

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 20-13

AN ORDINANCE

authorizing a right of use permit with Walnut II, LLC for construction, improvement, operation and maintenance of balconies in portions of the Walnut Street right-of-way and the alley right-of-way between College Avenue and Short Street; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute a right of use permit with Walnut II, LLC for construction, improvement, operation and maintenance of balconies in portions of the Walnut Street right-of-way and the alley right-of-way between College Avenue and Short Street. The form and content of the permit shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

RIGHT OF USE PERMIT

KNOW ALL MEN BY THESE PRESENT that on this _____ day of _____, 20____ the City of Columbia, a municipal corporation, in consideration of the sum of ten dollars (\$10.00) and other considerations to it paid, does hereby permit **Walnut II, LLC**, their heirs and/or assigns (hereinafter referred to as "Permittee") to enter upon the following described lands owned by the City of Columbia and located within the right of way of Walnut Street, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The street right-of-way of Walnut Street from station 1+42 to station 2+72 of at 1224 E. Walnut St, within the limits of the City of Columbia.

This permit is subject to the following conditions and stipulations:

1. This permit is for the exclusive purpose of construction, improvement, operation and maintenance of balconies in the right of way of a portion of Walnut Street.
2. This permit does not grant Permittee or any of its officers, agents or employees the right to cut, break, excavate or damage the street pavement of Walnut Street without City of Columbia consent
3. Permittee will be responsible for the costs of any future repairs, maintenance or replacements which is the result from Permittee's use under this Right of Use Permit.
4. Prior to exercising its right granted herein, the Permittee shall present construction plans or diagrams locating the proposed infrastructure to the City Public Works Department and City Water and Light Department and any existing utility company using facilities located within the limits of the Permit.
5. Prior to exercising its right granted hereunder, Permittee agrees to obtain all necessary permits required by the City of Columbia pertaining to work being done in the right of way.
6. If the balconies are ever abandoned, all rights herein granted shall cease and terminate and Permittee shall have no further right of interest therein except that, upon abandonment, Permittee remains responsible for all of Permittee's facilities and structures left in place and any costs to remove them or store them or to otherwise clean up easement.
7. If at any time during construction, repair, modification or relocation of the balconies or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the balconies, the Permittee shall relocate the balconies at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the balconies become damaged in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of any utility existing in the easement at the time this permit is granted it will repair or replace the balconies at their own cost and hold the City of Columbia harmless for any of the costs

associated with the repair or replacement or any other costs associated with the damage to the facilities.

9. This permit shall remain in effect until canceled by the City of Columbia, which shall be obligated to notify the Permittee six (6) months in advance of cancellation.

IN WITNESS WHEREOF, the said Party of the First Part has caused these presents to be signed by its officers the day and year first written above.

City of Columbia, Missouri

By: _____
Michael Matthes
City Manager

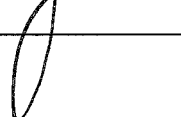
Attest:

By: _____
Sheela Amin
City Clerk

Approved as to form:

