

ORDINANCE NO.: 2023-102

*Granting an encroachment to Five Points Association for the use of the right of way areas of the 700 block of Harden Street and the 700 block of Saluda Avenue for the installation and maintenance of a steel statue adjacent to 727 Harden Street and 751 Saluda Avenue, Richland County TMS# 11308-07-04 and 11308-06-03*

WHEREAS, Five Points Association, (hereinafter "Grantee") desires to utilize a portion of the right of way areas of the 700 block of Harden Street and the 700 block of Saluda Avenue for the installation and maintenance of a steel statue measuring approximately ten (10') feet in height thirty seven (37") inches in diameter, adjacent to 727 Harden Street and 751 Saluda Avenue, 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 19<sup>th</sup> day of September, 2023, that Grantee is hereby granted the right to use the right of way areas of the 700 block of Harden Street and the 700 block of Saluda Avenue adjacent to 727 Harden Street and 751 Saluda Avenue, Richland County TMS# 11308-07-04 and 11308-06-03, for the installation and maintenance of a steel statue measuring approximately ten (10') feet in height thirty seven (37") inches in diameter, 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.

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:

Cheresa B. Wilson  
City Manager

Approved as to form:

[Signature]  
City Attorney

ATTEST:

[Signature]  
City Clerk

Introduced: 9/5/2023

Final Reading: 9/19/2023



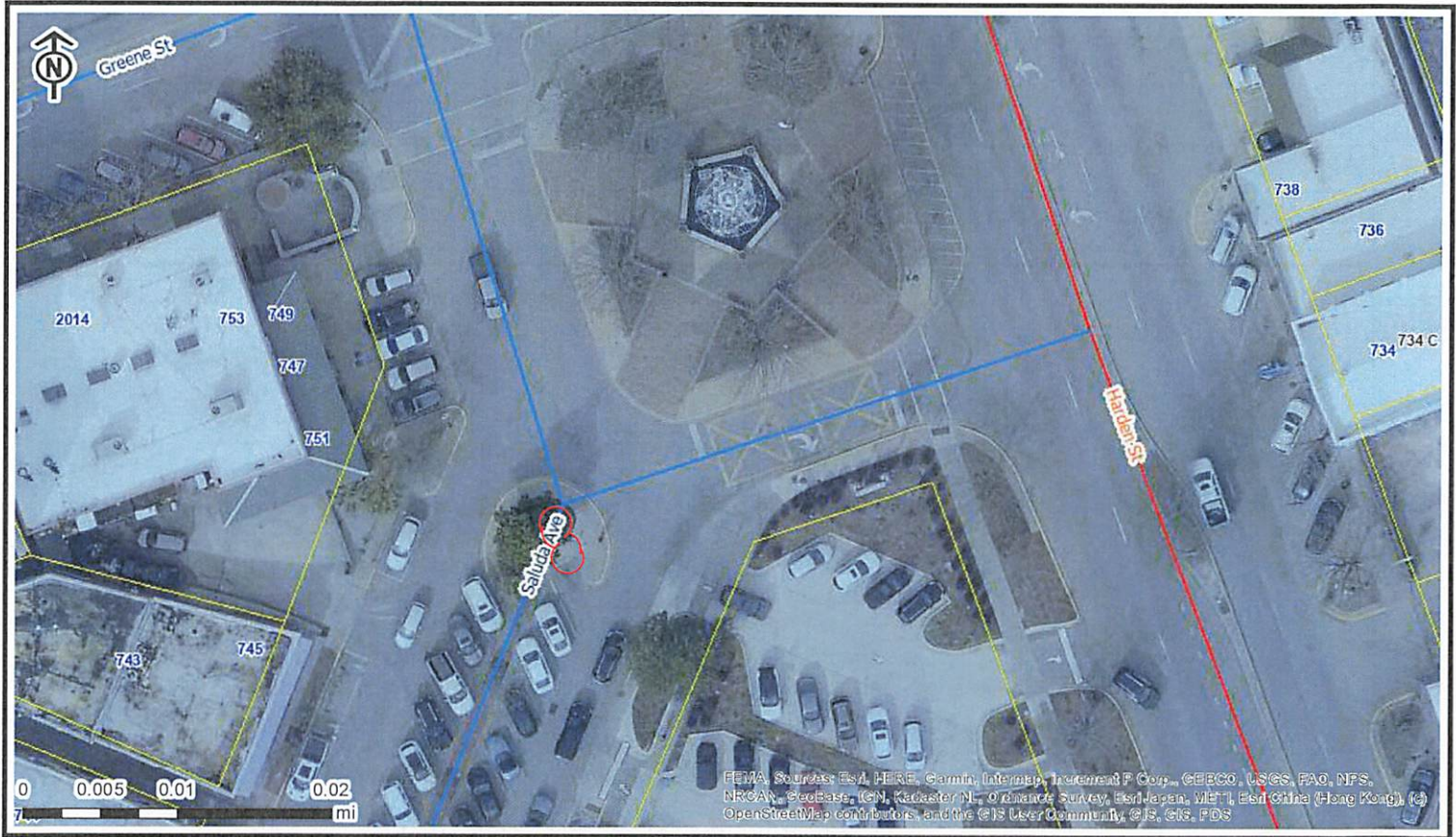
**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2023-102**



**700 BLOCK OF HARDEN STREET AND 700 BLOCK OF SALUDA AVENUE  
ADJACENT TO 727 HARDEN STREET AND 751 SALUDA AVENUE  
STEEL STATUE**

<b>Subject Property:</b>	Right-of-way adjacent to 727 Harden Street and 751 Saluda Avenue
<b>Council District:</b>	3
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of a steel statue.
<b>Applicant:</b>	Five Points Association
<b>Staff Recommendation:</b>	Approval.

