

ORDINANCE NO.: 2023-073

Granting an encroachment to Optus Bank for the use of the right of way areas of the 1500 block of Gervais Street and the 1200 block of Bull Street for the installation and maintenance of sidewalks, landscaping and irrigation adjacent to 1501 Gervais Street, Richland County TMS # 11401-05-14

WHEREAS, Optus Bank, (hereinafter "Grantee") desires to utilize a portion of the right of way areas of the 1500 block of Gervais Street and the 1200 block of Bull Street for the installation and maintenance of sidewalks measuring approximately eight (8') feet in width one hundred ninety (190') feet in length, landscaping and irrigation adjacent 1501 Gervais 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 18th day of July, 2023, that Grantee is hereby granted the right to use the right of way areas of the 1500 block of Gervais Street and the 1200 block of Bull Street adjacent to 1501 Gervais Street, Richland County TMS# 11401-05-14, for the installation and maintenance of sidewalks measuring approximately eight (8') feet in width one hundred ninety (190') feet in length, 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. Street tree planting pits shall be connected below the sidewalk to the lirioppe beds with structural soil or tree planting pits beneath the sidewalk shall be increased to two hundred (200) square feet in size at a depth of eighteen (18') inches.

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: 6/20/2023

Final Reading: 7/18/2023

**CITY COUNCIL
ENCROACHMENT SUMMARY
2023-073**



**1500 BLOCK OF GERVAIS STREET AND 1200 BLOCK OF BULL STREET
ADJACENT TO 1501 GERVAIS STREET
SIDEWALKS, LANDSCAPING AND IRRIGATION**

Subject Property:	Right-of-way adjacent to 1501 Gervais Street
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of sidewalks, landscaping and irrigation.
Applicant:	Optus Bank
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of sidewalks measuring approximately eight (8') feet in width one hundred ninety (190') feet in length, landscaping and irrigation adjacent to 1501 Gervais 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. Street tree planting pits shall be connected below the sidewalk to the liriopie beds with structural soil or tree planting pits beneath the sidewalk shall be increased to two hundred (200) square feet in size at a depth of eighteen (18') inches.
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City of Columbia



This map was prepared using
the City GIS Viewer:

City of Columbia - GIS Division
Tuesday, May 30, 2023

Address Point Street & Ownership

- Active
- Vacant
- Tax Parcel

- Interstate
- Highway
- City Maintained
- State Maintained

- Private
- Others
- Columbia City Limits
- Red: Band_1
- Green: Band_2

Blue: Band_3

CITY OF COLUMBIA GIS DATA DISCLAIMER:

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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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A completed and signed Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Letters of Agency for all applications where the applicant is not the owner of the subject property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pictures or specification sheet of the items to permanently encroach the Right-of-way	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>



Permanent Encroachment Application and Checklist

1. Applicant Information

Name: <u>Optus Bank: Gregory Williams, project director for the bank branch bank</u>	
Optus Bank	
1241 Main Street	
Columbia, SC 29201	
Phone	Email
(803) 733 8100	gwilliams@optusbank

2. Property Information

Address: 1206 Bull Street	
Tax map reference: 11401-05-14 15	
Current use: Vacant	Proposed use: Branch Bank building

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.

Letters of agency are not required from adjoining property owners for work to be effected entirely within the right-of-way.



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 work consists of the construction of a two story branch bank of approximately 1,716 S.F. per floor. The outer faces of the building are to be set back 5' from the right-of-way on both street frontages.

Items to be placed in the right of way are shown on the attached "Lamp Post and Preliminary Planting Plan" and consist of the following improvements:

1. New sidewalk paving with curb and gutter to replace the existing sidewalks, curbs and gutters along the property frontage on both Gervais Street and Bull Streets. The new sidewalks are necessary to replace portions of the existing sidewalks which have vehicular curb cuts which are no longer needed and to add curbs and gutters to portions of both frontages where no curbs or gutters currently exist (photographs of portions of sidewalks where no curbs exist are attached).
2. A single lamp post in the sidewalk along Gervais Street. Specifications and the applicable manufacturer's cut sheets are attached. Installation of the lamp post will require saw cutting and installation of conduit in the existing sidewalk in front of the two adjoining properties (Tillman Salon and Midas Muffler) to allow connecting to the circuit of the existing lamp post in front of the Midas Muffler shop.
3. Planting of one shade tree on Gervais Street and one shade tree on Bull Street within the right-of-way. These trees are to be planted in unpaved 25"x 48" areas in the sidewalk, the street side of which is to be the back edge of the new curb.