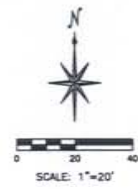
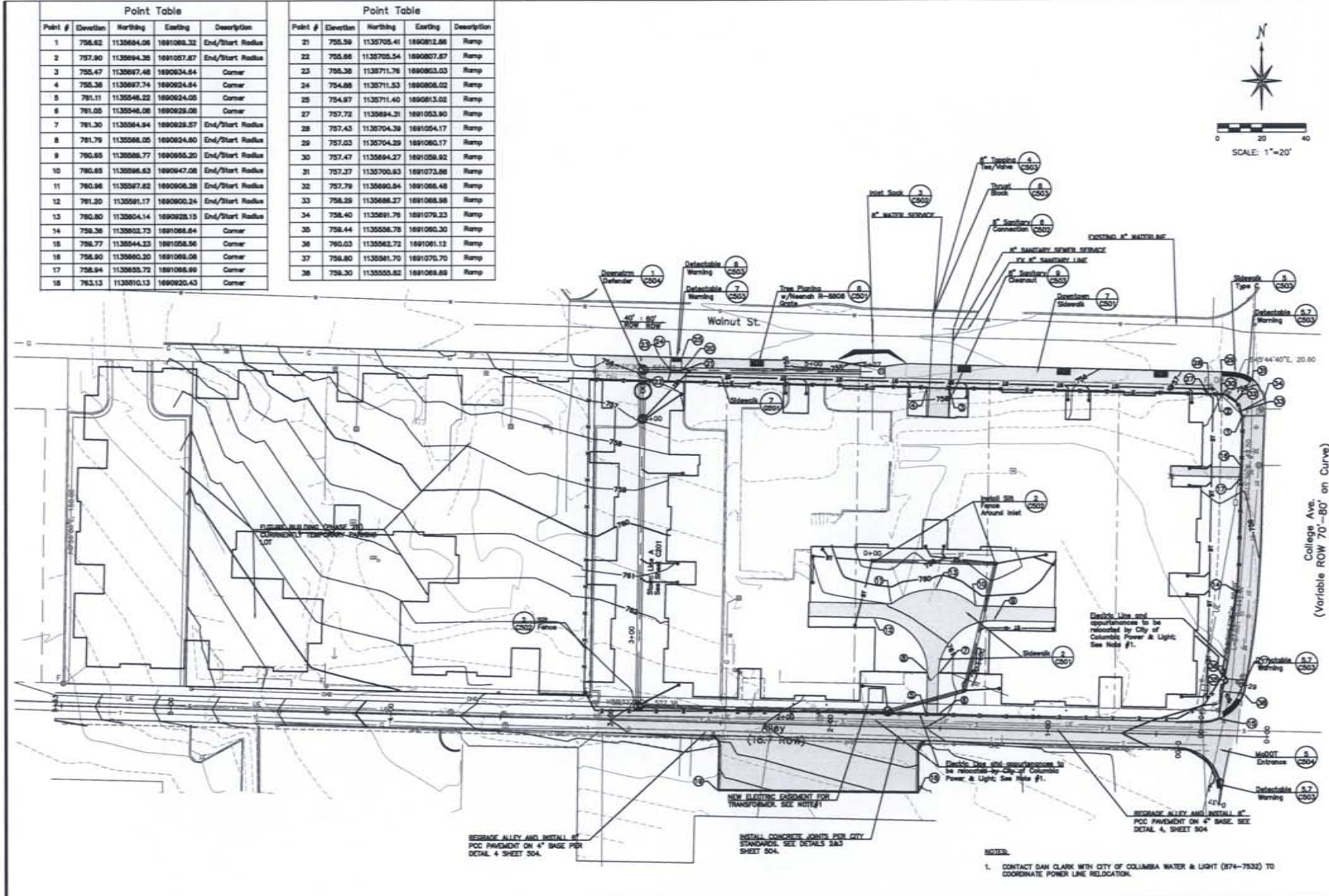
By: _____
Fred Boeckmann
City Counselor

Walnut II, LLC

By: _____


Point Table				
Point #	Elevation	Northing	Eastng	Description
1	756.62	1130694.06	1691068.32	End/Start Radius
2	757.90	1130694.36	1691067.87	End/Start Radius
3	755.47	1130697.46	1690834.64	Corner
4	755.38	1130697.74	1690834.64	Corner
5	761.11	1130546.22	1690624.05	Corner
6	761.05	1130546.06	1690628.08	Corner
7	761.30	1130564.94	1690628.57	End/Start Radius
8	761.79	1130566.05	1690624.80	End/Start Radius
9	760.65	1130569.77	1690655.30	End/Start Radius
10	760.85	1130566.63	1690647.08	End/Start Radius
11	760.96	1130567.62	1690606.28	End/Start Radius
12	761.20	1130591.17	1690605.24	End/Start Radius
13	760.80	1130604.14	1690628.15	End/Start Radius
14	759.36	1130602.73	1691068.64	Corner
15	766.77	1130544.23	1691058.56	Corner
16	756.80	1130660.20	1691068.08	Corner
17	758.94	1130553.72	1691065.69	Corner
18	763.13	1130610.13	1690620.43	Corner

Point Table				
Point #	Elevation	Northing	Eastng	Description
21	755.59	1135705.41	1690812.66	Ramp
22	755.66	1135705.54	1690807.87	Ramp
23	755.36	1135711.76	1690803.03	Ramp
24	754.86	1135711.53	1690808.02	Ramp
25	754.87	1135711.40	1690813.02	Ramp
27	757.72	1135694.31	1691053.90	Ramp
28	757.43	1135704.39	1691054.17	Ramp
29	757.03	1135704.29	1691060.17	Ramp
30	757.47	1135694.27	1691058.92	Ramp
31	757.37	1135700.63	1691073.86	Ramp
32	757.79	1135690.84	1691066.46	Ramp
33	758.29	1135688.27	1691066.56	Ramp
34	758.40	1135691.76	1691079.23	Ramp
35	758.44	1135506.78	1691060.30	Ramp
36	760.03	1135562.72	1691061.13	Ramp
37	759.80	1135561.70	1691070.70	Ramp
38	759.30	1135555.62	1691068.69	Ramp



