

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 335-15

**Department Source:** Public Works

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** 11/16/2015

**Re:** Authorizing a Right of Use Permit with the University of Missouri to Install and Maintain a Private Storm Sewer System within Portions of S. Ninth Street and the alley between Elm Street and Locust Street Rights of Way

## Documents Included With This Agenda Item

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

**Supporting documentation includes:** Diagrams (construction, route, etc.)

## Executive Summary

Authorizing the City Manager to execute a Right of Use Permit with the University of Missouri to install and maintain a private storm sewer system within portions of Elm Street and the alley between Elm Street and Locust Street rights of way (see attached diagrams).

## Discussion

The University of Missouri (Missouri Theater) is requesting authorization to install and maintain a private storm sewer system within portions of S. Ninth Street and the alley between Elm Street and Locust Street rights of way. The storm sewer system will consist of approximately 31 linear feet of 8" high-density polyethylene (HDPE) storm pipe, 111 linear feet of 10" high-density polyethylene (HDPE) storm pipe, and 96 linear feet of 12" high-density polyethylene (HDPE) storm pipe.

The Right of Use Permit outlines the responsibilities of the University of Missouri which include providing the City with detailed route maps and engineering and/or construction plans. The work will not begin until the plans are approved, proper building and/or construction permits obtained, and the work scheduled with the division of Building and Site Development. Further, the University of Missouri will not obstruct or block any City street or sidewalk during construction without first obtaining permission from the City.

## Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

## Vision, Strategic & Comprehensive Plan Impact

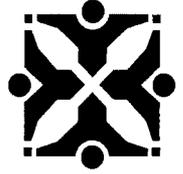
Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

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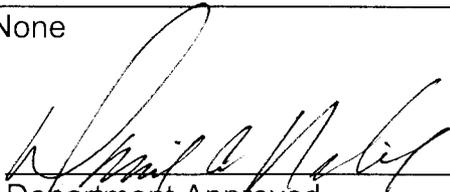


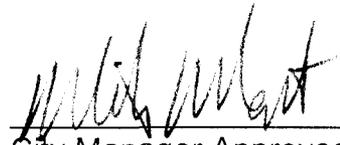
## Suggested Council Action

Authorize the City Manager to execute a Right of Use Permit with the University of Missouri to install and maintain a private storm sewer system within portions of S. Ninth Street and the alley between Elm Street and Locust Street rights of way.

## Legislative History

None

  
Department Approved

  
City Manager Approved

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

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

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

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

Council Bill No. B 335-15

**AN ORDINANCE**

authorizing a right of use permit with The Curators of the University of Missouri for construction, improvement, operation and maintenance of a private storm sewer system in a portion of the Ninth Street and alleyway located between Eighth Street and Ninth Street (south of Locust Street and north of Elm Street) rights-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 The Curators of the University of Missouri for construction, improvement, operation and maintenance of a private storm sewer system in a portion of the Ninth Street and alleyway located between Eighth Street and Ninth Street (south of Locust Street and north of Elm Street) rights-of-way. 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the City of Columbia, a municipal corporation, in consideration of the sum of fifty dollars (\$50.00) and other considerations to it paid, does hereby permit **the Curators of the University of Missouri**, 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 9<sup>th</sup> Street and the right of way of the alley between 8<sup>th</sup> and 9<sup>th</sup> Streets (south of Locust Street and north of Elm 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 9<sup>th</sup> Street from station 1+16 to station 1+67 (as measured northerly from the center of the intersection of Elm and 9<sup>th</sup> Streets) and the alley right of way between 9<sup>th</sup> and 8<sup>th</sup> Streets from station 0+27 to station 1+87 (as measured westerly from the intersection of the alley and 9<sup>th</sup> street) all 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 9<sup>th</sup> Street and the alley between 8<sup>th</sup> and 9<sup>th</sup> Streets (south of Locust Street and north of Elm 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 9<sup>th</sup> 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 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 or ret. wall, the Permittee shall relocate the storm sewer line 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