<b>Detail:</b>	<p>The applicant is requesting an encroachment for installation and maintenance of a steel statue measuring approximately ten (10') feet in height thirty seven (37") inches in diameter adjacent to 727 Harden Street and 751 Saluda Avenue, 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></ol>
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## City of Columbia

This map was prepared using the City GIS Viewer.

City of Columbia - GIS Division  
Wednesday, August 2, 2023



### Address Point

- Active
- Vacant

### Tax Parcel

- Tax Parcel
- Interstate

### Street & Ownership

- Interstate

- Highway
- City Maintained
- State Maintained
- Private
- Others

### Columbia City Limits

### FEMA Flood Hazard Area

- AE - Floodway
- AE - 100yr Flood Plain
- A - No Base Flood Elevation

X - 500yr Flood Plain

### 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 as to its accuracy. Its use without field verification is at the sole risk of the user.



# Permanent Encroachment

## Application and Checklist

### 1. Applicant Information

Name Five Points Association	
Company (if applicable)	
Address (street, city, state, zip) 532 Congaree Avenue   Columbia, SC 29205	
Phone 803.748.7373	Email heather@fivepointscolumbia.com

### 2. Property Information

Address See attached	
Tax Map Reference Number(s) N/A	
Current use Plantings	Proposed use Public Art

### 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


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.

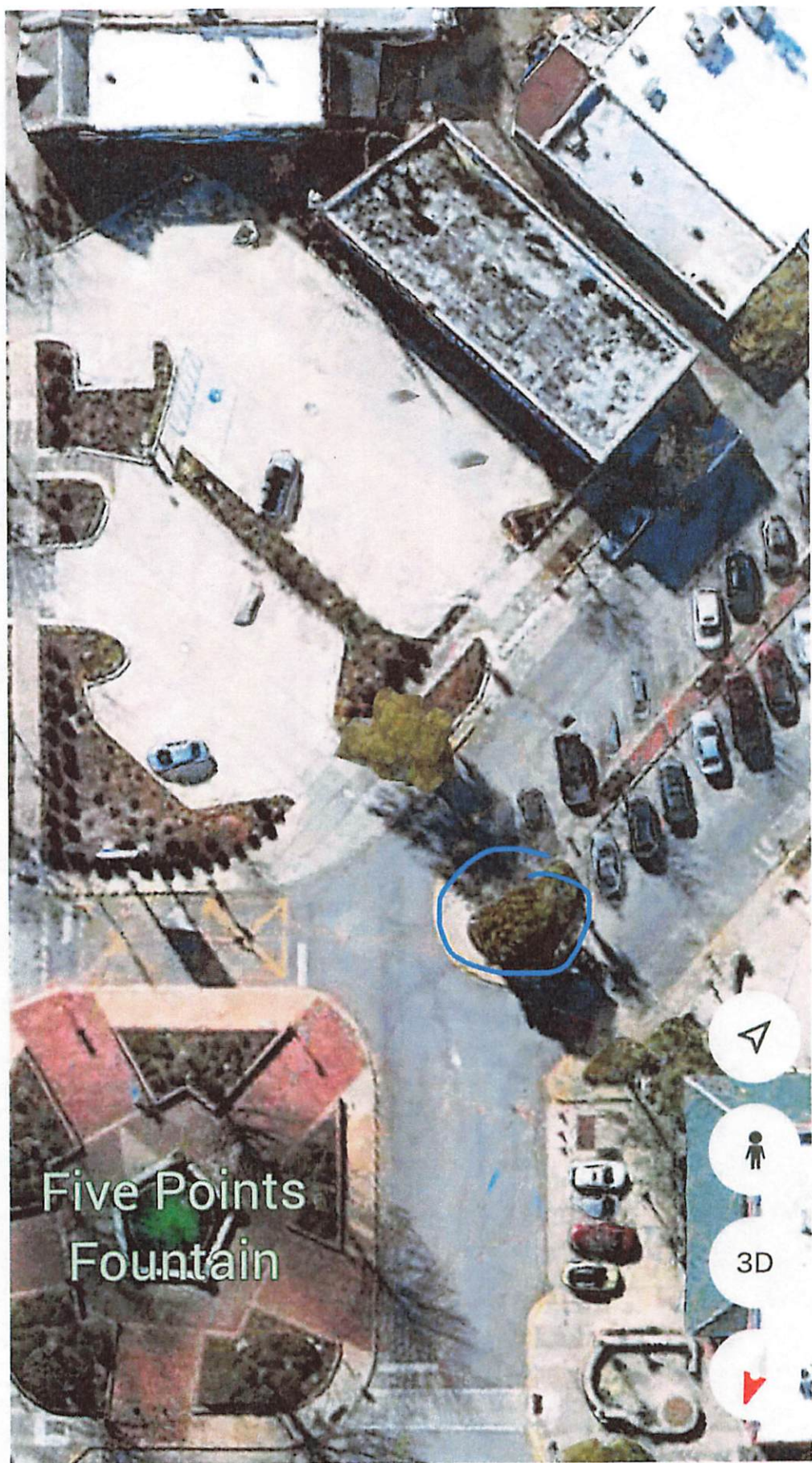
## 7. Signature

Signature of Applicant 	
Print Name Heather McDonald	Date 07/25/2023









Five Points  
Fountain