

ORDINANCE NO.: 2012-024

Granting an encroachment to Womble, Carlyle, Sandridge and Rice, LLP for installation and maintenance of landscaping and an irrigation within the right of way area adjacent to 1727 Hampton Street, Richland County TMS #11402-06-02

WHEREAS, Womble, Carlyle, Sandridge and Rice, LLP, (hereinafter "Grantees") desires to utilize a portion of the right of way area adjacent to 914 Richland Street, Richland County TMS #11402-06-02, for installation and maintenance of landscaping and an irrigation system, 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 5th day of June, 2012, that Grantees, their successors and assigns are hereby granted the right to utilize a portion of the right of way area adjacent to 914 Richland Street, Richland County TMS #11402-06-02, for installation and maintenance of landscaping and an irrigation system, 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.
2. Landscaping to be maintained by property owner.

ORIGINAL
STAMPED IN RED

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.

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

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

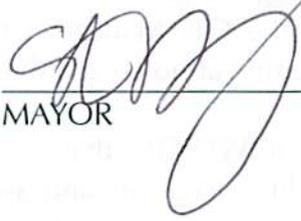
6. Sidewalk elevation shall be raised to avoid root damage to City trees and any digging around tree roots shall be by hand and not exceed two (2") inches in depth.

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:
Womble, Carlyle,
Sandridge and Rice, LLP

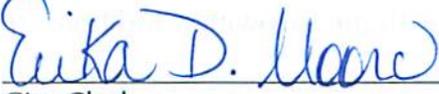

MAYOR

Approved by:

City Manager

Approved as to form:

City Attorney

ATTEST:

City Clerk

Introduced: 5/15/2012
Final Reading: 6/5/2012

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 ; 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: _____ Property Owner: Womble Carlyle Sandrige and Rice LLP

Applicant's Name if different from Property Owner: Southern Vistas, Inc.

Contact Information: Telephone Number: 803-256-0559 Fax Number: 803-256-0554

Mailing address: 2825 Commerce Dr. Columbia, SC 29205 E-mail address: svistas@bellsouth.net

Encroachment Location (Address): 1727 Hampton

(If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)

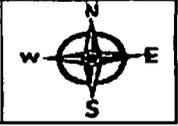
Tax Map Number for Encroachment Location: 11402-06-02 The Richland County tax parcel

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 Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
 If Other - specify: _____
 Dimensions (height/width/length): _____

(i.e., 6x42' 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)

