

**ORIGINAL  
STAMPED IN RED**

**ORDINANCE NO.: 2024-034**

*Granting an encroachment to Columbia Canopy Project for the use of the right of way area of the 4500 block of Windemere Avenue for the installation and maintenance of one bench adjacent to 4503 and 4504 Windemere Avenue, Richland County TMS# 09215-10-11 and 11603-17-02*

WHEREAS, Columbia Canopy Project (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 4500 block of Windemere Avenue for the installation and maintenance of one (1) bench measuring approximately six (6') feet in length one and half (1.5') feet in height adjacent to 4503 and 4504 Windemere Avenue, 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 16<sup>th</sup> day of July, 2024, that Grantee is hereby granted the right to use the right of way area of the 4500 block of Windemere Avenue adjacent to 4503 and 4504 Windemere Avenue, Richland County TMS# 09215-10-11 and 11603-17-02, for the installation and maintenance of one (1) bench measuring approximately six (6') feet in length one and half (1.5') feet in height, 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:

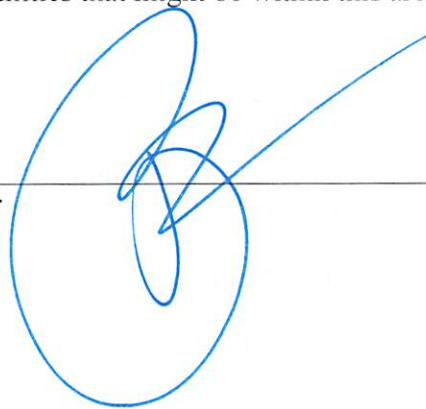
1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of 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 of bench, coordinate with City Traffic Engineering to have underground street light circuits located and marked.

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:

Cherisa Wilson

City Manager

Approved as to form:

[Signature]

City Attorney

ATTEST:

[Signature]

City Clerk

Introduced: 6/18/2024

Final Reading: 7/16/2024

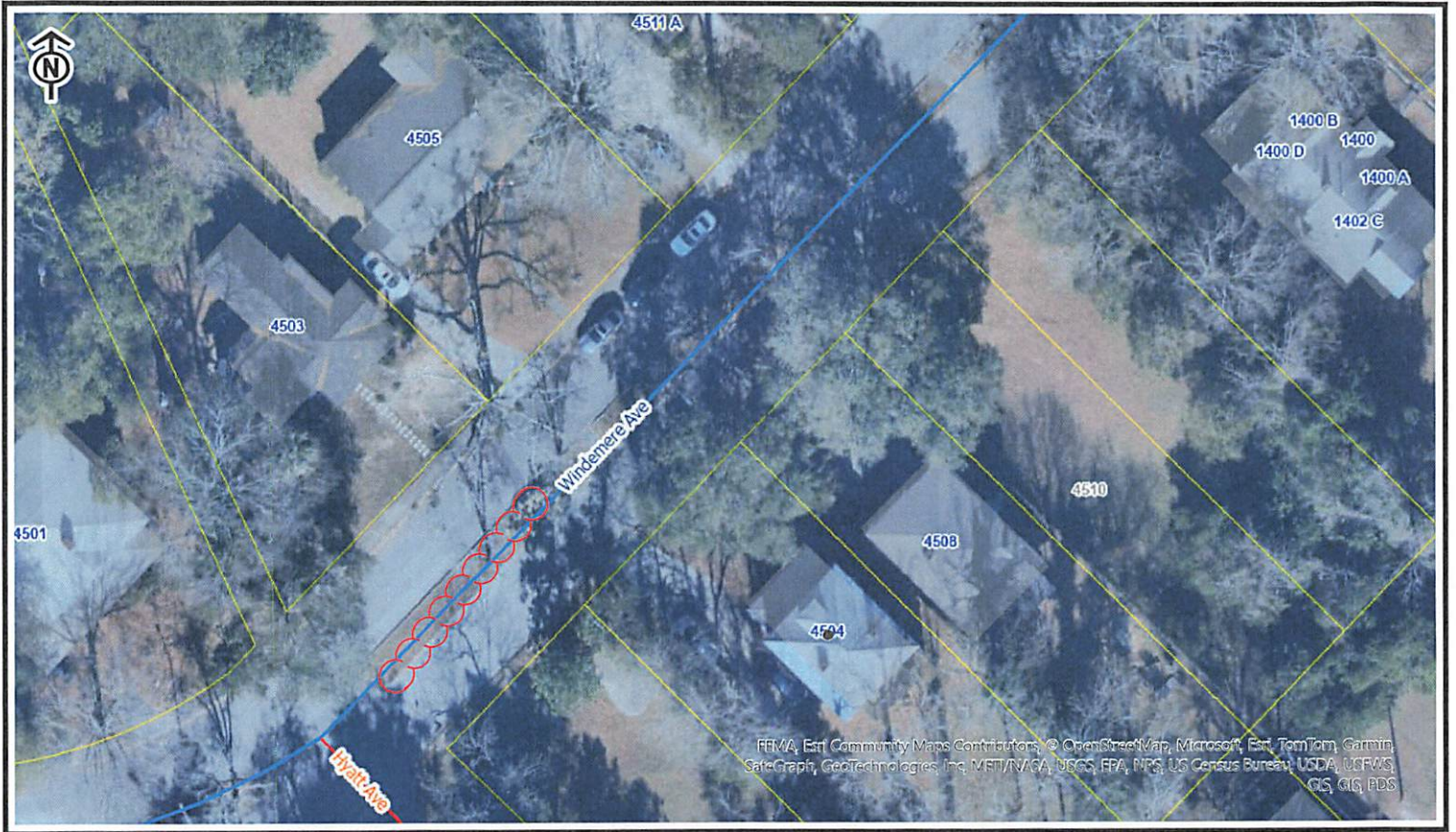
**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2024-034**



