Number(s) <b>11301-11-01 &amp; -02; 11301-12-01 &amp; -04; 11301-13-01 &amp; -02</b>	
Current use <b>Undeveloped, Open Lots</b>	Proposed use <b>Gravel Parking Lot</b>

### 3. Property Ownership

Does the applicant own the adjacent property? ☒ Yes ☐ No

If the applicant does not own the adjacent property, complete the **Letter of Agency** for each property owner that authorizes the applicant to submit this application on the property owner's behalf.





# 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.)

### Flora Street:

There is an alleyway right-of-way between parcels TMS11301-11-01 and -02 that will be used as part of the parking lot.

- 1) The alleyway area will be lined up with the driveway access to Flora Street and will also serve as an intermediate driveway within the parking lot.
- 2) As much as practical, parking spaces are not placed in the alleyway.

### E. Broadway Street:

- 1) Additional gravel material (GABC) will be added to widen the existing gravel roadway to a minimum 15' width.
- 2) Two "Entrance Only" signs placed at the intersection with Poe Street to direct oneway traffic into E. Broadway Street.
- 3) Two "Entrance Only" signs placed at the entrance driveway to the parking at TMS 11301-12-01.
- 4) Add gravel driveway access to parking lot at TMS 11301-12-01.

### Poe Street:

- 1) Additional gravel material (GABC) will be added to widen the existing gravel roadway to a minimum 15' width.
- 2) One "Exit Only" signs placed at the east Poe Street intersection to prevent traffic flow against the one-way traffic.
- 3) Add gravel driveway accesses to parking lots at TMS 11301-12-01, 11301-13-01 & -02.
- 4) Two "One Way" Right Arrow signs placed on the north side of Poe Street across from access drives of TMS 11301-13-02.
- 5) One "One Way" Left Arrow sign placed on the south side of Poe Street across from the parking lot exit drive of TMS 11301-12-01.

*For staff use only*

Date received (M/D/Y): \_\_\_\_/\_\_\_\_/\_\_\_\_

By: \_\_\_\_\_



# Permanent Encroachment Application and Checklist

## 5. Additional Submission Requirements

### Existing Site Plan

This shall be a site plan of the existing conditions or a plat of survey, to scale and fully dimensioned.

### Proposed Site Plan

The proposed site plan shall be prepared to scale and fully dimensioned, and include the following:

	Applicant	Staff
Total acreage	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of lots and outlets (numbered and area in <del>square feet</del> <b>acres</b> .)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of buildings (including setbacks from property lines and distances between buildings)	NA <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Location of parking and access/driveways	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of rights-of-way and/or easements for streets, railroads, and utility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lines upon and abutting subject property	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of streets, alleys, railroads, and utility lines upon and abutting subject property	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Section of sidewalk or right-of-way to be used for the encroachment	NA <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Proposed placement of permanent items and furnishings on the sidewalk	NA <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Proposed placement of permanent items and furnishings in the right-of-way	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location and height of all fences, walls, and exterior lighting in the right-of-way	NA <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
North arrow	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Scale	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vicinity map (at 1 inch equals 1,000 feet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## 6. Acknowledgement

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches) Business signs are NOT permitted via an encroachment.

Encroachments must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and are subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required.

In order to obtain an encroachment ordinance from the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insured on your insurance policy with limits being increased to \$600,000 as required by Sec. 11-71. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insured prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact Chip Timmons with Risk Management, (803) 733-8306 or [catimmons@columbiasc.net](mailto:catimmons@columbiasc.net).

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.





# 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	
<i>Thomas N Opal</i>	
Print Name	Date
Thomas N Opal	2022/12/12