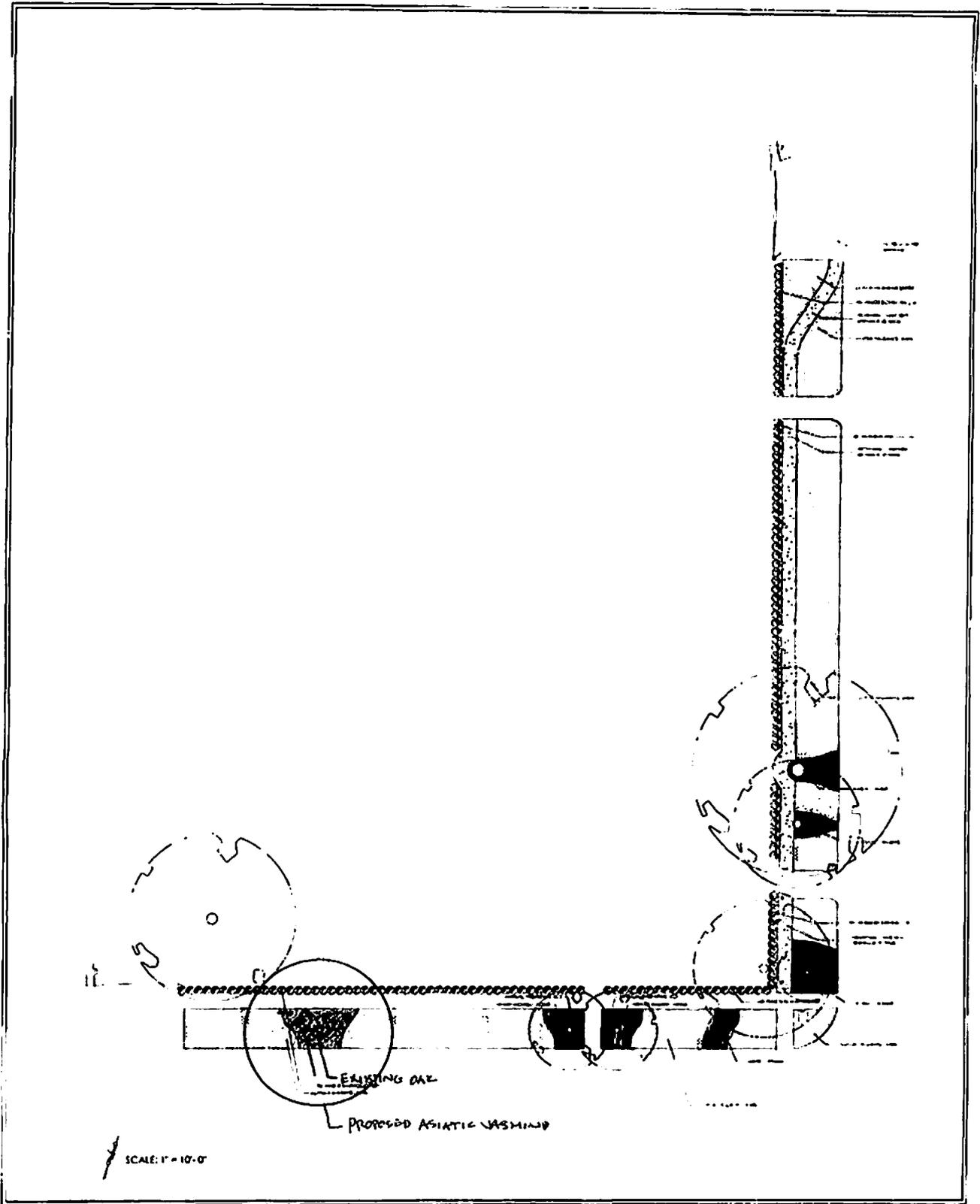
The proposed ordinance will be sent to the requesting party and City offices for review and approval. Krista Hampton will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