**4500 BLOCK OF WINDEMERE AVENUE  
ADJACENT TO 4503 AND 4504 WINDEMERE AVENUE  
BENCH**

<b>Subject Property:</b>	Right-of-way adjacent to 4503 and 4504 Windemere Avenue
<b>Council District:</b>	1
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of a bench.
<b>Applicant:</b>	Columbia Canopy Project
<b>Staff Recommendation:</b>	Approval.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for installation and maintenance of one (1) bench measuring approximately six (6') feet in length one and a half (1.5') feet in height adjacent to 4503 and 4504 Windemere Avenue, 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><li>8. Prior to installation of bench, coordinate with City Traffic Engineering to have underground street light circuits located and marked.</li></ol>
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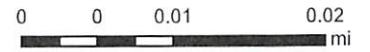
City of Columbia

This map was prepared using the City GIS Viewer

City of Columbia - GIS Division  
4/23/2024 12:17 PM



- |                               |                  |                  |                               |
|-------------------------------|------------------|------------------|-------------------------------|
| Building Footprint            | Highway          | State Maintained | Others                        |
| Tax Parcel                    | Highway          | State Maintained | Others                        |
| <b>Address Point</b>          | Highway          | Private          | Columbia City Limits          |
| Active                        | City Maintained  | Private          | <b>FEMA Flood Hazard Area</b> |
| Vacant                        | City Maintained  | Private          | <b>FLD_ZONE, ZONE_SUBTY</b>   |
| <b>Street &amp; Ownership</b> | City Maintained  | Others           | AE - Floodway                 |
| Interstate                    | City Maintained  | Others           | AE - 100yr Flood Plain        |
| Highway                       | City Maintained  | Others           | A - No Base Flood Elevation   |
| Highway                       | State Maintained | Others           | X - 500yr Flood Plain         |
| Highway                       | State Maintained | Others           |                               |



**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

## 1. Applicant Information

Name Trace Ballou	
Company (if applicable) rep for Columbia Canopy Project	
Address (street, city, state, zip) 319 Cumberland Drive Columbia SC 29203	
Phone 803 318 5104	Email thballou@gmail.com

## 2. Property Information

Address Median @ 4500 (4599??) Windemere Avenue	
Tax Map Reference Number(s)	
Current use Median with trees	Proposed use Site for signage and bench from Columbia Canopy Project

