

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 210-13

AN ORDINANCE

authorizing a right of use permit with LAST Enterprises LLC, for construction, improvement, operation and maintenance of an egress ramp with handrail in a portion of the South Eighth Street (105 South Eighth Street) right-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 LAST Enterprises LLC, for construction, improvement, operation and maintenance of an egress ramp with handrail in a portion of the South Eighth Street (105 South Eighth Street) right-of-way. The form and content of the 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 _____, 2013 the City of Columbia, Missouri a municipal corporation, in consideration of the sum of ten dollars (\$10.00) and other considerations to it paid, does hereby permit LAST Enterprises LLC (Owner), 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 at approximately 105 S. 8th Street (building address at 800 Cherry), Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

An egress ramp w/handrail in the right of way at the Southeast corner of Cherry and S. 8th Street, extending along west property boundary of lot 105 as needed for said ramp and landing per attached diagram.

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 egress ramp in a portion of the right of way of S. Eighth Street. The City consents and understands that Bank of America is going to participate in the operation, maintenance and construction egress ramp improvement.
2. This permit does not grant Permittee or any of its officers, agents or employees, including Bank of America, the right to cut, break, excavate or damage the street pavement of S. Eighth 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 ramp and/or handrail 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 ramp and/or handrail, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the ramp and/or handrail, the Permittee shall relocate the ramp and/or handrail at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the ramp and/or handrail 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 ramp and/or handrail 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 parties have caused this license agreement to be executed by their duly authorized agents on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

ATTEST:

By: _____
Sheela Amin City Clerk

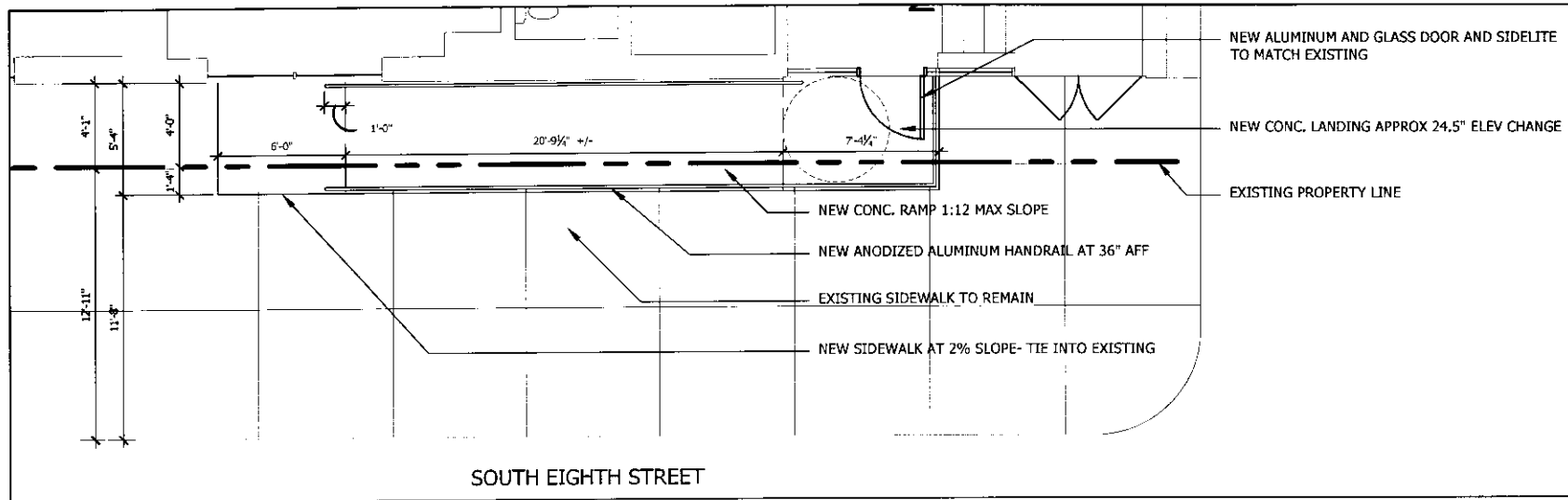
APPROVED AS TO FORM:

By: _____
Nancy Thompson City Counselor

LAST ENTERPRISES LLC

By: _____

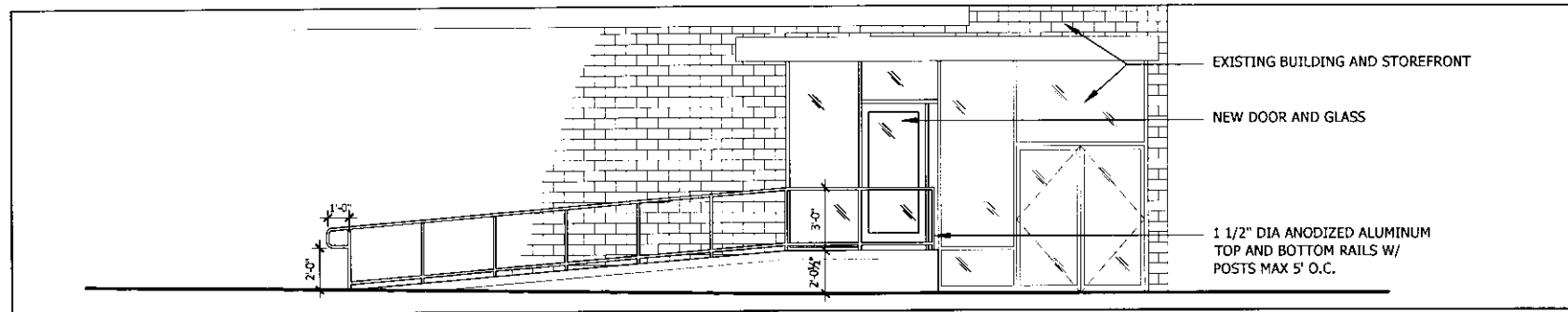
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PARTIAL SITE PLAN

1/8" = 1'-0"

1
SK-1



ELEVATION AT RAMP

1/8" = 1'-0"

2
SK-1

Client: Bank of America

Scale: As Indicated

Sheet No.:

Project: 800 Cherry Street - ADA

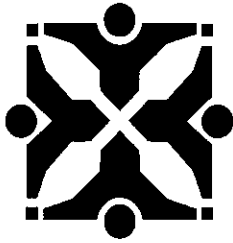
Date: 07/18/2013

SK-1

Proj. No.: 13.00109.00

Drawn By: JWW

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Source: Public Works *John*

Agenda Item No:

To: City Council

From: City Manager and Staff *MM*

Council Meeting Date: Aug 5, 2013

Re: Authorizing a Right of Use Permit with Bank of America to Construct and Maintain an Egress Ramp within a Portion of City Right of Way on the East Side of South Eighth Street

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a right of use permit with Bank of America, on behalf of LAST Enterprises LLC, to construct, operate, and maintain an egress ramp with handrail, within a portion of City Right of Way on the east side of South Eighth Street (see attached diagram).

DISCUSSION:

Bank of America (Leasee), on behalf of LAST Enterprises LLC (Owner), is proposing to construct a handicap accessible egress ramp with handrail in the right of way, at approximately 105 South Eighth Street (building address 800 Cherry Street). The right of use permit stipulates the responsibilities and duties of Bank of America 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>

