

ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2022-098

*Granting an encroachment to Alice Palace Properties LLC for the use of the right of way area of the 1400 block of Barnwell Street for the installation and maintenance of landscaping and irrigation and a sidewalk to connect to the existing public sidewalk along Barnwell Street adjacent to 1410 A, B and C Barnwell Street and 1412 A and B Barnwell Street, Richland County
TMS#11406-01-14 and 11406-01-15*

WHEREAS, Alice Palace Properties LLC, (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 1400 block of Barnwell Street for the installation and maintenance of landscaping and irrigation and a sidewalk to connect to the existing public sidewalk along Barnwell Street adjacent to 1410 A, B and C Barnwell Street and 1412 A and B Barnwell 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 15th day of November, 2022, that Grantee is hereby granted the right to use the right of way area of the 1400 block of Barnwell Street adjacent to 1410 A, B and C Barnwell Street, Richland County TMS#11406-01-14 , for the installation and maintenance of landscaping and irrigation and a public sidewalk to connect to the existing public sidewalk along Barnwell Street, 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.

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: 11/1/2022

Final Reading: 11/15/2022

**CITY COUNCIL
ENCROACHMENT SUMMARY
2022-098**



**1400 BLOCK OF BARNWELL STREET
ADJACENT TO 1410 A, B AND C BARNWELL STREET AND
1412 A AND B BARNWELL STREET
LANDSCAPING, IRRIGATION AND SIDEWALK**

Subject Property:	Right-of-way adjacent to 1410 A, B and C Barnwell Street and 1412 A and B Barnwell Street
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation and a sidewalk to connect to the existing public sidewalk along Barnwell Street.
Applicant:	The Wilson Co., LLC
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation and a sidewalk to connect to the existing public sidewalk along Barnwell Street adjacent to 1410 A, B and C Barnwell Street and 1412 A and B Barnwell 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">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.
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City of Columbia
City of Columbia



This map was prepared using
the City GIS Viewer:
City of Columbia - GIS Division
Wednesday, October 12, 2022

Address Point

- Active
- Vacant
- Tax Parcel

Street & Ownership

- Interstate

- Highway
- City Maintained
- State Maintained
- Private
- Others
- Red: Band_1

- Green: Band_2
- Blue: Band_3

0 0.005 0.01 0.02
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**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

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.	<input type="text" value="JK"/>	<input type="text"/>
A completed and signed Application Form	<input type="text" value="JK"/>	<input type="text"/>
Letters of Agency for all applications where the applicant is not the owner of the subject property	<input type="text" value="JK"/>	<input type="text"/>
Pictures or specification sheet of the items to permanently encroach the Right-of-way	<input type="text" value="JK"/>	<input type="text"/>
Existing Site Plan Please see page 4 below for required content.	<input type="text" value="JK"/> 1 copy: min. 18 x 24 inches or 1 digital copy (pdf format) – may be 8 ½ inches x 11 inches if legible	<input type="text"/>
Proposed Site Plan Please see page 4 below for required content.	<input type="text" value="JK"/> 1 copy: min. 18 x 24 inches or 1 digital copy (pdf format) – may be 8 ½ inches x 11 inches if legible	<input type="text"/>



Permanent Encroachment

Application and Checklist

1. Applicant Information

Name The Wilson Co LLC	
Company (if applicable)	
Address (street, city, state, zip) 1049 2nd Ave Columbia, SC 29209	
Phone 8038511056	Email jkizer@thewilsonco.com

2. Property Information

Address 1410 Barnwell St Columbia, SC 29201	
Tax Map Reference Number(s)	
Current use	Proposed use

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.)

See attached plat. remove asphalt and steps,
replace with sod and sidewalk to connect to existing
sidewalk

For staff use only

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

By: _____



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

1410 Barnwell St Unit A and B and C Columbia, SC 29201

Tax Map Reference Numbers

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***


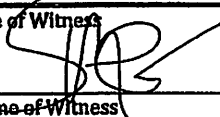
[signatures on following page]




Letter of Agency

Application Supplement

Property Owner

Signature 	Date 9/1/22
Print Name of Property Owner J. Will Gaston (Alice Palace Properties, LLC)	
Address (street, city, name, zip) 119 Manning Drive, Charlotte, NC 28209	
Email of Property Owner Will Gaston	Phone 803-210-9147
Signature of Witness 	Date 9-1-2022
Print Name of Witness Sarah M. Gaston	

Authorized Agent

Signature 	Date 9-1-2022
Print Name James Kizer (The Wilson Co LLC)	
Address (street, city, name, zip) 1049 2nd Ave Columbia, SC 29204	
Email of Authorized Agent JKizer@the wilson co llc com	Phone 843 560 1717



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

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

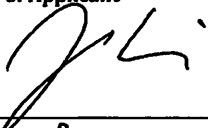
Any damage to the street or sidewalk caused by construction shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment shall be maintained by the grantee at no cost to the City in a manner approved by the City Manager.

