AN ORDINANCE

authorizing a right of use permit with North America Islamic for construction, improvement, operation and maintenance of a private sidewalk and site wall with handrail in a portion of the Locust Street (408 Locust 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 North America Islamic for construction, improvement, operation and maintenance of a private sidewalk and site wall with handrail in a portion of the Locust Street (408 Locust Street) 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 North America Islamic, 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 Locust Street right of way, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The right-of-way of Locust Street located in the right-of-way of 408 Locust Street, 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 sidewalk and site wall with handrail built in the right-of-way of Locust 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 Locust 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. Prior to exercising its right granted herein, the Permittee shall present its construction plans or diagrams locating the proposed sidewalk and site wall with handrail 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 the work being done in the right-of-way.

6. If the sidewalk or site wall with handrail 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 sidewalk and site wall with handrail, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the sidewalk or site wall with handrail, the Permittee shall relocate sidewalk and site wall with handrail at their own expense.

8. The Permittee agrees by exercising its rights under this permit that if the sidewalk and site wall with handrail is damaged in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of sidewalk and site wall with handrail 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 sidewalk and site wall with handrail at its own cost and hold the City of Columbia harmless from any liability.
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 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

North America Islamic

By: ________________________
    Hani Salim
1-1/4" (1.5" O.D.)
Pipe Rails
(Top/Center)

5'-0" CTS ±

3'-0" (1.5" O.D.) Fill
Annular Space with
Non-Expanding Grout

1-1/4" (1.5" O.D.)
Vertical Posts @ ± 5'
ccts.

Slope to Match Sidewalk

Curb

3" Pipe Sleeve
(2.900" I.D.) Fill

7
C501
N.T.S.

RAIL DETAIL

Ranwala Architects
Islamic Center Gym

Exhibit B
NOTES:

1. ALL P.C. CONCRETE SHALL BE CLASS A.

8" VERTICAL CURB
Source: Public Works

To: City Council
From: City Manager and Staff

Council Meeting Date: Nov 18, 2013

Re: Allowing North America Islamic Center to Construct a Private Sidewalk and Site Wall with Handrail within a Portion Locust Street Right of Way

EXECUTIVE SUMMARY:
Staff has prepared for Council consideration legislation authorizing the City Manager to execute a right of use permit with North America Islamic Center to construct, operate, and maintain a private sidewalk and site wall with handrail within a portion of the right of way of Locust Street.

DISCUSSION:
North America Islamic Center is proposing to build a gymnasium at 408 Locust Street, and has requested to construct, operate, and maintain a private sidewalk and site wall with handrail within a portion of the right of way of Locust Street to provide pedestrian access (see attached diagrams). The right of use permit stipulates the responsibilities and duties of North America Islamic Center 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 legislation authorizing the City Manager to execute a right of use permit with North America Islamic Center to construct, operate, and maintain a private sidewalk and site wall with handrail in the City right of way of Locust Street.
## FISCAL and VISION NOTES:

### City Fiscal Impact
Enter all that apply

<table>
<thead>
<tr>
<th>City's current net FY cost</th>
<th>$0.00</th>
<th>New Program/Agency?</th>
<th>No</th>
<th>Federal or State mandated?</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of funds already appropriated</td>
<td>$0.00</td>
<td>Duplicates/Expands an existing program?</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of budget amendment needed</td>
<td>$0.00</td>
<td>Fiscal Impact on any local political subdivision?</td>
<td>No</td>
<td><strong>Vision Implementation impact</strong></td>
<td></td>
</tr>
<tr>
<td>Estimated 2 year net costs:</td>
<td></td>
<td><strong>Resources Required</strong></td>
<td></td>
<td><strong>Vision Impact?</strong></td>
<td>No</td>
</tr>
</tbody>
</table>

#### Resources Required

| | Requires add'l FTE Personnel? | No | Primary Vision, Strategy and/or Goal Item # |
| One Time | $0.00 | | |
| 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 # |
Locust St.
(42" Asphal w/Concrete C&G)

Two Story
Frame House
Basement Floor East = 706.00
Basement Floor West = 706.02
First Floor = 714.90

Sidewalk and site
wall w/handrail in
City Right of Way.

Property Line

Basketball Goal
Basketball Goal

Concrete Driveway

Asphalt Play Area

Playground

Islam Center

Right of Use Permit
1-1/4" (1.5" O.D.) Pipe Rails (Top/Center)

36" 21"

Curb

1-1/4" (1.5" O.D.) Vertical Posts @ ± 5 cts.

3" Pipe Sleeve (2.900" I.D.) Fill Annular Space with Non-Expanding Grout

Slope to Match Sidewalk

5'-0" CTS ±

7 RAIL DETAIL
C501 N.T.S.

Rangwala Architects
Islamic Center Gym

Exhibit B
NOTES:
1. ALL P.C. CONCRETE SHALL BE CLASS A.

8" VERTICAL CURB
N.T.S.