

ORDINANCE NO.: 2014-008

Granting an encroachment to Mainstream V Lofts LLC /Capitol Places for placement of a flame shaped steel sculpture with concrete foundation within the sidewalk right of way area adjacent to 1644 Main Street, Richland County TMS #09014-04-01

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STAMPED IN RED

WHEREAS, Mainstream V Lofts LLC /Capitol Places, (hereinafter "Grantees") desires to utilize a portion of the sidewalk right of way area of the 1600 block of Main Street adjacent to its building at 1644 Main Street, Richland County TMS #09014-04-01, for installation and maintenance of a flame shaped steel sculpture approximately six and one-half (6' 6") feet in height and three foot three inches (3' 3") in width with a concrete foundation approximately four (4') foot square in diameter and one (1') foot in height, as shown on the attached drawing; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk 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 18th day of February, 2104 that Grantee, its successors and assigns is hereby granted the right to utilize a portion of the sidewalk right of way area adjacent to its building at 1644 Main Street, Richland County TMS #09014-04-01 for installation and maintenance of a flame shaped steel sculpture approximately six and one-half (6' 6") feet in height and three foot three inches (3' 3") in width with a concrete foundation approximately four (4') foot square in diameter and one (1') foot in height, as shown on the attached drawing.

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, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, his successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

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. Sculpture and foundation are to be maintained by property owner.
3. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.

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- 4. Business advertising of any type on the sculpture or foundation is prohibited.
- 5. All sharp or jagged edges shall be ground smooth and turned toward the inside center of the sculpture.
- 6. Grantee is responsible for all costs and repair of the improvements within the right of way should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.

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:

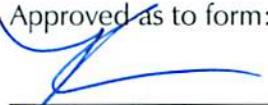
Main Street Lofts/Capitol Places


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:

City Clerk

Introduced: 2/4/2014
Final Reading: 2/18/2014

**CITY COUNCIL
ENCROACHMENT SUMMARY
2014-008**



**1600 BLOCK OF MAIN STREET
ADJACENT TO 1644 MAIN STREET
FAMOUSLY HOT ART SCULPTURE**

Subject Property:	Right-of-ways adjacent to 1644 Main Street, TMS#09014-04-01
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of a flame shaped steel sculpture
Applicant:	Mainstream V Lofts LLC /Capitol Places
Staff Recommendation:	Approval with conditions.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of a flame shaped steel sculpture approximately six and one-half (6' 6") feet in height and three foot three inches (3' 3") in width with a concrete foundation approximately four (4') foot square in diameter and one (1') foot in height, 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. Sculpture and foundation are to be maintained by property owner. 3. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle. 4. Business advertising of any type on the sculpture or foundation is prohibited. 5. All sharp or jagged edges shall be ground smooth and turned toward the inside center of the sculpture. 6. Grantee is responsible for all costs and repair of the improvements within the right of way should the City have to dig in the area or remove any part thereof for maintenance to City water and or sewer lines.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development Services	Recommend approval. The art sculpture should not contain any off premise business advertising.
Streets	Recommend approval.
Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.
Land Development	Recommend approval.
Fire	Recommend approval.

REQUEST FOR AN ENCROACHMENT ORDINANCE

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches) *Business signs are NOT permitted via an encroachment. An encroachment must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and is subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required. In order to obtain an encroachment ordinance from the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insured on your homeowners' policy with limits being increased to \$600,000 as required by Sec. 11-71. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insured prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact Chip Timmons with Risk Management.*

Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below and not through the Legal Department. Chip Timmons with Risk Management (733-8306 or catimmons@columbiasc.net) should be contacted regarding the insurance requirements.

