

ORDINANCE NO.: 2022-057

Granting an encroachment to Lady Street Redevelopment, LLC for the use of the right of way area of the 1300 block of Lady Street for the installation and maintenance of landscaping and irrigation adjacent to 1310 Lady Street, Richland County TMS#11491-01-01 and 11491-06-01.

WHEREAS, Lady Street Redevelopment, LLC (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 1300 block of Lady Street for the installation and maintenance of landscaping and irrigation adjacent to 1310 Lady Street, as shown on the attached drawings; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the medians 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 26th day of July, 2022, that Grantee is hereby granted the right to use the right of way area of the 1300 block of Lady Street adjacent to 1310 Lady Street, Richland County TMS#11491-01-01 and 11491-06-01, for the installation and maintenance of landscaping and irrigation as shown on the attached drawings.

PROVIDED FURTHER that all work shall comply with the requirements of The City of Columbia, South Carolina Department of Transportation (SCDOT) and Federal Emergency Management Agency (FEMA) 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 Grantee's 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; and,

PROVIDED further that in the event the City has to make repairs or maintain utility lines located within the encroachment area the City will replace any items removed for the utility repair or maintenance with like items to those removed; and,

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; and,

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.

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

3. Grantee is responsible for maintaining landscaping and improvements.
4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.
7. All trees shall be protected and no large tree roots shall be removed from any existing trees.
8. The recently removed tree in the right-of-way shall be replaced with a large maturing shade tree. The species of this shade tree shall be one that reaches a minimum of 40 feet in height at maturity and the applicant must coordinate with Forestry prior to installation.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its 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:

Ceresa B. Nilson
City Manager

Approved as to form:

[Signature]
City Attorney

ATTEST:

Erika D. Hammond
City Clerk

Introduced: 6/21/2022

Final Reading: 7/26/2022

**CITY COUNCIL
ENCROACHMENT SUMMARY
2022-057**



**1300 BLOCK OF LADY STREET
ADJACENT TO 1310 LADY STREET
LANDSCAPING AND IRRIGATION**

Subject Property:	Right-of-way adjacent to 1310 Lady Street
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation.
Applicant:	Lady Street Redevelopment, LLC
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation adjacent to 1310 Lady Street, as shown on the attached drawings; and,</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. Grantee is responsible for maintaining landscaping and improvements.4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.7. All trees shall be protected and no large tree roots shall be removed from any existing trees.8. The recently removed tree in the right-of-way shall be replaced with a large maturing shade tree. The species of this shade tree shall be one that reaches a minimum of 40 feet in height at maturity and the applicant must coordinate with Forestry prior to installation.
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City of Columbia City of Columbia



This map was prepared using
the City GIS Viewer.

City of Columbia - GIS Division
Monday, May 23, 2022

Address Point

- Active
- Vacant
- Tax Parcel

Street & Ownership

- Interstate
- Highway
- City Maintained

- State Maintained
- Private
- Others
- Columbia City Limits
- OutsideOfCity

FEMA Flood Hazard Area

- AE - Floodway
- AE - 100yr Flood Plain

- A - No Base Flood Elevation
- X - 500yr Flood Plain
- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Red: Band_1
- Green: Band_2
- Blue: Band_3

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**CITY OF COLUMBIA
GIS DATA DISCLAIMER:**
The City of Columbia GIS data represented
on this map or plan is the product of the
compilation of data produced by others.
It is provided for informational purposes only
and the City of Columbia makes no representation
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is at the sole risk of the user.



Permanent Encroachment

Application and Checklist

Checklist for All Applications

A complete site plan application shall include the following information. Refer to the Procedures Manual for additional information about these requirements. Please initial to signify that the requested information has been provided.

