

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 167-13

**AN ORDINANCE**

authorizing a right of use permit with 1101 East Walnut, LLC for the construction, improvement, operation and maintenance of a private storm sewer in a portion of the Orr Street right-of-way; 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 1101 East Walnut, LLC for the construction, improvement, operation and maintenance of a private storm sewer in a portion of the Orr Street right-of-way. 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 **1101 East Walnut, 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 Orr Street, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

**STORM SEWER LOCATION:** The street right-of-way of Orr Street from station 0+64 to station 1+85 at 1101 E. Walnut St (as measured northerly from the center of the intersection of Walnut and Orr Streets), 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 a private storm sewer system in a portion of Orr 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 Orr 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 private storm sewer system is 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 storm sewer system, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the storm sewer system, the Permittee shall relocate the storm sewer system at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the storm sewer system becomes 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 storm sewer system 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

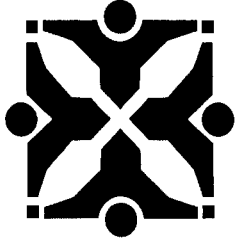
**Approved as to form:**

By: \_\_\_\_\_  
Nancy Thompson  
City Counselor

1101 East Walnut, LLC

By: \_\_\_\_\_  






Source: Public Works

*John*  
*MM*

Agenda Item No:

To: City Council  
From: City Manager and Staff

Council Meeting Date: Jun 17, 2013

Re: Authoring a Right of Use Permit with 1101 East Walnut LLC for access to City Right of Way on a Portion of Orr Street

**EXECUTIVE SUMMARY:**

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a right of use permit with 1101 East Walnut LLC to construct, operate, and maintain a private storm sewer system within a portion of the right of way of Orr Street.

**DISCUSSION:**

1101 East Walnut, LLC is proposing to build an apartment building on the corner of Walnut Street and Orr Street, and has requested to construct, operate, and maintain a private storm sewer system within the right of way of Orr Street. The right of use permit stipulates the responsibilities and duties of 1101 East Walnut, LLC and is similar to other right of use permits granted for this type of project.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

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

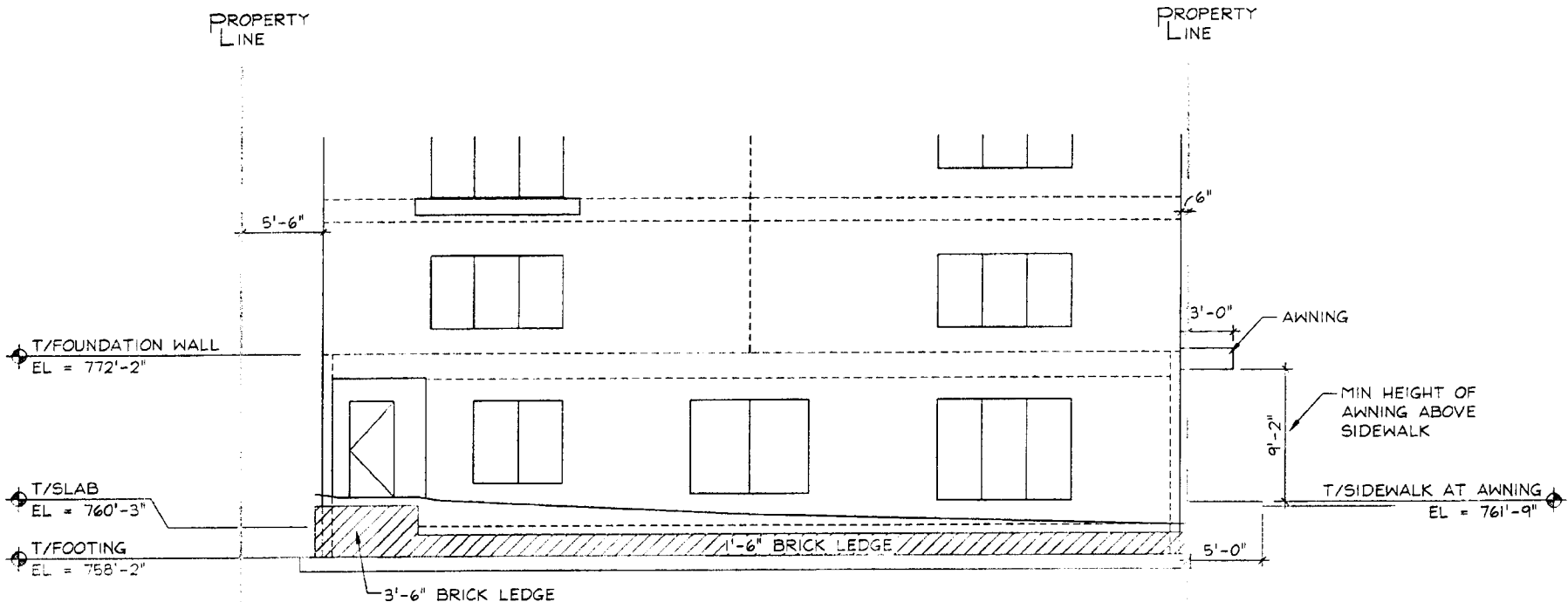
None

**SUGGESTED COUNCIL ACTIONS:**

Approve the ordinance authorizing the City Manager to execute a right of use permit with 1101 East Walnut LLC to construct, operate, and maintain a private storm sewer system in the City right of way of Orr Street.

