

ORDINANCE NO.: 2017-091

Granting an encroachment to First Presbyterian Church of Columbia for installation and maintenance of concrete sidewalks, landscaping and an irrigation system within the right of way area of the 1400 block of Lady Street and 1200 block of Marion Street adjacent to 1400 Lady Street, Richland County TMS #11401-04-01 and 11401-04-12

ORIGINAL
STAMPED IN RED

WHEREAS, First Presbyterian Church of Columbia (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 1400 block of Lady Street and 1200 block of Marion Street adjacent to 1400 Lady Street, Richland County TMS #11401-04-01 and 11401-04-12 for installation and maintenance of a concrete sidewalk approximately one hundred forty-four (144') feet in length and approximately eight (8') feet in width and two concrete walkways approximately three (3') feet in width and twelve (12') feet in length along Lady Street and a concrete sidewalk approximately one hundred twenty-two (122') feet in length and approximately eight (8') feet in width along Marion Street; and two concrete walkways approximately three (3') feet in width and twelve (12') feet in length and landscaping and irrigation, 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 21st day of November, 2017, that Grantee is hereby granted the right to use a portion of the right of way area of the 1400 block of Lady Street and 1200 block of Marion Street adjacent to 1400 Lady Street, Richland County TMS #11401-04-01 and 11401-04-12 for installation and maintenance of a concrete sidewalk approximately one hundred forty-four (144') feet in length and approximately eight (8') feet in width and two concrete walkways approximately three (3') feet in width and twelve (12') feet in length along Lady Street and a concrete sidewalk approximately one hundred twenty-two (122') feet in length and approximately eight (8') feet in width along Marion Street; and two concrete walkways approximately three (3') feet in width and twelve (12') feet in length and landscaping and irrigation, 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 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.

ORIGINAL
STAMPED IN RED

2. Grantee is responsible for all maintenance.
3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
4. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
5. No permanent structures or trees are allowed in the City's utility easements.
6. A hold harmless agreement is required for any proposed infrastructure located within the City's utility easements.

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 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:

Assistant City Manager Gentry




Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 10/17/2017

Final Reading: 11/21/2017

**CITY COUNCIL
ENCROACHMENT SUMMARY
2017-091**



**1400 BLOCK OF LADY STREET AND 1200 BLOCK OF MARION STREET
ADJACENT TO 1400 LADY STREET
CONCRETE SIDEWALK, LANDSCAPING AND IRRIGATION
FIRST PRESBYTERIAN CHURCH OF COLUMBIA**

Subject Property:	Right-of-ways adjacent to 1400 Lady Street, TMS#11401-04-01 and 11401-04-12
Council District:	2
Proposal:	The applicant is requesting to encroachment for installation and maintenance of a concrete sidewalks, landscaping and an irrigation system
Applicant:	First Presbyterian Church of Columbia
Staff Recommendation:	Approval

Detail:	<p>The applicant is requesting to an encroachment for the installation and maintenance of a concrete sidewalk approximately one hundred forty-four (144') feet in length and approximately eight (8') feet in width and two concrete walkways approximately three (3') feet in width and twelve (12') feet in length along Lady Street and a concrete sidewalk approximately one hundred twenty-two (122') feet in length and approximately eight (8') feet in width along Marion Street; and two concrete walkways approximately three (3') feet in width and twelve (12') feet in length and landscaping and irrigation, as shown on the attached drawings.</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. All trees shall be protected and no large tree roots shall be removed from any existing trees. 4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets. 5. Prior to installation, brick pavers must be reviewed and approved by the Design Development Review Commission Staff.
----------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

CITY AGENCY COMMENTS FOR ENCROACHMENT	
Planning & Development Services	Recommend approval. Staff would prefer ground cover in lieu of sod.
Streets	Recommend approval.
Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.

Land Development	Recommend approval.
Fire	Recommend approval.
Parking Services	Recommend approval.

**REQUEST FOR A PERMANENT COMMERCIAL ENCROACHMENT ORDINANCE
(INCLUDING OUTDOOR DINING/LANDSCAPING/STUDENT HOUSING)**

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 ctimmons@columbiasc.net.

Please complete and submit this form along with photographs and drawings or site plan drawn to scale (including a 8-1/2 x11) to Johnathan Chambers by e-mail at jechambers@columbiasc.net; fax at 803-343-8779; or mail to Johnathan Chambers, Development Services, 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.

