

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 295-13

AN ORDINANCE

authorizing a right of use permit with 1101 East Walnut, LLC to allow construction, improvement, operation and maintenance of balconies to extend within a portion of the alley right-of-way between Orr Street and St. James 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 1101 East Walnut, LLC to allow construction, improvement, operation and maintenance of balconies to extend within a portion of the alley right-of-way between Orr Street and St. James 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 **1101 East Walnut, 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 an alley between Orr Street and St. James Street, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The alley right-of-way between Orr Street and St. James Street from station 0+19 to station 0+80 (as measured easterly from the center of the intersection of the alley and Orr 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 balconies in the right of way of a portion of the alley between Orr Street and St. James 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 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 balconies 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 balconies or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the balconies, the Permittee shall relocate the balconies at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the balconies become 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 balconies 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

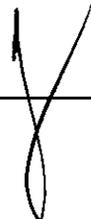
Attest:

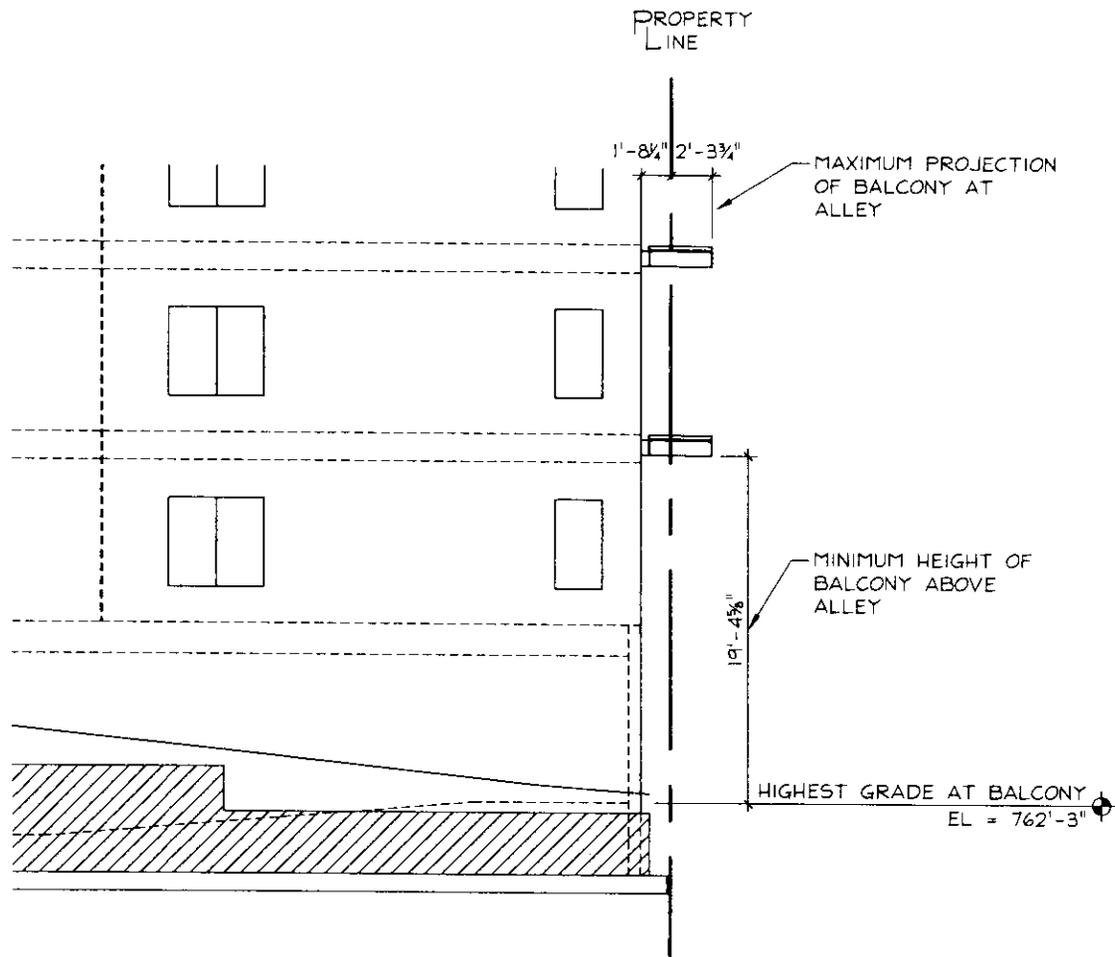
By: _____
Sheela Amin
City Clerk

Approved as to form:

By: _____
Nancy Thompson
City Counselor

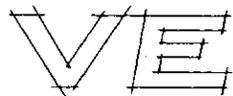
1101 East Walnut, LLC

By: _____




EAST ELEVATION

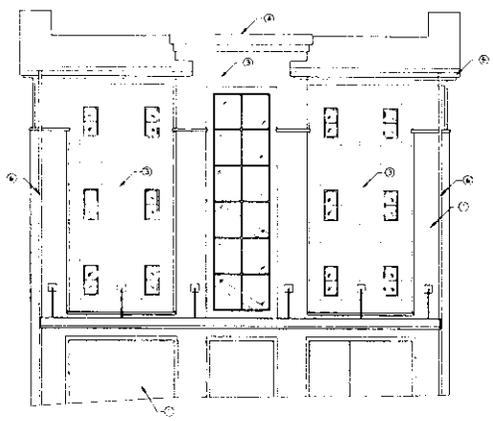
Scale: NTS



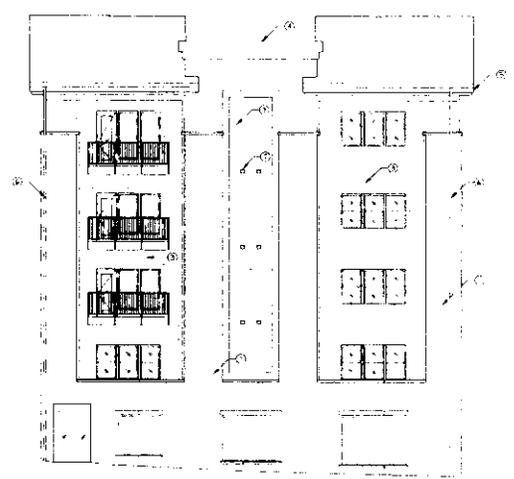
DESIGN GROUP

520 E JACKSON ST, SUITE 2
 WILLARD, MO 65781
 ENGINEERING@VEDESIGNGROUP.COM

PROJECT # 208	PROJECT NAME LOFTS - 1101 E WALNUT
DATE 05/28/13	DRAWING NUMBER RIGHT OF USE



SOUTH ELEVATION (VIEW FROM WALNUT STREET)
Scale: 1/8" = 1'-0"



NORTH ELEVATION (VIEW FROM ALLEY)
Scale: 1/8" = 1'-0"

- FINISH ELEVATIONS
- 1 SET AREA MARKERS FOR FINISH ELEVATIONS
 - 2 SET AREA MARKERS FOR FINISH ELEVATIONS
- KEYNOTES
- 1 BRICK ON RISE
 - 2 CONSTRUCTION NUMBER
 - 3 FULL HEIGHT GLASS WITH ALUMINUM FRAME
 - 4 METAL PARAPET WALL
 - 5 METAL PANEL
 - 6 METAL CLADDING
 - 7 DEPTH FINISH FOR VENT (SEE SET MECHANICAL DRAWINGS FOR MORE INFORMATION)



VE
DESIGN GROUP
1101 E WALNUT ST. SUITE 1
COLUMBIA, MO 65201
Project No: VEGD-13-001

WE HEREBY CERTIFY THAT I AM A REGISTERED ARCHITECT IN THE STATE OF MISSOURI AND AM THE DESIGNER OF THE ABOVE PROJECT.
EXPIRES: 05/28/16

