

ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2024-059

Granting an encroachment to MGN Development Group LLC for the use of the right of way area of the 1100 block of Miller Avenue for the installation and maintenance of landscaping and irrigation adjacent to 1104 Miller Avenue, Richland County TMS# 09209-22-03

WHEREAS, MGN Development Group LLC (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 1100 block of Miller Avenue for the installation and maintenance of landscaping and irrigation adjacent to 1104 Miller 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 6th day of August, 2024, that Grantee is hereby granted the right to use the right of way area of the 1100 block of Miller Avenue adjacent to 1104 Miller Avenue, Richland County TMS# 09209-22-03, 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.

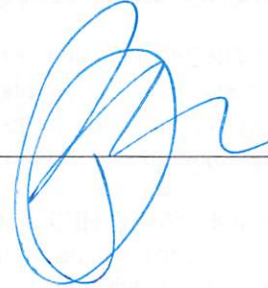
7. All trees shall be protected and no large tree roots shall be removed from any existing trees.

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:

Teresa B. Kilson
City Manager

Approved as to form:

[Signature]
City Attorney

ATTEST:

Erika D. Hammond
City Clerk

Introduced: 8/6/2024

Final Reading: 8/20/2024

**CITY COUNCIL
ENCROACHMENT SUMMARY
2024-059**



**1100 BLOCK OF MILLER AVENUE
ADJACENT TO 1104 MILLER AVENUE
LANDSCAPING AND IRRIGATION**

Subject Property:	Right-of-way adjacent to 1104 Miller Avenue
Council District:	1
Proposal:	The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation.
Applicant:	MGN Development Group LLC
Staff Recommendation:	Approval.

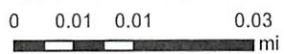
Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of landscaping and irrigation adjacent to 1104 Miller Avenue, as shown on the attached drawings; and,</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none">1. No 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
 7/11/2024 2:48 PM

- Tax Parcel
- Address Point
 - Active
 - Vacant
- Street & Ownership**
 CFCC,Ownership
 - Interstate
 - Highway
 - City Maintained
 - State Maintained
 - Private
 - Others
 - Residential Building Inspections
 - Columbia City Limits



**CITY OF COLUMBIA
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 is at the sole risk of the user.



Permanent Encroachment Application and Checklist

1. Applicant Information

Name Dallas Massey	
Company (if applicable) MGN Development Group, LLC	
Address (street, city, state, zip) 740 Hazelwood Rd, Columbia, SC 29209	
Phone 304-906-7355	Email Dallas@Massey.Engineering

2. Property Information

Address 1104 Miller Ave, Columbia, SC 29203	
Tax Map Reference Number(s) 09209-22-03	
Current use Commercial	Proposed use Commercial

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 project consists of improvements and expansion of the existing parking areas and a 14'x16' addition to the existing building. Items proposed to be placed within the right-of-way include: driveways, landscaping, and irrigation systems.

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
Dallas Massey	06/26/2024

