

**ORIGINAL
STAMPED IN RED**

ORDINANCE NO.: 2024-055

Granting an encroachment to the University of South Carolina for the use of the right of way area of the 1400 block of Pendleton Street for the installation and maintenance of a sidewalk and a retaining wall adjacent to 1420 Pendleton Street, Richland County TMS# 11304-05-01

WHEREAS, the University of South Carolina (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 1400 block of Pendleton Street for the installation and maintenance of a sidewalk measuring approximately three and a half feet (3.5') in width five (5') feet in length and a retaining wall measuring approximately two (2') feet in length one and a half (1.5') feet in height adjacent to 1420 Pendleton 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 20th day of August, 2024, that Grantee is hereby granted the right to use the right of way area of the 1400 block of Pendleton Street adjacent to 1420 Pendleton Street, Richland County TMS#11304-05-01, for the installation and maintenance of a sidewalk measuring approximately three and a half feet (3.5') in width five (5') feet in length and a retaining wall measuring approximately two feet (2') in length one and a half (1.5') feet in height, 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 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.

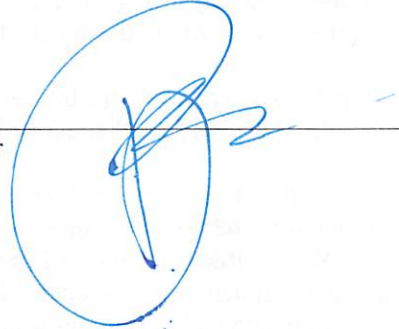
7. All trees shall be protected and no large tree roots shall be removed from any existing trees.

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:

Alicia B. Wilson
City Manager

Approved as to form:


City Attorney

ATTEST:

Erika DuHammend
City Clerk

Introduced: 8/6/2024

Final Reading: 8/20/2024

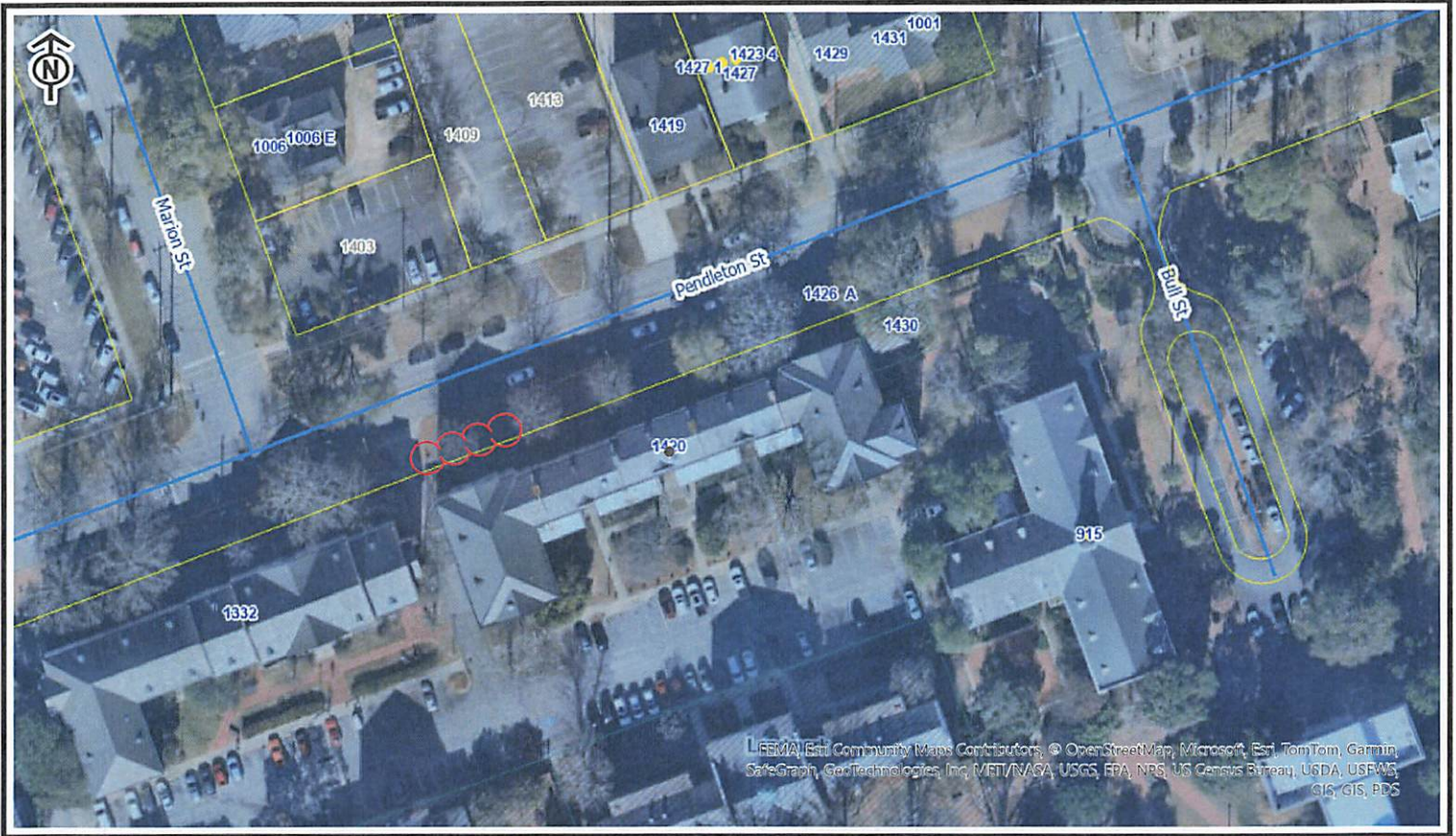
**CITY COUNCIL
ENCROACHMENT SUMMARY
2023-055**



**1400 BLOCK OF PENDLETON STREET
ADJACENT TO 1420 PENDLETON STREET
SIDEWALK AND RETAINING WALL**

Subject Property:	Right-of-way adjacent to 1420 Pendleton Street
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of a sidewalk and retaining wall.
Applicant:	University of South Carolina
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of sidewalks measuring approximately three and a half (3.5') feet in width five (5') feet in length and a retaining wall measuring approximately two (2') feet in length one and a half (1.5') feet in height adjacent to 1420 Pendleton 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.
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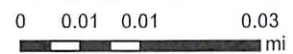
City of Columbia

This map was prepared using the City GIS Viewer

City of Columbia - GIS Division

7/5/2024 8:41 AM

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|---|---|--|
| <ul style="list-style-type: none"> Tax Parcel Address Point ● Active ● Vacant Street & Ownership Interstate Highway City Maintained State Maintained Private Others Columbia City Limits | <p>Community Character</p> <p>DISTRICT NAME</p> <ul style="list-style-type: none"> Heathwood Hollywood/Rose Hill Shandon Sherwood Forest Whalley Street <p>Historic Preservation Overlays</p> <p>DISTRICT NAME</p> <ul style="list-style-type: none"> Landmark Cotton/Bellvue Architectural Conservation District Earlewood Protection Area A Earlewood Protection Area B Elmwood Park Architectural Conservation District Governor's Mansion Protection Area | <ul style="list-style-type: none"> Granby Architectural Conservation District Landmark District Helrose Heights/Oak Lawn Architectural Conservation District Oakwood Court Architectural Conservation District Old Shandon/Lower Waverly Historic District Area B (Buffer) Old Shandon/Lower Waverly Historic District Area A (Main District) Seminary Ridge Protection Area University Architectural Conservation District Wales Garden Architectural Conservation District Waverly Protection Area West Genes Historic Commercial District West Genes Historic Protection Area District Whalley Street Historic Protection Area District <p>FEMA Flood Hazard Area</p> <p>FLD_ZONE, ZONE_SUBTY</p> <p>AE - Floodway</p> |
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**CITY OF COLUMBIA
GIS DATA DISCLAIMER:**

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Permanent Encroachment Application and Checklist

1. Applicant Information

Name	
Thomas Opal	
Company (if applicable)	
University of South Carolina	
Address (street, city, state, zip)	
1206 Flora Street Columbia, SC 29208	
Phone	Email
803-777-7076	tnopal@fmc.sc.edu

2. Property Information

Address	
1420 Pendleton Street / Columbia, SC / 29208	
Tax Map Reference Number(s)	
Parcel #11304-05-01	
Current use	Proposed use
Institutional	Institutional

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 proposed site plan includes sidewalk, wall, and fencing encroaching in the right-of-way.

Wall Height: ±1.64 ft

Length of Encroachment: ±2.73 ft

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	
<i>Thomas N Opal</i>	
Print Name	Date
Thomas N Opal	2024/06/04