<b>FISCAL and VISION NOTES:</b>					
<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
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	<b>Vision Implementation impact</b>	
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:		<b>Resources Required</b>		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 #	





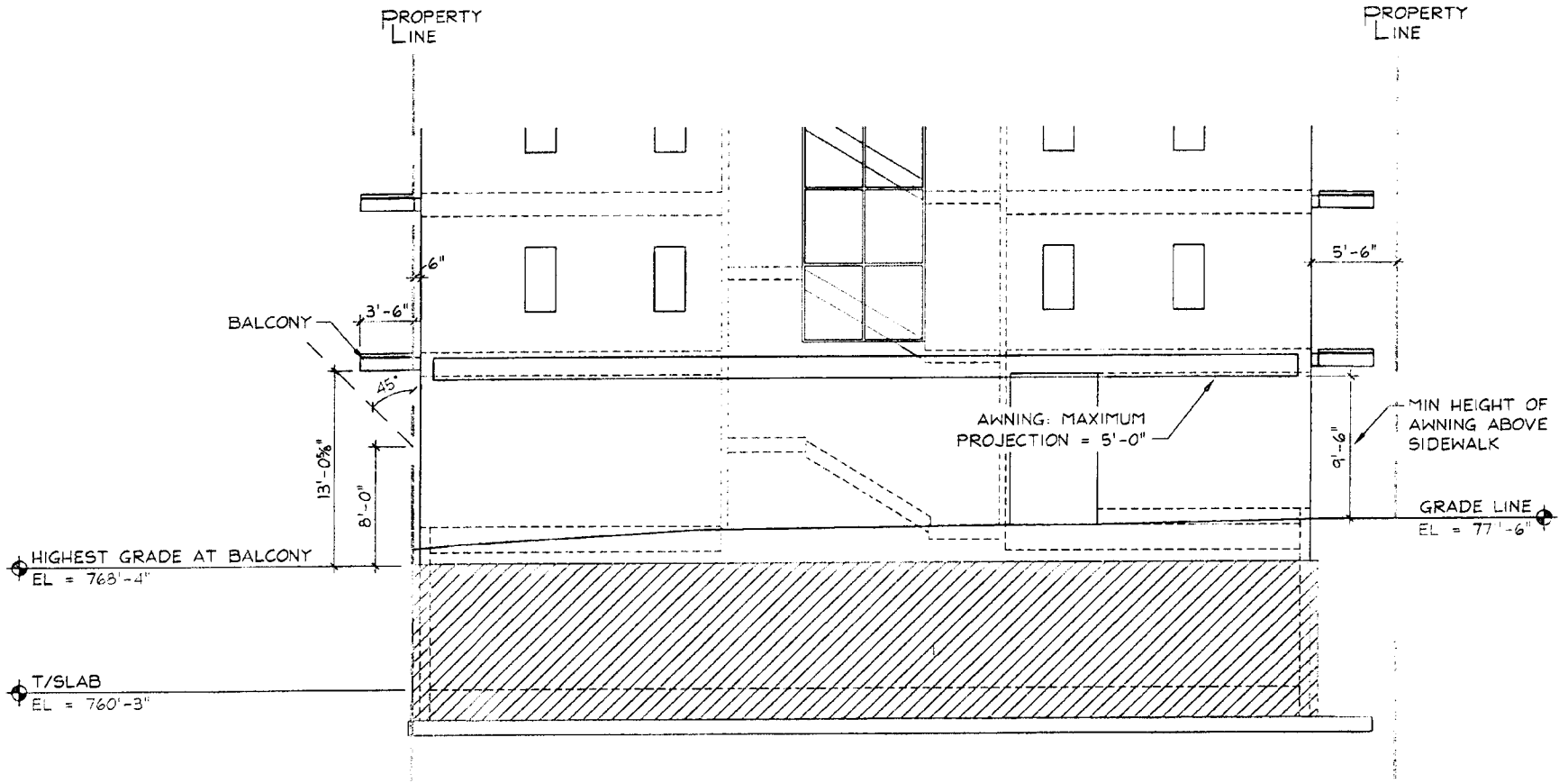
NORTH ELEVATION (VIEW FROM ALLEY)  
 Scale: 1/8" = 1'-0"

**VE DESIGN GROUP**

520 E JACKSON ST, SUITE 2  
 WILLARD, MO 65781  
 ENGINEERING@VEDESIGNGROUP.COM

PROJECT #	208	PROJECT NAME	LOFTS - 1101 E WALNUT
DATE	05/22/13	DRAWING NUMBER	RIGHT OF USE





SOUTH ELEVATION (VIEW FROM WALNUT STREET)

Scale: NTS

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