Date: 1/9/14 Property Owner: Main Stream Lots / Capitol Places

Applicant's Name if different from Property Owner: _____

Contact Information: Telephone Number: 803-779-5171 Fax Number: _____

Mailing address: 1530 Main St Columbia SC 29201 E-mail address: Kay@capitolplaces.com

Encroachment Location (Address): 1644 Main Street / 1642 Main
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)

Tax Map Number for Encroachment Location: R09014-04-01

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other

If Other - specify: Public Art

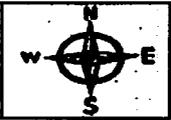
Dimensions (height/width/length): See attached

(i.e., 6'x42' wooden privacy fence; two 12"x4' concrete steps; two 12"x12" x24" brick columns; 4'x15' brick paver walkway)

Construction material: See Attached

Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.

Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)
 Location(s) signs are to be placed (i.e. Northeast corner of Main Street) _____



Businesses only: Outdoor dining No. of chairs: _____ No. of Tables _____

Hours of operation for outdoor dining: _____

Number of planters: _____ Awning: _____ (dimensions - size/material) _____

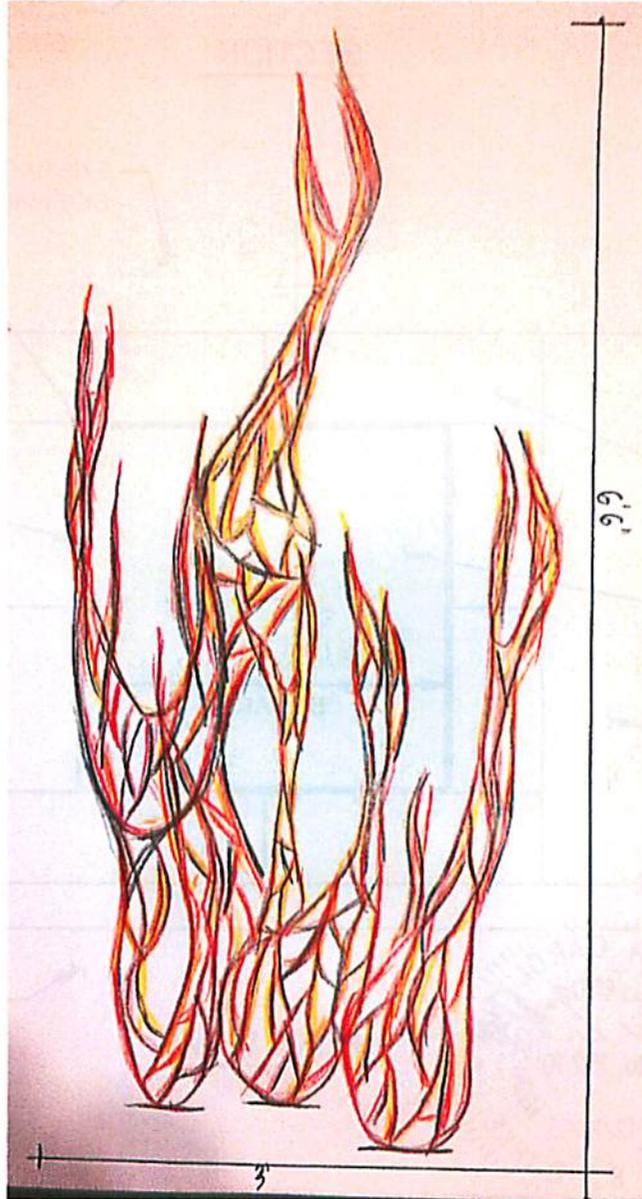
Other: _____ (or complete applicable "Encroachment type" section above)

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Krista Hampton will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

Contact	Department	Telephone Number	Fax Number
Joey Jaco	Utilities & Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Krista Hampton	Planning and Development Services	545-3420	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Delk	Columbia Dev. Corporation	988-8040	988-8039
Chip Timmons	Risk Management	733-8306	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Sweatt	Street Division	545-3790	545-3785
Jonathan Chambers	Planning and Development Services	545-3206	343-8779
Carmen Floyd	Fire Marshall	545-3703	401-8839
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
John Fellows	Planning and Development Services	545-3222	733-8647

