

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 345-13

AN ORDINANCE

authorizing a right of use permit with The Curators of the University of Missouri to allow construction, improvement, operation and maintenance of fiber optic telecommunication lines in a portion of the Old Route K 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 The Curators of the University of Missouri to allow construction, improvement, operation and maintenance of fiber optic telecommunication lines in a portion of the Old Route K right-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 _____, 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 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 Old Route K right of way, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The right-of-way of Old Route K, within the limits of the City of Columbia, further described by the diagram(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 a fiber optic telecommunication lines for internet/ intranet type services built in the right-of-way of Old Route K for the sole use of the University of Missouri and for educational purposes only.
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 Old Route K 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 fiber optic telecommunication lines to be installed pursuant to this right of use permit shall be installed with at least a twenty four (24) inch separation from all other utilities.
5. Prior to exercising its right granted herein, the Permittee shall present its construction plans or diagrams locating the proposed fiber optic telecommunication lines 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 fiber optic telecommunication lines 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.
8. If at any time during construction, repair, modification or relocation of the fiber optic telecommunication lines, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of fiber optic telecommunication lines, the Permittee shall relocate the fiber optic telecommunication lines at their own expense.

9. The Permittee agrees by exercising its rights under this permit that if the fiber optic telecommunication lines are damaged in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of fiber optic telecommunication lines 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 fiber optic telecommunication lines 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

By: _____
Mike Matthes
City Manager

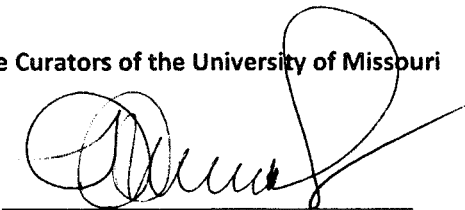
Attest:

By: _____
Sheela Amin
City Clerk

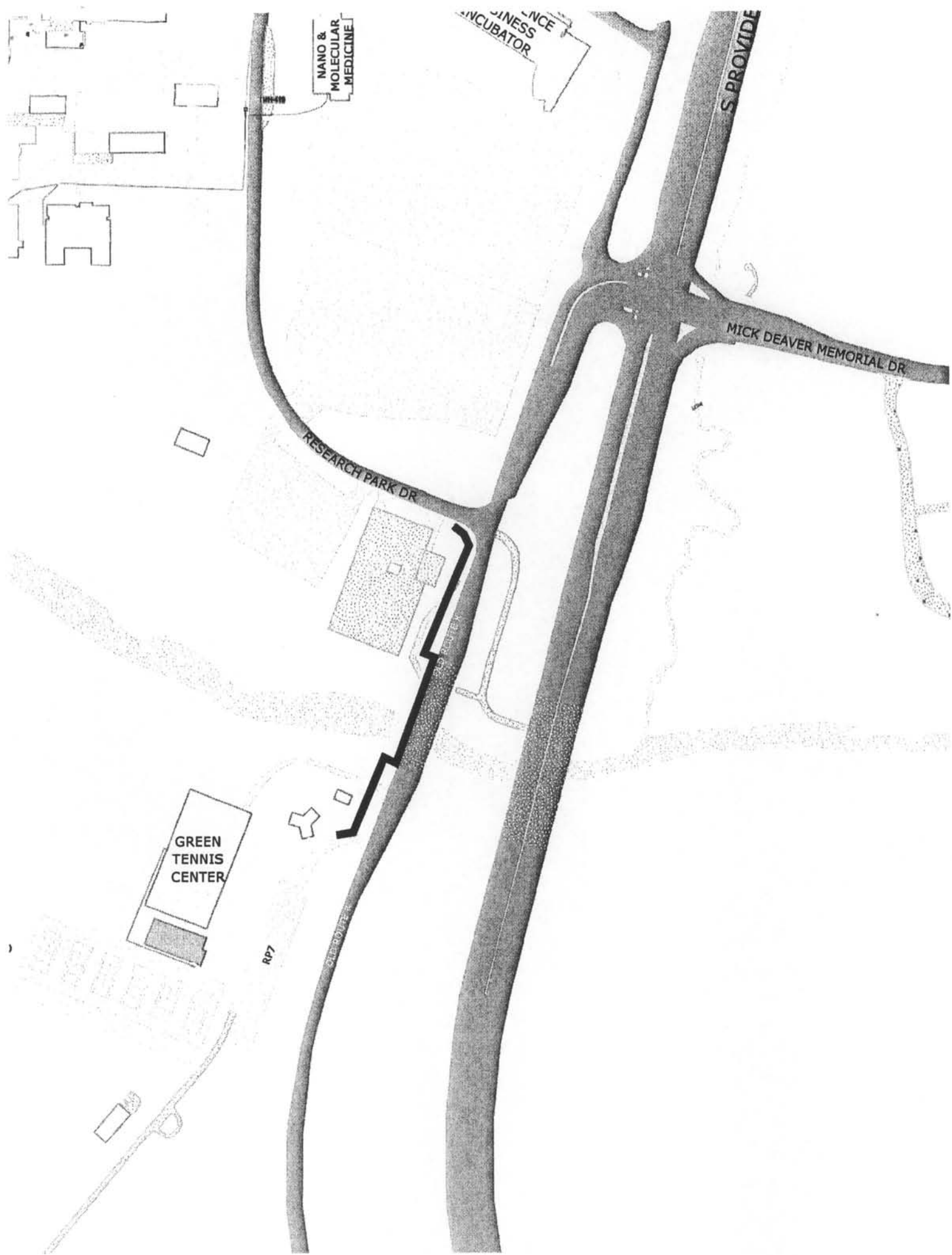
Approved as to form:

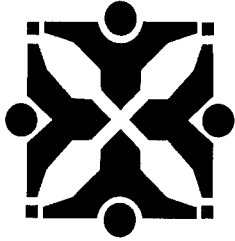
By: _____
Nancy Thompson
City Counselor

The Curators of the University of Missouri

By: _____


BUSINESS SERVICES
MU CF 1115/15





Source: Public Works

Agenda Item No:

To: City Council
From: City Manager and Staff

Council Meeting Date: Nov 18, 2013

Re: Allowing the Curators of the University of Missouri to Construct Fiber Optic Telecommunication Lines within a Portion of the Right of Way of Old Route K

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration legislation authorizing the City Manager to execute a right of use permit with the Curators of the University of Missouri to construct, operate, and maintain fiber optic telecommunication lines within a portion of the right of way of Old Route K.

DISCUSSION:

The Curators of the University of Missouri have requested to construct, operate, and maintain fiber optic telecommunication lines within a portion of the right of way of Old Route K to provide internet/intranet type service to the Green Tennis Center facilities (location diagram attached). The right of use permit contains the provision that the fiber optic telecommunication lines are for the sole use of the University and intended for educational purposes only and therefore, according to State law, no linear foot fee shall be required.

The right of use permit stipulates the responsibilities and duties of the Curators of the University of Missouri and is similar to other right of use permits granted to the University of Missouri by the City for this type of project.

FISCAL IMPACT:

The fiber optic telecommunication lines are for the sole use of the University and intended for educational purposes only and therefore, according to State law, no linear foot fee shall be required.

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Approve the legislation authorizing the City Manager to execute a right of use permit with the Curators of the University of Missouri, operate, and maintain fiber optic telecommunication lines in the City right of way of Old Route K.

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 #	

