	Introduced	by		_
First Reading			Second Reading _	
Ordinance No			Council Bill No	<u>B 124-13</u>
		AN ORDIN	ANCE	
wit imp loo wit Eig	n Columbia Herovement, opera p, architectural p nin a portion of	otel Investme ation and main planters and ele the Eighth St	execute a right of usents to allow contended tended tended to the ectrical service to the treet right-of-way (2) a when this ordinal	struction, sidewalk ee grates 23 South
BE IT ORDAINE FOLLOWS:	D BY THE CO	UNCIL OF TH	IE CITY OF COLU	MBIA, MISSOURI, AS
with Columbia I maintenance of a grates within a po and content of the	Hotel Investmer heated sidewal ortion of the Eigh ne permit shall I	nts to allow co lk loop, archited oth Street right- be substantiall	onstruction, improv ctural planters and e of-way (23 South E	ute a right of use permit rement, operation and electrical service to tree ighth Street). The form ttachment A" attached im.
SECTION passage.	2. This ordinal	nce shall be i	n full force and ef	fect from and after its
PASSED	this	day of		_, 2013.
ATTEST:				
City Clerk			Mayor and Presidi	ng Officer
APPROVED AS	TO FORM:			
City Counselor				

RIGHT OF USE PERMIT

KNOW ALL MEN BY THESE PRESENT that on this _____ day of ______, 2013 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 Columbia Hotel Investments, 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 as described below in, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The street right-of-way of 8th street being 23 feet east of and adjacent to lot 150 of the original town of Columbia, further shown by Exhibit "A" 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 heated sidewalk loop, architectural planters, and electrical service to 4 tree grates.
- 2. This permit does not grant Permittee or any of its officers, agents or employees the right to cut, break, excavate or damage the sidewalk pavement adjacent to 8th Street without City 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. Permittee agrees that the conduits and wiring will be installed with at least a 24-inch separation from any gas lines operated by Ameren UE which may be in place.
- 5. Prior to exercising its right granted herein, the Permittee shall present its construction plans or diagrams locating the proposed signage and lights, including conduit, and landscaping, including irrigation system 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.
- 6. 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.
- 7. If the conduit or wiring systems are 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 underground utility facilities and structures left in place and any costs to remove them or store them or to otherwise clean up the right-of-way.
- 8. If at any time construction, repair, modification or relocation of the conduit and wiring, or of any utility existing in the right of way of 8th Street at the time this permit is granted, is necessary which would require the relocation of the conduits or wiring of the removal of any portion of the landscaping or irrigation system, the Permittee shall relocate the lights, conduit, landscaping and wiring at its expense.
- 9. The Permittee agrees by exercising its rights under this permit that if its wiring or conduit in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of 8th Street or of any utility existing in the right-of-way of said city street at the time this permit is granted it will repair or replace the lights, signage, conduit, landscaping and wiring 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.

10. 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.

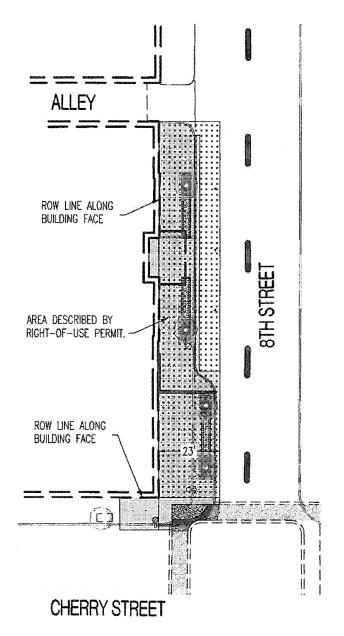
•	City of Columbia, Missouri
Attest:	By:
By: Sheela Amin City Clerk	
Approved as to form:	
By: Alancy Thompson City Counselor	

Columbia Hotel Investments

Glyn Laverick – Member

EXHIBIT "A" TIGER HOTEL 8TH STREET SIDEWALK REPLACEMENT

SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST COLUMBIA, BOONE COUNTY, MISSOURI



-N- SCALE:1-30

PREPARED BY:



ENGINEERING CONSULTANTS 2608 North Stodium Boulevard Columbia, Missouri 65202 (573) 447-0292

www.crockettengineering.com

Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
*2000151804



Source: Public Works

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date:

May 6, 2013

Re:

Allowing Columbia Hotel Investments to Install a Heated Sidewalk Loop, Architectural Planters, and Electrical Service to Four Tree Grates within a Portion of City Right of Way on S. Eighth Street.

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a right of use permit with Columbia Hotel Investments to install a heated sidewalk loop, architectural planters, and electrical service to four (4) tree grates in the City right of way at 23 S. Eighth Street.

DISCUSSION:

Columbia Hotel Investments is requesting to install a heated sidewalk loop, architectural planters, and electrical service to four (4) tree grates in the right of way along 23 S. Eighth Street (Tiger Hotel). City staff has approved similar decorative sidewalks in the past in the downtown area, and the heated sidewalk loop is similar to the one installed on S. Eighth Street along Boone County National Bank, as part of the Avenue of the Columns project. The right of use permit stipulates the responsibilities and duties of Columbia Hotel Investments 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

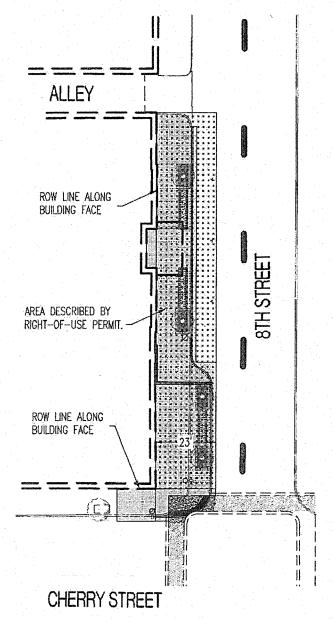
SUGGESTED COUNCIL ACTIONS:

Approve the ordinance authorizing the City Manager to execute a right of use permit with Columbia Hotel Investments to install a heated sidewalk loop, architectural planters, and electrical service to four tree grates in the City right of way at 23 S. Eighth 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'I 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 #					

EXHIBIT "A" TIGER HOTEL 8TH STREET SIDEWALK REPLACEMENT

SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST COLUMBIA, BOONE COUNTY, MISSOURI



-N- SCALE T=30

PREPARED BY:



ENGINEERING CONSULTANTS 2008 North Stadium Boulevord Columbia, Missouri 65202 (573) 447-0202

www.crockellengineering.com

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Missori Germinate of Authority
>2000151804