

ORDINANCE NO. 2009-060

Granting encroachment to the University of South Carolina Development Foundation for installation and maintenance of an irrigation system, seventeen trees and fifty-one concrete car stops within the right of way areas of the 700 blocks of Greene Street, Gadsden Street and Devine Street adjacent to Richland County TMS No. 08915-12-01

ORIGINAL  
STAMPED IN RED

WHEREAS, the University of South Carolina Development Foundation (hereinafter "Grantee") desires to install and maintain an irrigation system, seventeen (17) trees and fifty-one (51) concrete car stops within the right of way areas of the 700 blocks of Greene Street, Gadsden Street and Devine Street adjacent to Richland County TMS No. 08915-12-01, as shown on the attached drawing; 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 July, 2009 that Grantee is hereby granted the right to install and maintain an irrigation system, seventeen (17) trees and fifty-one (51) concrete car stops within the right of way areas of the 700 blocks of Greene Street, Gadsden Street and Devine Street adjacent to Richland County TMS No. 08915-12-01, 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, its 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 is subject to the Grantee complying with the following conditions, restrictions or limitations:

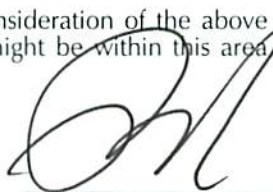
1. There shall not be a reduction in the current width of the roadway;
2. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets;

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.

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:


University of South Carolina Development Foundation

  
MAYOR

Approved by:

  
Interim City Manager

Approved as to form:

  
City Attorney  
Introduced: 7/8/2009  
Final Reading: 7/15/2009

ATTEST:  
  
City Clerk



Matter No.: 09060836  
 Attorney: KEG/slw  
 Date In: 6-2-09  
 File No.: 2009-060  
 Date Out: 6/16/09

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**LETTER OF TRANSMITTAL**

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**Date:** June 1, 2009

**To:** Shari Ardis  
 Legal Department  
 City of Columbia  
 P.O. Box 147  
 Columbia, SC 29217

**Subject:** USC Green Street Fields Encroachment Permit

**Delivered by:** Hand Delivery

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Qty.	Date	Description
1	6-1-09	Request for Encroachment Ordinance
1		Project Narrative: Site Plan Sketches (SK-1, SK-2, SK-3) Site Photos (2 pages)
1	5-20-09	SC DOT letter

**Comments:**

Please let me know if additional information is needed. I am filing on behalf of USC staff; please copy both myself and the Permit Contact listed (Fadi Shatnawi) with any correspondence.

**Signed** Emily Freeman Jones  
 Emily Freeman Jones

## 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; signs 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.

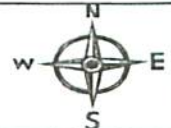
Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at [slardis@columbiasc.net](mailto:slardis@columbiasc.net); fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City 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](mailto:jgedwards@columbiasc.net)) should be contacted regarding the insurance requirements.

Date: 6-1-09 Property Owner: USC Development Foundation  
 Applicant's Name if different from Property Owner: Permit Contact: Fadi Shatnawi  
 Contact Information: Telephone Number: 803-777-0320 Fax Number: 803-777-8739  
 Mailing address: 743 Greene St, Cola 29209 E-mail address: Fmshatna@fmc.sc.edu  
 Encroachment Location (Address): n/a TMS R08915-12-01  
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)

=====  
**Encroachment type:**  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  
 Walkway/Side walk  Underground Utilities  Other  
 If Other - specify: Concrete car stops, 3 each at 17 trees, secured with 2 rebar anchors.  
 Dimensions (height/width/length): 6" x 6" x 72"

(i.e., 6'x42' wooden privacy fence; two 12"x4' concrete step; two 12"x12" x24" brick columns; 4'x15' brick paver walkway)  
 Construction material: \_\_\_\_\_  
 Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.