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



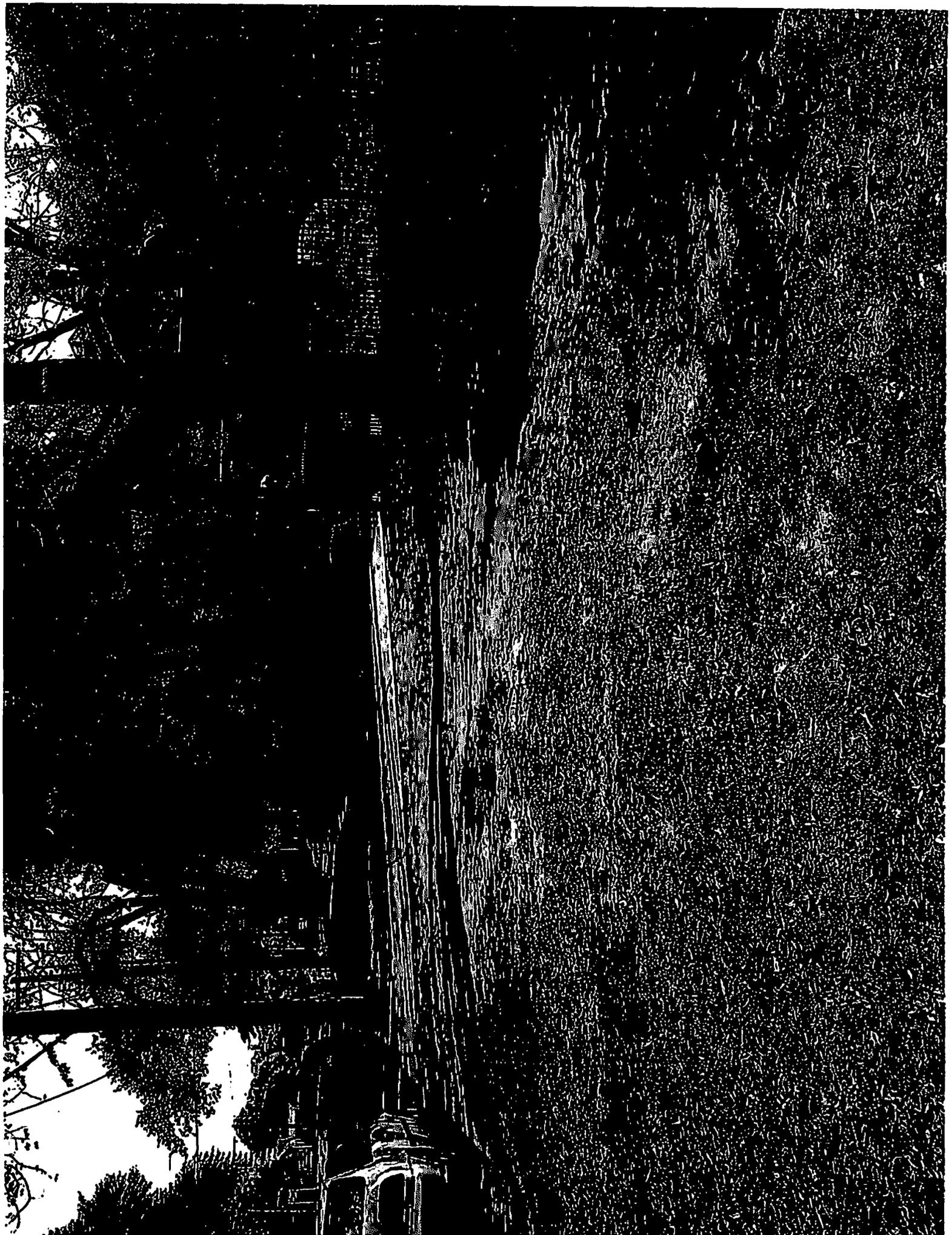
LR 1/25/2011

File No: 12030493
 Assessor: REG/SLA
 Date: 3-23-12
 File No: 0012-024
 Date: _____

