

ORDINANCE NO.: 2016-067

*Amending Ordinance No.: 2016-029 Granting an encroachment to the Knights of Columbus for installation and maintenance of brick pavers and sod within the right of way area of the 1600 block of Marion Street adjacent to its building at 1623 Marion Street, Richland County TMS #09014-05-05 changing the Grantee's name to 1623 Marion St., Inc.*

ORIGINAL  
STAMPED IN RED

WHEREAS, the Mayor and City Council by Ordinance No.: 2016-029 enacted on June 21, 2016, granted unto the Knights of Columbus (hereinafter "Grantee") the right to utilize a portion of the sidewalk right of way area of the 1600 block of Marion Street adjacent to its building at 1623 Marion Street for installation and maintenance of a brick paver walkway approximately three (3') feet in width and sixteen (16') feet in width; a brick paver walkway approximately two (2') feet in width and sixteen (16') feet in length and sod, as shown in Ordinance 2016-029, a copy of which is attached hereto and incorporated herein; and,

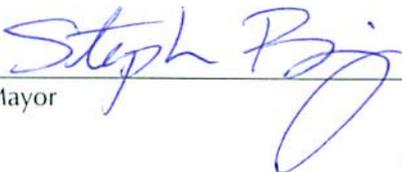
WHEREAS, ownership of 1623 Marion Street, Richland County TMS #09014-05-05 has been transferred from the Knights of Columbus to 1623 Marion St., Inc., and the Grantor desires to amend Ordinance No.: 2016-029 to reflect the name of the current owner of record; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 1st day of November, 2016, that Ordinance No.: 2016-029 is hereby amended to reflect the current owner of record as 1623 Marion St., Inc. as Grantee; and,

BE IT FURTHER ORDAINED that 1623 Marion St., Inc., its successors and assigns are hereby granted the rights and privileges heretofore granted by the Mayor and City Council in Ordinance No.: 2016-029 enacted on June 21, 2016, to the Knights of Columbus to utilize a portion of the sidewalk right of way area of the 1600 block of Marion Street adjacent to its building at 1623 Marion Street for installation and maintenance of a brick paver walkway approximately three (3') feet in width and sixteen (16') feet in width; a brick paver walkway approximately two (2') feet in width and sixteen (16') feet in length and sod, as shown in the attached ordinance.

Requested by:

Assistant City Manager Gentry

  
\_\_\_\_\_  
Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:   
\_\_\_\_\_  
City Clerk

Introduced: 10/18/2016  
Final Reading: 11/1/2016

ORDINANCE NO.: 2016-029

*Granting an encroachment to the Knights of Columbus for installation and maintenance of brick pavers and sod within the right of way area of the 1600 block of Marion Street adjacent to its building at 1623 Marion Street, Richland County TMS #09014-05-05*

ORIGINAL  
STAMPED IN RED

WHEREAS, the Knights of Columbus (hereinafter "Grantee") desire to utilize a portion of the sidewalk right of way area of the 1600 block of Marion Street adjacent to its building at 1623 Marion Street for installation and maintenance of a brick paver walkway approximately three (3') feet in width and sixteen (16') feet in length; a brick paver walkway approximately two (2') feet in width and sixteen (16') feet in length and sod, 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 21st day of June, 2016, that Grantee, its successors and assigns is hereby granted the right to utilize a portion of the sidewalk right of way area of the 1600 block of Marion Street adjacent to its building at 1623 Marion Street for installation and maintenance of a brick paver walkway approximately three (3') feet in width and sixteen (16') feet in length; a brick paver walkway approximately two (2') feet in width and sixteen (16') feet in length and sod, 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. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.
3. All trees shall be protected and no large tree roots shall be removed from any existing trees.
4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

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.

ORIGINAL  
STAMPED IN RED

Requested by:

Assistant City Manager Gentry

\_\_\_\_\_  
Mayor

Approved by:

Charasa Wilson  
City Manager

Approved as to form:

\_\_\_\_\_  
City Attorney

ATTEST:

Erika D. Moore  
City Clerk

Introduced: 6/7/2016

Final Reading: 6/21/2016

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2016-029**



**1623 MARION STREET  
BRICK PAVERS**

<b>Subject Property:</b>	Right-of-ways adjacent to 1623 Marion Street, TMS#09014-05-05
<b>Council District:</b>	2
<b>Proposal:</b>	The applicant is requesting to amend encroachment ordinance 2013-036 for installation and maintenance of sod, irrigation and brick pavers
<b>Applicant:</b>	Knights of Columbus
<b>Staff Recommendation:</b>	Approval

<b>Detail:</b>	<p>The applicant is requesting to an encroachment for the installation and maintenance of brick paver walkway approximately three (3') feet in width and sixteen (16') feet in width; a brick paver walkway approximately two (2') feet in width and sixteen (16') feet in length and sod, as shown on the attached drawing.</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.</li> <li>3. All trees shall be protected and no large tree roots shall be removed from any existing trees.</li> <li>4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.</li> </ol>
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<b>CITY AGENCY COMMENTS FOR ENCROACHMENT</b>	
<b>Planning &amp; Development Services</b>	Recommend approval.
<b>Streets</b>	Recommend approval.
<b>Utilities and Engineering</b>	Recommend approval.
<b>Traffic Engineering</b>	Recommend approval.
<b>Forestry</b>	Recommend approval. Prior to installation, the applicant is to contact the Forestry Division to ensure that there is no damage to the existing tree roots. Any root damage impact the tree's health.
<b>Land Development</b>	Recommend approval.
<b>Fire</b>	Recommend approval.
<b>Parking Services</b>	Recommend approval.