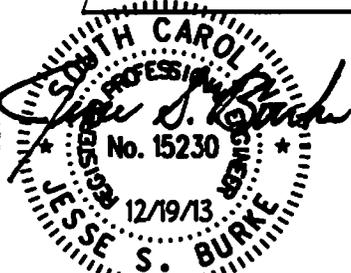
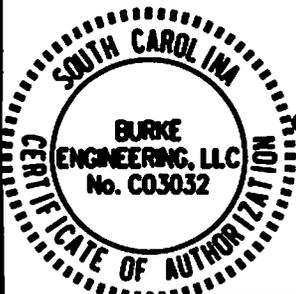
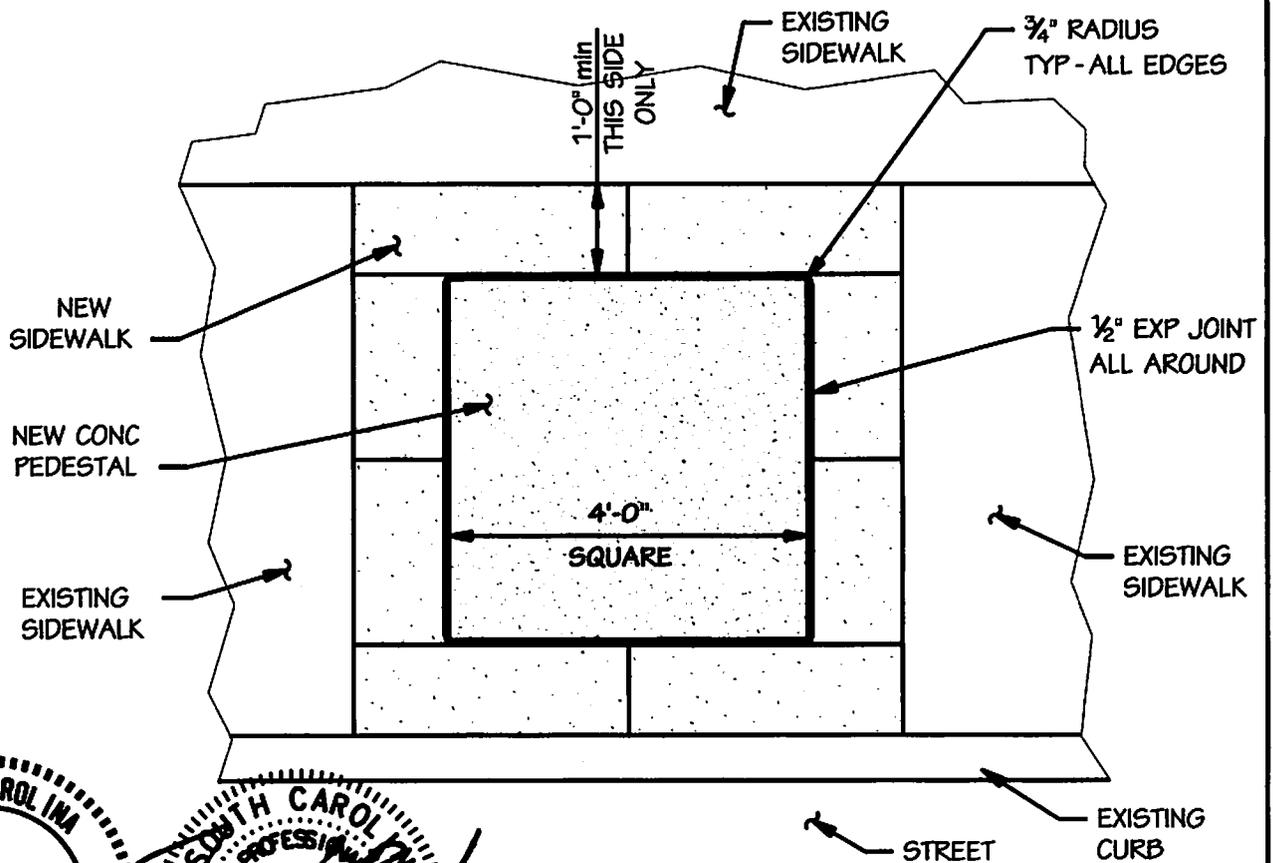
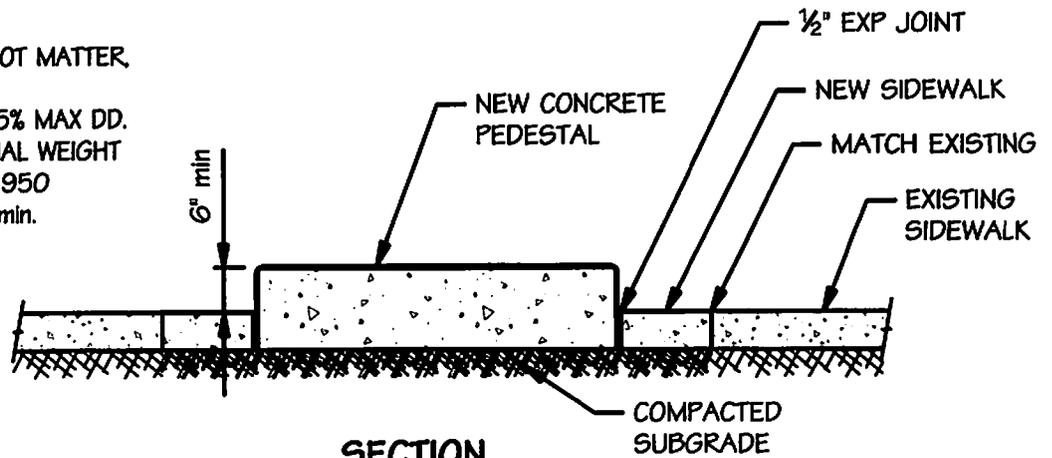
Proposed Flame Sculpture