=====  
**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) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



=====  
**Businesses only:**  Outdoor dining No. of chairs: \_\_\_\_\_ No. of Tables \_\_\_\_\_  
 Hours of operation for outdoor dining: \_\_\_\_\_  
 Number of planters: \_\_\_\_\_ Awning: \_\_\_\_\_ (dimensions - size/material) \_\_\_\_\_  
 Other: \_\_\_\_\_ (or complete applicable "Encroachment type" section above)

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
Garmen Floyd	Fire Marshall	545-3703	401-8839
Sta Hampton	Planning and Development Services	545-3420	733-8699

The Greene Street Intramural Fields project proposes to re-develop an existing gravel parking lot to provide recreational field space for University students. The parcel consists of 3.7 acres, bounded by Greene, Gadsden, and Devine Streets as well as a Norfolk Southern rail line.

To comply with the City of Columbia's landscape ordinance, tree planting is required, but is not compatible with the proposed use of the site. After meeting with City staff, the tree planting requirement was modified to allow this obligation to be met on the right-of-way.

The encroachment permit is requested to allow planting of (17) 4" caliper Overcup Oaks, sited in the openings between existing trees. The new trees would be protected with three (3) concrete car stops at each tree; these would be anchored with two rebar pins each. Drip irrigation would be extended to each tree from a trunk line inside the property boundary and fence. In addition, the ground surface along Green Street and Gadsden Street would be weeded, scarified, and overseeded with grass seed. The Devine Street right-of-way, which has a more pronounced slope, would remain as-is to avoid erosion problems. Any areas of the Devine Street frontage disturbed during construction would be repaired and seeded.

As the roads in question did have a state number designation on the property survey, it was initially thought that the streets were maintained by SC DOT. An encroachment permit application was submitted to the Richland County Maintenance office. According to the Resident Maintenance Engineer, DOT does not maintain the street sections in question (see attached letter).

Regarding the insurance requirement, state law prohibits USC from naming any parties as additional insured. According to Brian Hann at USC's Office of Risk Management, the City's Legal Department has agreed in the past to waive the insurance requirement for USC projects. A previous project on Greene Street was granted an encroachment permit (#2006-034) without the insurance certificate.

