

**ORDINANCE NO.: 2014-016**

ORIGINAL  
STAMPED IN RED

*Granting an encroachment to First Community Bank for installation and maintenance of a free-standing canopy, four (4) granite curb planters and concrete sidewalk within the right of way area adjacent to 1213 Lady Street, Richland County TMS #09013-06-08*

WHEREAS, First Community Bank, (hereinafter "Grantees") desires to utilize a portion of the sidewalk right of way area of the 1200 block of Lady Street adjacent to its building at 1213 Lady Street, Richland County TMS #09013-06-08, for installation and maintenance of a free-standing aluminum and glass canopy approximately thirty-three (33') feet in length, six (6') feet in width and thirteen (13') feet in height; two (2) granite curb planters approximately ten (10') feet in length, six (6') feet in width and six (6") inches in height; two (2) granite curb planters approximately sixteen (16') feet in length, six (6') feet in width and six (6") inches in height; and concrete sidewalk, 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 8th day of April, 2014, that Grantee, its successors and assigns is hereby granted the right to utilize a portion of the sidewalk right of way area of the 1200 block of Lady Street adjacent to its building at 1213 Lady Street, Richland County TMS #09013-06-08, for installation and maintenance of a free-standing aluminum and glass canopy approximately thirty-three (33') feet in length, six (6') feet in width and thirteen (13') feet in height; two (2) granite curb planters approximately ten (10') feet in length, six (6') feet in width and six (6") inches in height; two (2) granite curb planters approximately sixteen (16') feet in length, six (6') feet in width and six (6") inches in height; and concrete sidewalk, 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 driveways or parking spaces, 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.

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2. Grantee is responsible for all maintenance of items approved by this ordinance for placement within the right of way area and assuring that all accessibility and ADA requirements are met and maintained.

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. Forestry and Beautification shall approve tree species and be provided access to trees within the right of way for maintenance purposes.

6. All trees shall be protected and no large tree roots shall be removed from any existing trees, nor shall trees be located too close to streetlights.

7. Decorative street light fixtures, poles, wiring, conduit, junction boxes, and locations must be approved in advance by Traffic Engineering Division before any construction is initiated.

8. Grantee will be responsible for the fee to relocate water meter.

9. Concrete color and finish as well as brick color and details are to match the colors texture and finish of sidewalk improvements located along Main Street at Lady Street.

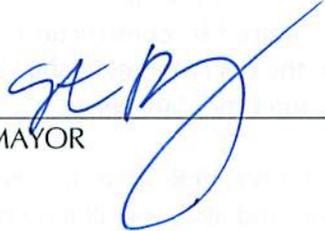
PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, his successors and assigns.

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:

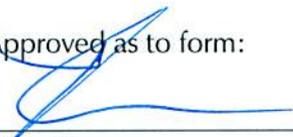
First Community Bank

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 4/1/2014

Final Reading: 4/8/2014

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2014-016**



**1213 LADY STREET  
CANOPY, BRICK PAVERS, PLANTERS AND LANDSCAPING**

<b>Subject Property:</b>	Right-of-ways adjacent to 1213 Lady Street, TMS#09013-06-08
<b>Council District:</b>	2
<b>Proposal:</b>	Request approval for installation and maintenance of a canopy, brick pavers, planters and landscaping
<b>Applicant:</b>	First Community Bank
<b>Staff Recommendation:</b>	Approval

<b>Detail:</b>	<p>The applicant is requesting to an encroachment for the installation and maintenance of a free-standing aluminum and glass canopy approximately thirty-three (33') feet in length, six (6') feet in width and thirteen (13') feet in height; two (2) granite curb planters approximately ten (10') feet in length, six (6') feet in width and six (6") inches in height; two (2) granite curb planters approximately sixteen (16') feet in length, six (6') feet in width and six (6") inches in height; and concrete sidewalk, as shown on the attached drawing an island approximately twenty (20') feet in length and nine (9') feet in width; a brick entryway approximately eight and one-half feet (8'6") in height and seven foot two inches (7' 2") in width with two columns approximately four (4') feet in height and one and one-half feet (1'6") in diameter, each topped with decorative lighting; and planting areas, as shown on the attached drawings.</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 driveways or parking spaces, 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 of items approved by this ordinance for placement within the right of way area and assuring that all accessibility and ADA requirements are met and maintained.</li> <li>3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.</li> <li>4. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.</li> <li>5. Forestry and Beautification shall approve tree species and be provided access to trees within the right of way for maintenance purposes.</li> <li>6. All trees shall be protected and no large tree roots shall be removed from any existing trees, nor shall trees be located too close to streetlights.</li> <li>7. Decorative street light fixtures, poles, wiring, conduit, junction boxes, and locations must be approved in advance by Traffic Engineering Division before any construction is initiated.</li> <li>8. Grantee will be responsible for the fee to relocate water meter.</li> <li>9. Concrete color and finish as well as brick color and details are to match the colors texture and finish of sidewalk improvements located along Main Street at Lady Street.</li> </ol>
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<b>CITY AGENCY COMMENTS FOR ENCROACHMENT</b>	
<b>Planning &amp; Development Services</b>	Recommend approval.
<b>Streets</b>	Recommend approval.
<b>Utilities and Engineering</b>	Recommend approval.
<b>Traffic Engineering</b>	Recommend approval.
<b>Forestry</b>	Recommend approval.
<b>Land Development</b>	Recommend approval.
<b>Fire</b>	Recommend approval.
<b>Parking Services</b>	Recommend approval. We have worked with the bank's engineers concerning the relocation of the parking meter. The bank needs to pay to relocate the post, take out the old painted space lines, and paint the lines for the new space location.

**REQUEST FOR AN ENCROACHMENT ORDINANCE**

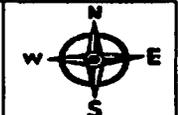
For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for 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. 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 homeowners' 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.

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. Chip Timmons with Risk Management (733-8306 or catimmons@columbiasc.net ) should be contacted regarding the insurance requirements.

Date: December 17, 2013 Property Owner: First Community Bank  
 Applicant's Name if different from Property Owner: David Proctor  
 Contact Information: Telephone Number: 803-951-0502 Fax Number: 803-358-6900  
 Mailing address: 5455 Sunset Boulevard, Lexington, South Carolina E-mail address: \_\_\_\_\_  
 Encroachment Location (Address): 1213 Lady Street, Columbia, South Carolina  
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)  
 Tax Map Number for Encroachment Location: R09013-06-08

Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  
 Walkway/Side walk  Underground Utilities  other  
 If Other - specify: Canopy, granite curb planters (4), shift parallel parking space five feet, two street lights, relocate water meter  
 Dimensions (height/width/length): Replace existing concrete sidewalk (109'x18'), two 16'x6' granite curb planter, two 10'x6' granite curb planter, canopy (33'x6')  
 (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: Concrete (sidewalk); granite curb (planter); steel/glass (canopy)  
 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. Krista Hampton 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
Joey Jaco	Utilities & Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Krista Hampton	Planning and Development Services	545-3420	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
Chip Timmons	Risk Management	733-8306	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	401-8839
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
John Fellows	Planning and Development Services	545-3222	733-8647