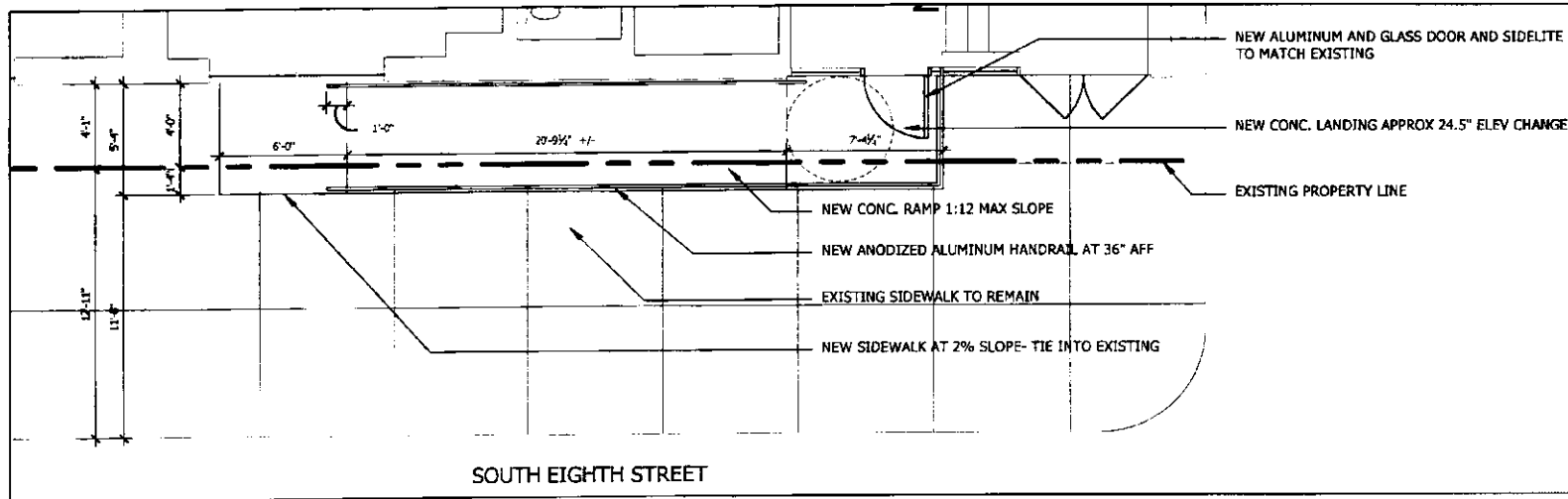
None

SUGGESTED COUNCIL ACTIONS:

Approve the ordinance authorizing the City Manager to execute a right of use permit with Bank of America, on behalf of LAST Enterprises LLC, to construct, operate, and maintain an egress ramp in the right of way on the east side of South 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'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 #	

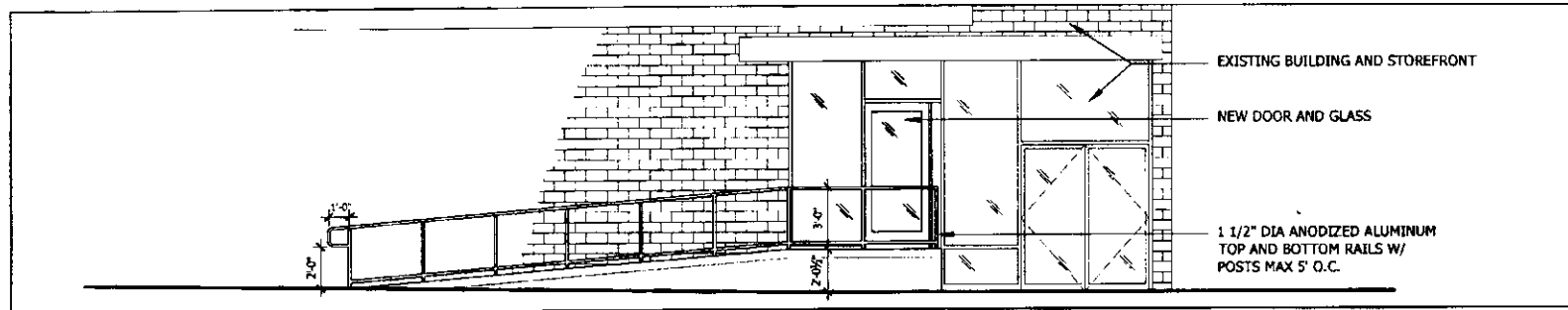
NELSON



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