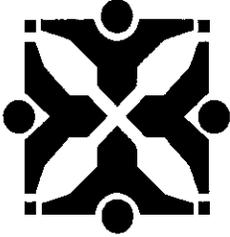
LOFT APARTMENT PROJECT
1101 E WALNUT ST

COLUMBIA, MO 65201

NO.	REVISION	DATE
1	CONSTRUCTION RELEASE	05/28/13

FINISH ELEVATIONS

FLOOR	FINISH ELEVATION
208	A2.2
DATE	04/28/13



Source: Public Works

A handwritten signature in black ink, appearing to be 'John'.

Agenda Item No:

To: City Council
From: City Manager and Staff

A handwritten signature in black ink, appearing to be 'M'.

Council Meeting Date: Oct 7, 2013

Re: Authorizing a Right of Use Permit to Construct Balconies within a Portion of the Right of Way of an Alley between Orr Street and St. James Street

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a right of use permit with 1101 East Walnut LLC to construct, operate, and maintain balconies within a portion of the right of way of an alley between Orr Street and St. James Street.

DISCUSSION:

1101 East Walnut LLC is proposing to build an apartment building at the corner of Walnut Street and Orr Street, and has requested to construct, operate, and maintain balconies within a portion of the right of way of an alley between Orr Street and St. James Street (see attached diagrams). The right of use permit stipulates the responsibilities and duties of 1101 East Walnut LLC and is similar to other right of use permits granted for this type of project.

FISCAL IMPACT:

None

VISION IMPACT:

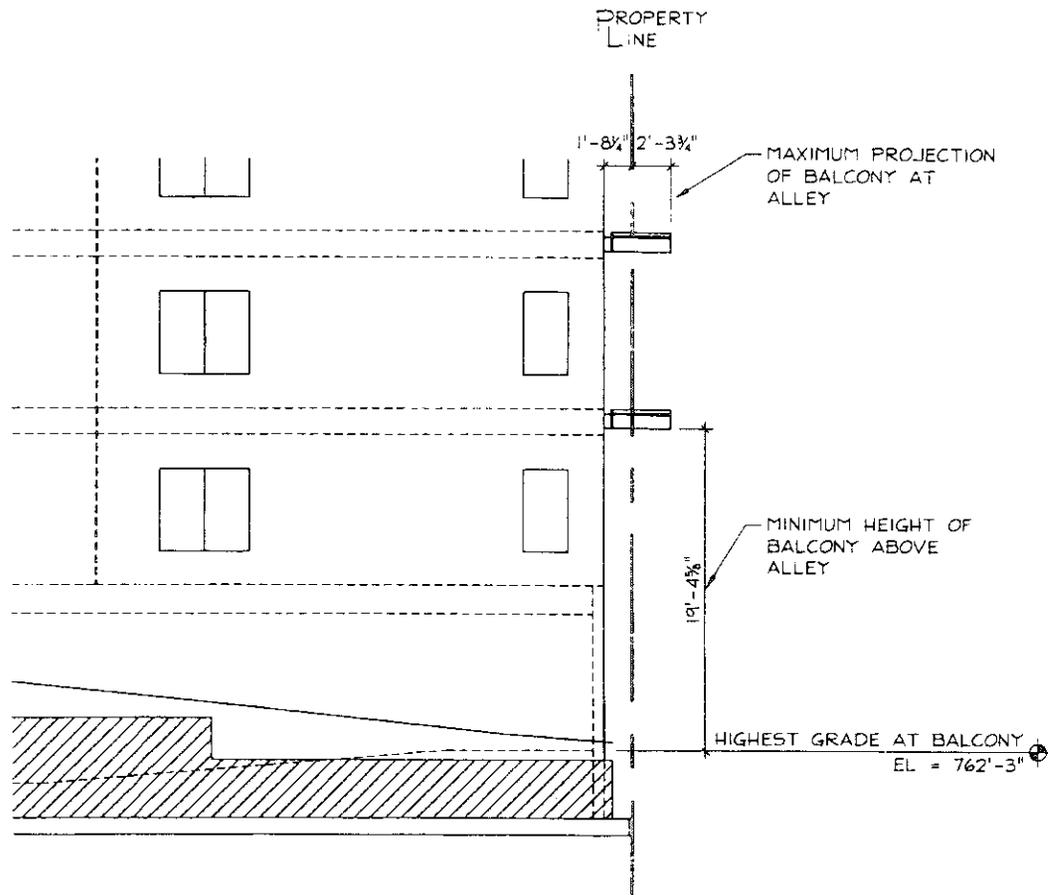
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approve the ordinance authorizing the City Manager to execute a right of use permit with 1101 East Walnut LLC to construct, operate, and maintain a balconies in the City right of way of an alley between Orr Street and St. James 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 #	



