

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

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

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

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

Council Bill No. B 329-08

**AN ORDINANCE**

authorizing the City Manager to execute a right of use permit with American Plaza, L.L.C. to allow construction, improvement, operation and maintenance of a sign within a sidewalk drainage and general utility easement located on Lot 7A in North Woods Plat 1; 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 American Plaza, L.L.C. to allow construction, improvement, operation and maintenance of a sign within a sidewalk drainage and general utility easement located on Lot 7A in North Woods Plat 1. The form and content of the agreement 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 \_\_\_\_\_, 2008.

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 10<sup>th</sup> day of October, 2008 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 ~~a municipal corporation~~<sup>\*</sup>, 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 a Sidewalk Drainage and General Utility easement, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

<sup>\*</sup> American Plaza, L.L.C.

The Sidewalk Drainage and General Utility easement, located within the limits of the City of Columbia, further described by the exhibit(s) attached to this right of use permit.

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 Sign in the Sidewalk Drainage and General Utility easement of Lot 7A, North Woods Plat 1.
2. This permit does not grant Permittee or any of its officers, agents or employees the right to excavate or damage any portion of the Sidewalk Drainage and General Utility easement without permission from the City of Columbia.
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 hereunder, Permittee agrees to obtain all necessary permits required by the City of Columbia pertaining to the work being done in the right-of-way and easement. Permittee shall present construction plans or diagrams with the proposed location of the Sign.
5. Prior to exercising its right granted hereunder, Permittee agrees to obtain all necessary permits required by the City of Columbia pertaining to the work being done in the right-of-way
6. If the Sign is 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 built structures and structures left in place and any costs to remove them or store them or to otherwise clean up the right of way.
7. The Permittee agrees by exercising its rights under this permit that if its Sign is damaged in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of the Sidewalk Drainage and General Utility easement or of any utility existing in the right-of-way and easement of said city easement at the time this permit is granted it will repair or replace the Sign at its 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.

8. If at any time construction, repair, modification or relocation of the Sign in the easement of Lot 7A, North Woods Plat 1, at the time this permit is granted, is necessary which would require the relocation of the Sign. The Permittee shall relocate the Sign and landscaping at their Permittee's own expense

9. This permit shall remain in effect until canceled by the City of Columbia, which shall be obligated to notify Permittee six (6) months in advance of the 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: \_\_\_\_\_  
H. William Watkins  
City Manager

**Attest:**

By: \_\_\_\_\_  
Sheela Amin  
City Clerk

**Approved as to form:**

By: \_\_\_\_\_  
Fred Boeckmann  
City Counselor

**American Plaza L.L.C.**

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

C-P DEVELOPMENT PLAN FOR  
LOT 7A NORTH WOODS PLAT 1  
SITE PLAN  
COLUMBIA, MISSOURI

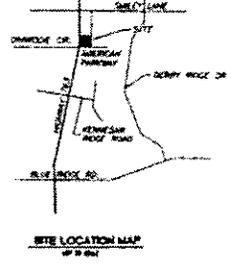
REVISIONS:  
 Δ REV. 01, 02  
 Δ REV. 12, 16



**ALLSTATE CONSULTANTS**  
 ARCHITECTS & ENGINEERS  
 1000 N. UNIVERSITY AVENUE  
 COLUMBIA, MISSOURI 65208  
 (314) 425-2200

DATE: 03-20-07  
 SHEET NUMBER: 0071401  
 FROM: 1"=20' H.

SHEET: 1



**OWNER**

AMERICAN REALTY  
 2115 WILSON WAY COURT  
 COLUMBIA, MISSOURI 65201

**FLOOD PLAIN STATEMENT**

THIS PROJECT IS LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE CITY OF COLUMBIA FLOOD PLAIN MAP.

**PARKING INFORMATION**

REQUIRED PARKING: 10 SPACES  
 PROVIDED PARKING: 10 SPACES  
 (SEE DETAIL SHEET FOR PARKING LAYOUT)

**LEGAL DESCRIPTION**

LOT 7A, THE NORTH WOODS PLAT 1, COMMUNITY PLAN, SUBDIVISION IN BOOK 2074, PAGE 122, COLUMBIA, MISSOURI.