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

Date: 6/22/2017 Property Owner: First Presbyterian Church
 Applicant's Name if different from Property Owner: The Landplan Group South
 Contact Information: Telephone Number: 803.256.0562 Fax Number: 803.256.0572
 Mailing address: 1621 Pickens St. Columbia, SC 29201 E-mail address: hburnett@landplansouth.com
 Business Name/Development Name for Encroachment: First Presbyterian Church

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers Sidewalk/Walkway
 Planters Awning Underground Utilities Other:

Dimensions (height/width/length): 144'x5' Sidewalk; 122'x6' Sidewalk; 5 trees (Arapaho Crape Myrtle)
 (i.e. 6x42' wooden privacy fence;
 two 12x4x3' concrete steps)

Construction material: Concrete

OUTDOOR DINING: The Fire Marshal's posted capacity allowed within the business at the time of enactment of the outdoor dining encroachment ordinance shall include the total number of patron seating approved for the outdoor dining encroachment area, if not already included in the posted capacity allowance, so that patrons relocating from inside to the outside or from outside to the inside do not cause the posted capacity to be exceeded.

Hours/days of operation for outdoor dining: _____

Posted Maximum Capacity Allowance (inside/outside combined): _____ No. of chairs outdoors: _____ No. of Tables Outdoors: _____

Do you serve: Wine Beer Liquor SCDOR ABL No.: _____ If not, do you intend to apply for an ABL license? _____

I acknowledge that the adjoining property owners and businesses have been contacted and approve the addition of outdoor dining at this location to include the service of beer, wine and/or liquor if applicable during the business hours noted above, and that any changes made to the business hours, use of the encroachment area or items allowed within the encroachment area will require an amendment to the encroachment ordinance.

Name/Title: _____
 Date: _____

I acknowledge that any changes made to the business, hours, use of the encroachment area, or items allowed within the encroachment area, to include obtaining a license to sell beer, wine and/or liquor will require an amendment to the encroachment ordinance.

Name/Title: _____
 Date: _____

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers 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	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jechambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fcpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rharkins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-986-8199	jdaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweatt	Public Works (Street Division)	803-545-3790	803-545-3785	rsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jhooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	ctimmons@columbiasc.net
David Koon	Fire Department	803-545-3701	803-401-8839	cdkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	spade@columbiasc.net

City of Columbia

1400 Lady Street - First Presbyterian Encroachment

Monday, August 14, 2017



CITY OF COLUMBIA GIS DATA DISCLAIMER

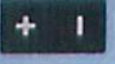
The City of Columbia GIS data represented on this map or plan is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Columbia makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