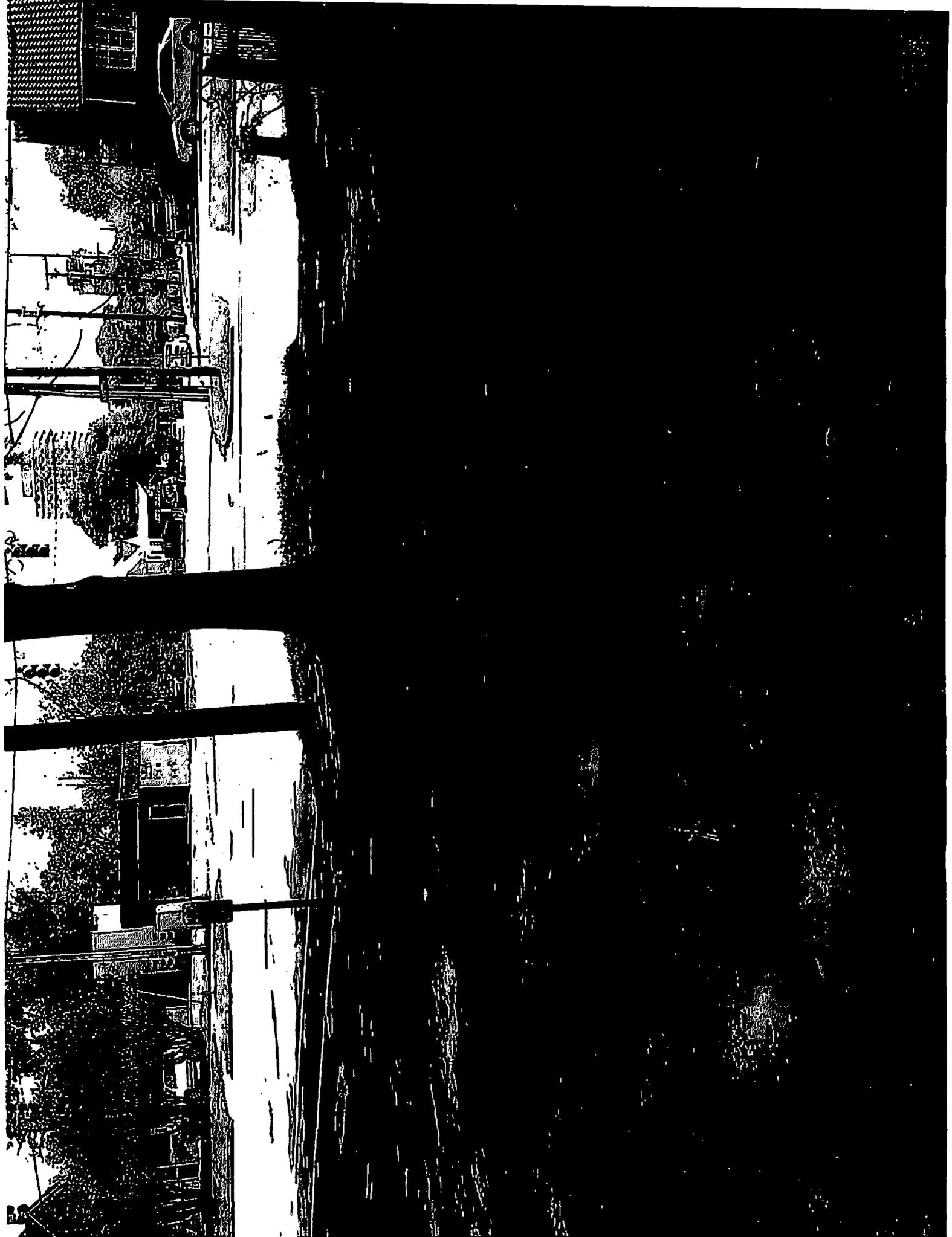