**GENERAL NOTES**

1. DEVELOPER SHALL VERIFY PROPERTY BOUNDARIES AND LOCATIONS OF ALL EXISTING UTILITIES BY CONSULTING WITH THE CITY OF COLUMBIA.
2. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
3. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
4. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
5. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
6. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
7. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.

**STORAGE NOTE**

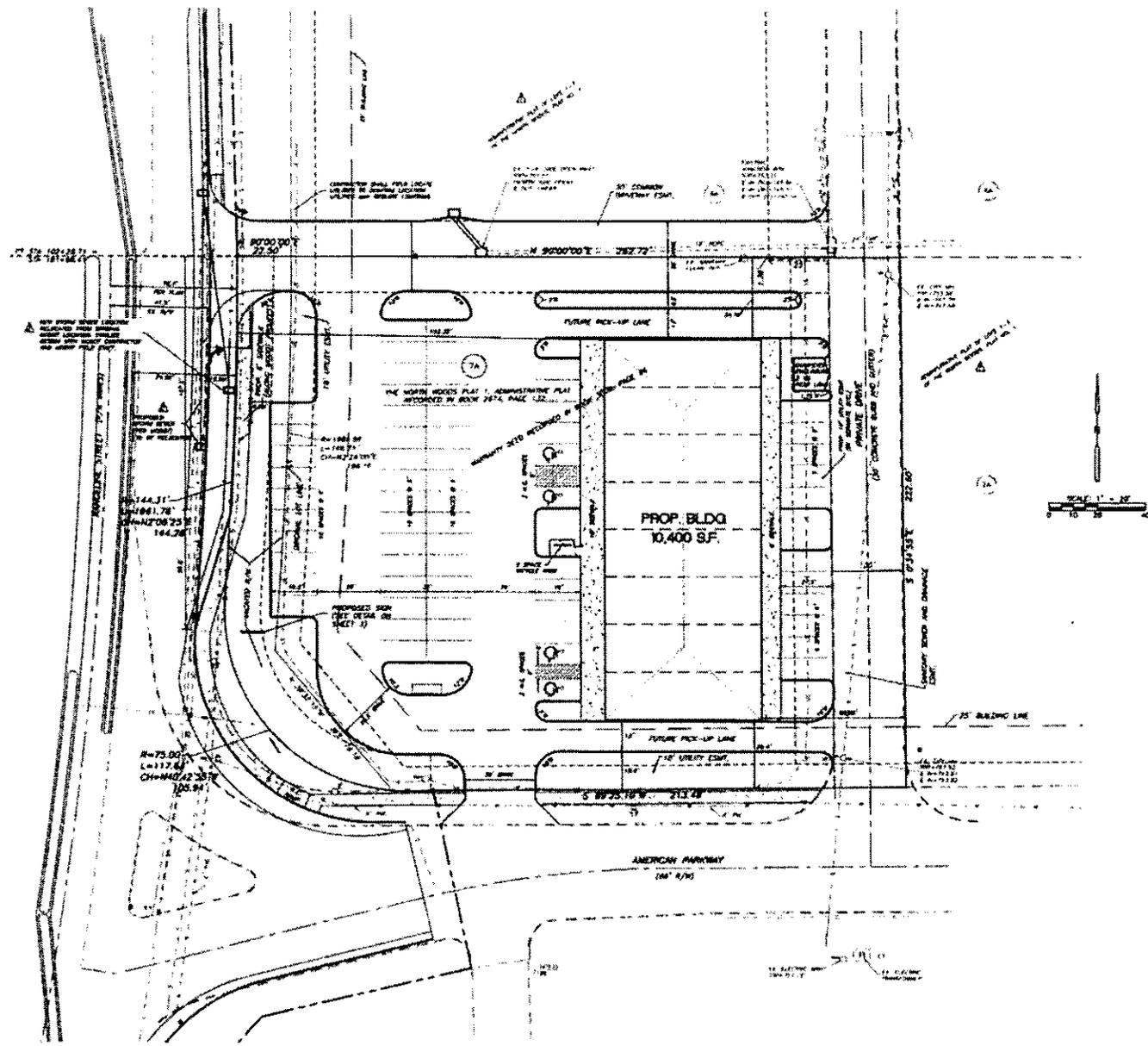
1. ALL MATERIALS SHALL BE STORED ON THE PROPOSED DRIVEWAY OR IN A STORAGE AREA TO BE PROVIDED BY THE DEVELOPER.

