

Agenda Item Number: B 65-15

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: 3/16/15

Re: Right of Use Permit for Inlet Modification at 2004 North Parklawn Court

Documents Included With This Agenda Item

Council Memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Maps, Plats and Plans

Executive Summary

Authorizing the City Manager to execute a right of use permit with Elke Boyd to construct and maintain an inlet modification within the right-of-way at 2004 North Parklawn Court.

Discussion

Elke Boyd has requested to construct and maintain an inlet modification within the right-of-way at 2004 North Parklawn Court. The attached diagram shows the locations of the inlet modification overlaid on the construction plans for the culvert and drainage channel. Staff has reviewed the proposed plans and approved the request. The right of use permit stipulates the responsibilities and duties of Elke Boyd and is similar to other right of use permits granted for this type of project.

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

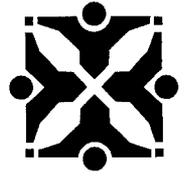
Comprehensive Plan Impact: Not Applicable

Suggested Council Action

Pass the ordinance authorizing the City Manager to execute a right of use permit with Elke Boyd to construct, operate, and maintain an inlet modification within the right-of-way at 2004 North Parklawn Court.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Legislative History

None

David A. Nolley for JD 3/6/15
Department Approved

Michelle Whitte
City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 65-15

AN ORDINANCE

authorizing a right of use permit with Elke Boyd for construction, improvement, operation and maintenance of an inlet modification within a portion of the North Parklawn Court right-of-way (2004 North Parklawn Court); 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 Elke Boyd for construction, improvement, operation and maintenance of an inlet modification within a portion of the North Parklawn Court right-of-way (2004 North Parklawn Court). The form and content of the permit shall be substantially in the same form as set forth in "Exhibit A" attached hereto.

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

PASSED this _____ day of _____, 2015.

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 2nd day of March, 2015 the City of Columbia, a municipal corporation, in consideration of the sum of [fee waived, see Item 10.] and other considerations to it paid, does hereby permit **Elke Boyd**, her heirs and/or assigns (hereinafter referred to as "Permittee") to enter upon the following described lands located within the right-of-way owned by the City of Columbia, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The right-of-way in front of 2004 North Parklawn Court, 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 an inlet modification built in the right-of-way in front of 2004 North Parklawn Court.
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.
3. Permittee will be responsible for the costs incurred by the City for any future repairs, maintenance or replacements to City property which are the direct result from Permittee's use under this Right of Use Permit.
4. Prior to exercising its right granted herein, the Permittee shall present its construction plans or diagrams locating the proposed inlet modification 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 the work being done in the right-of-way.
6. If the inlet modification 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 the right-of-way.
7. If planned construction, repair, modification or relocation of any utility existing in the right-of-way at the time this permit is granted is necessary, which would require the relocation of the inlet modification, the Permittee shall relocate the inlet modification at their own expense upon at least thirty (30) days prior notice.
8. Provided the City notified the Permittee at least thirty (30) days in advance of such planned work, the Permittee agrees, by exercising its rights under this permit, that if the inlet modification is damaged in any way, whether negligently or intentionally by the construction,

repair, modification or relocation of any utility existing in the right-of-way of said city street at the time this permit is granted, it will repair, replace or remove the inlet modification at its own cost and hold the City of Columbia harmless for any of the costs associated with the repair, replacement, removal, 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 Permittee six (6) months in advance of the cancellation.

10. The Permittee shall provide to the City of Columbia whatever water quality data the Permittee collects on the raingarden benefitting from the inlet modification for as long as the Permittee owns the property and the raingarden is in place.