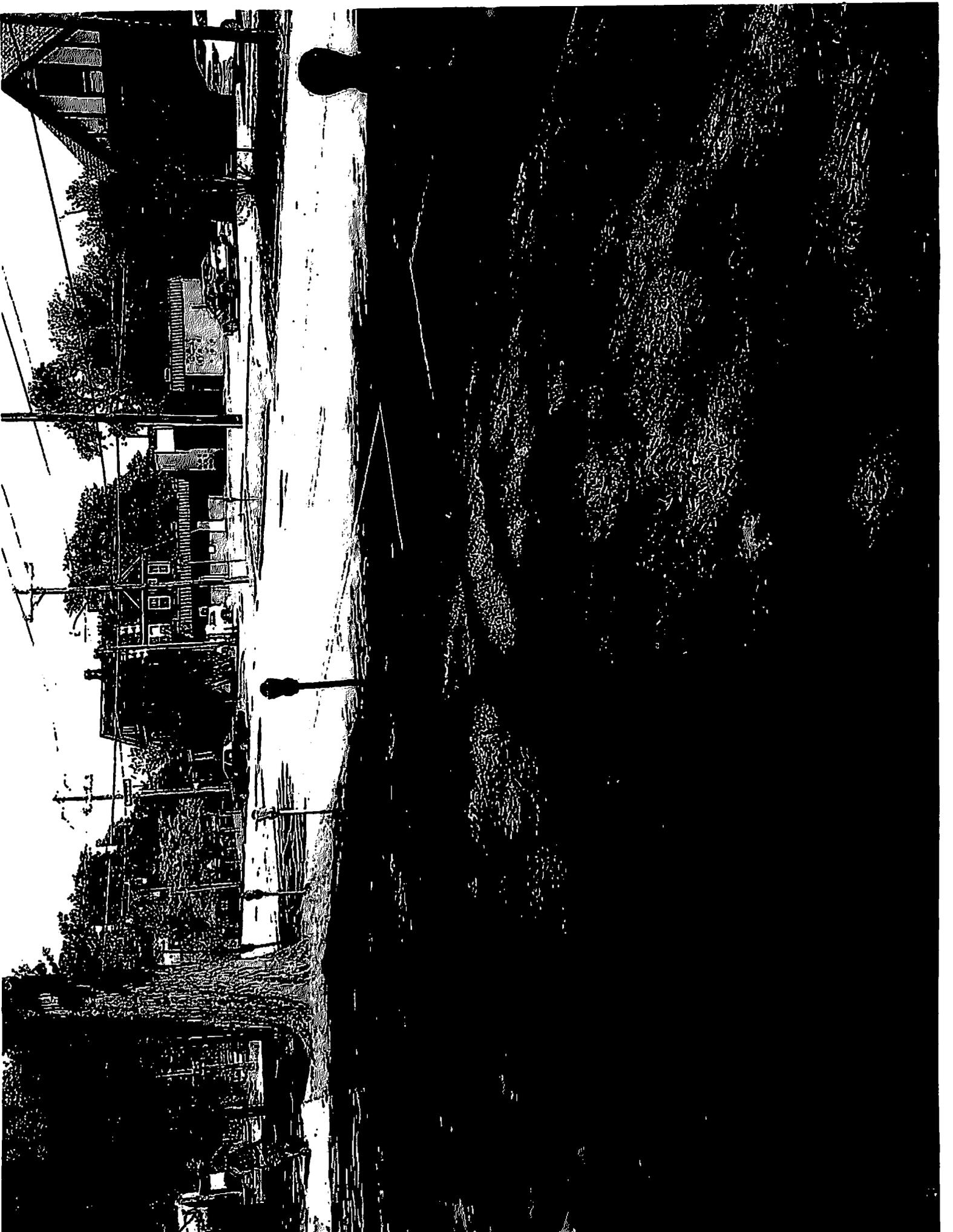
SCALE: 1" = 10'-0"