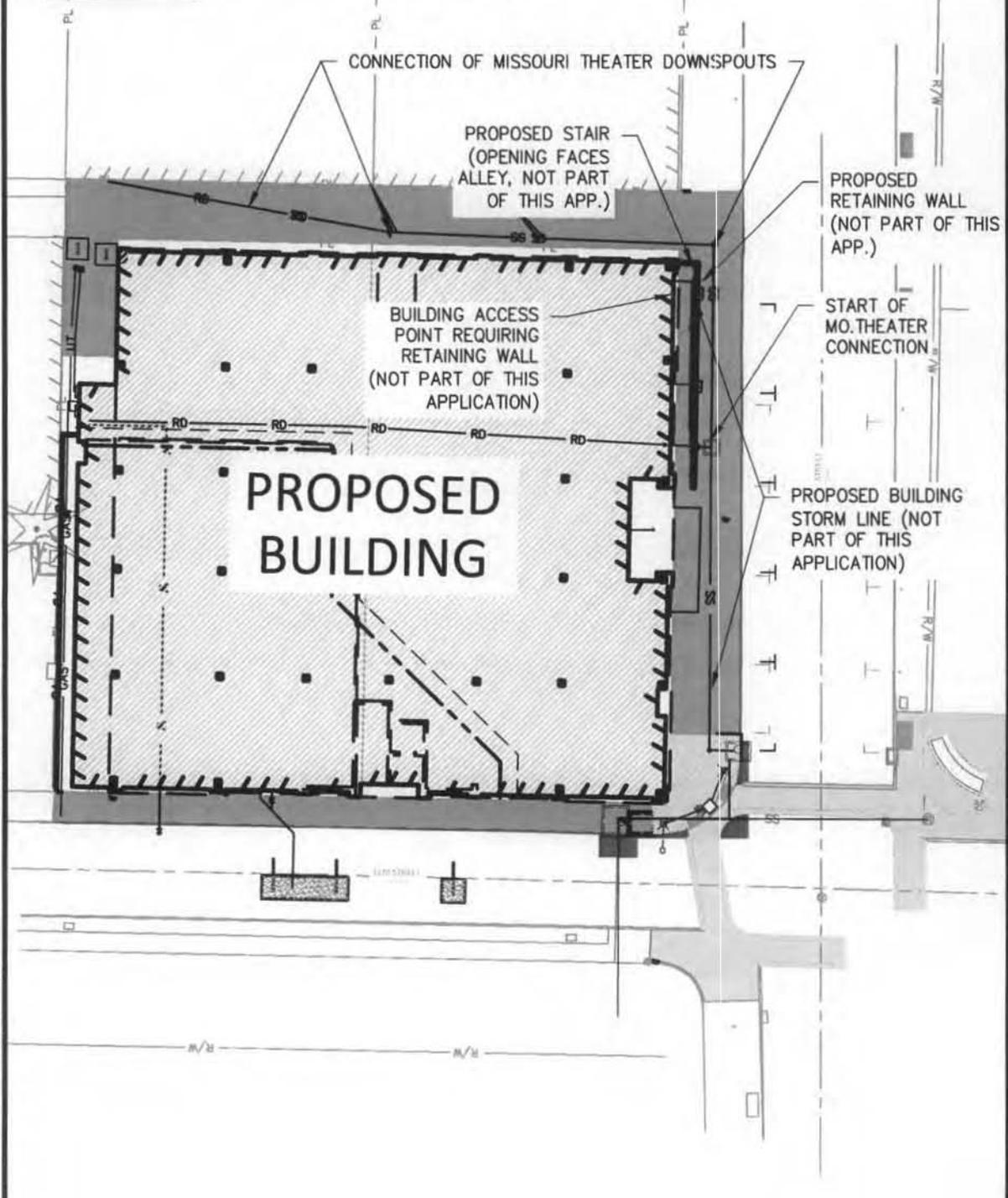
Curators of the University of Missouri

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

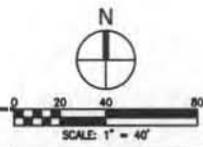

V:\Projects\115002-1 9th & Elm\dwg\Misc\Right of Use - Permit Exhibit.dwg | DATE: 14/10/2015 | TIME: 08:03

**HATCH LEGEND**

	STREET REPAIR
	SIDEWALK REPAIR
	BRICK PAVING/SIDEWALK REPAIR



1 SITE PLAN



**COLUMBIA**  
Civil Engineering Group

Columbia, MO  
3301 BERRYWOOD DRIVE SUITE 103 COLUMBIA, MO 65201  
PHONE (314) 999-7001

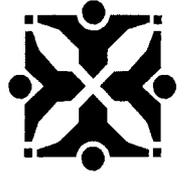
MO. ENG. CORP  
#2013000149  
EXP. 12-31-2015

RIGHT OF USE LOCATION EXHIBIT  
UNIVERSITY-MT STORM EXTENTION  
COLUMBIA, MISSOURI

DATE	10/14/15	SCALE	FIELD BOOK
DRAWN	JMB		REVISION
APPROVED	MMH		

PROJECT NO.  
115002-1

SHEET NO.  
**C1.1**



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Diagrams (construction, route, etc.)