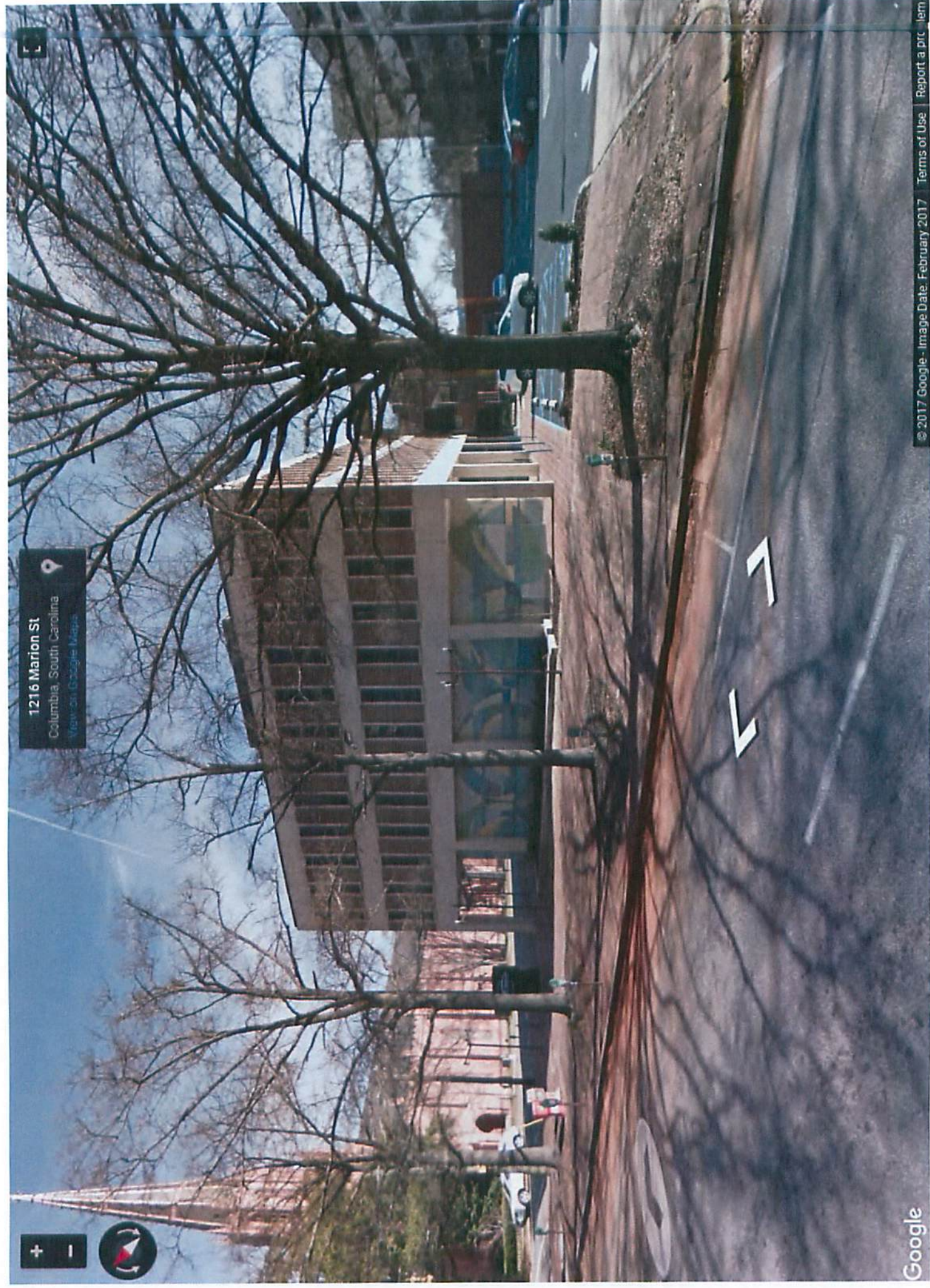


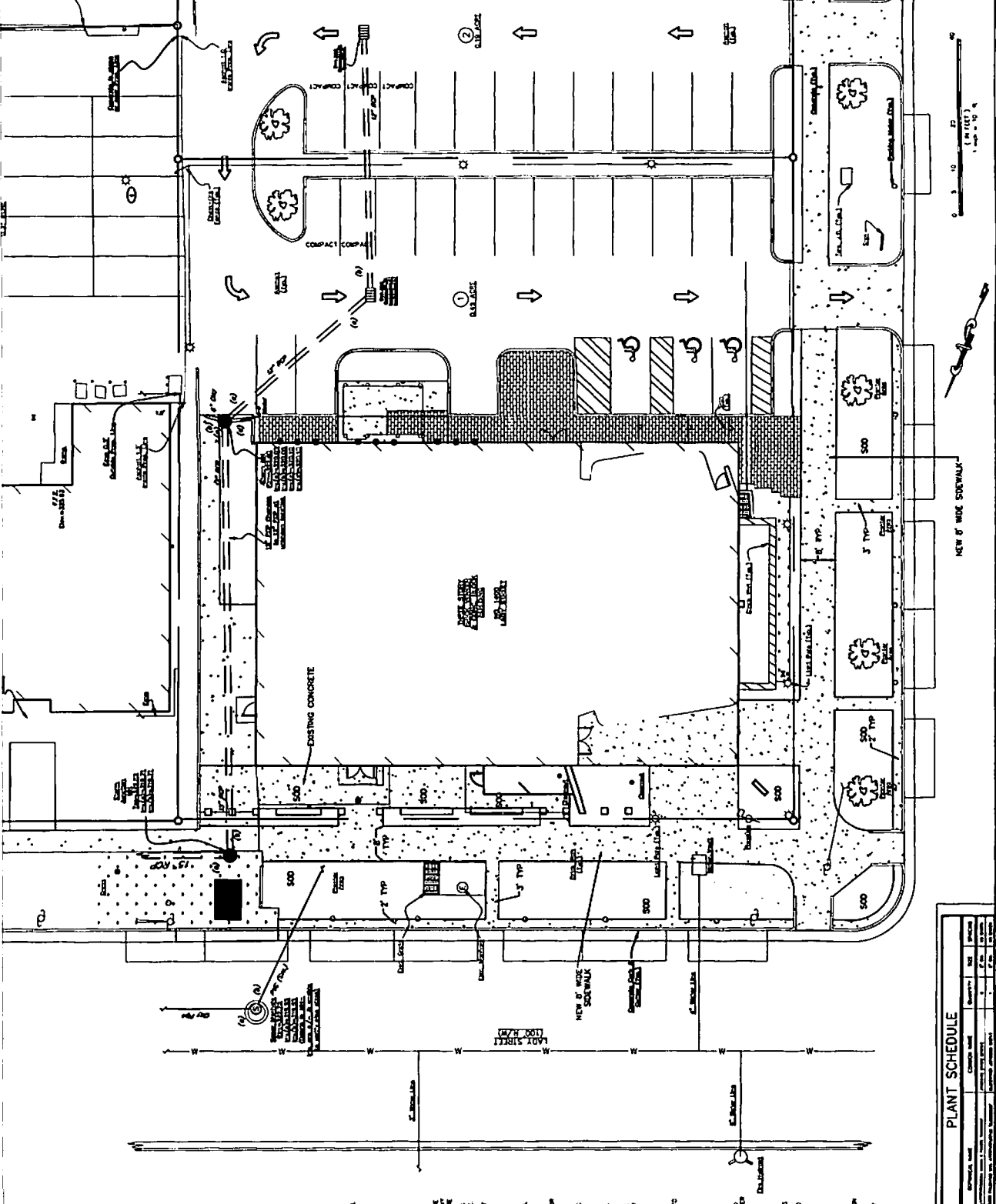
1401 Lady St
Columbia, South Carolina
[View on Google Maps](#)