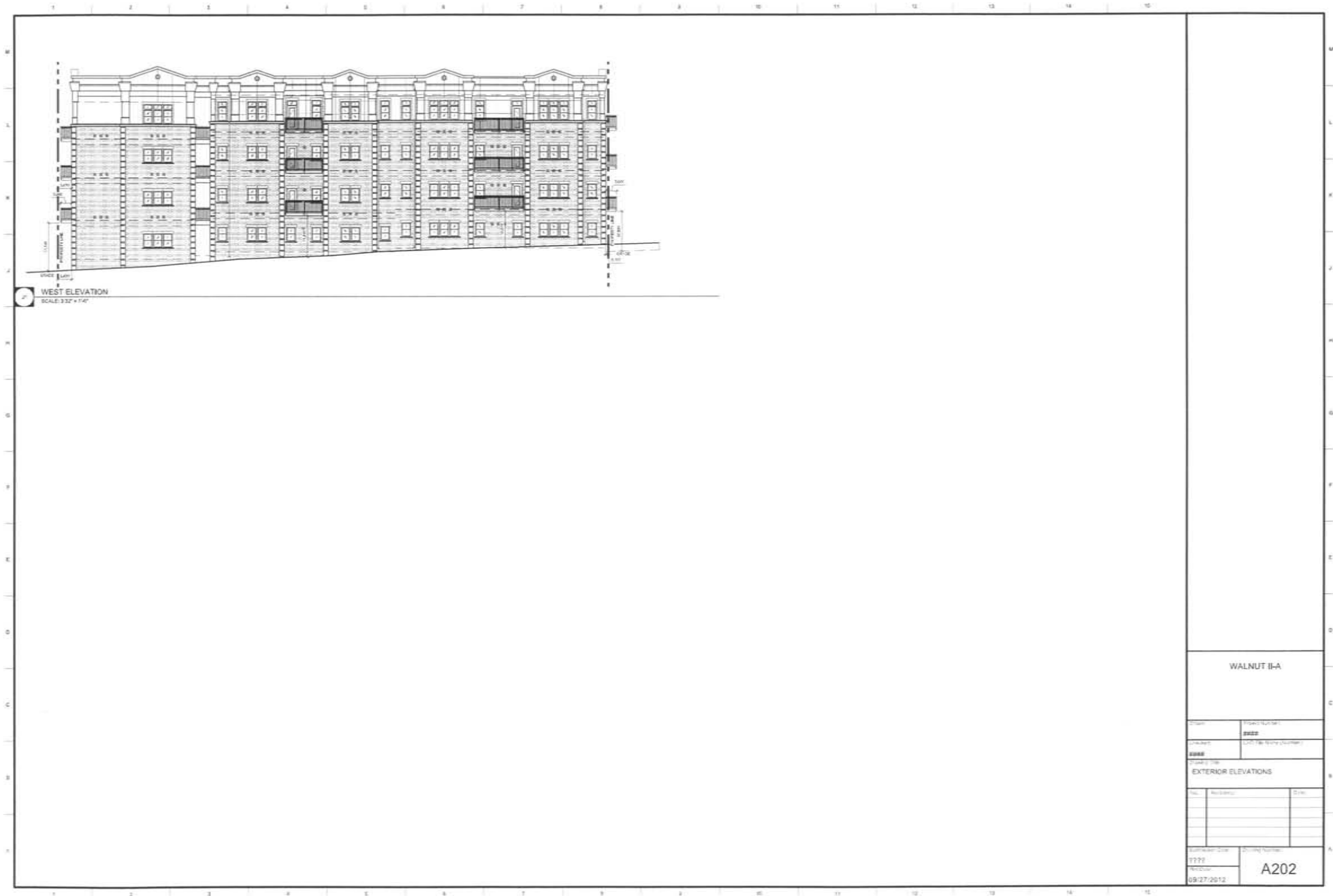
MOORE, M. HALL
NOV 2-2004
DWG 12-31-13

THHinc
Consulting Engineers
TRAUB, HANSEN &
HOLCOMB, INC.
1601 Pennsylvania Dr.
Columbia, MO 65202
Phone (816) 434-4488
Fax (816) 434-1128
4401 E. 12th Ave., Ste. 200
Columbia, MO 65202
Phone (816) 434-4488
Fax (816) 434-1128