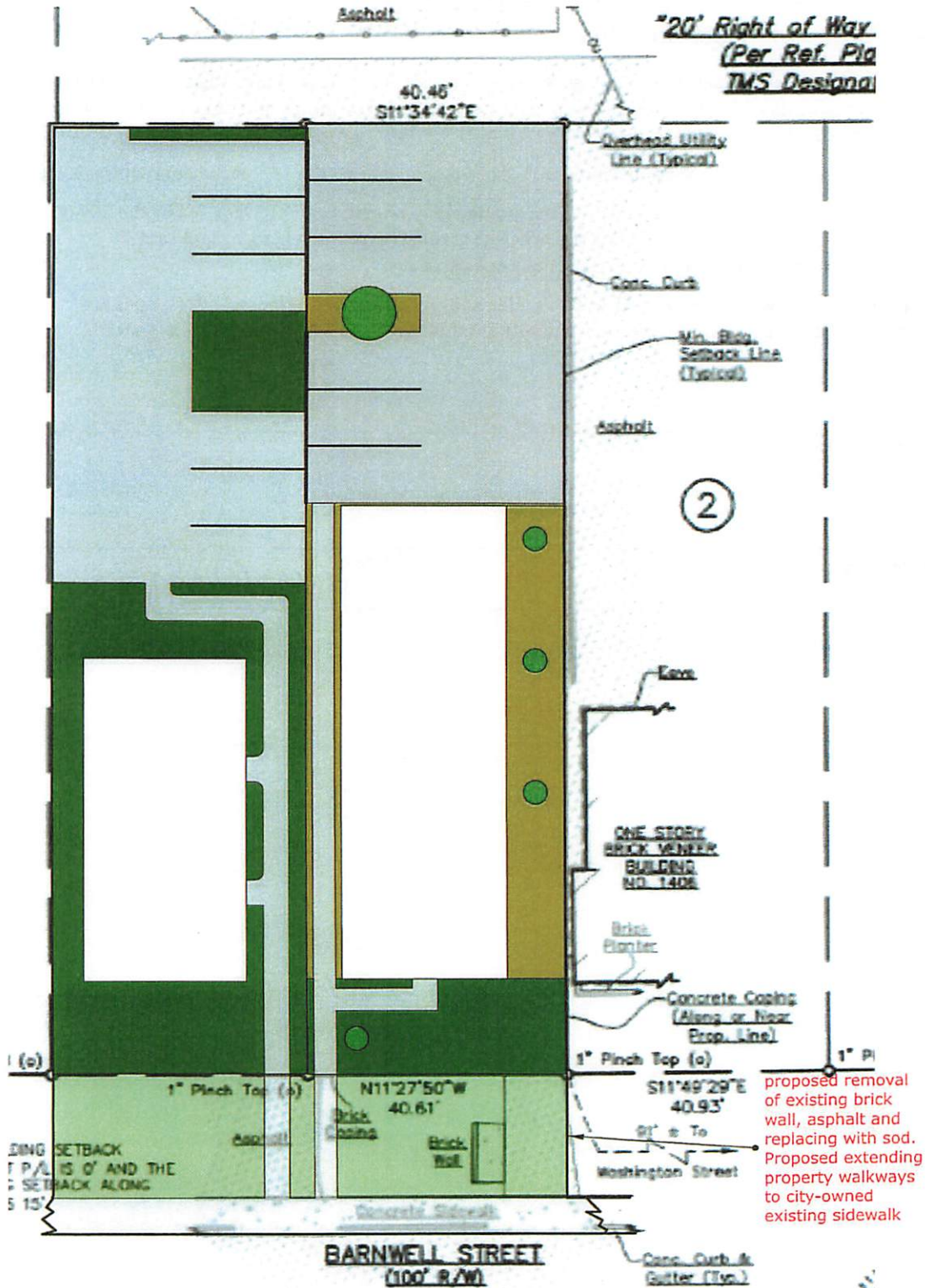
Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements.

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:

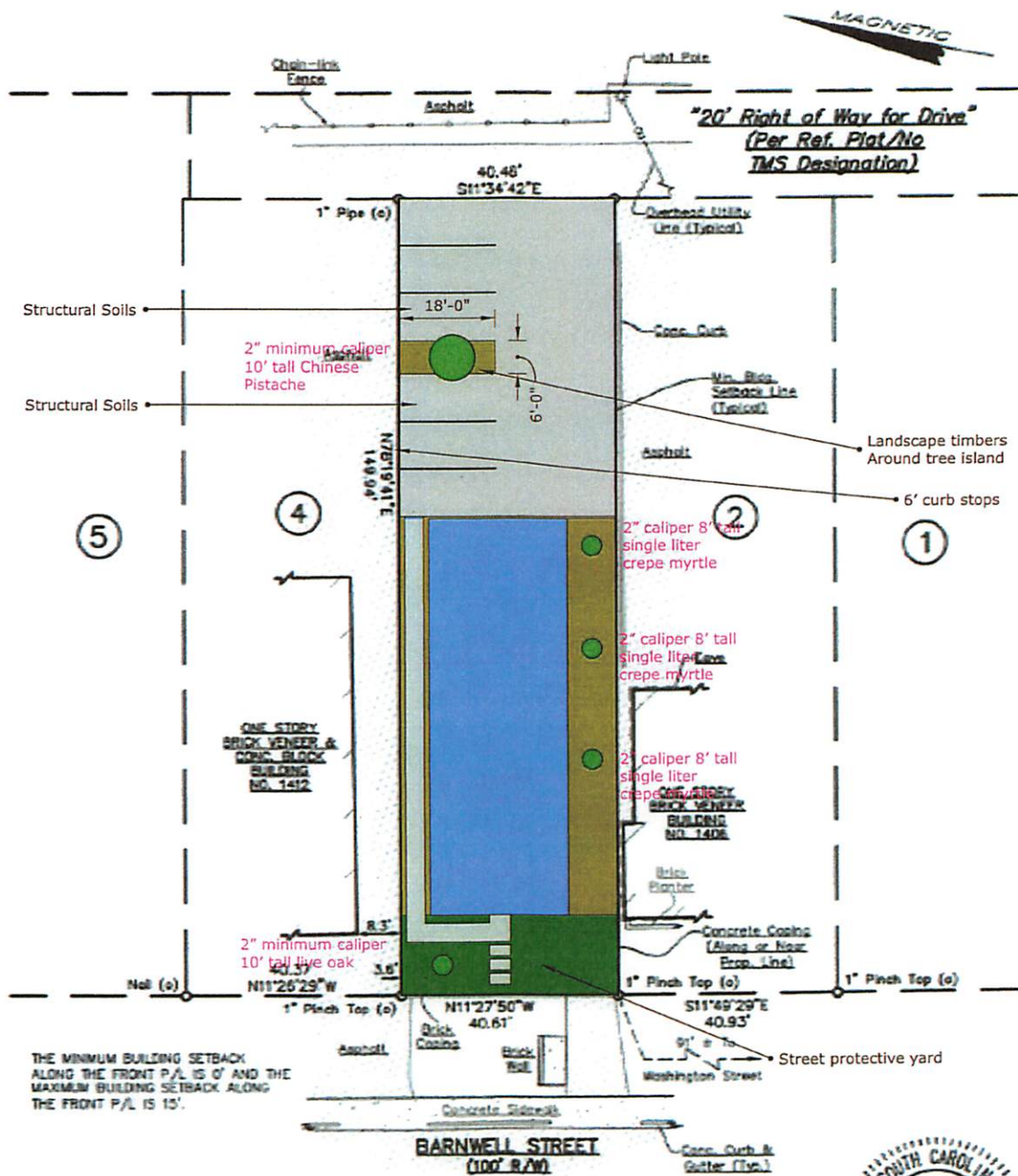
Permittee must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted.

7. Signature

Signature of Applicant 	
Print Name James Kizer	Date 9/27/2022



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THE MINIMUM BUILDING SETBACK ALONG THE FRONT P/L IS 0' AND THE MAXIMUM BUILDING SETBACK ALONG THE FRONT P/L IS 15'.

THE ADDRESS OF THE SUBJECT PROPERTY IS 1410 BARNWELL STREET.

PLOT PLAN
PREPARED FOR

THE WILSON COMPANY

RICHLAND COUNTY, COLUMBIA, S.C.

THE SAME BEING DESIGNATED AS LOT NO. 3 ON PLAT PREPARED FOR VIRGINIA A. BECKHAM, BY WILLIAM WINGFIELD, DATED AUGUST 5, 1955, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK 7, PAGE 11. REFERENCE IS ALSO MADE TO PLAT PREPARED FOR ALICE PALACE PROPERTIES, LLC, BY COX AND DINKINS, INC., DATED APRIL 13, 2022.

THIS PLOT PLAN DOES NOT REPRESENT A LAND SURVEY, WAS NOT PREPARED FOR RECORDATION, AND IS NOT SUITABLE FOR DEEDING OF PROPERTY. NO GROUND SURVEY WAS PERFORMED.

JUNE 22, 2022

1" = 20'



COX AND DINKINS

ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS

724 BELTLINE BLVD.
COLUMBIA, SC 29206
803.254.0518
COXANDINKINS.COM

NOTES

1. No Field Work Done by us at this time.
2. Verify existing conditions and final dimensions with contractor before starting construction.
3. Although we believe setbacks/easements/utilities shown are correct, surveyor has not performed a code or title search of property. User of this plot plan agrees to take sole responsibility for verifying setbacks/easements/utilities/lot conditions with all parties prior to construction.
4. This Plot Plan is a contract drawing and contents shown herein are subject to variation upon final construction.

Easements and/or restrictions may exist on the subject property which are not shown herein.