1216 Marion St
Columbia, South Carolina
[View on Google Maps](#)





GENERAL NOTES:

1. ALL CONSTRUCTION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF COLUMBIA, SOUTH CAROLINA, AND THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PUBLIC UTILITIES (DOT) SPECIFICATIONS AND PERMITS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF COLUMBIA AND THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PUBLIC UTILITIES (DOT).
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AND SERVICES DURING CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND SERVICES.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS, SIDEWALKS, AND DRIVEWAYS.
6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE AND MARKINGS.
8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING ELECTRICAL AND MECHANICAL SYSTEMS.
9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING STRUCTURAL ELEMENTS.
10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FINISHES.
11. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING MATERIALS.
12. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING WORKMANSHIP.
13. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SAFETY.
14. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING QUALITY.
15. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DURABILITY.
16. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FUNCTIONALITY.
17. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING AESTHETICS.
18. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING HISTORY.
19. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CHARACTER.
20. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING INTEGRITY.

PLANT SCHEDULE

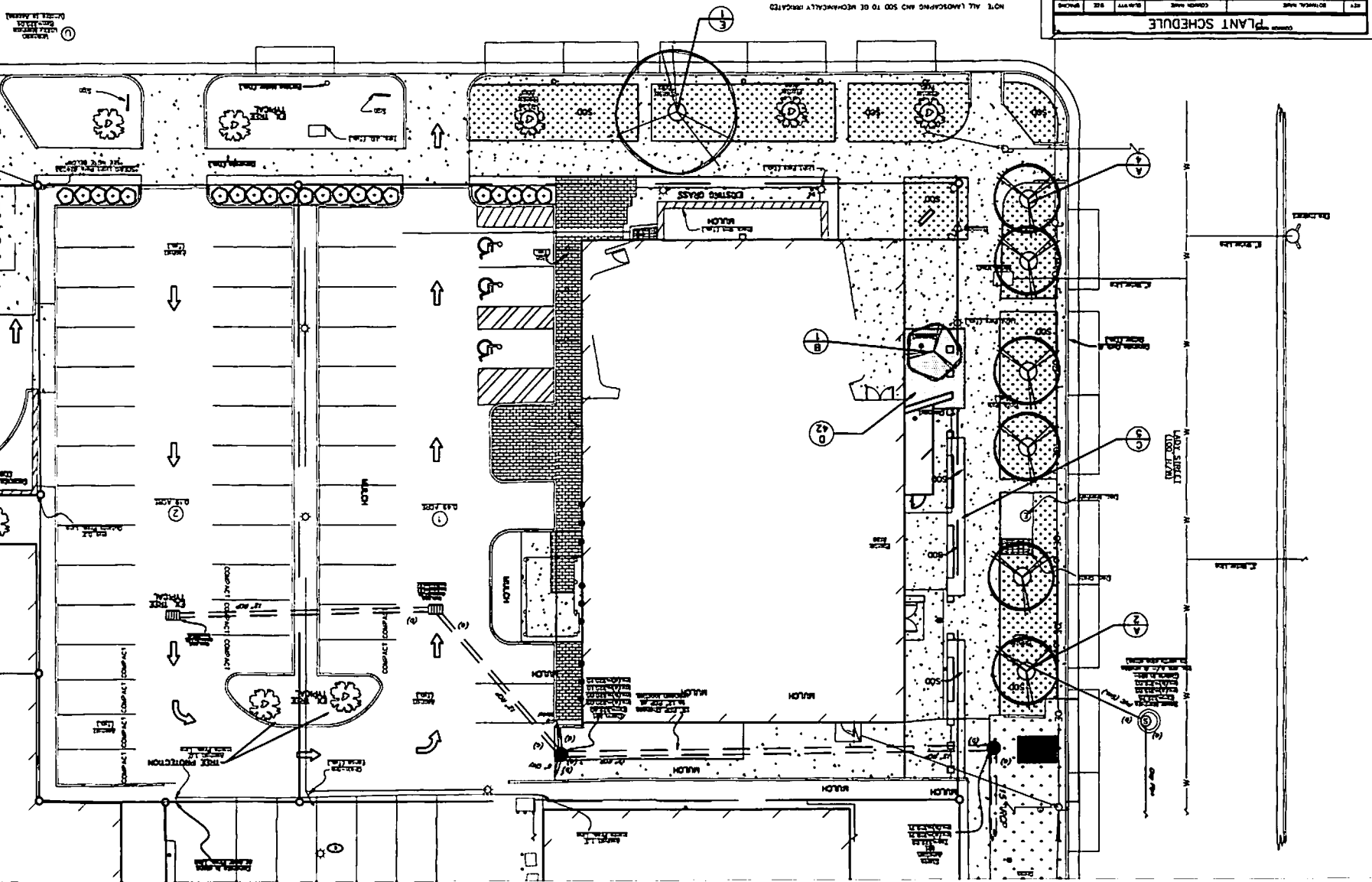
NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	CONCRETE	100	CU YD	
2	STEEL	500	LB	
3	WOOD	200	CU YD	
4	PAINT	100	GA	
5	GLASS	50	SQ FT	
6	BRICK	1000	SQ YD	
7	ROOFING	500	SQ YD	
8	MECHANICAL	100	CU YD	
9	ELECTRICAL	500	LB	
10	PLUMBING	100	CU YD	
11	LANDSCAPING	100	SQ YD	
12	PAVING	500	SQ YD	
13	CONCRETE	100	CU YD	
14	STEEL	500	LB	
15	WOOD	200	CU YD	
16	PAINT	100	GA	
17	GLASS	50	SQ FT	
18	BRICK	1000	SQ YD	
19	ROOFING	500	SQ YD	
20	MECHANICAL	100	CU YD	
21	ELECTRICAL	500	LB	
22	PLUMBING	100	CU YD	
23	LANDSCAPING	100	SQ YD	
24	PAVING	500	SQ YD	

GENERAL NOTES:

1. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AND SERVICES DURING CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND SERVICES.
3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS, SIDEWALKS, AND DRIVEWAYS.
4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING AND TREES.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE AND MARKINGS.
6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING ELECTRICAL AND MECHANICAL SYSTEMS.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING STRUCTURAL ELEMENTS.
8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FINISHES.
9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING MATERIALS.
10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING WORKMANSHIP.
11. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SAFETY.
12. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING QUALITY.
13. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DURABILITY.
14. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FUNCTIONALITY.
15. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING AESTHETICS.
16. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING HISTORY.
17. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CHARACTER.
18. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING INTEGRITY.

PLANT SCHEDULE			
SYM.	BOTANICAL NAME	COMMON NAME	PLANT SIZE
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

NOTE: ALL LANDSCAPING AND SOD TO BE MECHANICALLY INSTALLED



SHEET: 5 of 6
 SCALE: 1" = 10'
 DATE: 7/29/14
FIRST PRESBYTERIAN CHURCH IMPROVEMENTS
 CONSTRUCTION DRAWINGS
 CITY OF COLUMBIA, SOUTH CAROLINA
LANDSCAPING PLAN

THE LANDSCAPE GROUP SOUTH
 1000 ...
 COLUMBIA, SOUTH CAROLINA

