

ORDINANCE NO.: 2013-037

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*Amending encroachment Ordinance No. 2010-029 granted to Historic Waverly Improvement and Protection Association for installation and maintenance of landscaping and irrigation within the right of way areas of 2214 Washington Street; 2214 Hampton Street; North side of the 2300 block Hampton Street; NE corner of Heidt Street and Gervais Street; NE corner of Pine Street and Gervais Street; SE corner of Lady Street and Heidt Street; NE corner of Oak Street and Gervais Street; NW corner of Hampton Street and North Millwood Avenue; NW corner of Oak Street and Washington Street; NE corner of Oak Street and Washington Street; SE corner of Washington Street and Oak Street; SW corner of Washington Street and Oak Street; NW corner of Lady Street at Pine Street; SW corner of Lady Street and Pine Street; SE corner of Lady Street and Pine Street; NE corner of Lady Street and Pine Street; SE corner of Taylor Street and Oak Street; 1421 Oak Street; SE corner of Hampton Street and Oak Street; and, SE corner of Hampton Street and Harden Street to allow for the installation and maintenance of a permeable paver driveway apron and paver walk at 2214 Hampton Street*

WHEREAS, by Ordinance No. 2010-029 enacted on April 7, 2010, the Mayor and City Council of the City of Columbia granted the Historic Waverly Improvement and Protection Association (hereinafter "Grantee") the right to utilize a portion of the right of way area of 2214 Washington Street; 2214 Hampton Street; North side of the block of 2300 Hampton Street; NE corner of Heidt Street and Gervais Street; NE corner of Pine Street and Gervais Street; SE corner of Lady Street and Heidt Street; NE corner of Oak Street and Gervais Street; NW corner of Hampton Street and North Millwood Avenue; NW corner of Oak Street and Washington Street; NE corner of Oak Street and Washington Street; SE corner of Washington Street and Oak Street; SW corner of Washington Street and Oak Street; NW corner of Lady Street at Pine Street; SW corner of Lady Street and Pine Street; SE corner of Lady Street and Pine Street; NE corner of Lady Street and Pine Street; SE corner of Taylor Street and Oak Street; 1421 Oak Street; SE corner of Hampton Street and Oak Street; and, SE corner of Hampton Street and Harden Street, for installation and maintenance of landscaping as shown on the attached drawing, for installation and maintenance of landscaping as shown on the attached drawings; and,

WHEREAS, Grantee desires to amend encroachment Ordinance 2010-029 to allow for the installation of a permeable paver driveway apron approximately twelve (12') feet in width and twelve (12') feet in length and a permeable paver walk approximately five (5') feet in width and twelve (12') feet in length at 2214 Hampton Street as shown on the attached drawing;

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 16<sup>th</sup> day of April, 2013, that Ordinance No. 2010-029 is hereby amended to allow Grantee, its successors and assigns, the right to further utilize a portion of the right of way area of 2214 Hampton Street for installation and maintenance of a permeable paver driveway apron approximately twelve (12') feet in width and twelve (12') feet in length and a permeable paver walk approximately five (5') feet in width and twelve (12') feet in length at 2214 Hampton Street 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 or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee 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, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which

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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.
2. 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.
3. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets;
4. Landscaping to be maintained by Grantee;
5. All trees shall be protected and no large tree roots shall be removed from any existing trees.
6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.

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.

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, its 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 its expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

Historic Waverly Improvement and  
Protection Association

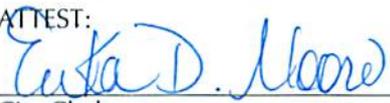
  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:  
  