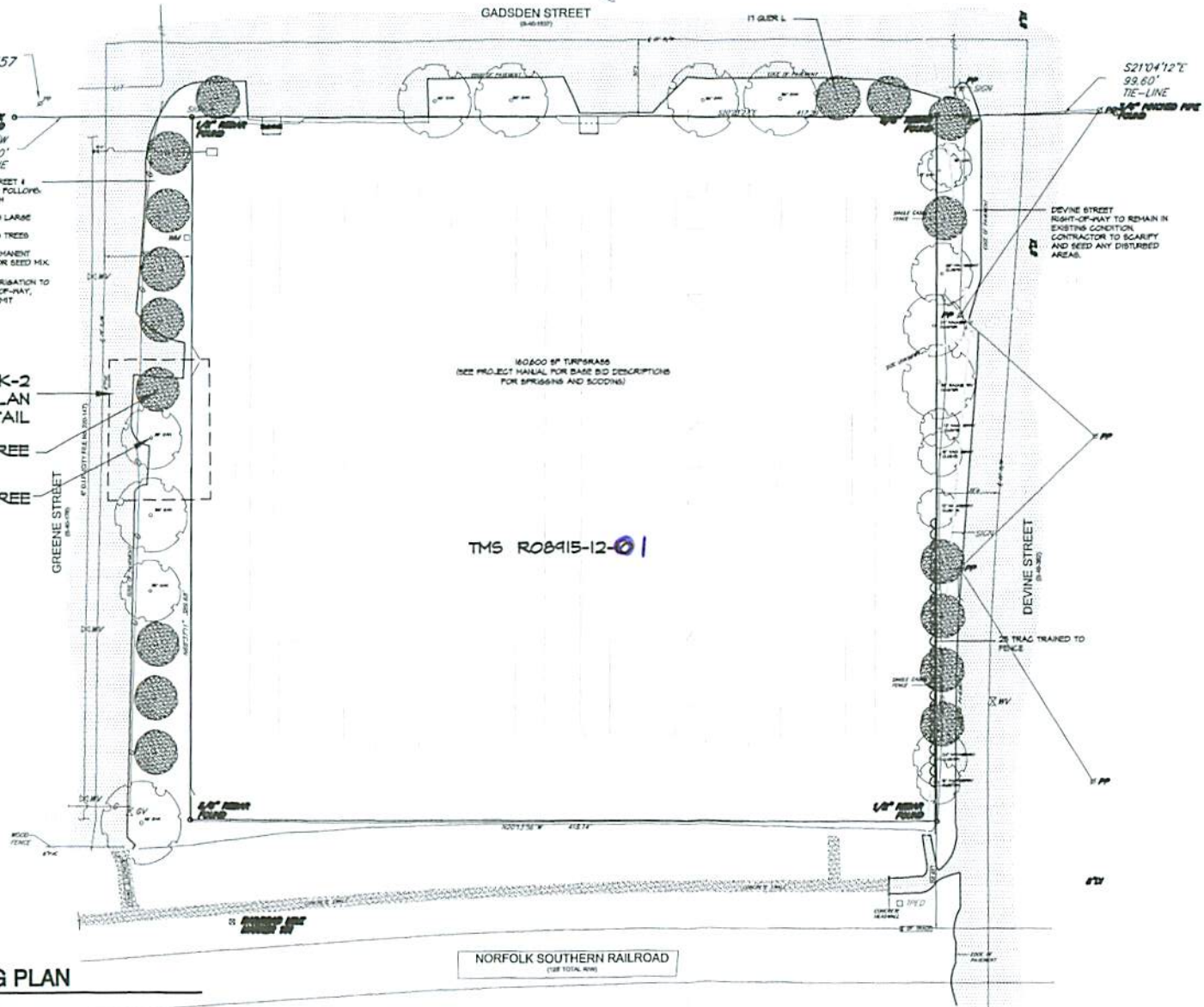
BENCHMARK  
RAILROAD SPIKE  
IN POWER POLE #C-2357  
ELEV. = 204.77'

**NOTES:**

- RIGHT-OF-WAY AREAS ON BRIDGE STREET & GADSDEN STREET TO BE TREATED AS FOLLOWS:
1. REMOVE ALL EXISTING WEEDS WITH NON-SELECTIVE HERBICIDE.
  2. SCARIFY AND RAKE SMOOTH, WITH LARGE STONES & DEBRIS REMOVED.
  3. PROVIDE MULCH RING AT EXISTING TREES APPROX. 56" OUT FROM TRUNK.
  4. SEED REMAINING AREAS WITH PERMANENT GRASSES MIX. SEE SHEET L-2 FOR SEED MIX.
- ALL TREES AND ASSOCIATED DRIP IRRIGATION TO BE PLANTED AS SHOWN IN THE RIGHT-OF-WAY, PERIODS & DOT ENCROACHMENT PERMIT APPROVAL.

SEE SKETCH SK-2  
FOR ENLARGED PLAN  
DETAIL

PROPOSED TREE  
EXISTING TREE



**PLANTING PLAN**  
SCALE: 1" = 60'

NORFOLK SOUTHERN RAILROAD  
(200' TOTAL WIDE)