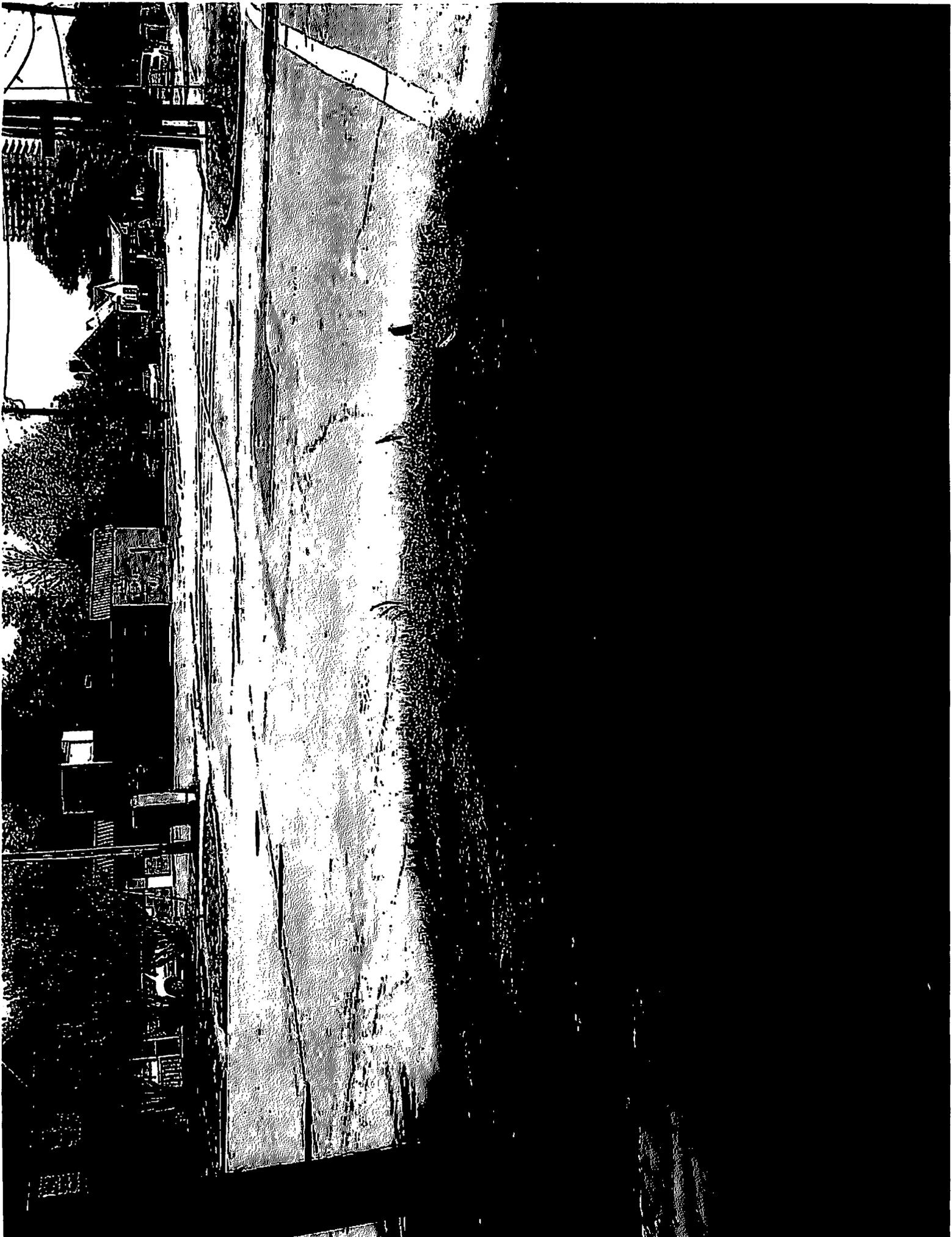
 <p>SOUTHERN VISTAS INC. 4095 E. Highway 412A Suite 100 Mesa, AZ 85205 Phone: 480-948-1111 Fax: 480-948-1112</p>	<p>LOBCK HOUSE 1771 ROAD 177A CHANDLER, AZ 85224</p> <p>LANDSCAPE PLAN SHEET 1 OF 1</p>	<p>TM # 11402-06-02</p>	<table border="1"> <tr> <td>DATE</td> <td>11/10/06</td> </tr> <tr> <td>BY</td> <td>...</td> </tr> <tr> <td>CHECKED</td> <td>...</td> </tr> <tr> <td>APPROVED</td> <td>...</td> </tr> </table>	DATE	11/10/06	BY	...	CHECKED	...	APPROVED	...
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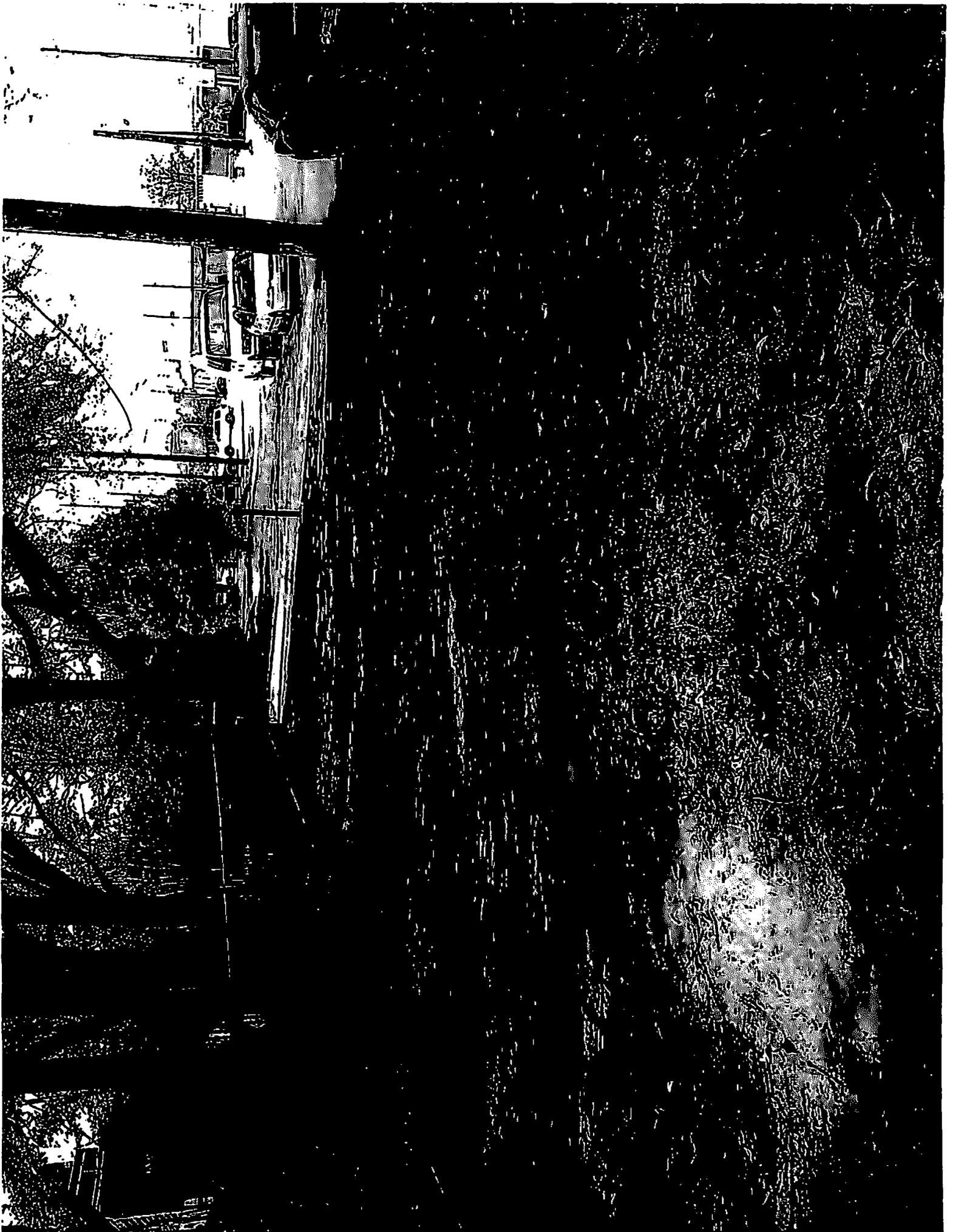












**CITY COUNCIL
ENCROACHMENT SUMMARY
2012-024**



Adjacent to 1727 HAMPTON STREET

Subject Property: Right-of way adjacent to 1727 Hampton Street; TMS# 11402-06-02

Council District: 2

Proposal: Request approval for installation and maintenance of landscaping, irrigation system, and sidewalk.

Applicant: Womble, Carlisle, Sandridge and Rice, LLP

Staff Recommendation: Approve subject to conditions

Conditions: Sidewalk elevation to be raised to avoid root damage to City trees and any digging around tree roots will be by hand and not exceed two (2) inches in depth.

Detail: The owner of the adjacent, recently restored property proposes to install landscaping and a sidewalk in the right-of-way to improve the appearance and functionality of the entrance to the property. Staff finds that the improvement will enhance the area and, as long as the work is conducted in a manner that will not disturb City or protected trees, finds no adverse impacts to this request.

CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend Approval
Streets	Recommend Approval
Traffic Engineering	Recommend Approval
Forestry	Recommend Approval with Conditions: sidewalk elevation to be raised to avoid root damage to City trees and any digging around tree roots will be by hand and not exceed two (2) inches in depth.
Land Development	Recommend Approval
Fire	Recommend Approval

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