

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 253-13

AN ORDINANCE

authorizing a right of use permit with Walnut II, LLC for construction, improvement, operation and maintenance of a private storm sewer system in a portion of the Walnut Street right-of-way and the alley right-of-way between College Avenue and Short Street (1222 East Walnut 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 a private storm sewer system in a portion of the Walnut Street right-of-way and the alley right-of-way between College Avenue and Short Street (1222 East Walnut Street). The form and content of the right of use 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 and an alley between College Ave. and Short Street Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

Install and maintain a private storm sewer system within the right of way/designated public use area of Walnut Street and the alley between College Avenue and Short Street. Specifically the street right-of-way of Walnut Street from station 3+18 to station 5+60 at 1222 E. Walnut St (as measured westerly from the center of the intersection of Walnut Street and College Avenue) and the alley between College Avenue and Short Street, 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 Walnut Street and a portion of the alley right of way between College Avenue and Short 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 or the Alley 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 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 storm sewer line 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 the Permittee shall relocate the storm sewer line and at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the storm sewer line 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 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

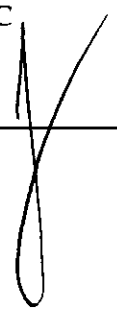
Attest:

By: _____
Sheela Amin
City Clerk

Approved as to form:

By: _____
Nancy Thompson
City Counselor

Walnut II, LLC

By: _____


COLUMBIA

Civil Engineering Group

Columbia, MO

3301 BERRYWOOD DRIVE SUITE 103 COLUMBIA, MO 65201
PHONE (573) 999-7821

MO. ENG. CORP
#2013000149
EXP. 12-31-2013

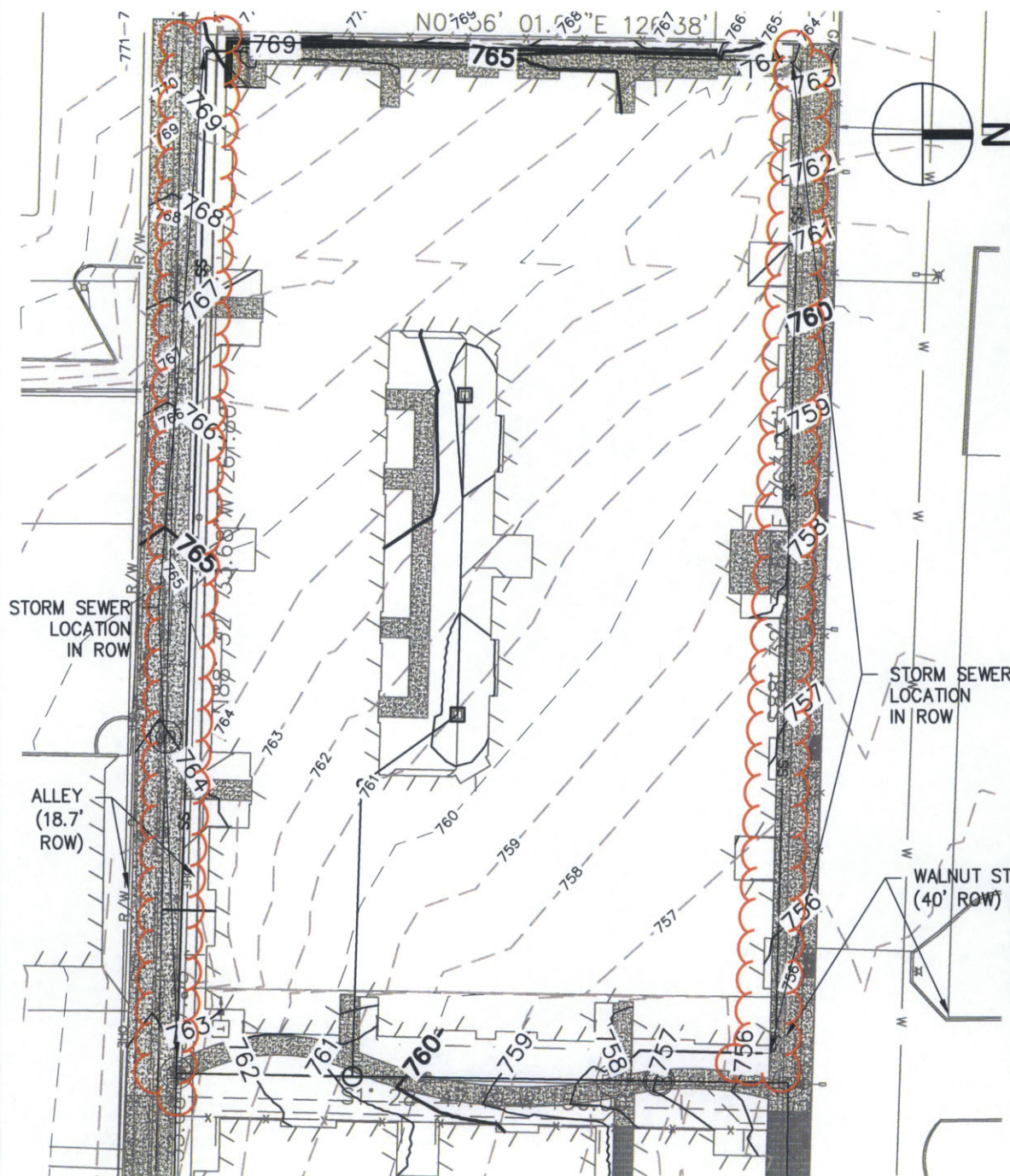
STORM SEWER RIGHT OF USE EXHIBIT NEW APARTMENT PROJECT - 1222 EAST WALNUT COLUMBIA, MISSOURI