TMS R08415-12-01

REVISION:	ISSUED VIA:
PROJECT NO:	REFERENCE:
U245.09	
DATE:	SKETCH NO:
5-13-09	1

**GARVINDESIGNGROUP**  
architecture interiors planning

1209 Lincoln Street P.O. Box 18 Columbia, SC 29202  
803.212.0032 / 803.212.0774


**PROJECT TITLE:**  
GREENE STREET  
INTRAMURAL FIELDS

UNIVERSITY OF SOUTH CAROLINA  
COLUMBIA CAMPUS  
COLUMBIA, SOUTH CAROLINA  
STATE PROJECT NO. H27-1874

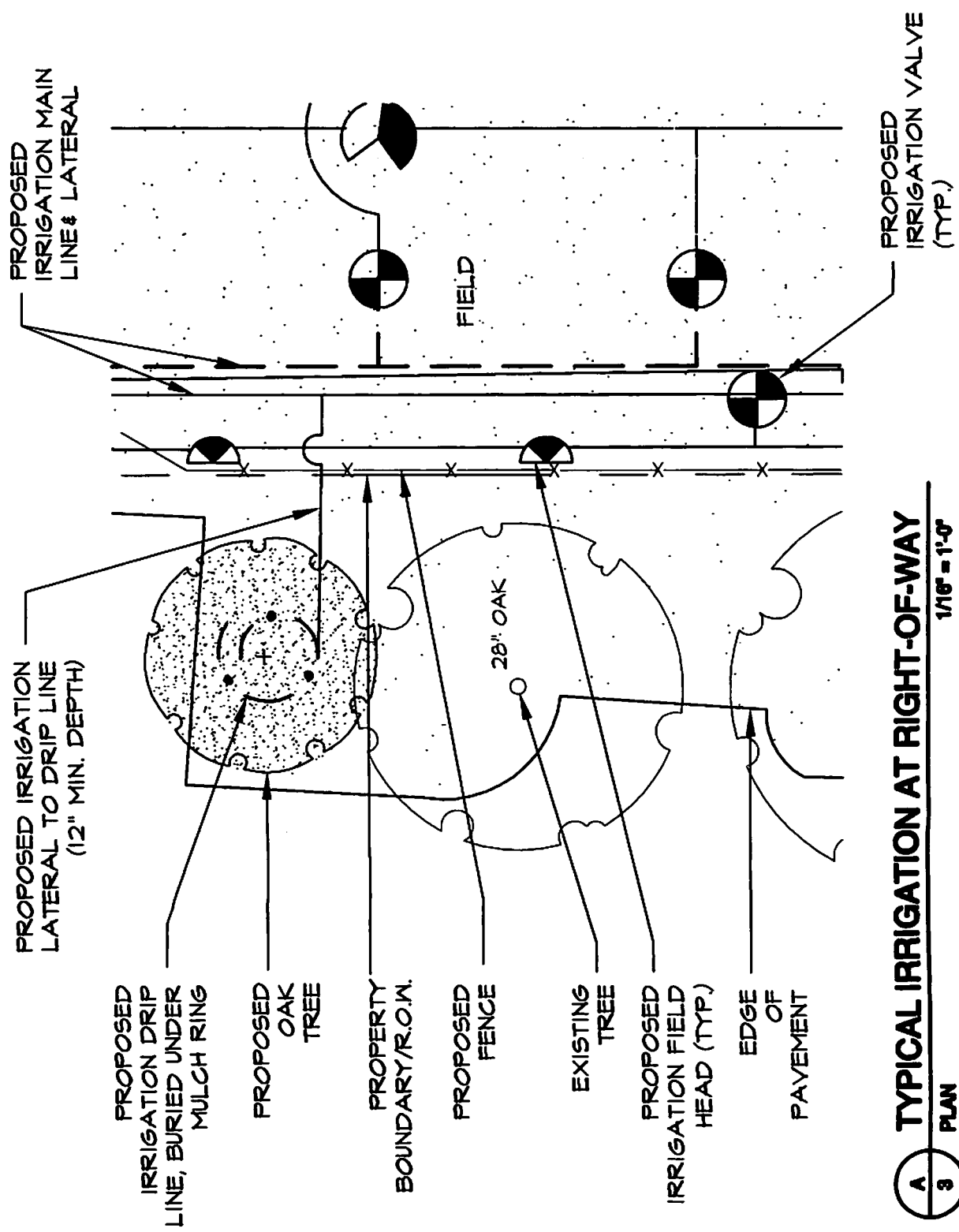
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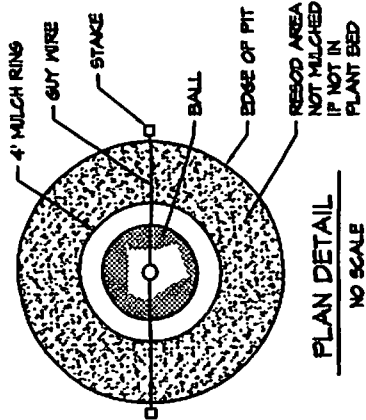
**SK-1**

