

ORDINANCE NO.: 2018-077

Granting an encroachment to Washington Street LLC, KC Udani for installation and maintenance of sidewalks, driveways, landscaping and irrigation within the right of way areas of the 900 block of Washington Street and the 1400 block of Lincoln Street adjacent to 911 Washington Street, TMS #09013-02-18

WHEREAS, Washington Street, LLC, KC Udani (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 900 block of Washington Street and the 1400 block of Lincoln Street adjacent to 911 Washington Street, TMS #09013-02-18 for installation and maintenance of concrete sidewalks approximately five hundred twenty-seven (527') feet in length and six (6') feet in width; a brick paver walkway approximately twenty-two (23') feet in length and three (3) feet in width; a driveway approximately twenty-six (26') feet in length and thirty-four (34') feet in width; a driveway approximately eighteen (18') feet in length and twenty-four (24') feet in width; a handicap accessible ramp approximately twenty (20') feet in length and three (3') feet in width; landscaping and irrigation, as shown on the attached drawing; 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 8th day of January, 2019, that the grantee is hereby granted the right to use the right of way area of the right of way area of the 900 block of Washington Street and the 1400 block of Lincoln Street adjacent to 911 Washington Street, TMS #09013-02-18 for installation and maintenance of concrete sidewalks approximately five hundred twenty-seven (527') feet in length and six (6') feet in width; a brick paver walkway approximately twenty-two (23') feet in length and three (3) feet in width; a driveway approximately twenty-six (26') feet in length and thirty-four (34') feet in width; a driveway approximately eighteen (18') feet in length and twenty-four (24') feet in width; a handicap accessible ramp approximately twenty (20') feet in length and three (3') feet in width; landscaping and irrigation, as shown on the attached drawing; and,

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation 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 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.

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. Landscaping to be maintained by property owner.
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. Lighting standards to be reviewed and approved by Traffic Engineering and Planning.

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9. Off-street parking spaces are not for the exclusive use of the applicant. These spaces may be metered by Parking Services.

10. Must comply with all requirements of the Design/Development Review Commission (D/DRC).

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, his successors and assigns.

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.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at his 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  _____

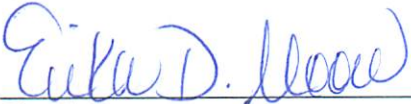
Approved by:


City Manager _____

Approved as to form:


City Attorney _____

ATTEST:


City Clerk _____

Introduced: 12/18/2018
Final Reading: 1/8/2019