**REQUEST FOR A PERMANENT COMMERCIAL ENCROACHMENT ORDINANCE  
(INCLUDING OUTDOOR DINING/LANDSCAPING/STUDENT HOUSING)**

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. Encroachments must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and are 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 insurance 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, (803) 733-8306 or [ctimmons@columbiasc.net](mailto:ctimmons@columbiasc.net).

Please complete and submit this form along with photographs and drawings or site plan drawn to scale (including a 8-1/2 x11) to Johnathan Chambers by e-mail at [jchambers@columbiasc.net](mailto:jchambers@columbiasc.net); fax at 803-343-8779; or mail to Johnathan Chambers, Development Services, 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.

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. Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements.

Date: March 23/2016 Property Owner: Knights of Columbus  
 Applicant's Name if different from Property Owner: Richard Scialdo hall volunteer  
 Contact Information: Telephone Number: 803-312-5856 Fax Number: NA  
 Mailing address: 1623 Marion Street Columbia, SC 29201 E-mail address: rjscialdo@bellsouth.nwr  
 Business Name/Development Name for Encroachment: \_\_\_\_\_

Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  Sidewalk/Walkway  
 Planters  Awning  Underground Utilities  Other: \_\_\_\_\_

Dimensions (height/width/length): Addition of walkways one 16'x3'x2" and one 16'x2'x2" per attached drawing  
(i.e. 6x42' wooden privacy fence;  
two 12x4x3' concrete steps)

Construction material: concrete patio pavers 22"x22"x2" set in sand base and leveled.

**OUTDOOR DINING:** The Fire Marshal's posted capacity allowed within the business at the time of enactment of the outdoor dining encroachment ordinance shall  include the total number of patron seating approved for the outdoor dining encroachment area, if not already included in the posted capacity allowance, so that patrons relocating from inside to the outside or from outside to the inside do not cause the posted capacity to be exceeded.

Hours/days of operation for outdoor dining: \_\_\_\_\_  
 Posted Maximum Capacity Allowance (inside/outside combined): \_\_\_\_\_ No. of chairs outdoors: \_\_\_\_\_ No. of Tables Outdoors: \_\_\_\_\_  
 Do you serve  Wine  Beer  Liquor SCDOR ABL No.: \_\_\_\_\_ If not, do you intend to apply for an ABL license? \_\_\_\_\_

I acknowledge that the adjoining property owners and businesses have been contacted and approve the addition of outdoor dining at this location to include the service of beer, wine and/or liquor if applicable during the business hours noted above, and that any changes made to the business hours, use of the encroachment area or items allowed within the encroachment area will require an amendment to the encroachment ordinance.

Name/Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

I acknowledge that any changes made to the business, hours, use of the encroachment area, or items allowed within the encroachment area, to include obtaining a license to sell beer, wine and/or liquor will require an amendment to the encroachment ordinance.