ISSUED WA:	REVISION:	PROJECT NO:	U245.09	DATE:	5-13-09	 UNIVERSITY OF SOUTH CAROLINA COLUMBIA CAMPUS COLUMBIA, SOUTH CAROLINA STATE PROJECT NO. H27-1824 © 2003 GARVIN DESIGN GROUP, INC.
SKETCH NO:	SKETCH NO:	REFERENCE:	U245.09	DATE:	5-13-09	

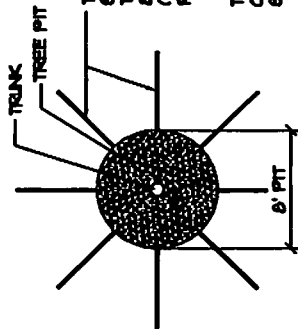
PROJECT TITLE: GREENE STREET INTRAMURAL FIELDS  
 FOR THE UNIVERSITY OF SOUTH CAROLINA  
 ARCHITECTURE INTERIORS PLANNING  
 GARVIN DESIGN GROUP  
 803.212.1032 / 803.212.0751  
 P.O. Box 18 Columbia, SC 29202  
 1209 Lincoln Street  
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**A**  
**3**  
**TYPICAL IRRIGATION AT RIGHT-OF-WAY**  
 1/16" = 1'-0"  
 PLAN



