

**ORDINANCE NO.: 2011-055**

*Granting an encroachment to Benedict College for placement and maintenance of landscaping within the right of way adjacent to 111 Doctors Circle, Richland County TMS #R09116-03-04*

ORIGINAL  
STAMPED IN RED

WHEREAS, Benedict College, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to 111 Doctors Circle, Richland County TMS #R09116-03-04, for installation and maintenance landscaping, 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 20th day of September, 2011, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the right of way area adjacent to 111 Doctors Circle, Richland County TMS #R09116-03-04, for installation and maintenance landscaping, 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 or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantees shall be maintained by the Grantees 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. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to vehicles safely traveling or to persons safely walking along the roadways.
2. 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

3. 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.

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 Grantees, their 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 Grantees, in consideration of the above privilege, shall at their expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

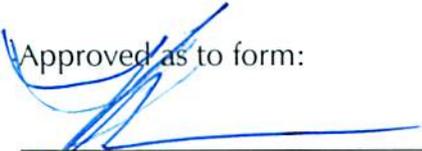
Benedict College

  
MAYOR

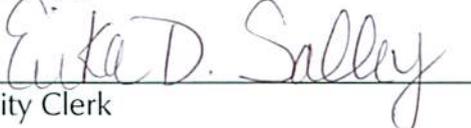
Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:

  
City Clerk

Introduced: 9/6/2011

Final Reading: 9/20/2011

**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: 7-26-2011 Property Owner: Benedict College  
 Applicant's Name if different from Property Owner: McCrorry Construction Company, LLC  
 Contact Information: Telephone Number: 803-251-8115 Fax Number: 803-254-9800  
 Mailing address: PO Box 145 Columbia, SC 29201 E-mail address: wrobinson@mccrorryconstructur  
 Encroachment Location (Address): 111 Doctors Circle, Columbia SC 29203  
 (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: R09116-03-04

Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  
 Walkway/Side walk  Underground Utilities  other

If Other - specify: \_\_\_\_\_  
 Dimensions (height/width/length): Islands 1) 5x22 ft 2) 5x35ft 3) 5x30ft 4) 5x75ft

(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: Shade trees and shrubs.

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

LR 1/25/2011

Matter No.: 11071151  
 Attorney: KEESLER  
 Date In: 7/26/11  
 File No.: 2011-055  
 Date Out: 8/11/11





**McCrorry Construction Company, LLC**

1280 Assembly Street (PO Box 145) \* Columbia, SC 29201 (29202)

(803) 799-8100 \* Fax (803) 254-9800

www.mccrorryconstruction.com

July 26, 2011

Mrs. Shari Ardis  
City of Columbia Legal Department  
PO BOX 147  
Columbia, South Carolina 29201

**RE: Benedict College Graduate Studies Interior Upfit  
111 Doctors Circle  
Columbia, South Carolina  
Plan Review, No. 082-11 – Permit # CB-11-01833**

Dear Mrs. Ardis,

McCrorry Construction Company would like to request an encroachment ordinance as requested by Nancy Lee Trihey in Planning and Developments Services, to install landscaping along a portion of Doctors Circle in order to meet the landscaping requirements for the City of Columbia on this project.

The area of concern is located along the plan west side of the building along Doctors Circle. We are requesting to be allowed to plant landscaping material in the existing curb islands which is in the City of Columbia's Right of Way in order to meet the landscaping requirements for the City of Columbia.

The easement dimensions or area where landscaping will be planted along Doctors Circle are as follows:

- 1) 5'x22'
- 2) 5'x35'
- 3) 5'x30'
- 4) 5'x75'

Should you have any questions or need further information please feel free to contact me at 803-251-8115 or email at wrobinson@mccrorryconstruction.com

