

**ORIGINAL
STAMPED IN RED**

ORDINANCE NO.: 2023-086

Granting an encroachment to Gadsden Peach, LLC, for the use of the right of way areas of the 1300 block of Gadsden Street and the 800 block of Lady Street for the installation and maintenance of landscaping and irrigation adjacent to 1310 Gadsden Street, Richland County TMS# 09013-13-12

WHEREAS, Gadsden Peach, LLC, (hereinafter "Grantee") desires to utilize a portion of the right of way areas of the 1300 block of Gadsden Street and the 800 block of Lady Street for the installation and maintenance of landscaping and irrigation adjacent to 1310 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 1st day of August, 2023, that Grantee is hereby granted the right to use the right of way areas of the 1300 block of Gadsden Street and the 800 block of Lady Street adjacent to 1310 Gadsden Street, Richland County TMS# 09013-13-12, 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.

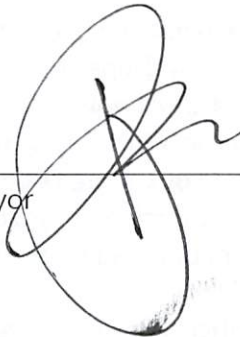
PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

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. Applicant shall coordinate with City of Columbia Traffic Engineering prior to installation to avoid conflict with underground traffic signal and street lighting circuits adjacent to site.

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: 7/18/2023
Final Reading: 8/1/2023

**CITY COUNCIL
ENCROACHMENT SUMMARY
2023-086**



**1300 BLOCK OF GADSDEN STREET AND 800 BLOCK OF LADY STREET
ADJACENT TO 1310 GADSDEN STREET
LANDSCAPING AND IRRIGATION**

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

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of landscaping and irrigation adjacent to 1310 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">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. Applicant shall coordinate with City of Columbia Traffic Engineering prior to installation to avoid conflict with underground traffic signal and street lighting circuits adjacent to site.
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City of Columbia

City of Columbia GIS



Wednesday, June 28, 2023



CITY OF COLUMBIA GIS DATA DISCLAIMER

The City of Columbia GIS data represented on this map or plan is the product of compilation, as produced by others. It is provided for informational purposes only and the City of Columbia makes no representation as to its accuracy. Its use without field verification 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.		BJS	
A completed and signed Application Form		BJS	
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		BJS	
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	BJS	
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	BJS	



Permanent Encroachment

Application and Checklist

1. Applicant Information

Name Gadsden Peach, LLC	
Company (if applicable)	
Address (street, city, state, zip) 1312 Gadsden St., Columbia, SC 29201	
Phone 803-708-3424	Email brad.shell@peachproperties.net

2. Property Information

Address 1310 Gadsden St., Columbia, SC 29201	
Tax Map Reference Number(s) R09013-13-12	
Current use Office	Proposed use Office

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.)

1310 Gadsden Street is an approximately 19,000 square foot two story office building on approximately 1 acre of land at the intersection of Gadsden St and Lady St in the Vista.

Currently, the property line of the parcel is at the edge of the building, and there is landscaping surrounding the building and parking lot, some of which is in the city right of way. The landscaping is overgrown and some of the plantings are old and too close together to thrive.

There is an existing irrigation system that is in need of repair as well. The attached landscape plan shows the areas where we propose to replant and beautify the entire property, including the landscaped areas within the city right of way.

The attached plan has been shared with and approved by the City of Columbia Public Works Department.

For staff use only

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

By: _____



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:

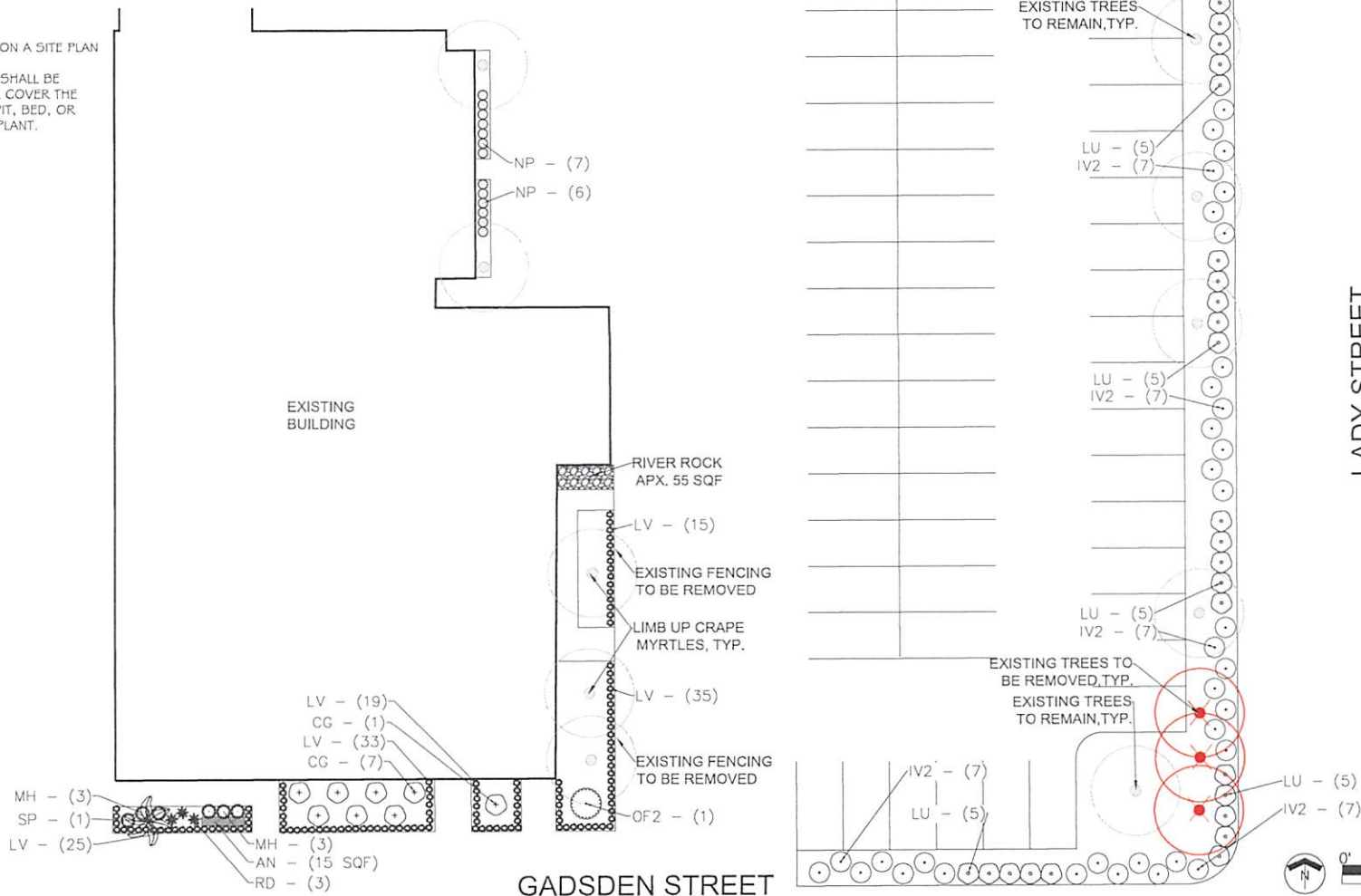
Permittee must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted.

7. Signature

Signature of Applicant	
	
Print Name	Date
Gadsden Peach, LLC	6/13/23

TREES	BOTANICAL NAME	COMMON NAME	CONT	SIZE	QTY	REMARKS
SP	SABAL PALMETTO	CABBAGE PALMETTO		10-12HT	1	
SHRUBS	BOTANICAL NAME	COMMON NAME	CONT	SIZE	QTY	REMARKS
CG	Camellia sasanqua 'Shish Gashira'	Shish Gashira Camellia	#7	24" HT.	8	
IV2	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	#3	24" HT. MIN.	35	
LV	Liriodendron 'Variegata'	Variegated Lilyturf	#1	10" HT MIN	127	
MH	Muhlenbergia Capillaris	Muhly Grass	#3	10" HT MIN	6	
LU	Loropetalum chinense rubrum 'PILC-III' TM	Purple Daydream Dwarf Loropetalum	#3	24" HT	30	
NP	Nandina domestica 'Firepower'	Firepower Heavenly Bamboo	#3	18" HT	13	
OF	Osmanthus fragrans	Sweet Olive	#7	3' HT	3	
OF2	Osmanthus fragrans	Sweet Olive	#15	5-6' HT	1	
RD	Rosa 'Mejocora'	Drift Rose	#3	10" HT	3	
GROUNDCOVER	BOTANICAL NAME	COMMON NAME	CONT	SIZE	QTY	REMARKS
AN	Annuals	Annuals			15 sqf	

GENERAL NOTES
 1. THE DRAWING IS BASED ON A SITE PLAN PROVIDED BY OWNER.
 2. ALL TREES AND SHRUBS SHALL BE MULCHED. MULCH SHALL COVER THE AREA OF THE PLANTING PIT, BED, OR SAUCER AROUND EACH PLANT.



PLANTING PLAN
 1310 GADSDEN STREET

DATE	02/29/2021
SCALE	1" = 10'
PROJ. NO.	105
REVISIONS	02/27/2021