PLAN DETAIL  
NO SCALE

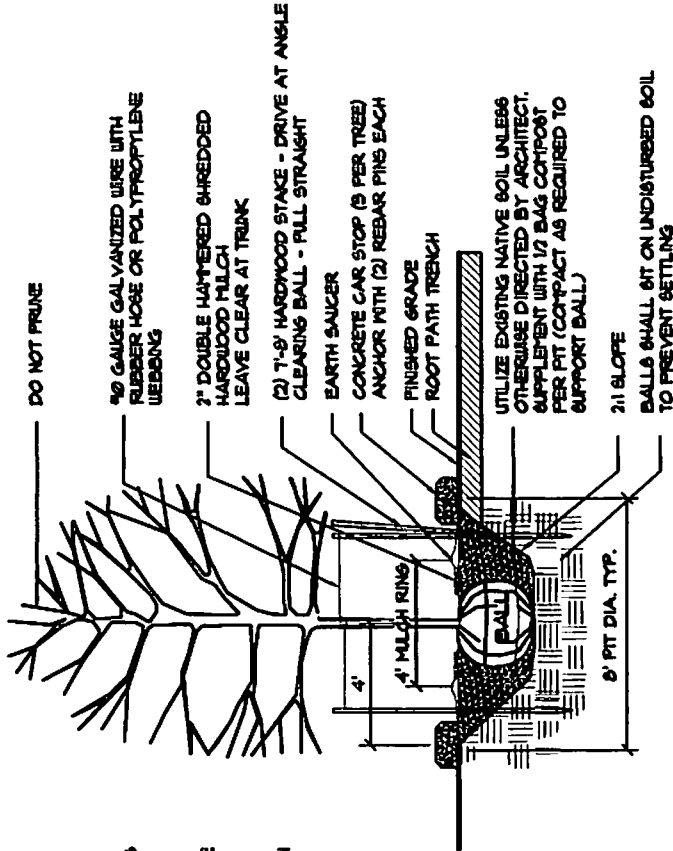


PLAN DETAIL: ROOT PATH TRENCHES  
NO SCALE

- NOTES:
1. TEST FOR PERCOLATION PRIOR TO PLANTING.
  2. WATER AFTER PLANTING.
  3. DO NOT WRAP TREES
  4. REMOVE BURLAP/STRAPPING AND WIRE FROM TOP 1/3 OF ROOT BALL.
  5. DIG TREE PIT WITH BACKSHOE OR SIMILAR EQUIPMENT.
  6. NO TREE IS TO BE PLANTED LOWER THAN THE ELEVATION THAT THE TREE WAS GROWN AT THE NURSERY. REMOVE BUILT UP SOIL AS NECESSARY.

TRENCH/TILL SOIL OUTWARD FROM TREE PIT SPACE TRENCH PATHS AT 36" O.C. TRENCH OR TILL TO A DEPTH AND WIDTH OF 8" AND TO A DISTANCE OF 6' FROM TRUNK (TYP). LOOSEN SOIL AND BACKFILL, AVOID RE-COMPACTING AREA.

TRENCH PATHS MAY VARY WITH CONFIGURATION OF PLANTING AREA BUT SHOULD PROVIDE 36" O.C. SPACING



# A TREE PLANTING AND STAKING

L-2 SECTION

NOT TO SCALE

SK-3

ISSUED VIA:  
REVISION:  
PROJECT NO: U245.09  
DATE: 5-13-09  
REFERENCE:  
SKETCH NO:



PROJECT TITLE: GREENE STREET INTRAMURAL FIELDS  
FOR THE UNIVERSITY OF SOUTH CAROLINA COLUMBIA CAMPUS COLUMBIA, SOUTH CAROLINA  
STATE PROJECT NO. H27-1824  
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South Carolina  
Department of Transportation

USC Development Foundation  
C/O: Grimball Cotterill and Associates  
600 Beltline Boulevard  
Columbia, SC 29205

May 20, 2009

RE: Encroachment Permit S-40-07-73188

Dear Ms. Jones,

This is in reference to the Permit Application 09-73188 that was submitted to our office for review. We regret to inform you that the Department does not maintain Greene Street, Gadsden Street, and Devine Street in the sections outlined in the package submitted in an effort to obtain permission to work within the Department's Right-of-Way.

Please find enclosed the package that was submitted to the Department for review. If we can offer any assistance, please contact Mrs. Diann M. Baldwin at (803) 786-0128.

Sincerely,

A. Tony Magwood  
Resident Maintenance Engineer

DMB/dmb  
File: dmb  
Enclosure: Encroachment Permit Package





PROPERTY MAP  
SHEET NO  
**08915**  
SCHOOL DISTRICT  
**ICC, 1W**

GRAPHIC SCALE

1" = 100'

LOCAL AND DISTRICT OFFICES  
101 N. WOODSON STREET  
COLUMBIA, SC 29201  
803-733-7347

MAP KEY

089-12	089-16	112-04
089-11	089-15	112-03
089-10	089-14	112-02

PROPERTY TAX MAP  
**RICHLAND COUNTY**  
SOUTH CAROLINA

50  
50  
50  
50  
50

LEGEND

PROPERTY TAX MAP

REVISIONS

DATE	BY	DESCRIPTION
12/7/84		
12/7/85		
12/7/86		
12/7/88		
12/7/89		
12/7/90		

Prepared by:  
**RUCERA**



2. North side of Devine Street, from the corner of Devine and Gadsden



1. South side of Greene Street, from the corner of Greene & Gadsden



3. West side of Gadsden Street, from the corner of Gadsden & Devine



4. West side of Gadsden, from the corner of Gadsden and Greene