## 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

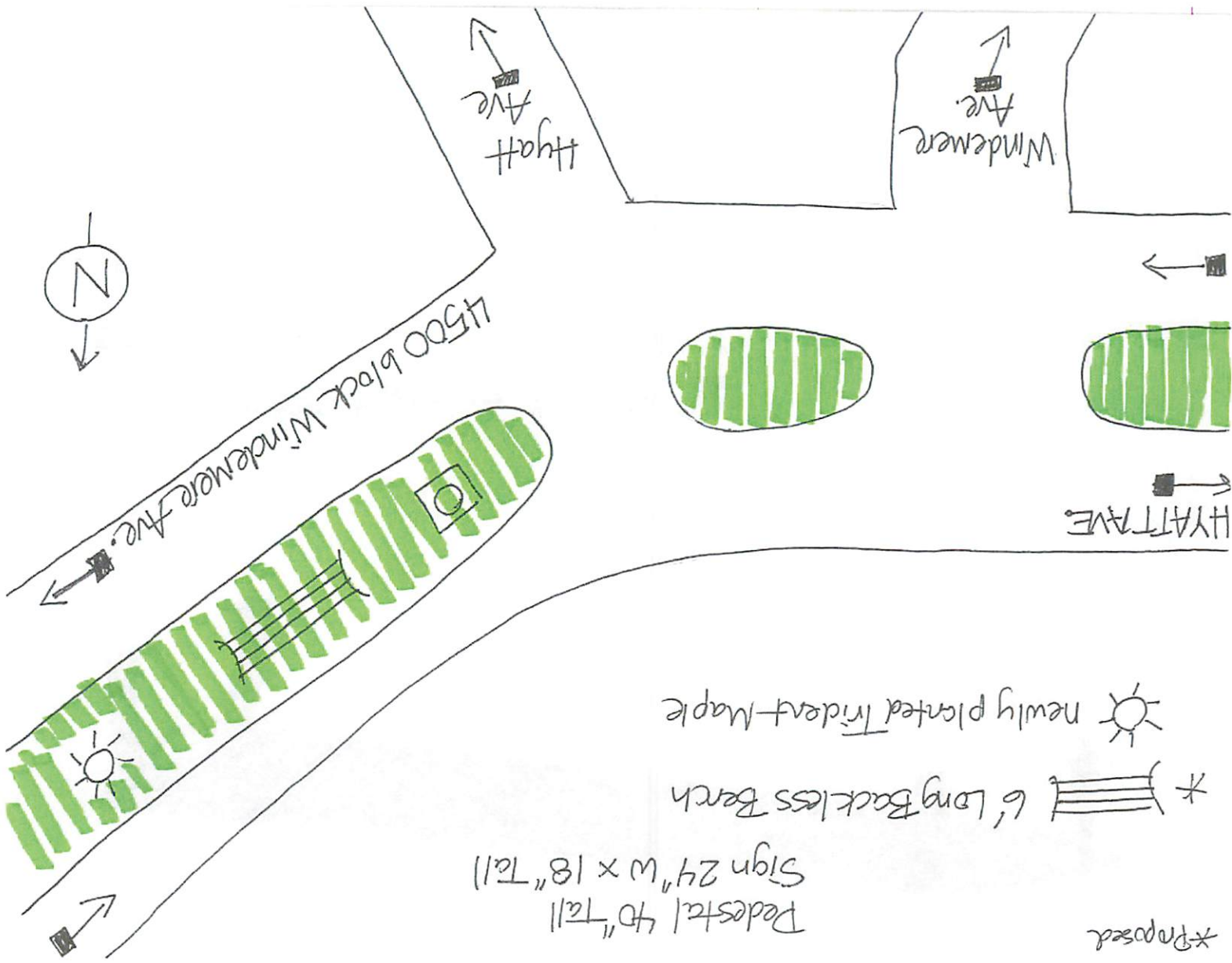
## 4. Project Description

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.)

Windemere Springs is a participating community in the recently launched Columbia Canopy Project, which is responsible for increasing shade in underserved neighborhoods via the planting of 200+ trees on publically accessible land within the project's 23 community radius.

*For staff use only*

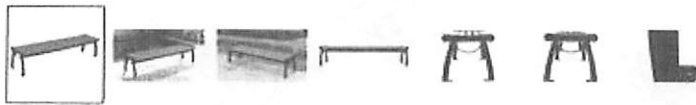
Date received (M/D/Y): \_\_\_/\_\_\_/\_\_\_ By: \_\_\_\_\_





Home > Madison Backless Benches

REVIEWS



- 50 Years Guaranteed Against Breakage
- Eco Friendly
- NEW
- Recycled Plastic Made From Milk Jugs

### Optional Accessories

Surface Mount Hardware Kit (4)

BSM-021-4



\$8.85 Save 20% [1]

Qty

- 1 +

ADD TO CART

- Description
- Specifications
- Documents and Instructions
- Reviews /Q&A

### Description

Smooth and stately seating fits nicely with any decor

- Gracefully contoured bench provides comfortable seating
- Top-grade, 100% recycled plastic boards won't rot or splinter and are highly durable
- UV- and moisture-resistant
- Elegantly curved cast aluminum frames are powder-coated Black
- 4, 6 & 8-ft. length benches available in five colors
- Portable bench is pre-drilled for surface mount option
- Stainless steel assembly hardware included; some assembly required
- Matches our top-selling Madison Bench with back
- 50-year guarantee against breakage

# REVIEWS

### Specifications

<b>SKU</b>	2ZK5774	2ZK5775	2ZK5776
<b>Model Name</b>	4' Backless Bench	6' Backless Bench	8' Backless Bench
<b>Material</b>	Recycled Plastic	Recycled Plastic	Recycled Plastic
<b>Mount Type</b>	Portable/Surface Mount	Portable/Surface Mount	Portable/Surface Mount
<b>Seat Dimensions</b>	-	-	93.5"L x 17.5"W x 17"h
<b>Overall Dimensions</b>	47"L x 17.5"W x 17"H	71"L x 17.5"W x 17"H	93.5"L x 17.5"W x 17"H
<b>Weight</b>	60.0	90.0	115.0

### so Viewed



★★★★ (61)  
 As low as **\$868.85**  
 Madison Benches



★★★★★ (166)  
 As low as **\$998.85**  
 Northgate Bench with Arched Back



★★★★★ (137)  
 As low as **\$188.85**  
 Cast Bronze Bench Plaques



★★★★★ (129)  
 As low as **\$528.85**  
 Classic Park Benches



# 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 Tracy H. Ballou	Date March 21, 2024