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 type="checkbox"/>
Location of lots and outlets (numbered and area in square feet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location of buildings (including setbacks from property lines and distances between buildings)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location of parking and access/driveways	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Section of sidewalk or right-of-way to be used for the encroachment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed placement of permanent items and furnishings on the sidewalk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed placement of permanent items and furnishings in the right-of-way	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location and height of all fences, walls, and exterior lighting in the right-of-way	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<div style="border: 1px solid black; padding: 5px;"> <p>The existing site plan (which also shows the demolition of an existing on-site building now demolished) is part of this encroachment application and has been sent to you in PDF format by Brandon Burnette, the City of Columbia Development Coordinator. Mr. Burnette has also sent to you this application. A vicinity map at a scale of 1" = 1000' is included in this application. All information items required in Section 5 of this application are delineated in the included documents. Letters of agency are not required from adjoining property owners for work to be effected in the right-of-way.</p> </div>		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" 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	
	
Print Name	Date
Gregory Williams	3/29/23

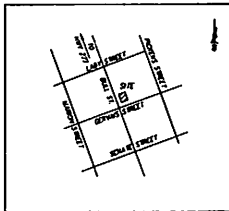
OPTUS BANK

PREPARED FOR

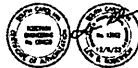
OPTUS BANK

COLUMBIA ~ SOUTH CAROLINA

OCTOBER 2022



VICINITY MAP
SCALE 1/4"



SHEET NO.	TITLE
1	GRAPH SHEET
C-1	GRAPH SHEET, 1/4" SCALE, 1/4" X 1/4"
C-2	GRAPH SHEET, 1/4" SCALE, 1/4" X 1/4"
C-3	GRAPH SHEET, 1/4" SCALE, 1/4" X 1/4"
C-4	GRAPH SHEET, 1/4" SCALE, 1/4" X 1/4"

OWNER/DEVELOPER

OPTUS BANK
C/O MR. GREGORY WILLIAMS
101 MAIN ST.
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 733-8100
gregory@optusbank.com

ENGINEER

ROBERSON ENGINEERING
C/O MR. LEO ROBERSON, P.E.
110 TOWNSEND AVE.
SPRING, SOUTH CAROLINA 29151
TELEPHONE: (803) 781-0008
roberson@roberson-engineering.com



ROBERSON

Greer

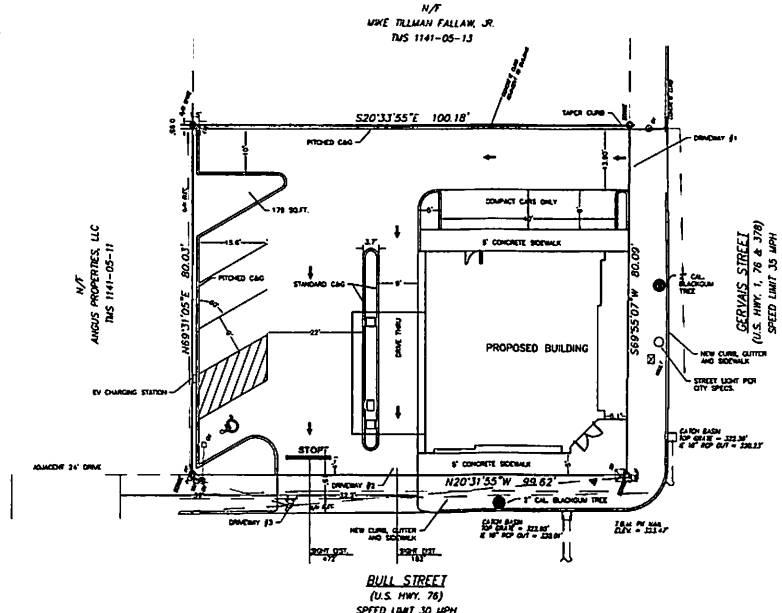
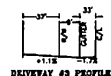
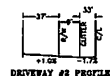
Engineering

South Carolina

ELEVATIONS BASED ON JULIO 1988 DATA

- NOTES: 1. DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. SEE ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS.

- NOTES: 1. THE NEW SIDEWALK WITHIN SCOTT R/W SHALL BE CONSTRUCTED IN ACCORDANCE WITH SCOTT STANDARD DRAWING 720-150-05.
2. THE NEW CURB/CLUTTER WITHIN SCOTT R/W SHALL BE CONSTRUCTED IN ACCORDANCE WITH SCOTT STANDARD DRAWING 720-150-01.
3. THE NEW DRIVEWAYS WITHIN SCOTT R/W SHALL BE CONSTRUCTED IN ACCORDANCE WITH SCOTT STANDARD DRAWING 720-400-05.
4. TRAFFIC CONTROL FOR CONSTRUCTION WITHIN SCOTT R/W SHALL BE DONE IN ACCORDANCE WITH SCOTT STANDARD DRAWING 505-01.



1208 BULL ST.
0.18 ACRE
TMS 11401-05-14 & 15

ROBERSON Engineering 110 Townsend Ave. Greenville, South Carolina 29615 Phone: 864.233.1111	STAKING PLAN
OPTUS BANK COLUMBIA, SOUTH CAROLINA	PROJECT NO. 11401-05-14 & 15 DATE: 05/14/2024 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: AS SHOWN SHEET NO. 1 OF 1

