

**ORDINANCE NO: 2013-106**

*Granting encroachment to Roger B. Whaley, James F. Williams, Jr. and Assembly Restaurant, LLC for installation and maintenance of a driveway in the right of way area of the 1000 block of Assembly Street and a driveway with brick pavers in the 1000 block of Senate Street adjacent to 1031 Assembly Street, Richland County TMS #08916-09-04 and 08916-09-05*

ORIGINAL  
STAMPED IN RED

WHEREAS, Roger B. Whaley, James F. Williams, Jr. and Assembly Restaurant, LLC (hereinafter "Grantees") desire to utilize a portion of the right of way area of the 1000 block of Assembly Street for installation and maintenance of a driveway approximately fifteen (15') feet in length and twenty-five (25') feet in width; and the 1000 block of Senate Street for installation and maintenance of a driveway approximately twenty-two (22') feet in length and twenty-one (21') feet in width with brick pavers, adjacent to 1031 Assembly Street, Richland County TMS #08916-09-04 and 08916-09-05, as shown on the attached drawings; 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 1<sup>st</sup> day of October, 2013, that Grantee, its successors and assigns, is hereby granted the right to install and maintain a driveway approximately fifteen (15') feet in length and twenty-five (25') feet in width in the 1000 block of Assembly Street ; and a driveway approximately twenty-two (22') feet in length and twenty-one (21') feet in width with brick pavers in the 1000 block of Senate Street, adjacent to 1031 Assembly Street, Richland County TMS #08916-09-04 and 08916-09-05, as shown on the attached drawings.

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 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 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 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. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.

ORIGINAL  
STAMPED IN RED

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

4. No large tree roots shall be removed from any of the large existing trees;

5. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained;

6. Grantee is to coordinate existing and proposed crosswalks, ramps and curb cuts to insure proper alignment and that materials match the existing sidewalk.

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:

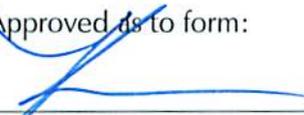
Roger B. Whaley and  
James F. Williams, Jr.

  
\_\_\_\_\_  
Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Introduced: 9/17/2013  
Final Reading: 10/1/2013

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2013-106**



**1000 BLOCK OF ASSEMBLY STREET AND  
1000 BLOCK OF SENATE STREET  
ADJACENT TO 1031 ASSEMBLY STREET  
DRIVEWAY AND BRICK PAVERS**

