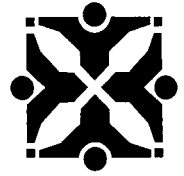


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 218-14

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: July 21, 2014

Re: Allowing the Curators of the University of Missouri to Construct Fiber Optic Telecommunication Lines within a Portion of the Right of Way of Broadfield Drive

Documents Included With This Agenda Item

Council Memo, Resolution/Ordinance, Right of Use Permit

Supporting documentation includes: Maps

Executive Summary

An ordinance 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 Broadfield Drive, for the sole use of the University of Missouri and for educational purposes only.

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 Broadfield Drive (see attached diagrams) to provide internet service to the Broadway Hy-Vee University Clinic.

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 for this type of project. The right of use permit agreement contains the provision that the fiber optic telecommunication lines are for the sole use of the University, and intended for educational purposes only; therefore according to State law, no fee shall be required.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

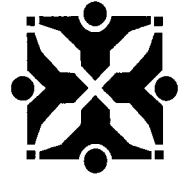
Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Suggested Council Action

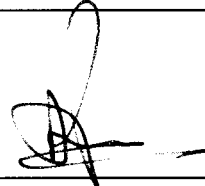
Approve the ordinance authorizing the City Manager to execute a right of use permit with the Curators of the University of Missouri, operate, and maintain fiber optic telecommunication lines in the City right of way of Broadfield Drive.

Legislative History

None



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 218-14

AN ORDINANCE

authorizing a right of use permit with The Curators of the University of Missouri for the construction, improvement, operation and maintenance of fiber optic telecommunication lines within a portion of the Broadfield Drive 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 for the construction, improvement, operation and maintenance of fiber optic telecommunication lines within a portion of the Broadfield Drive 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 _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

RIGHT OF USE PERMIT

000908-MUES-1400

COL. CITY OF

RIGHT OF USE PERMIT

KNOW ALL MEN BY THESE PRESENT that on this 25th day of June, 2014 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 Broadfield Drive, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The right-of-way of Broadfield Drive, 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 Broadfield Drive 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 Broadfield Drive 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

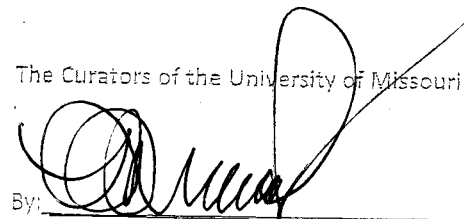
Attest:

By: _____
Sheela Amin
City Clerk

Approved as to form:

By: _____
Nancy Thompson
City Counselor

The Curators of the University of Missouri

By:  _____

Lisa J. Wimmenauer
Assoc. Director, Business Services

APPROVED
AS TO -

LEGAL FORM
M.M. 6/25/14

BUSINESS SERVICES
MU CF 6/25/14



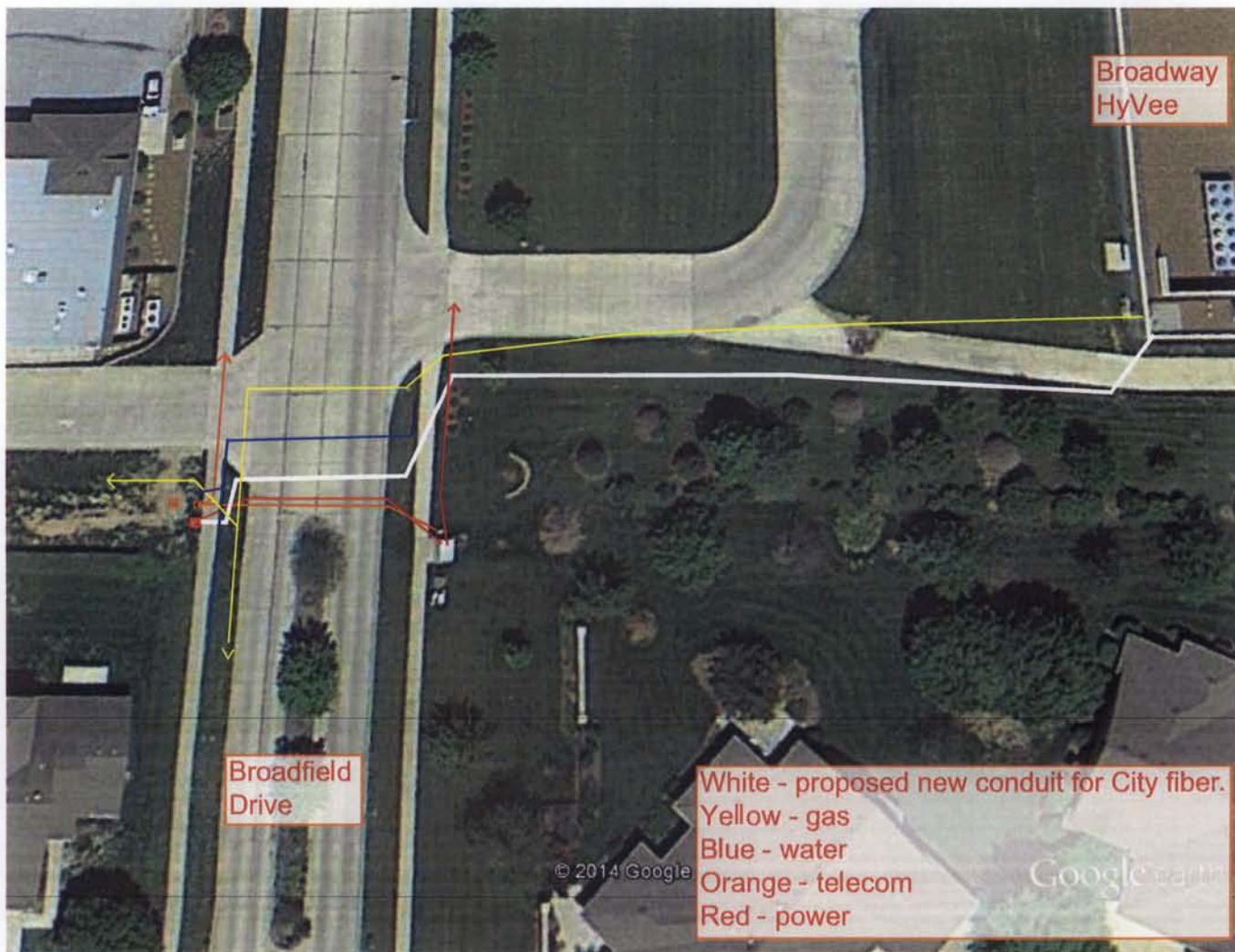
SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps

Broadfield Drive

**Location of
proposed fiber**





Google earth

feet 100
meters 40

