

ORIGINAL

ORDINANCE NO.: 2024-076

Granting an encroachment to Jake's of Columbia for the use of the right of way area of the 2100 block of Devine Street for the installation and maintenance of concrete pavers adjacent to 2112 Devine Street, Richland County TMS# 11312-15-03

WHEREAS, Jake's of Columbia (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 2100 block of Devine Street for the installation and maintenance of concrete pavers adjacent to 2112 Devine 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 3rd day of December, 2024, that Grantee is hereby granted the right to use the right of way area of the 2100 block of Devine Street adjacent to 2112 Devine Street, Richland County TMS# 11312-15-03, for the installation and maintenance of concrete pavers measuring approximately thirty four (34') feet in length eleven (11') feet in width, 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. Tree protection required. Any impact (including trimming) on existing trees requires Forestry Permit.

9. Applicant should coordinate with SCDOT regarding future improvements to Devine Street that may impact this investment.

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:

Christa Wilson
City Manager

Approved as to form:

[Signature]
City Attorney

ATTEST:

Erika Dill-Hammend
City Clerk

Introduced: 11/19/2024

Final Reading: 12/03/2024

**CITY COUNCIL
ENCROACHMENT SUMMARY
2024-076**



**2100 BLOCK OF DEVINE STREET
ADJACENT TO 2112 DEVINE STREET
CONCRETE PAVERS**

Subject Property:	Right-of-way adjacent to 2112 Devine Street
Council District:	3
Proposal:	The applicant is requesting an encroachment for installation and maintenance of concrete pavers.
Applicant:	Jake's of Columbia
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of concrete pavers measuring approximately thirty four (34') feet in length eleven (11') feet in width adjacent to 2112 Devine 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. Tree protection required. Any impact (including trimming) on existing trees requires Forestry Permit.9. Applicant should coordinate with SCDOT regarding future improvements to Devine Street that may impact this investment.
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Permanent Encroachment Application and Checklist

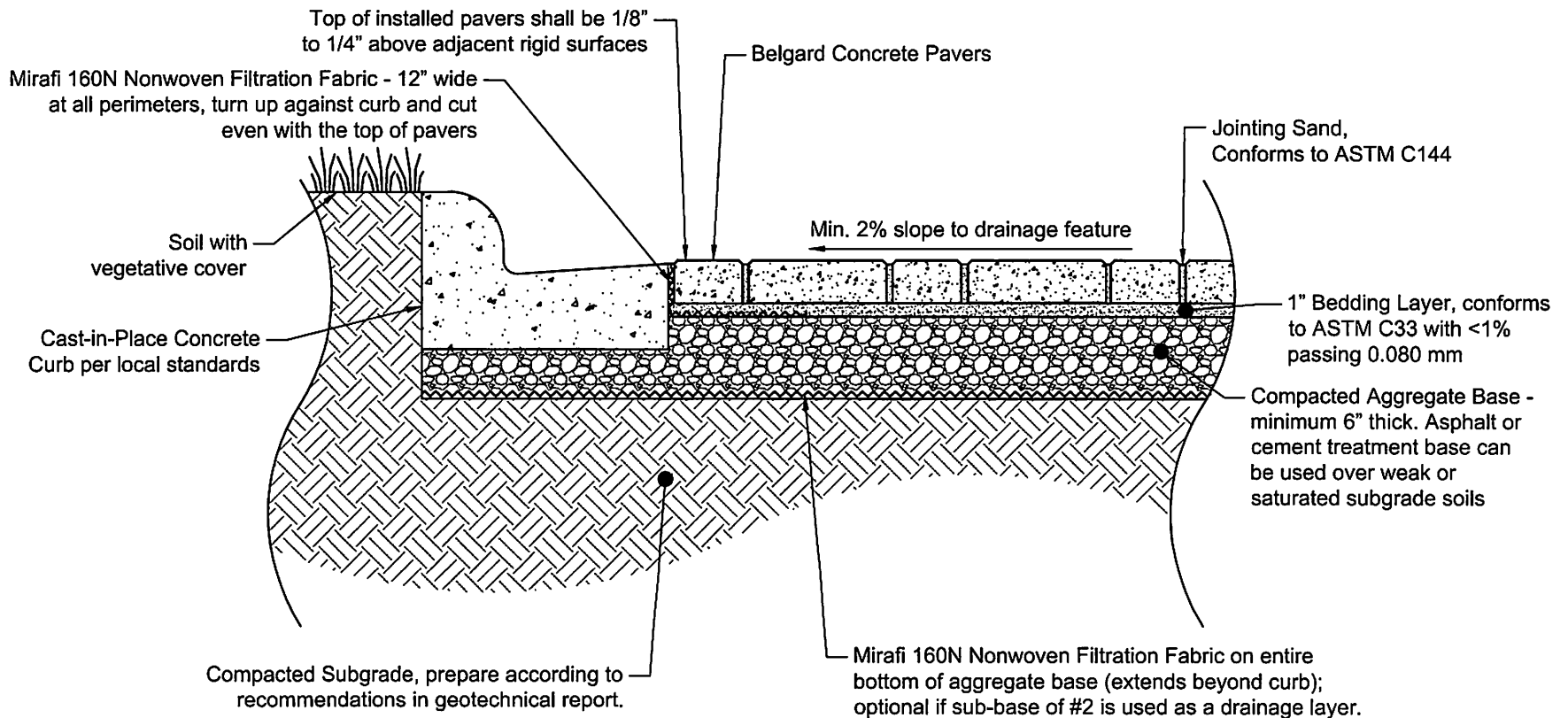
4. Project Description

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.)

Install Pavers in grassed/dirt area in front of 2112 Devine st.

For staff use only

Date received (M/D/Y): ___/___/___ By: _____



Design Notes:

1. Cross section as shown is suitable for pedestrian and vehicular applications. Paver dimensions subject to aspect and plan ratio requirements. Contact Belgard Commercial for product selection guidance based on the intended traffic loading.
2. Depth of aggregate base subject to site specific conditions (traffic loading, soil conditions, groundwater levels, climatic conditions). Contact Belgard Commercial for design assistance.
3. Drain pipes may be required within the aggregate base depending on the permeability of the subgrade soils. Verify drainage needs with the geotechnical engineer. Ensure drain pipes are able to daylight via gravity flow to surface, or connect to catch basin.
4. Ensure the geotextile above the drain hole has good drainage characteristics and is not prone to clogging.
5. Techniseal HP Nextgel jointing sand conforming to ASTM C144 may be used in pedestrian and light vehicular applications. Please contact Belgard Commercial for design assistance.



belgardcommercial.com
877-235-4273
details@belgard.com

This drawing is for illustrative purposes only and should not be used for construction without the signature of a registered professional engineer.

Belgard Standard Paving Detail
Sand Set on Aggregate Base

Scale:	Drawn by:
N.T.S.	MAH
Date:	Drawing number:
2/15/2019	ICP_2