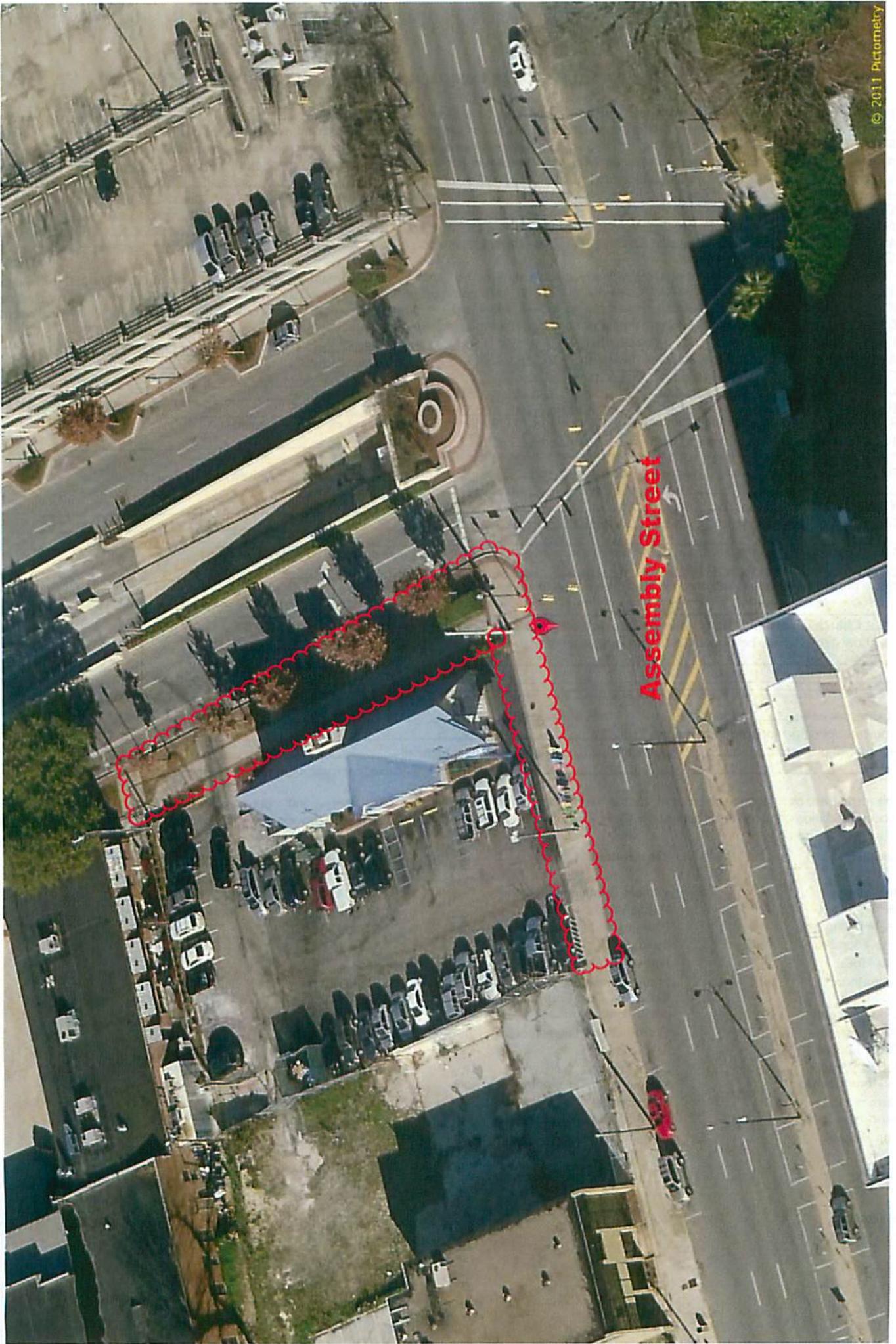
<b>Subject Property:</b>	Right-of-way adjacent to 1031 Assembly Street, TMS#08916-09-04 and 08916-09-05
<b>Council District:</b>	2
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of a driveway and a driveway with brick pavers adjacent to 1031 Assembly Street
<b>Applicant:</b>	Bert House, CFRA, LLC
<b>Staff Recommendation:</b>	Approval.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for installation and maintenance of a driveway approximately fifteen (15') feet in length and twenty-five (25') feet in width; and the 1000 block of Senate Street for installation and maintenance of a driveway approximately twenty-two (22') feet in length and twenty-one (21') feet in width with brick pavers, adjacent to 1031 Assembly Street, 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 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.</li> <li>2. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.</li> <li>3. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.</li> <li>4. No large tree roots shall be removed from any of the large existing trees.</li> <li>5. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.</li> <li>6. Grantee is to coordinate existing and proposed crosswalks, ramps and curb cuts to insure proper alignment and that materials match the existing sidewalk.</li> </ol>
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**CITY AGENCY COMMENTS FOR ENCROACHMENT**

<b>Planning</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 with conditions: (1) Contractor must place existing irrigation line in a sleeve under proposed driveway. (2) Tree protection must be

	used prior to the installation of the driveway to protect the existing trees and (3) Forestry and Beautification must present at time that the curb is cut for the driveway.
<b>Land Development</b>	Recommend approval.
<b>Fire</b>	Recommend approval.
<b>Parking Services</b>	Recommend approval.



**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 [sardis@columbiasc.net](mailto:sardis@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 [ctimmons@columbiasc.net](mailto:ctimmons@columbiasc.net)) should be contacted regarding the insurance requirements.

Date: \_\_\_\_\_ Property Owner: Rose B. Whaley and James F. Williams, Jr  
 Applicant's Name (if different from Property Owner): CFRA, LLC by Bart House  
 Contact Information: Telephone Number: 334-813-1708 Fax Number: 204-910-1581  
 Mailing address: 138 Cherokee Rd #5 Charleston, SC e-mail address: bart.house@gentec.com  
 Encroachment location (Address): 1031 Assembly St @ Senate St  
 (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: 8916-09-05 and 04

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

If Other - specify: \_\_\_\_\_

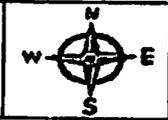
Dimensions (height/width/length): 20' wide plus green

(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 and CMU pavers

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

**Smith & Connors, Inc.**  
 The National Engineering Firm  
 1000 North Main Street  
 Columbia, S.C. 29201  
 (803) 733-1111  
 CALL 811

