

ORDINANCE NO.: 2021-095

Granting an encroachment to Catawba Apartments, LLC for the use of the right of way area of the 900 block of Catawba Street and the 300 block of Lincoln Street for the installation and maintenance of sidewalks, crosswalks, concrete median, signage, landscaping, irrigation, on-street parking and other pedestrian improvements adjacent to the building under construction at 919 Catawba Street, Richland County TMS#08914-08-02, 08914-08-07, and 08914-08-09

WHEREAS, Catawba Apartments, LLC (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 900 block of Catawba Street and the 300 block of Lincoln Street for the installation and maintenance of sidewalks, crosswalks, concrete median, signage, landscaping, irrigation, on-street parking and other pedestrian improvements adjacent to the building under construction at 919 Catawba 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 21st day of December, 2021, that Grantee is hereby granted the right to use the right of way areas of the 900 block of Catawba Street and the 300 block of Lincoln Street adjacent to the building under construction at 919 Catawba Street, Richland County TMS#08914-08-02, 08914-08-07, and 08914-08-09, for the installation and maintenance of sidewalks measuring approximately eight (8') feet in width seven hundred seventy (770') feet in length, crosswalks, concrete median, signage, landscaping, irrigation, on-street parking and other pedestrian improvements 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. Off-street parking spaces may be metered by Parking Services.

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:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 12/7/2021

Final Reading: 12/21/2021

**CITY COUNCIL
ENCROACHMENT SUMMARY
2021-095**



**900 BLOCK OF CATAWBA STREET AND THE 300 BLOCK OF LINCOLN STREET
ADJACENT TO 919 CATAWBA STREET
SIDEWALKS, CROSSWALKS, CONCRETE MEDIAN, SIGNAGE, LANDSCAPING,
IRRIGATION, ON-STREET PARKING AND OTHER PEDESTRIAN
IMPROVEMENTS**

Subject Property:	Right-of-way adjacent to building under construction at 919 Catawba Street
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of sidewalks, crosswalks, concrete median, signage, landscaping, irrigation, on-street parking and other pedestrian improvements
Applicant:	Catawba Apartments, LLC
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of sidewalks measuring approximately eight (8') feet in width seven hundred seventy (770') feet in length, crosswalks, concrete median, signage, landscaping, irrigation, on-street parking and other pedestrian improvements as shown on the attached drawings.</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. Off-street parking spaces may be metered by Parking Services.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Lucinda Statler, Planning Department	Recommend approval.
Robert Anderson, Street	Recommend approval.

Division	
Denny Daniels, Columbia Water Engineering	Recommend approval.
Andrew Ritter, Traffic Engineering	Recommend approval.
Caleb King, Forestry Division	Recommend approval.
Johnathan Chambers, Land Development	Recommend approval.
Kris Scott, Fire Department	Recommend approval.
Tori Salvant, Parking Services	Recommend approval.