City Clerk

Introduced: 4/9/2013  
Final Reading: 4/16/2013

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2013-037**



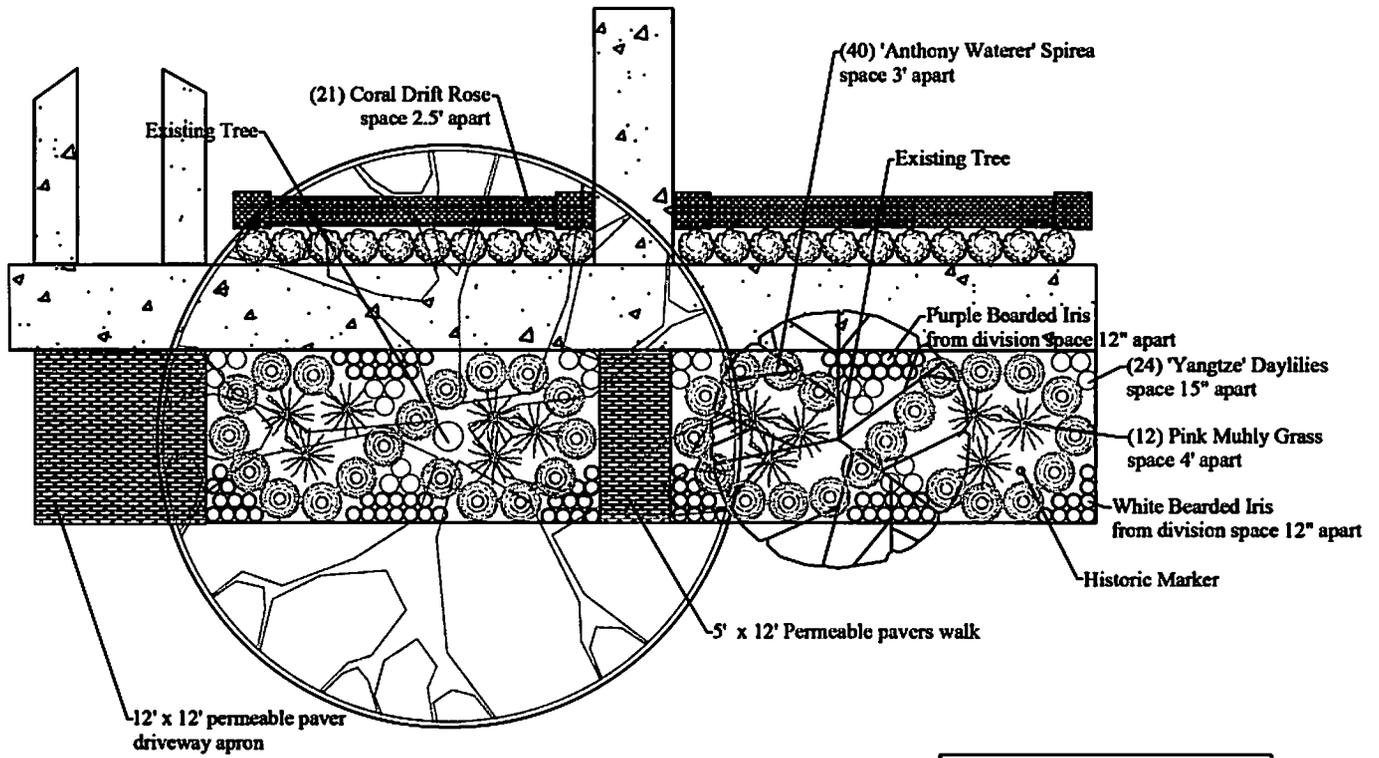
**2200 BLOCK OF HAMPTON STREET  
ADJACENT TO 2214 HAMPTON STREET  
PAVER DRIVEWAY APRON AND WALKWAY**

<b>Subject Property:</b>	Right-of-way adjacent to 2214 Hampton Street, TMS#11407-14-03
<b>Council District:</b>	2
<b>Proposal:</b>	The applicant is requesting an encroachment for installation and maintenance of permeable paver driveway apron and paver walk at 2214 Hampton Street
<b>Applicant:</b>	Historic Waverly Improvement and Protection Association
<b>Staff Recommendation:</b>	Approval.

<b>Detail:</b>	<p>This is a request to amend encroachment Ordinance No. 2010-029 granted to Historic Waverly Improvement and Protection Association for installation and maintenance of landscaping and irrigation within the right of way areas of 2214 Washington Street; 2214 Hampton Street; North side of the 2300 block Hampton Street; NE corner of Heidt Street and Gervais Street; NE corner of Pine Street and Gervais Street; SE corner of Lady Street and Heidt Street; NE corner of Oak Street and Gervais Street; NW corner of Hampton Street and North Millwood Avenue; NW corner of Oak Street and Washington Street; NE corner of Oak Street and Washington Street; SE corner of Washington Street and Oak Street; SW corner of Washington Street and Oak Street; NW corner of Lady Street at Pine Street; SW corner of Lady Street and Pine Street; SE corner of Lady Street and Pine Street; NE corner of Lady Street and Pine Street; SE corner of Taylor Street and Oak Street; 1421 Oak Street; SE corner of Hampton Street and Oak Street; and, SE corner of Hampton Street and Harden Street to allow for the installation and maintenance of a permeable paver driveway apron and paver walk at 2214 Hampton Street 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;</li> <li>2. 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>3. Landscaping to be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.</li> <li>4. Landscaping to be maintained by Grantee;</li> <li>5. All trees shall be protected and no large tree roots shall be removed from any existing trees; and</li> <li>6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.</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.
<b>Land Development</b>	Recommend approval.
<b>Fire</b>	Recommend approval.



## 2214 Hampton Street

Historic Waverly Community  
 2214 Hampton Street  
 City of Columbia  
 A. Bledsoe March 2013  
 Forestry & Beautification  
 Scale: 1" = 10'