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: _____
Mike Matthes
City Manager

Attest:

By: _____
Sheela Amin
City Clerk

Approved as to form:

By: _____
Nancy Thompson
City Counselor

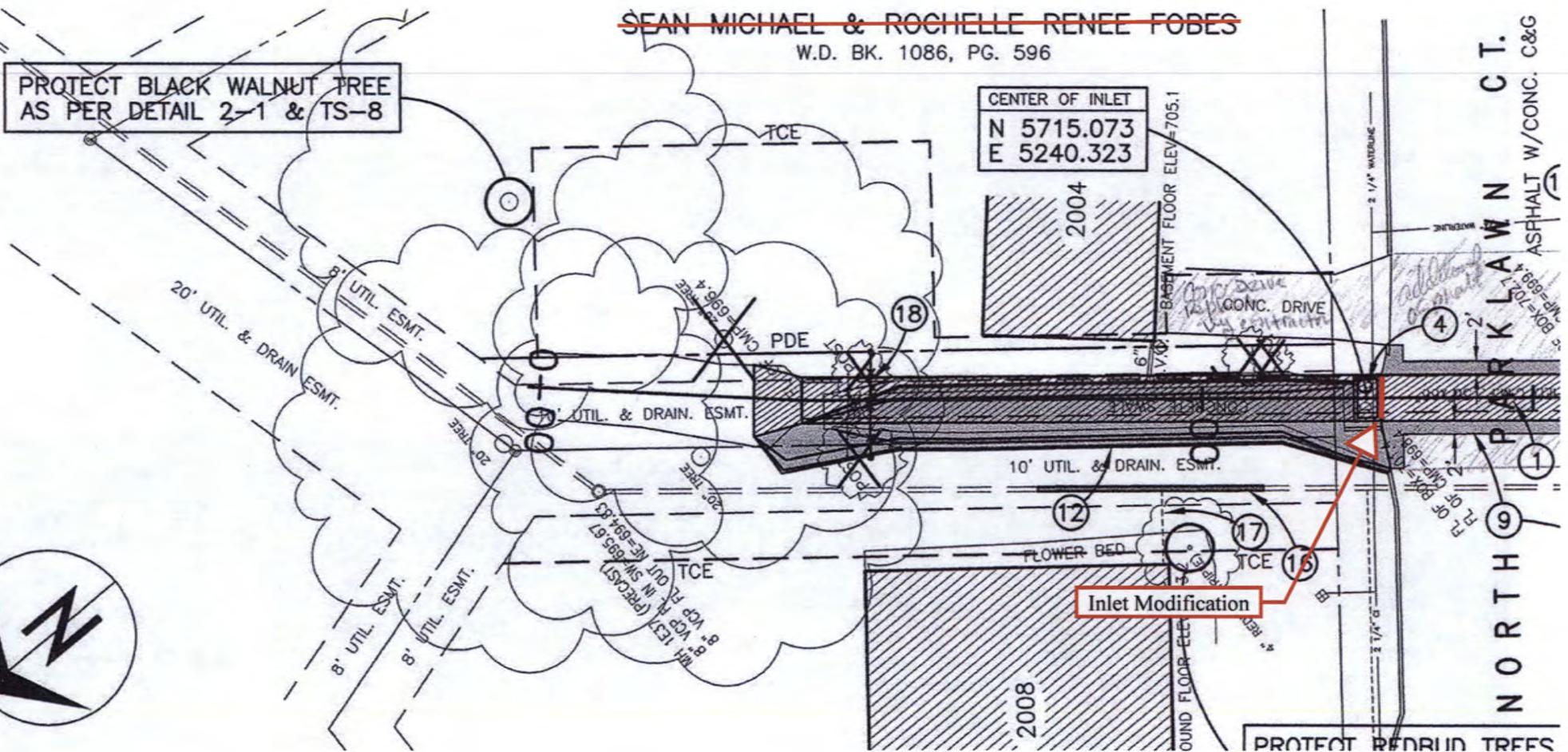
By:  _____
Elke Boyd
Columbia Citizen

~~SEAN MICHAEL & ROCHELLE RENEE FOBES~~

W.D. BK. 1086, PG. 596

PROTECT BLACK WALNUT TREE
AS PER DETAIL 2-1 & TS-8

CENTER OF INLET
N 5715.073
E 5240.323



NORTH PARK LANE CT.
ASPHALT W/CONC. C&G

Inlet Modification

PROTECT REDBUD TREES

City of Columbia

701 East Broadway, Columbia, Missouri 65201



SUPPORTING DOCUMENTS INCLUDED WITH
THIS AGENDA ITEM ARE AS FOLLOWS:

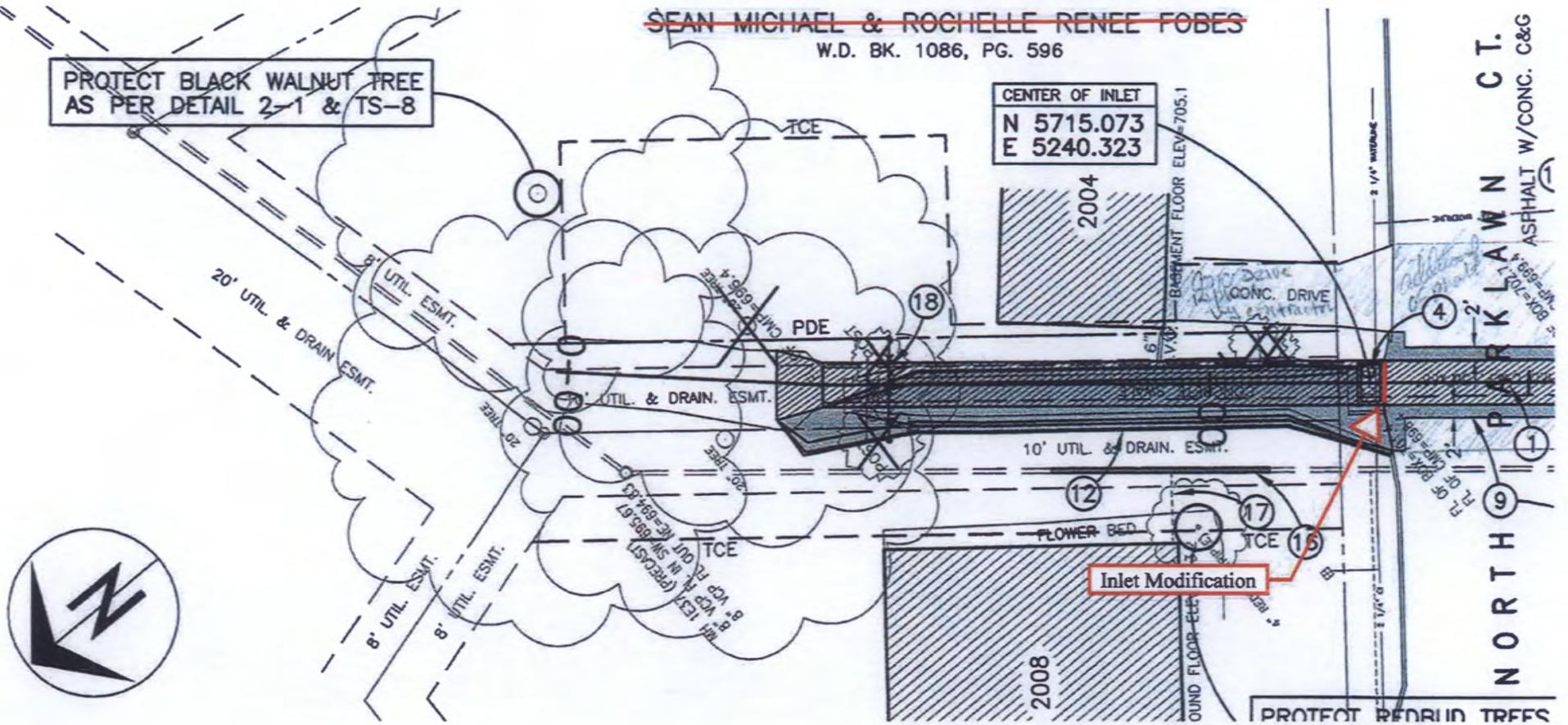
Maps, Plats and Plans

~~SEAN MICHAEL & ROCHELLE RENEE FOBES~~

W.D. BK. 1086, PG. 596

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PROTECT REDBUD TREES