EAST ELEVATION

Scale: NTS



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 WILLARD, MO 65781
 ENGINEERING@VEDESIGNGROUP.COM

PROJECT #

208

PROJECT NAME

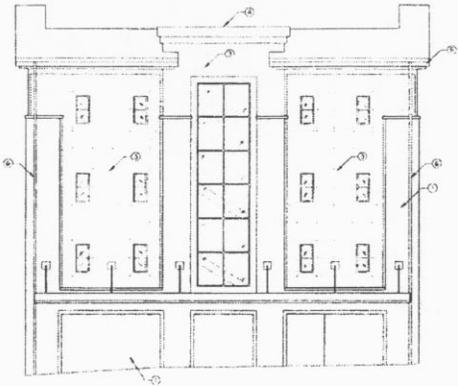
LOFTS - 1101 E WALNUT

DATE

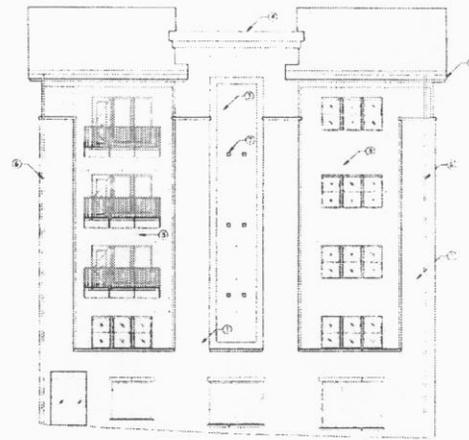
05/28/13

DRAWING NUMBER

RIGHT OF USE



SOUTH ELEVATION (VIEW FROM WALNUT STREET)
Scale: 1/8" = 1'-0"



NORTH ELEVATION (VIEW FROM ALLEY)
Scale: 1/8" = 1'-0"

- FINISH ELEVATION NOTES
1. SEE ALL DETAILS FOR EXTERIOR FINISH DETAILS
 2. SEE CITY FOR GENERAL NOTES
- KEY NOTES
- 1 BRICK VENEER
 - 2 STRUCTURAL BRICK VENEER
 - 3 EXTERIOR INDICATED FINISH SYSTEM AND
 - 4 METAL TRIM AND CAP
 - 5 METAL FACIA
 - 6 METAL DOWNSPOUT
 - 7 DRIP-PAN/CHANNEL FLASHING FROM THE MECHANICAL TRAYS/ROOF FOR MOST MECHANICAL



VE
DESIGN GROUP
1101 E WALNUT ST. SUITE 100
COLUMBIA, MO 65201
PHONE: 656-3333 FAX: 656-3334
WWW.VEDG.COM

LOFT APARTMENT PROJECT
1101 E WALNUT ST
COLUMBIA, MO 65201

NO.	REVISION	DATE

FINISH ELEVATIONS	
NO.	DESCRIPTION
208	
DATE	A2.2
04/28/13	