**COODED SITE NOTES**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

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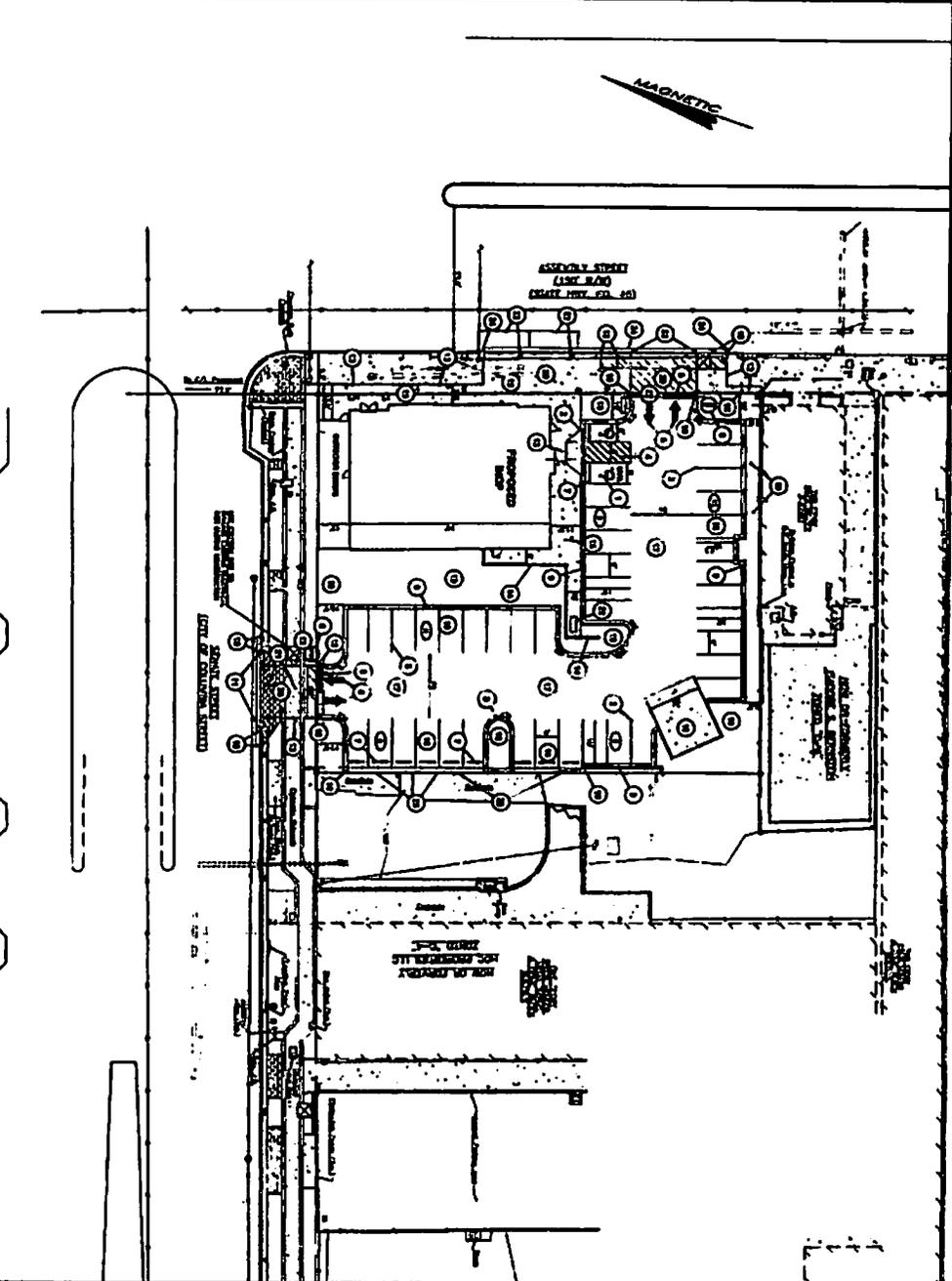
16. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

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19. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

20. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.



**NOTES REGARDING PARKING LOT EROSION:**

1. THE PARKING LOT IS TO BE CONSTRUCTED ON A GRADE OF 1.0% TO THE SOUTH AND 0.5% TO THE WEST.

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**NOTES REGARDING SITEWORK:**

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**PARKING DATA**

TYPE	NO. OF SPACES
STANDARD	1
COMPACT	1
TOTAL	2

**LEGEND**

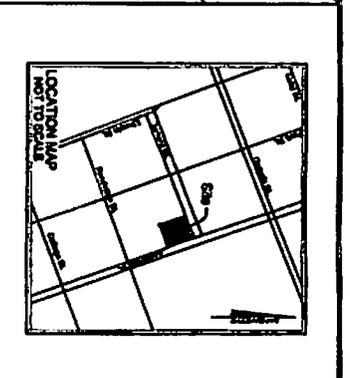
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**PERMIT SET**

**HOP-SENATE & ASSEMBLY STREET**

LOCATED IN COLUMBIA  
 RICHLAND COUNTY, SOUTH CAROLINA

**SITE PLAN**

**GENERAL NOTES**

1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

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**QUALITY DEVELOPMENT SERVICE, LLC**  
 1000 North Main Street  
 Columbia, S.C. 29201  
 (803) 733-1111

**SEAL**

**Professional Engineer**

**State of South Carolina**

**1000 North Main Street**

**Columbia, S.C. 29201**

**(803) 733-1111**

**City and District**

**1000 North Main Street**

**Columbia, S.C. 29201**

**(803) 733-1111**