Walnut St. LLC
NEW APARTMENT PROJECT
1224 WALNUT ST., COLUMBIA, MO
Site & Grading Plan

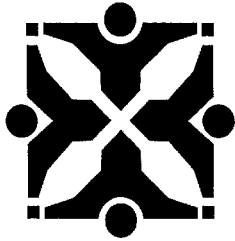
Client Proj # 00000
THHinc Proj # 06271
Engineer 16844
Designer 1003
Draftsman CND/GRC
Prelim 11/19/2012

DWG. **C101**
Sht. 3 of 10



WALNUT II-A

Client	Project Name
Architect	Architect's Name (Firm)
Project Title	Project Location
EXTERIOR ELEVATIONS	
Scale	Sheet
Author	Checker
Drawn	Reviewed
Project Number	Sheet Number
1111	A202
09/27/2012	



Source: Public Works

A handwritten signature in black ink, appearing to be 'J. H.'.

Agenda Item No:

To: City Council

From: City Manager and Staff

A handwritten signature in black ink, appearing to be 'M. M.'.

Council Meeting Date: Jan 22, 2013

Re: Right of Use Permit with Walnut II, LLC to Install Balconies

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a Right of Use permit with Walnut II, LLC to install and maintain balconies within the street right-of-way of Walnut Street, and the alley between College Avenue and Short Street (see attached diagram).

DISCUSSION:

Walnut II, LLC has proposed to install and maintain balconies within a portion of public street right-of-way at 1224 E. Walnut Street, and the alley between College Avenue and Short Street. The right of use permit stipulates the responsibilities and duties of Walnut II, LLC and is similar to other right of use permits granted for street rights-of-way. The proposal has been reviewed by staff, and has been approved.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approve the ordinance authorizing the City Manager to execute a Right of Use permit with Walnut II, LLC.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

December 10, 2012

CCEG #112001-1

City of Columbia
Community Development Department
ATTN: Mr. Josh Heath
701 E. Broadway
Columbia, MO 65201

RE: Right of Use Permit Application # 12-3228 (1224 East Walnut)

Dear Josh:

Per the footing and foundation approval letter dated 11/19/2012 please consider the following response to the request for additional information for the right of use permit:

- The address for the property and proposed building is 1224 East Walnut.
- The stationing for the balconies is as follows:
 - For balconies facing Walnut the stationing is as follows (station from intersection of College and Walnut, starting station 1+00; station offset left is from centerline of Walnut to right of way):
 - 1+85, 19' LT
 - 1+42, 19' LT
 - 2+15, 19' LT
 - 2+72, 19' LT
 - For balconies facing the alley, the stationing is as follows (station from intersection of College and Walnut, starting station 1+00; station offset left is from centerline of Walnut to the north right of way of the alley):
 - 1+23, 170' LT
 - 2+33, 170' LT

I've attached a copy of the MoDOT plans indicating the stationing for reference with this response to comments. Please make sure to direct all future correspondence, questions, etc to me at the address on this letterhead. Also, please feel free to contact me by email at mmhall@columbiacivilengineering.com.

Sincerely,



Michael M. Hall, P.E.