**LIGHTING NOTES**

SEE ARCHITECTURAL PLAN FOR LIGHTING FIXTURES AND LAYOUT.

**STATEMENT OF INTENT (REQUIRED)**

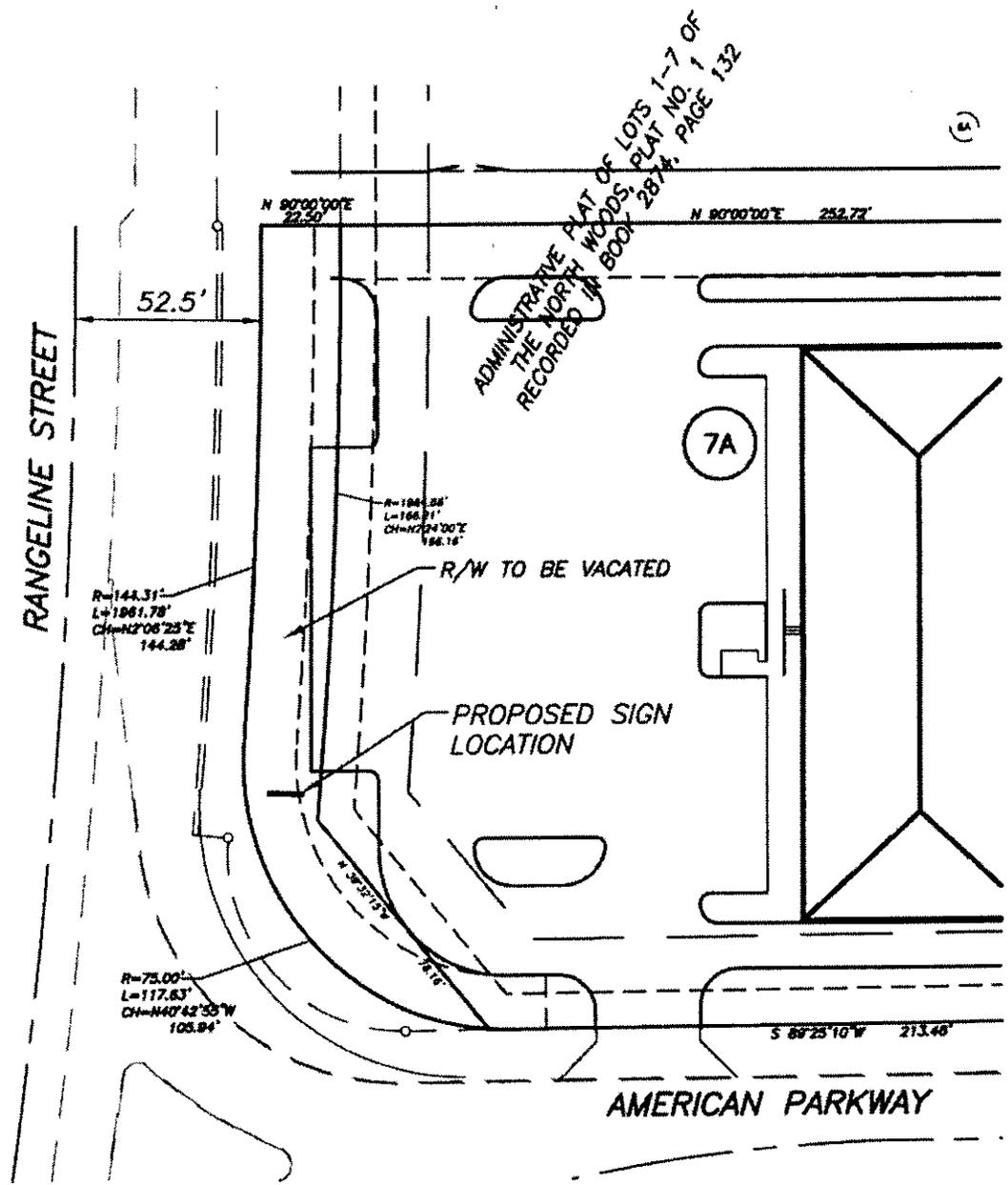
I, THE DEVELOPER, HEREBY STATE THAT I AM PROVIDING THIS INFORMATION TO THE CITY OF COLUMBIA FOR THE PURPOSES OF THE CITY OF COLUMBIA'S DEVELOPMENT PLAN REVIEW PROCESS.



