

ORDINANCE NO.: 2013-023

Granting an encroachment to St. Timothy's Episcopal Church for installation and maintenance of three (3) white crepe myrtle trees within the right of way area of the 1900 block of Lincoln Street adjacent to 900 Calhoun Street , Richland County TMS #09011-08-01

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STAMPED IN RED

WHEREAS, St. Timothy's Episcopal Church, (hereinafter "Grantees") desires to utilize a portion of the right of way area of the 1900 block of Lincoln Street adjacent to 900 Calhoun Street, Richland County TMS #09011-08-01, for installation and maintenance of three (3) white crepe myrtle trees, 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 9th day of April, 2013, that Grantee, its successors and assigns is hereby granted the right to utilize a portion of the right of way area of the 1900 block of Lincoln Street adjacent to 900 Calhoun Street, Richland County TMS #09011-08-01, for installation and maintenance of three (3) white crepe myrtle trees, 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. Landscaping to be maintained by property owner.
3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
4. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.

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5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.
6. Changes in tree species must be reviewed and approved by Forestry and Beautification.
7. Trees may be trimmed if deemed necessary by Forestry and Beautification or other utility providers.

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:

St. Timothy's Episcopal Church



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 3/26/2013
Final Reading: 4/9/2013

**CITY COUNCIL
ENCROACHMENT SUMMARY
2013-023**



**1900 BLOCK OF LINCOLN STREET
ADJACENT TO 900 CALHOUN STREET
3 CREPE MYRTLE TREES**

Subject Property:	Right-of-way adjacent to 900 Calhoun Street, TMS#09011-08-01
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of three (3) white crepe myrtle trees.
Applicant:	St. Timothy Episcopal Church
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of three (3) white crepe myrtle trees two (2) feet wide by eight (8) feet high to be planted in line with existing trees within the right-of-way adjacent to 900 Calhoun Street.</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. Landscaping to be maintained by the property owner. 3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets. 4. Obstructions of more than four (4') feet in height are prohibited within the sight-visibility triangle. 5. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes. 6. Changes in tree species must be reviewed and approved by Forestry and Beautification. 7. Trees may be trimmed if deemed necessary by Forestry and Beautification or other utility providers.
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CITY AGENCY COMMENTS FOR ENCROACHMENT	
Planning & Development Services	Recommend approval.
Streets	Recommend approval.
Utilities and Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Forestry	Recommend approval.
Land Development	Recommend approval.
Fire	Recommend approval.



15th ST

Encroachment Area