Name/Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

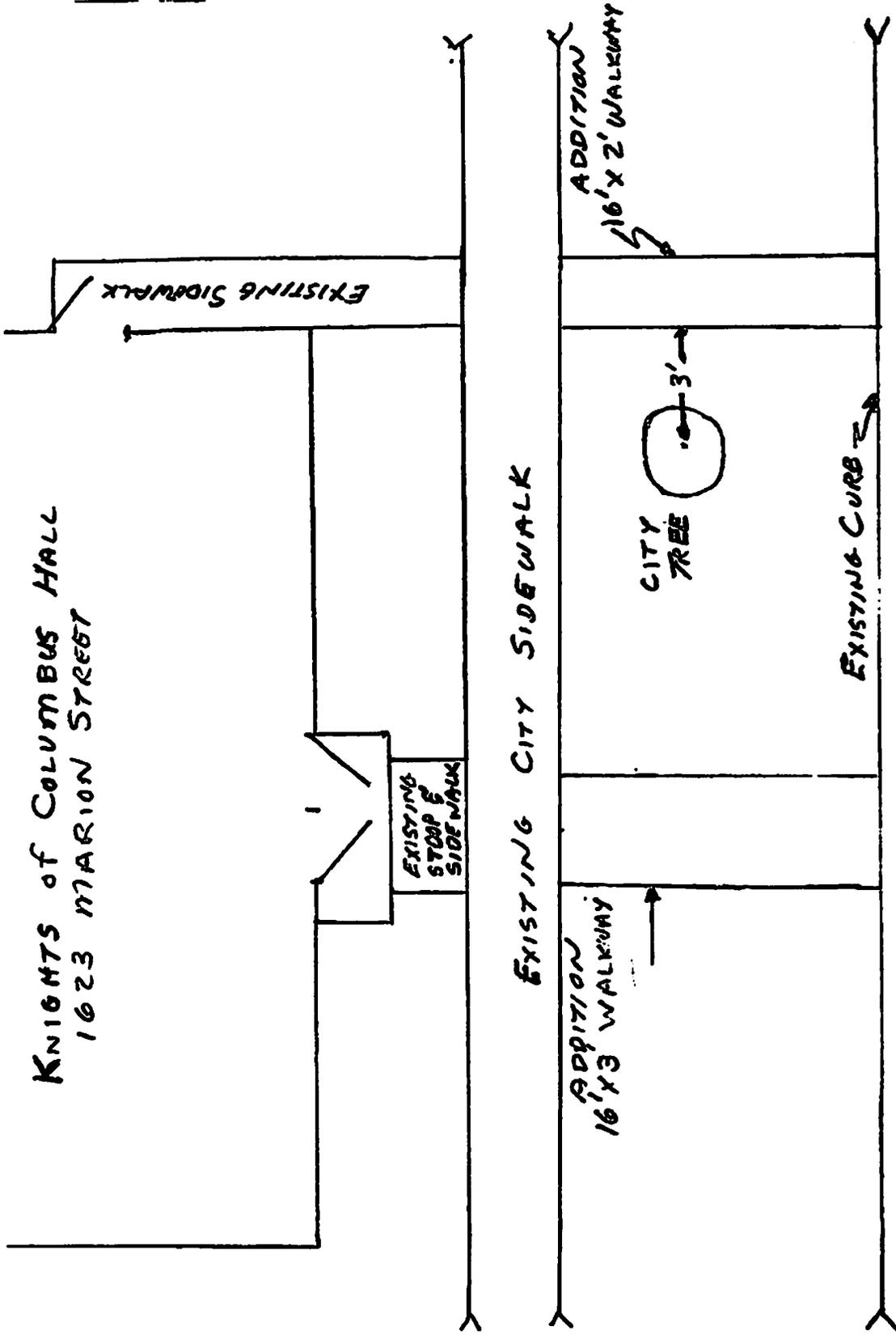
The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	<a href="mailto:jchambers@columbiasc.net">jchambers@columbiasc.net</a>
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	<a href="mailto:jfellows@columbiasc.net">jfellows@columbiasc.net</a>
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	<a href="mailto:bcook@columbiasc.net">bcook@columbiasc.net</a>
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	<a href="mailto:jthompson@columbiasc.net">jthompson@columbiasc.net</a>
Fanosaa Flackney	Development Services (Permits)	803-545-3420	803-733-8699	<a href="mailto:fcplackney@columbiasc.net">fcplackney@columbiasc.net</a>
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	<a href="mailto:semoore@columbiasc.net">semoore@columbiasc.net</a>
Robert Harlins	Development Services (Plans Review)	803-545-3420	803-733-8647	<a href="mailto:rharlins@columbiasc.net">rharlins@columbiasc.net</a>
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-888-8199	<a href="mailto:ddaniels@columbiasc.net">ddaniels@columbiasc.net</a>
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	<a href="mailto:randerson@columbiasc.net">randerson@columbiasc.net</a>
Robert Sweat	Public Works (Street Division)	803-545-3790	803-545-3785	<a href="mailto:rgsweat@columbiasc.net">rgsweat@columbiasc.net</a>
David Brower	Public Works (Traffic Engineering)	803-545-3830	803-733-8648	<a href="mailto:ddbrower@columbiasc.net">ddbrower@columbiasc.net</a>
Sara Holbar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	<a href="mailto:seholbar@columbiasc.net">seholbar@columbiasc.net</a>
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	<a href="mailto:jhooks@columbiasc.net">jhooks@columbiasc.net</a>
Chip Timmons	Risk Management	803-733-8306	803-733-8245	<a href="mailto:ctimmons@columbiasc.net">ctimmons@columbiasc.net</a>
David Koon	Fire Department	803-545-3701	803-401-8839	<a href="mailto:cdkoon@columbiasc.net">cdkoon@columbiasc.net</a>
John David Spade	Parking Services	803-545-3070	803-733-8523	<a href="mailto:jspade@columbiasc.net">jspade@columbiasc.net</a>





KNIGHTS of COLUMBUS HALL  
1623 MARION STREET



← CITY STREET →  
WALKWAYS TO BE CONSTRUCTED OF 22" X 22" X 2" CONCRETE PATIO FAVORS  
SET INTO A SAND BASE AND LEVEL ED.

RICHARD SCIALOJO  
3/22/16



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