Sculpture will approximately have a 3'x3' base width and an approximate 6'6" height. The proposed footer will be a 6'x6' square of cast concrete roughly 6" above sidewalk level. Sculpture will have a base that is cast directly into the footer. The sculpture will be constructed from 1/2", 3/8", and 1/4" round mild steel bar. Material will be mig welded together and all sharp or jagged surfaces will be ground to be smooth. All flame points will be rounded to a safe point and turned inward towards the center of the sculpture. The whole sculpture will be hot dip galvanized to prevent rust and then painted prior to being installed.



NOTES:

1. REMOVE ALL ORGANICS, ROOT MATTER, TOP SOIL, ETC. FROM AREA.
2. COMPACT SUBGRADE TO 95% MAX DD.
3. CONCRETE SHALL BE NORMAL WEIGHT 4000-psi WITH NOVOMESH 950 BLENDED FIBERS @ 5-PCY, min. OR APPROVED EQUAL.
4. ALL EXPOSED EDGES SHALL HAVE $\frac{3}{4}$ " RADIUS.



BURKE ENGINEERING, LLC
 Structural Design & Consulting
 3112 Devino St, Columbia, SC 29205-1883
 Phone: 803-733-9595 Fax: 803-254-4542
THIS DRAWING IS THE PROPERTY OF BURKE ENGINEERING, LLC. UNAUTHORIZED USE OF ANY KIND IS PROHIBITED.

PROJECT TITLE: TAPP'S PUBLIC ART
FAMOUSLY HOT SCULPTURE
 1644 MAIN ST, COLUMBIA, SC 29201

SHEET TITLE: **DETAILS OF SCULPTURE PEDESTAL**

SCALE: $\frac{1}{2}" = 1'-0"$
 PROJECT NO.: 131211
 DATE: 18 DEC 2013

SHEET NO.: **SK-1**

