

ORIGINAL

ORDINANCE NO.: 2026-052

Granting an encroachment to Devine and Heidt LLC for the use of the right of way areas of the 600 block of Heidt Street and the 2300 block of Devine Street for the installation and maintenance of sidewalks, landscaping and irrigation adjacent to 2300 Devine Street, Richland County TMS# 11312-05-01, 11312-05-02, 11312-05-03, 11312-05-04 and 11312-05-21

WHEREAS, Devine and Heidt LLC, (hereinafter "Grantee") desires to utilize a portion of the right of way areas of the 600 block of Heidt Street and the 2300 block of Devine Street for the installation and maintenance of sidewalks measuring approximately five (5') in width one hundred ten (110') feet in length, landscaping and irrigation adjacent to 2300 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 4th day of August, 2026, that Grantee is hereby granted the right to use the right of way areas of the 600 block of Heidt Street and the 2300 block of Devine Street adjacent to 2300 Devine Street, Richland County TMS# 11312-05-01, 11312-05-02, 11312-05-03, 11312-05-04 and 11312-05-21, for the installation and maintenance of sidewalks measuring approximately five (5') in width one hundred ten (110') feet in length, 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. Prior to issuance of a Certificate of Occupancy, applicant shall replace damaged tree (tree within easternmost portion of right-of-way adjacent to site) that was to be preserved with replacement in kind.

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:

Jeff Palen, Assistant City Manager

Mayor

Approved by:

Cheresa Buhlman
City Manager

Approved as to form:

[Signature]
City Attorney

ATTEST:

Erika D. Hammond
City Clerk

Introduced: 07/21/2026

Final Reading: 08/04/2026