

ORDINANCE NO.: 2009-028

Granting an encroachment to Zion Baptist Church for installation and maintenance of landscaping and an "L" shaped handicap ramp/walkway with guardrail and landings within the right of way area adjacent to 1324 Gadsden Street

WHEREAS, Zion Baptist Church, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to its property at 1324 Gadsden Street for installation and maintenance of landscaping, an "L" shaped handicap ramp/walkway with guardrail and landings, the measurements of which are approximately eighteen (18') feet in length and four (4') feet in width for the portion running horizontal within the right of way and approximately seventeen (17') feet in length and four (4') feet in width for the portion running vertical within the right of way, as shown on the attached drawing; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk 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 6th day of May, 2009, that Grantee, his successors and assigns, is hereby granted the right to utilize a portion of the right of way area adjacent to its property at 1324 Gadsden Street for installation and maintenance of an "L" shaped handicap ramp/walkway with landings, the measurements of which are approximately eighteen (18') feet in length and four (4') feet in width for the portion running horizontal within the right of way and approximately seventeen (17') feet in length and four (4') feet in width for the portion running vertical within the right of way, as shown on the attached drawing.

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. 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.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, his successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

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

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. Approval by DDRC of ramp and handrails is required.
2. Installation and maintenance of minimum landscaping along the edges of the ramp to its connection with the City sidewalk.

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.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at his expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

Zion Baptist Church



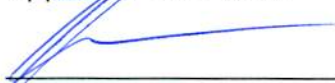
MAYOR

Approved by:



Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 4/15/2009

Final Reading: 5/6/2009

Submit by Email

Matter No.: 44000327
Attorney: KEG/SLA
Date In: 2-20-09
File No.: 2009-028
Date Out: 3/16/09

REQUEST FOR AN ENCROACHMENT ORDINANCE

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. An encroachment must comply with all existing City codes, rules and regulations, the Americans With Disabilities Act, if applicable, and is 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.*

Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Judy Edwards with Risk Management (343-8778 or jgedwards@columbiasc.net) should be contacted regarding the insurance requirements.

Date: 2-24-09 Applicant's Name: Lee William (Zion Baptist Church)
Telephone Number: 803-256-3755 Fax Number: 803-256-2983
E-mail address: lwillm@sc.rr.com
Encroachment Location (Address): 1324 Gadsden Street, Columbia

Encroachment type: Wall Fence Irrigation System Landscaping/Other Ramp

If wall or fence - dimensions: _____ (height/length) construction material: _____
Please provide photographs and drawing or site plan drawn to scale.

N/A Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)
Location(s) signs are to be placed (i.e. Northeast corner of Main Street) _____