DATE	7-17-2013	SCALE	AS SHOWN
DRAWN	M. HALL	FIELD BOOK	
APPROVED		REVISION	

PROJECT NO.
113001-1

SHEET NO.

C101

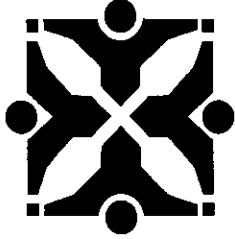


1

STORM SEWER RIGHT OF USE EXHIBIT

1"=40'

00000-00



Source: Public Works

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Sep 3, 2013

Re: Authorizing a Right of Use Permit with Walnut II, LLC for Access to City Right of Way on Portions of Walnut Street and an Alley between College Avenue and Short Street

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 construct, operate, and maintain a private storm sewer system within a portion of the right of way of Walnut Street, and an alley between College Avenue and Short Street.

DISCUSSION:

Walnut II, LLC is proposing to build an apartment building at 1222 East Walnut Street, and has requested to construct, operate, and maintain a private storm sewer system within the right of way of Walnut Street, and an unnamed alley between College Avenue and Short Street (see attached diagram). 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 this type of project.

FISCAL IMPACT:

None

VISION IMPACT:

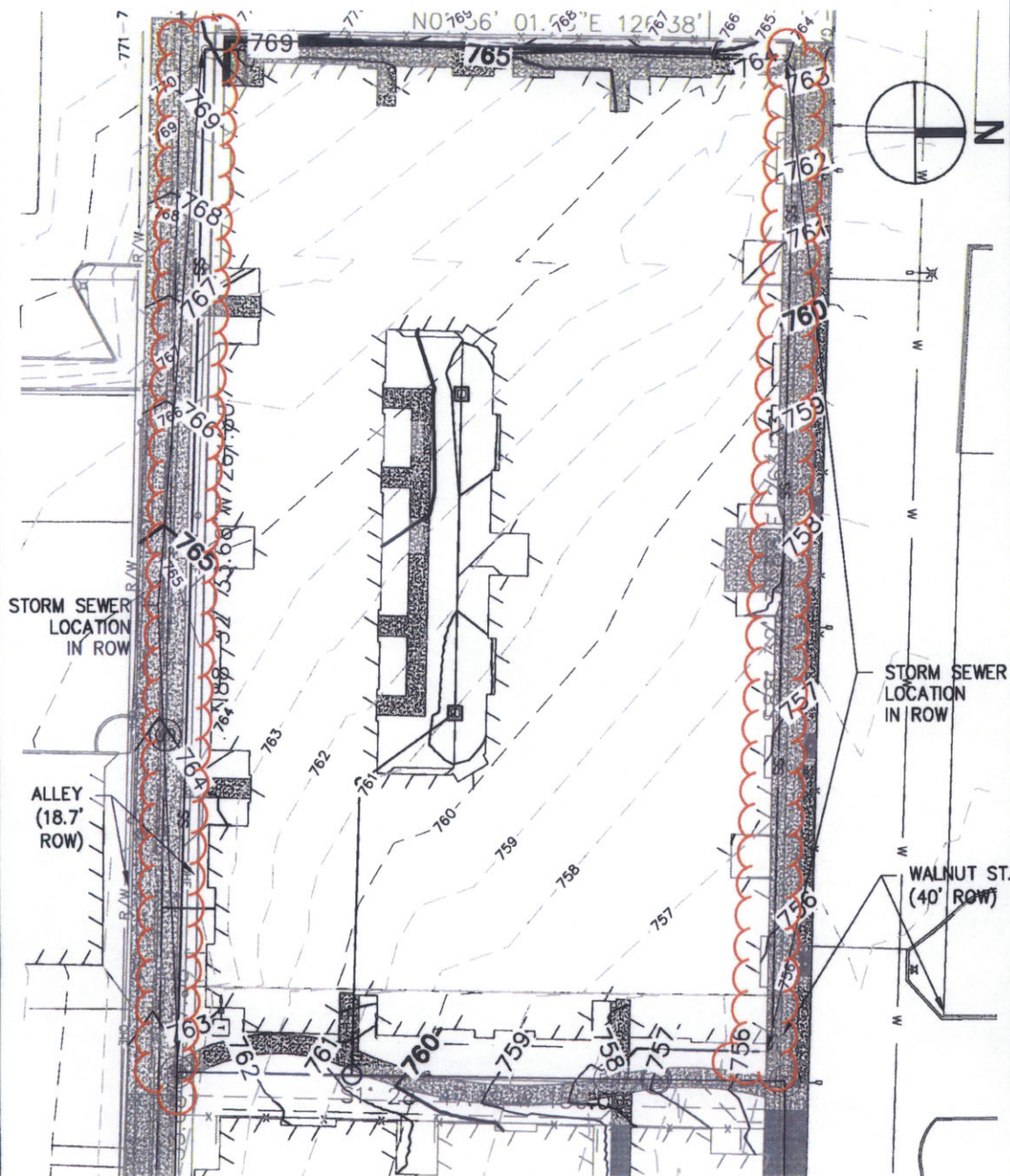
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approve the ordinance authorizing the City Manager to execute a right of use permit with Walnut II, LLC to construct, operate, and maintain a private storm sewer system in the City right of way of Walnut Street, and an unnamed alley between College Avenue and Short Street.

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 #	



1 STORM SEWER RIGHT OF USE EXHIBIT
1"=40' 00000-00

COLUMBIA
Civil Engineering Group

Columbia, MO
3301 BENTLEY DRIVE SUITE 103 COLUMBIA, MO 65201
PHONE (616) 989-7621

MO. ENG. CORP
#2013000149
EXP. 12-31-2013

STORM SEWER RIGHT OF USE EXHIBIT
NEW APARTMENT PROJECT - 1222 EAST WALNUT
COLUMBIA, MISSOURI

DATE	SCALE	AS SHOWN
7-17-2013	FIELD BOOK	REVISION
DRAWN	M. HALL	
APPROVED		

PROJECT NO.
113001-1

SHEET NO.
C101