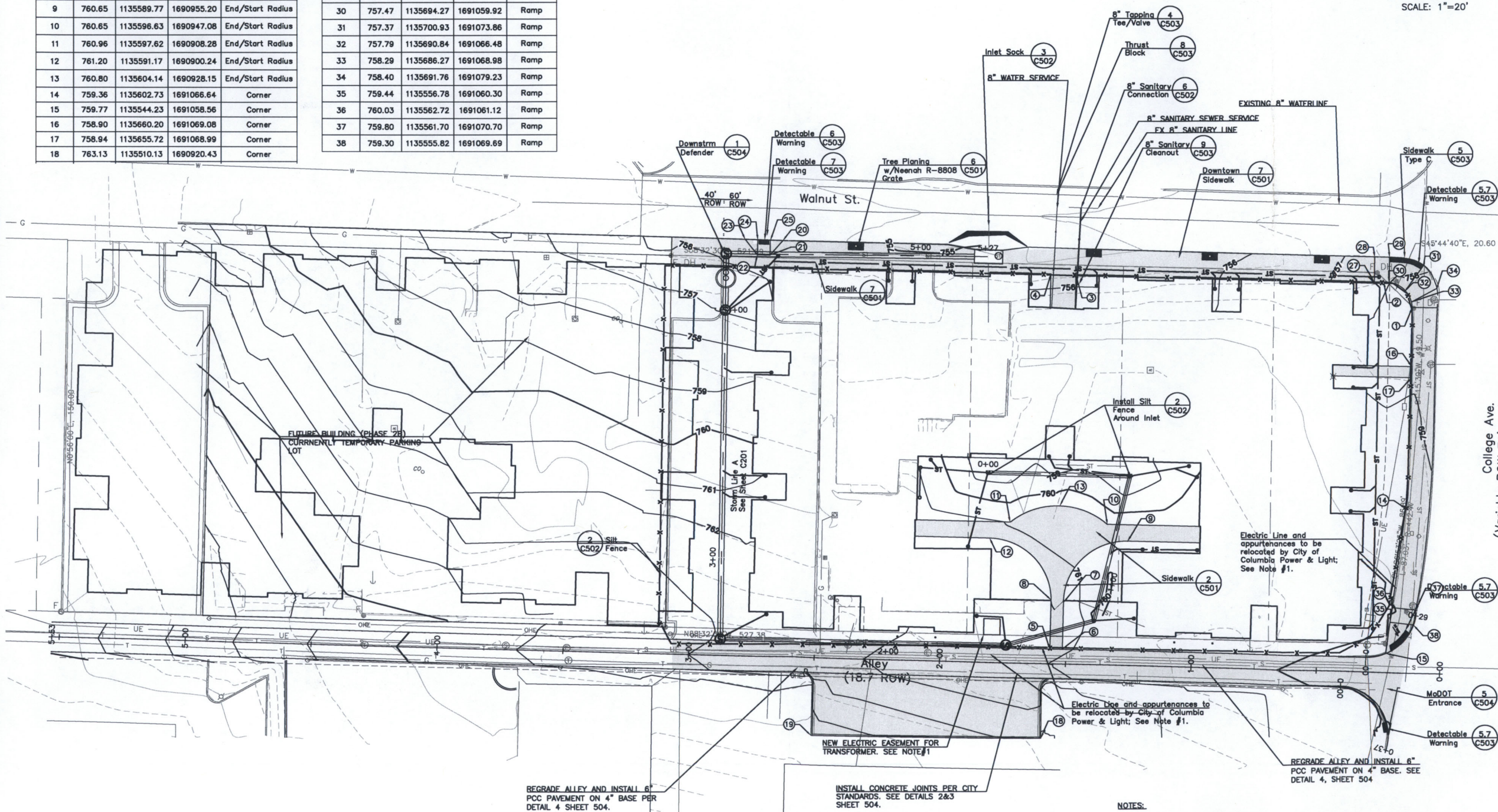
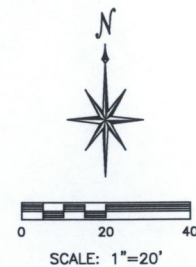
Principal Engineer

Encl.

PC: Jon Odle – Trittenbach, LLC
Matt Hollrah – Trittenbach LLC
David O'Black – Trittenbach LLC
Nadine Davis – City of Columbia
Lee White, PE – City of Columbia

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9	760.65	1135589.77	1690955.20	End/Start Radius
10	760.65	1135596.63	1690947.08	End/Start Radius
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37	759.80	1135561.70	1691070.70	Ramp
38	759.30	1135555.82	1691069.69	Ramp



NOTES:

- CONTACT DAN CLARK WITH CITY OF COLUMBIA WATER & LIGHT (874-7532) TO COORDINATE POWER LINE RELOCATION.