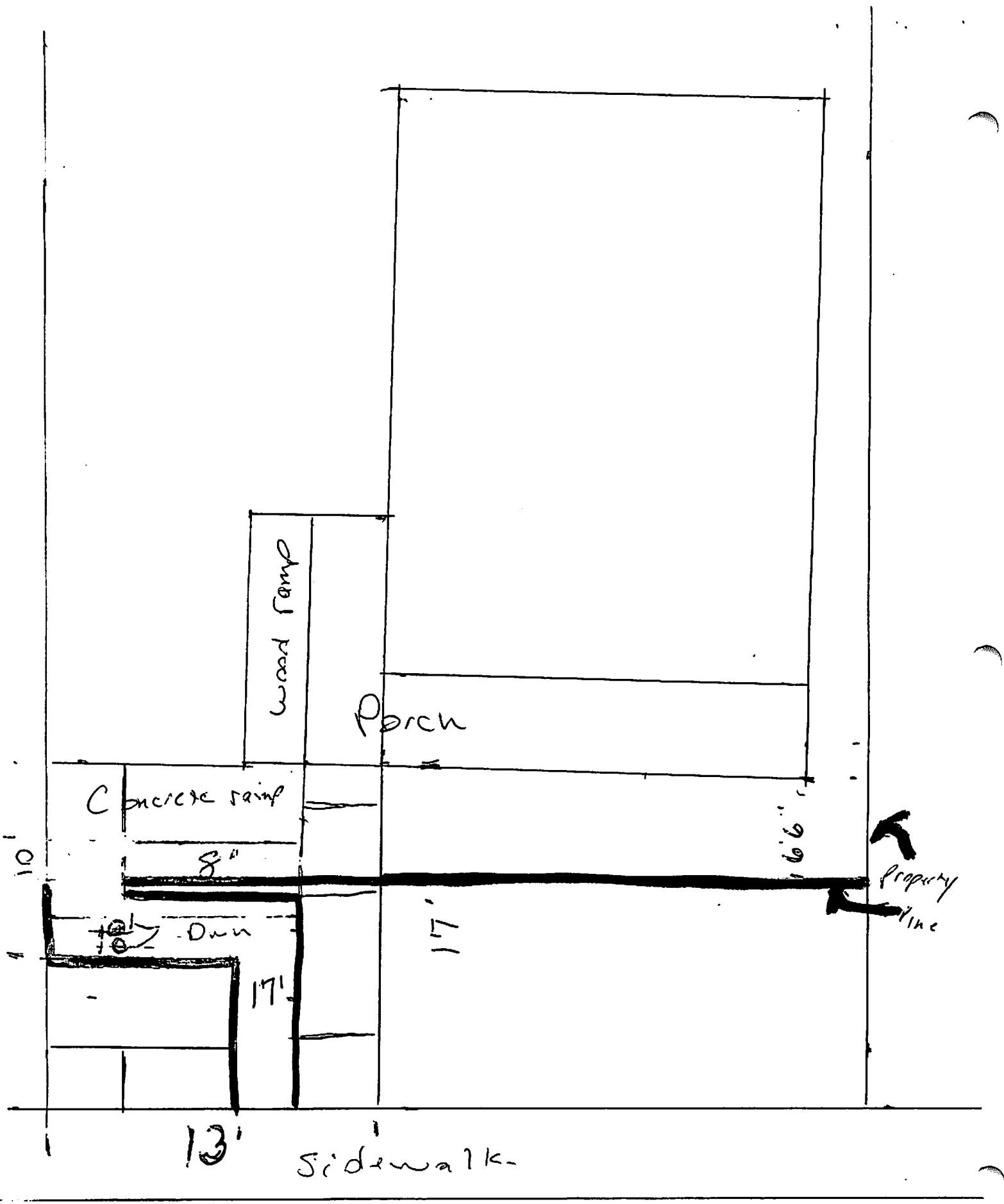
Outdoor dining/decoration No. of chairs: _____ No. of Tables _____
Number of planters: _____ Business Hours: _____ Other: _____

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Chip Land will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

Contact	Department	Telephone Number	Fax Number
John Dooley	Utilities and Engineering	545-3240	733-8674
Joey Jaco	Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Marc Mylott	Planning and Development Services	545-3426	255-8935
Chip Land	Planning and Development Services	545-3222	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Delk	Columbia Dev. Corporation	988-8040	988-8039
Judy Edwards	Risk Management	343-8778	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Sweatt	Street Division	545-3790	545-3785
Jonathan Chambers	Planning and Development Services	545-3206	343-8779
Carmen Floyd	Fire Marshall	545-3703	401-8849
Krista Hampton	Planning and Development Services	545-3420	733-8699

Last Revised: 8/25/2008





From: Lee Willm [mailto:lwillm@sc.rr.com]
Sent: Wednesday, March 04, 2009 3:04 PM
To: Ardis, Shari
Subject: RE: 2009-028 1325 Gadsden Street

Each ramp is 4' wide and 8' long, the landings at the beginning and end are 5' x 5' and intermediate landings are 10' x 5'. The 17 x 22 is the area which falls in the city right of way. Also, the church was questioning the \$600,000 liability required. They were hoping it would be reduced to \$250,000.

The width from side to side is approximately 22' and the depth from sidewalk to property line is approximately 17'. Also, Zion Baptist Church which is across Washington St. is the "owner" I am the contractor.

R. Lee Willm
Willm Construction
256-3755
513-6156
lwillm@sc.rr.com