

ORDINANCE NO.: 2023-065

*Granting an encroachment to Gadsden & Greene, LLC, for the use of the right of way areas of the 700 block of Devine Street, the 700 block of Gadsden Street and the 700 block of Greene Street for the installation and maintenance of sidewalks, landscaping, irrigation, on-street parking spaces, a bus pull-out lane, bike racks and benches adjacent to 737 Gadsden Street, Richland County TMS# 08915-12-01*

WHEREAS, Gadsden & Greene, LLC, (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 700 block of Devine Street, the 700 block of Gadsden Street and the 700 block of Greene Street for the installation and maintenance of sidewalks measuring approximately six (6') feet in width one thousand seventy five (1,075') feet in length, landscaping, irrigation, ten (10) on-street parking spaces measuring eight (8') feet in width twenty (20') feet in length, a bus pull-out lane, bike racks and benches adjacent to 737 Gadsden 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 20<sup>th</sup> day of June, 2023, that Grantee is hereby granted the right to use the right of way area of the 700 block of Devine Street, the 700 block of Gadsden Street and the 700 block of Greene Street adjacent to 737 Gadsden Street, Richland County TMS# 08915-12-01, for the installation and maintenance of sidewalks measuring approximately six (6') feet in width one thousand seventy five (1,075') feet in length, landscaping, irrigation, ten (10) on-street parking spaces measuring eight (8') feet in width twenty (20') feet in length, a bus pull-out lane, bike racks and benches 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. All site furnishings shall match Innovista standards including colors, with RAL7040 for powder-coated light poles and silver finish for Landscape Forms collection furnishings. Crosswalks shall match City standard ladder-style.

9. The ten (10) parking spaces located in the public right-of-way of Devine Street and Gadsden Street are not solely for the proposed development located at 737 Gadsden Street, TMS #08915-12-01.

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:

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

Approved as to form:

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

ATTEST:

  
\_\_\_\_\_  
City Clerk

Introduced: 6/6/2023

Final Reading: 6/20/2023

Last revised: 5/11/2023  
23016902



**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2023-065**



**700 BLOCK OF DEVINE STREET, 700 BLOCK OF GADSDEN STREET, 700 BLOCK  
OF GREENE STREET  
ADJACENT TO 737 GADSDEN STREET  
SIDEWALKS, LANDSCAPING, IRRIGATION, ON-STREET PARKING SPACES, BUS  
PULL-OUT LANE, BIKE RACKS AND BENCHES**

<b>Subject Property:</b>	Right-of-way adjacent to 737 Gadsden Street
<b>Council District:</b>	3
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of sidewalks, landscaping, irrigation, on-street parking spaces, a bus pull-out lane, bike racks and benches.
<b>Applicant:</b>	Holder Properties, Inc.
<b>Staff Recommendation:</b>	Approval.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for installation and maintenance of sidewalks measuring approximately six (6') feet in width one thousand seventy five (1,075') feet in length, landscaping, irrigation, ten (10) on-street parking spaces measuring eight (8') feet in width twenty (20') twenty feet in length, a bus pull-out lane, bike racks and benches adjacent to 737 Gadsden 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"><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. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.</li><li>3. Grantee is responsible for maintaining landscaping and improvements.</li><li>4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.</li><li>5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.</li><li>6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.</li><li>7. All trees shall be protected and no large tree roots shall be removed from any existing trees.</li><li>8. All site furnishings shall match Innovista standards including colors, with RAL7040 for powder-coated light poles and silver finish for Landscape Forms collection furnishings. Crosswalks shall match City standard ladder-style.</li><li>9. The ten (10) parking spaces located in the public right-of-way of Devine Street and Gadsden Street are not solely for the proposed development located at 737 Gadsden Street, TMS #08915-12-01.</li></ol>
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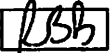

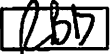



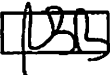

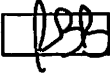




# Permanent Encroachment Application and Checklist

## 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.		
A completed and signed Application Form		
Letters of Agency for all applications where the applicant is not the owner of the subject property		
Pictures or specification sheet of the items to permanently encroach the Right-of-way		
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 	
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 	



# Permanent Encroachment

## Application and Checklist

### 1. Applicant Information

Name <b>Jeff Schaus</b>	
Company (if applicable) <b>Holder Properties, Inc.</b>	
Address (street, city, state, zip) <b>3300 Cumberland Blvd. Atlanta, GA 30339</b>	
Phone <b>770-988-3118</b>	Email <b>jschaus@holderproperties.com</b>

### 2. Property Information

Address <b>737 Gadsden Street</b>	
Tax Map Reference Number(s) <b>R08915-12-01</b>	
Current use <b>Gravel Surface Parking Lot</b>	Proposed use <b>Private Dormitory with Retail</b>

### 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.)

The project is a private dormitory (940 beds) with raised interior courtyard/outdoor pool; retail space on ground floor; ground parking/parking garage; and bus pull-off area.

- Sidewalks
- Pavers
- Bike Racks
- Benches
- Light Poles
- Bus Pull-off
- Access Drives
- Storm Drainage (Drop Inlets/Pipe)
- Sewer lines/manholes/grease interceptor
- Remote fire department connections/lines
- Water service
- Landscaping
- Landscape irrigation system
- Segmental retaining wall

*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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of lots and outlets (numbered and area in square feet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of buildings (including setbacks from property lines and distances between buildings)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of parking and access/driveways	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of rights-of-way and/or easements for streets, railroads, and utility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lines upon and abutting subject property	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location of streets, alleys, railroads, and utility lines upon and abutting subject property	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Section of sidewalk or right-of-way to be used for the encroachment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed placement of permanent items and furnishings on the sidewalk	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proposed placement of permanent items and furnishings in the right-of-way	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Location and height of all fences, walls, and exterior lighting in the right-of-way	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
North arrow	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Scale	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vicinity map (at 1 inch equals 1,000 feet)	<input checked="" type="checkbox"/>	<input checked="" 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>Jeff Schaus</i>	
Print Name <b>Jeff Schaus</b>	Date <b>4/13/23</b>