	Applicant Initials	Staff Initials
A copy of this Application Checklist , completed by the applicant.	<input type="text" value="DT"/>	<input type="text"/>
A completed and signed Application Form	<input type="text" value="DT"/>	<input type="text"/>
Letters of Agency for all applications where the applicant is not the owner of the subject property	<input type="text" value="N/A"/>	<input type="text"/>
Pictures or specification sheet of the items to permanently encroach the Right-of-way	<input type="text" value="DT"/>	<input type="text"/>
Existing Site Plan Please see page 4 below for required content.	1 copy: min. 18 x 24 inches or 1 digital copy (pdf format) – may be 8 ½ inches x 11 inches if legible <input type="text" value="DT"/>	<input type="text"/>
Proposed Site Plan Please see page 4 below for required content.	1 copy: min. 18 x 24 inches or 1 digital copy (pdf format) – may be 8 ½ inches x 11 inches if legible <input type="text" value="DT"/>	<input type="text"/>



Permanent Encroachment

Application and Checklist

1. Applicant Information

Name	
David Tuttle	
Company (if applicable)	
Lady Street Redevelopment, LLC	
Address (street, city, state, zip)	
1276 Assembly Street Columbia, SC 29201	
Phone	Email
803 518-1598	david@styxcompanies.com

2. Property Information

Address	
1310 Lady Street	
Tax Map Reference Number(s)	
Current use	Proposed use
Landscape	Landscape

3. Property Ownership

Does the applicant own the adjacent property? ☒ Yes ☐ No

If the applicant does not own the adjacent property, complete the **Letter of Agency** for each property owner that authorizes the applicant to submit this application on the property owner's behalf.



Permanent Encroachment

Application and Checklist

4. Project Description

Provide a brief description of the project and list all items that will be placed in the right-of-way (walls, fences, columns, steps, irrigation systems, landscaping, driveways, pavers, sidewalks/walkways, planters, awnings, etc.)

Landscaping, irrigation per drawing to match the rest of the block

For staff use only

Date received (M/D/Y): ____/____/____

By: _____



Permanent Encroachment

Application and Checklist

5. Additional Submission Requirements

Existing Site Plan

This shall be a site plan of the existing conditions or a plat of survey, to scale and fully dimensioned.

Proposed Site Plan

The proposed site plan shall be prepared to scale and fully dimensioned, and include the following:

	Applicant	Staff
Total acreage	<input type="checkbox"/>	<input type="checkbox"/>
Location of lots and outlets (numbered and area in square feet)	<input type="checkbox"/>	<input type="checkbox"/>
Location of buildings (including setbacks from property lines and distances between buildings)	<input type="checkbox"/>	<input type="checkbox"/>
Location of parking and access/driveways	<input type="checkbox"/>	<input type="checkbox"/>
Location of rights-of-way and/or easements for streets, railroads, and utility	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lines upon and abutting subject property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location of streets, alleys, railroads, and utility lines upon and abutting subject property	<input type="checkbox"/>	<input type="checkbox"/>
Section of sidewalk or right-of-way to be used for the encroachment	<input type="checkbox"/>	<input type="checkbox"/>
Proposed placement of permanent items and furnishings on the sidewalk	<input type="checkbox"/>	<input type="checkbox"/>
Proposed placement of permanent items and furnishings in the right-of-way	<input type="checkbox"/>	<input type="checkbox"/>
Location and height of all fences, walls, and exterior lighting in the right-of-way	<input type="checkbox"/>	<input type="checkbox"/>
North arrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vicinity map (at 1 inch equals 1,000 feet)	<input type="checkbox"/>	<input type="checkbox"/>

6. Acknowledgement

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 catimmons@columbiasc.net.

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.



Permanent Encroachment

Application and Checklist

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.

Permittee understands and agrees that the privilege granted may be modified or terminated by the City of Columbia at any time without notice and that the privilege granted hereby is subject to applicant's compliance with the following conditions, restrictions or limitations:

Permittee must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted.

7. Signature

Signature of Applicant	
<i>C. David Tuttle</i> as manager	
Print Name	Date
C. David Tuttle	5/4/2022