DESIGNED BY: [Name] DRAWN BY: [Name]  
 CHECKED BY: [Name] DATE: 03-20-07



NOT TO SCALE

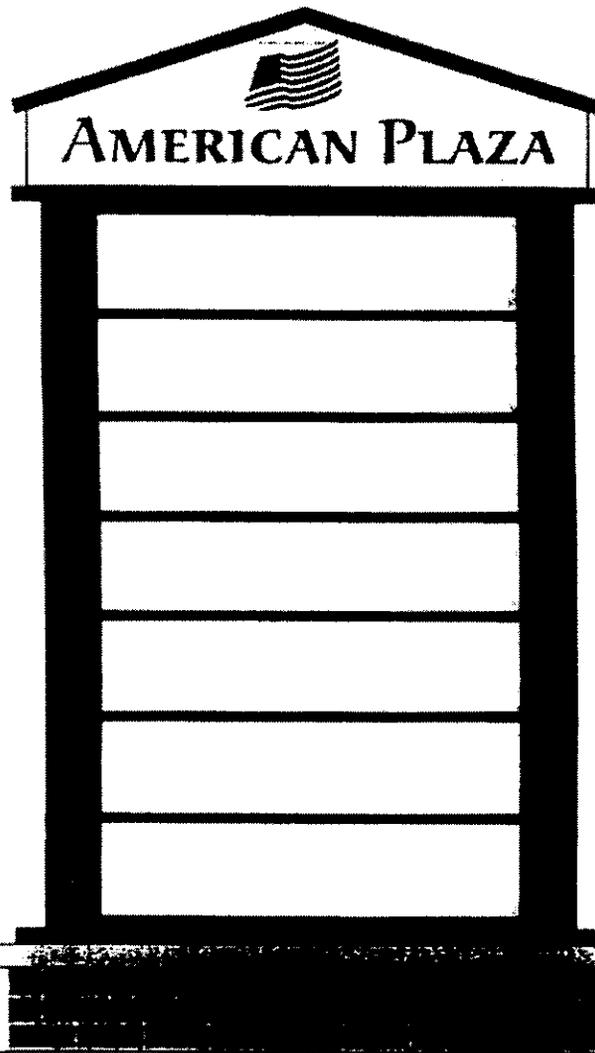


RIGHT-OF-USE FOR SIGN  
LOT 7A, NORTH WOODS

120"

12'

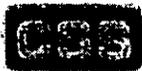
76"



(63.33 SQ. FT.)

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**columbia sign service, inc.**