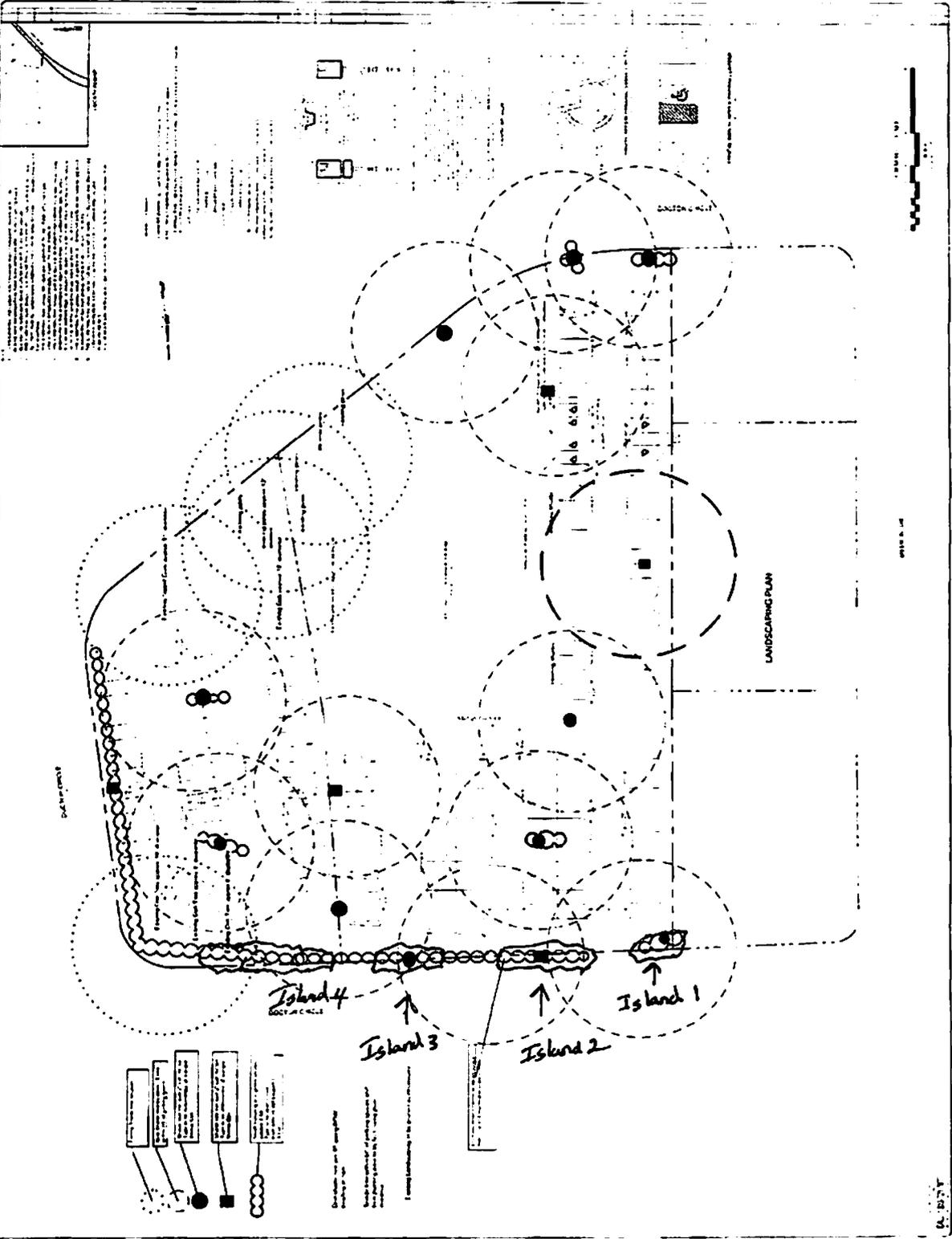
Sincerely,

**MCCRORY CONSTRUCTION COMPANY, LLC.**

**Walter C Robinson LEED AP  
Project Manager  
803-251-8115**

**Cc:**

**Ralph Trinter  
Randy Johnson**



THIS DOCUMENT IS THE PROPERTY OF MCGRODY LANDSCAPE ARCHITECTS, P.C. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF MCGRODY LANDSCAPE ARCHITECTS, P.C.

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2011-055**



**111 Doctor's Circle**

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**Subject Property:** Adjacent to 111 Doctor's Circle  
**Council District:** 2  
**Proposal:** Request approval for installation and maintenance landscaping  
**Applicant:** Benedict College  
**Staff Recommendation:** Approve  
**Conditions:** Standard conditions

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**Detail:** The applicant requests approval for installation of landscaping and irrigation within the right of way. The installation is being conducted to meet landscaping requirements for the renovation of the structure. Staff finds no adverse impacts from this proposal

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**CITY AGENCY COMMENTS FOR ENCROACHMENT**

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<b>Planning &amp; Development</b>	Recommend Approval
<b>Streets</b>	Recommend Approval
<b>Utilities &amp; Engineering</b>	Recommend Approval
<b>Traffic Engineering</b>	Recommend Approval
<b>Fire Department</b>	Recommend Approval
<b>Forestry</b>	Recommend Approval
<b>Land Development</b>	Recommend Approval

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