MICHAEL M. HALL
MO# E-30044
Expires 12-31-13

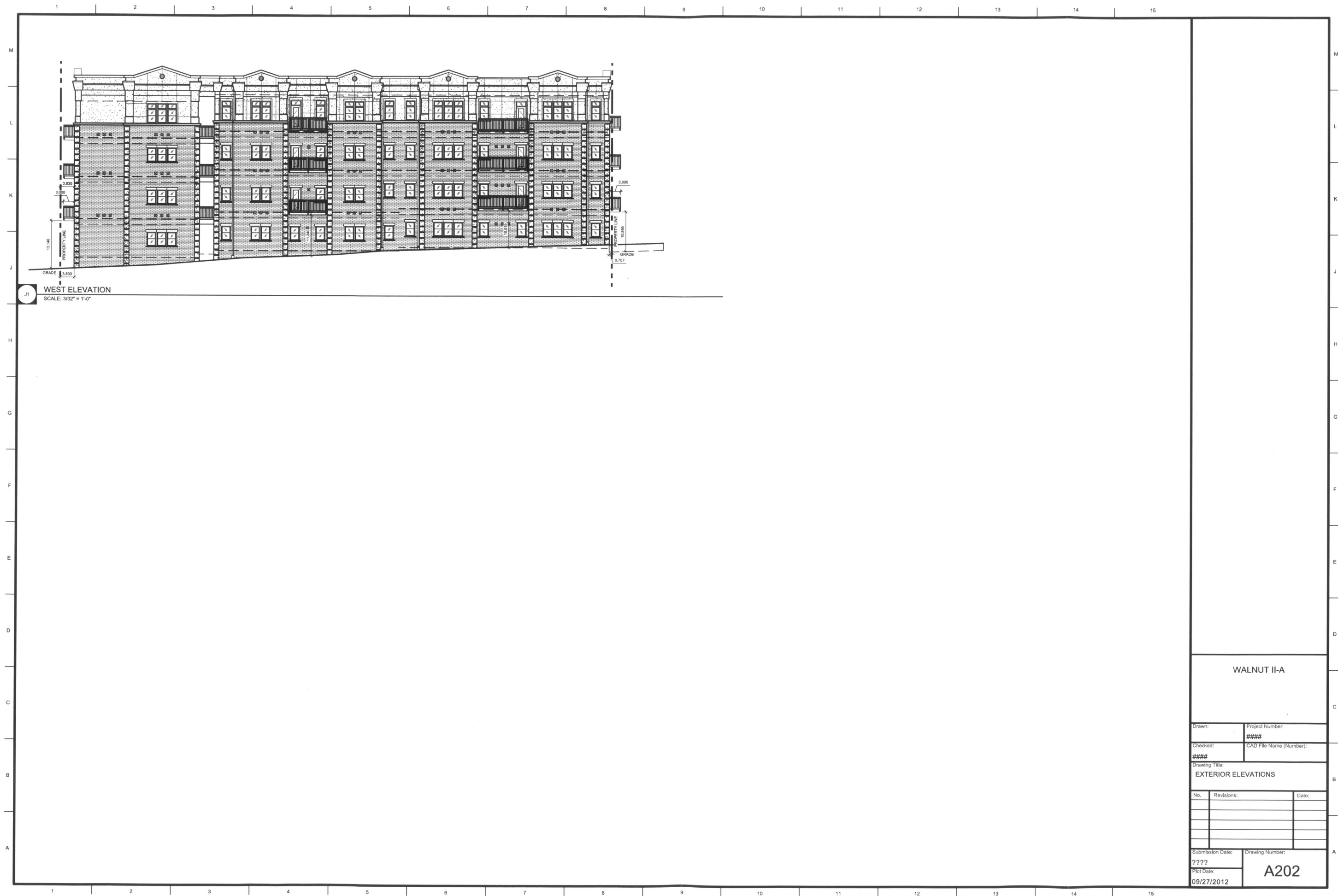
THHinc
Consulting Engineers
TRABUE, HANSEN &
HINSHAW, INC.
1901 Pennsylvania Dr.
Columbia, MO 65202
Phone (573) 814-1568
Fax (573) 814-1128
MO Engr. Corp. No. 001454
Exp. 12-31-2012
MO Survey Corp. No. 2001020439
Exp. 12-31-2013

Walnut II, LLC
NEW APARTMENT PROJECT
1224 WALNUT ST., COLUMBIA, MO

Site & Grading Plan

Client Proj # 00000
THHinc Proj # 06371
Engineer: MMH
Designer: KKS
Drafter: CKD/GRK
Plotted: 11/9/2012

DWG. **C101**
SHT. 3 OF 10



J1 WEST ELEVATION
SCALE: 3/32" = 1'-0"

WALNUT II-A		
Drawn:	Project Number:	
Checked:	####	
####	CAD File Name (Number):	
Drawing Title:		
EXTERIOR ELEVATIONS		
No.	Revisions:	Date:
Submission Date:		Drawing Number:
????		A202
Plot Date:		
09/27/2012		