3916 David Drive Columbia, Missouri 65203

Phone: 673.674.8788 Fax: 673.674.8789 E-mail: dewayne@columbiasignservice.com

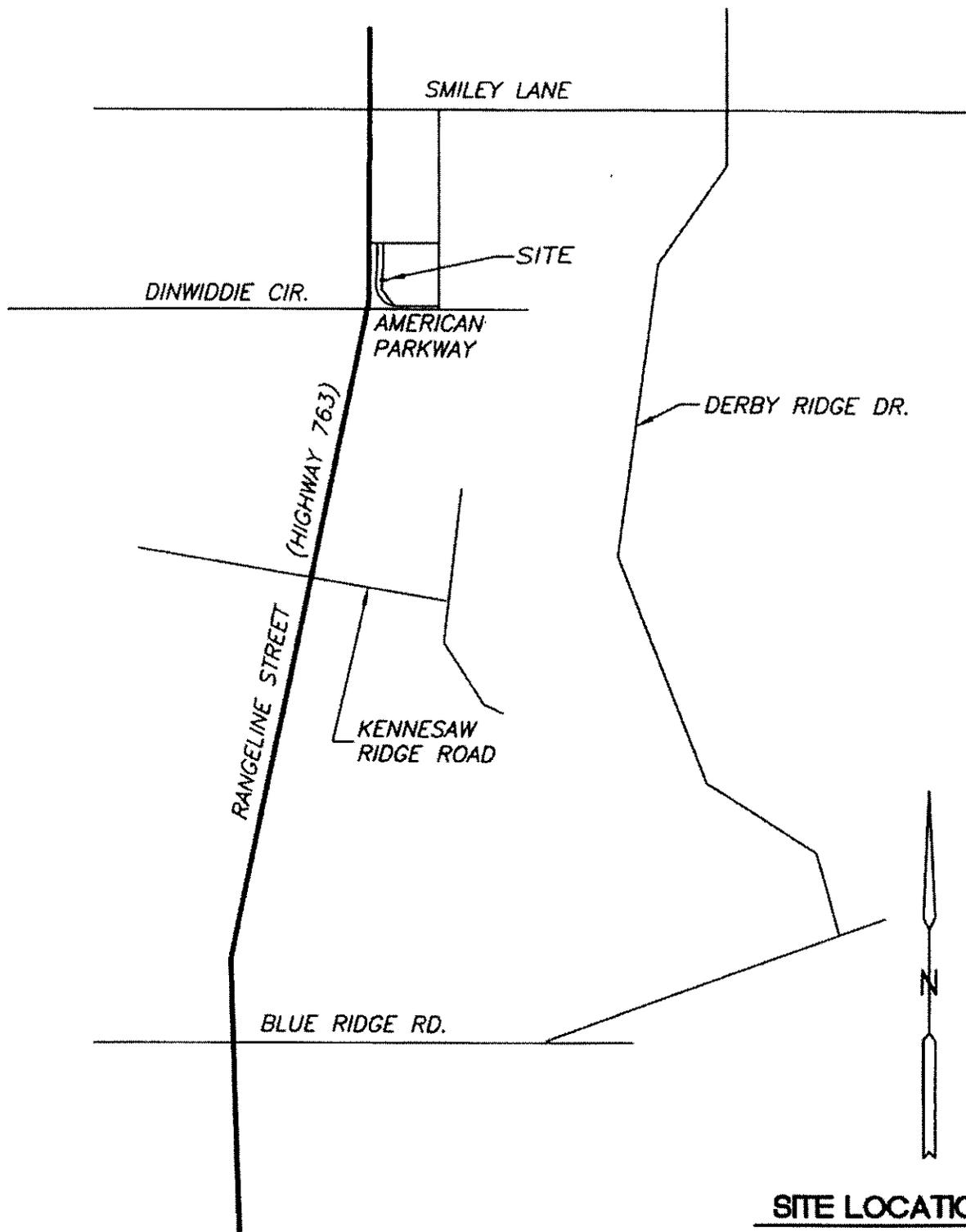
**Project:**

AMERICAN PLAZA  
763 & AMERICAN PARKWAY

**Scale:**



**Drawn by: DeWayne Haslag**



**SITE LOCATION MAP**  
NOT TO SCALE

RIGHT-OF-USE LOCATION MAP  
LOT 7A, NORTH WOODS

Source  
John Glascock



**TO:** City Council  
**FROM:** City Manager and Staff   
**DATE:** October 20, 2008  
**SUBJECT:** Right of Use Permit for American Plaza LLC in a Portion of the Lot 7A, North Woods Plat 1, Sidewalk Drainage and General Utility Easement.

**Fiscal Impact**

Yes

No

**Other Info.**

**Executive Summary**

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute an agreement with American Plaza LLC to allow construction, improvement, operation and maintenance of a sign within a portion of Lot 7A, North Woods Plat 1 Sidewalk Drainage and General Utility Easement. A diagram of the sign location is attached to the Right of Use permit.

**Discussion**

American Plaza LLC has proposed to build a monument sign in a portion of the Sidewalk Drainage and General Utility Easement in Lot 7A, North Woods Plat 1. It will be set back not to interfere with the line of sight and out of the standard city right-of-way width.

The right of use permit stipulates the responsibilities and duties of American Plaza LLC, and is similar to other right of use permits usually granted for street rights-of-way. This proposal has been reviewed and approved by staff.

**Suggested Council Action**

Approval of the ordinance.