

ORDINANCE NO.: 2011-097

Granting an encroachment to City Center Partnership for placement and maintenance of one bike rack and one sculpture within the sidewalk right of way of the 1300 block of Main Street adjacent to 1136 Washington Street

WHEREAS, City Center Partnership, (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area of the 1300 block of Main Street adjacent to 1136 Washington Street for placement and maintenance of one sculpture approximately six (6') feet, five (5") inches in height, and approximately three (3') feet in diameter, to be placed on the left side of the doorway of 1136 Washington Street shown as location #6 on the attached map; and one bike rack approximately five (5') feet in length, four (4') feet in height and three (3') feet in diameter to be placed on the right side of the doorway into 1136 Washington Street shown as location #5 on the attached map; 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 20th day of December, 2011, that Grantee, its successors and assigns, is hereby granted the right to utilize a portion of the sidewalk right of way area of the 1300 block of Main Street adjacent to 1136 Washington Street for placement and maintenance of one sculpture approximately six (6') feet, five (5") inches in height, and approximately three (3') feet in diameter, to be placed on the left side of the doorway of 1136 Washington Street shown as location #6 on the attached map; and one bike rack approximately five (5') feet in length, four (4') feet in height and three (3') feet in diameter to be placed on the right side of the doorway into 1136 Washington Street shown as location #5 on the attached map.

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 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

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STAMPED IN RED

complying with the following conditions, restrictions or limitations:

1. The sculpture and bike rack must be properly weighted so as to prevent movement and/or being blown down by wind. If the weight does not prevent movement or prevent the sculpture and bike rack from being blown down by wind, Grantee is required to securely bolt down the sculpture and bike rack.

2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained;

3. Materials are to be similar in quality and design as to the pictures and specifications submitted along with the request for an encroachment and subject to City's approval prior to installation.

4. The sculpture and bike rack shall be placed so as not to create a visual impediment or obstruct sidewalks or entrances and exists to the building.

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.

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:

City Center Partnership _____

Approved by: _____

City Manager

Approved as to form: _____

City Attorney

Introduced: 12/13/2011

Final Reading: 12/20/2011


MAYOR

ATTEST:

City Clerk

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.

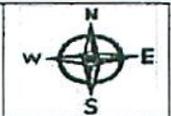
Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed 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: _____ Property Owner: City OF Columbia
 Applicant's Name if different from Property Owner: City Center Partnership ATT: Karel Givens
 Contact Information: Telephone Number: 803-233-0620 Fax Number: 803-233-0621
 Mailing address: 1201 Main Street, Suite 150, Columbia E-mail address: karel@citycentercolumbia.sc
 Encroachment Location (Address): 1136 Washington Street, Columbia SC 29217
 (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: _____
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Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
 If Other - specify: Sidewalk on Main street (two locations) #5 & #6 on either side of entrance.
 Dimensions (height/width/length): Left Side of door Aprox: 3'x3', Right side aprox 5' x 4' deep.
sculpture bike rack
 (i.e., 6'x42' wooden privacy fence; two 12'x4' concrete step; two 12'x12' x24' brick columns; 4'x15' brick paver walkway)
 Construction material: Metal sculpture mounted on stone base. Approved by City Planning & Dev.
 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 Centry	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

11/11/1919
 2011-097





Legend

- Preferred Locations
- Very Large Spaces
- Residence Space
- Parcels

CITY OF COLUMBIA
 PLANNING DEPARTMENT
 THIS MAP OR PLAN IS THE PRODUCT OF COMPILATION
 OR WAS PRODUCED BY OTHERS. IT IS PROVIDED FOR
 INFORMATION ONLY AND THE CITY OF COLUMBIA
 MAKES NO REPRESENTATIONS AS TO ITS ACCURACY.
 ITS USE WITHOUT FIELD VERIFICATION IS AT THE SOLE
 RISK OF THE USER.

Lady St. to Washington St.

City of Columbia, S.C.
 Public Art Placement Locations

Planning & Development Services Department
 June 22, 2010
 Prepared by: J. Crick





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may not be appropriate due to the amount of underground vaults and utilities within the area.

Location: 5

Ownership/Size: Public/Large

Description:

This location is in the recessed portions of the City's Office Building along Main St.

Constraints:

The vertical and horizontal envelope for this space is unique along Main St. This location can also support multiple installations simultaneously. Any installation shall not extend towards the sidewalk beyond the footings of the building. Extra considerations should be taken to ensure the work compliments the unique architecture and occupation of this building, and the multi-story scale of this location.



Location: 6

Ownership/Size: Public/Large

Description:

This location is located in the recesses of the City's Office Building along Main St.

Constraints:

The vertical and horizontal envelope for this space is unique along Main St. Any installation shall not extend towards the sidewalk beyond the footings of the building. Extra considerations should be taken to ensure the work compliments the unique architecture and occupation of this building.

