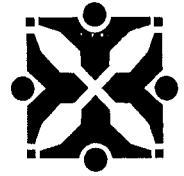


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 288-14

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: September 2, 2014

Re: Authorizing a Right of Use Permit for Access to City Drainage Easement

Documents Included With This Agenda Item

Council Memo, Resolution/Ordinance, Right of Use Permit

Supporting documentation includes: Diagrams (construction, route, etc.)

Executive Summary

Authorizing the City Manager to execute a right of use permit with Josie and Eric Chapman to construct, operate, and maintain a retaining wall within a portion of the drainage easement on Lot 17 of West Lawn Plat 1 (701 Rothwell Drive).

Discussion

Josie and Eric Chapman have requested to construct, operate, and maintain a retaining wall within a portion of the drainage easement on Lot 17 of West Lawn Plat 1 (see attached diagram). Staff has reviewed the location of the retaining wall and has no issues. The right of use permit stipulates the responsibilities and duties of Josie and Eric Chapman, and is similar to other right of use permits granted for this type of project.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

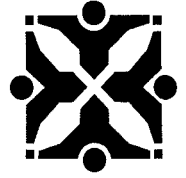
Comprehensive Plan Impact: Not Applicable

Suggested Council Action

Authorize the City Manager to execute a right of use permit with Josie and Eric Chapman to construct, operate, and maintain a retaining wall within a portion of the drainage easement on Lot 17 of West Lawn Plat 1.

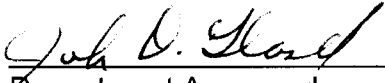
City of Columbia

701 East Broadway, Columbia, Missouri 65201

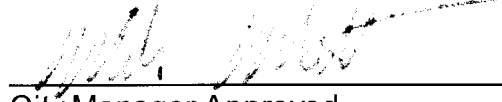


Legislative History

None

A handwritten signature in black ink, appearing to read "John D. Hand", written over a horizontal line.

Department Approved

A handwritten signature in black ink, appearing to read "John D. Hand", written over a horizontal line.

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 288-14

AN ORDINANCE

authorizing a Right of Use permit with Josie and Eric Chapman for construction, improvement, operation and maintenance of a retaining wall built within a portion of the drainage easement on Lot 17 within West Lawn Subdivision, Plat 1 located west of Rothwell Drive; 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 Josie and Eric Chapman for construction, improvement, operation and maintenance of a retaining wall built within a portion of the drainage easement on Lot 17 within West Lawn Subdivision, Plat 1 located west of Rothwell Drive. 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

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 **Josie and Eric Chapman**, 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 drainage easement of lot 17 of West Lawn Plat 1, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The drainage easement of lot 17 of West Lawn Plat 1, located within the limits of the City of Columbia, further described by the exhibit(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 retaining wall built in the drainage easement of lot 17 of West Lawn Plat 1.
2. This permit does not grant Permittee or any of its officers, agents or employees the right to cut, break, excavate or damage the drainage easement at lot 17 of West Lawn Plat 1 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 retaining wall 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 drainage easement.
6. If the retaining wall 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 retaining wall, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the retaining wall, the Permittee shall relocate the retaining wall at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the retaining wall 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 retaining wall 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 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

Josie and Eric Chapman

By: Josie Chapman
Eric Chapman

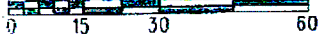
PLOT PLAN

WATER & LIGHT
ENGINEERING
1-5-A
R.L.
1-18-14
UG BK 1-1-12

LEGEND:

- SET IRON PIPE
- FOUND IRON PIPE
- (R) RADIAL LINE

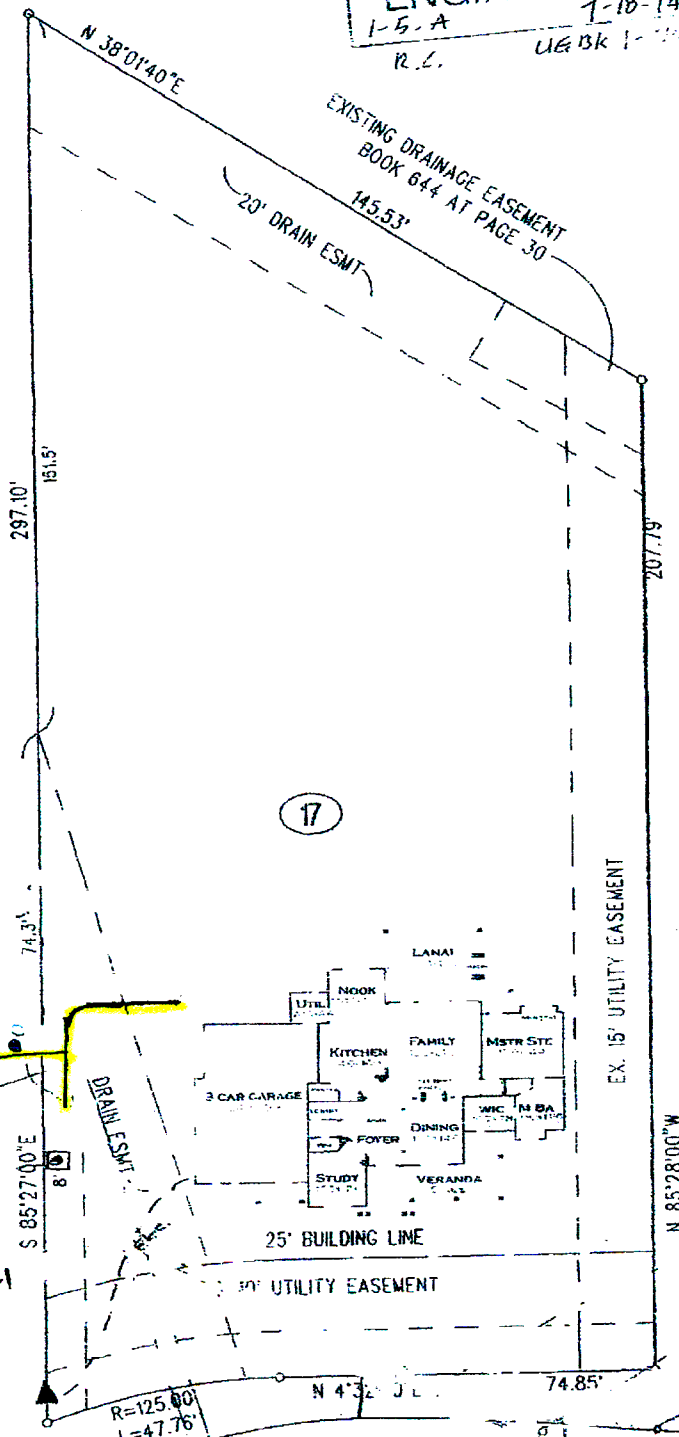
SCALE: 1" = 30'



NO. 1	100'±
NO. 2	100'±
NO. 3	100'±
NO. 4	100'±
NO. 5	100'±
NO. 6	100'±
NO. 7	100'±
NO. 8	100'±
NO. 9	100'±
NO. 10	100'±
NO. 11	100'±
NO. 12	100'±
NO. 13	100'±
NO. 14	100'±
NO. 15	100'±
NO. 16	100'±
NO. 17	100'±
NO. 18	100'±
NO. 19	100'±
NO. 20	100'±

APPROVED
BSD
DMH

Approx.
25'-30'
of 12"-18"
tall block
retaining wall



17

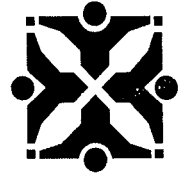
ROTHWELL DRIVE

Mc # 14-2576

DEPARTMENT OF PUBLIC WORKS, CITY OF COLUMBIA, MISSOURI
LOT 17 OF WESTLAWN SUBDIVISION, PLAT NO. 1, LOCATED IN COLUMBIA, BOONE COUNTY, MISSOURI.

CERTIFICATION:
HEREBY CERTIFY THE ABOVE LOT WAS SURVEYED UNDER MY DIRECTION.
FURTHER STATE THE ABOVE LOT DOES NOT LIE WITHIN THE 100 YEAR FLOOD
PLAIN AS ADOPTED BY THE CITY OF COLUMBIA, MISSOURI.

Bill R. Crockett
BILLY R. CROCKETT, RLS - 1570
DATE: FEB 23 2014
LAND SURVEY



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Diagrams (construction, route, etc.)

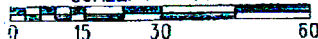
PLOT PLAN

WATER & LIGHT
ENGINEERING
1-5-A 7-18-14
R.L. UG BK 1-1-12

LEGEND:

- SET IRON PIPE
- FOUND IRON PIPE
- (R) RADIAL LINE

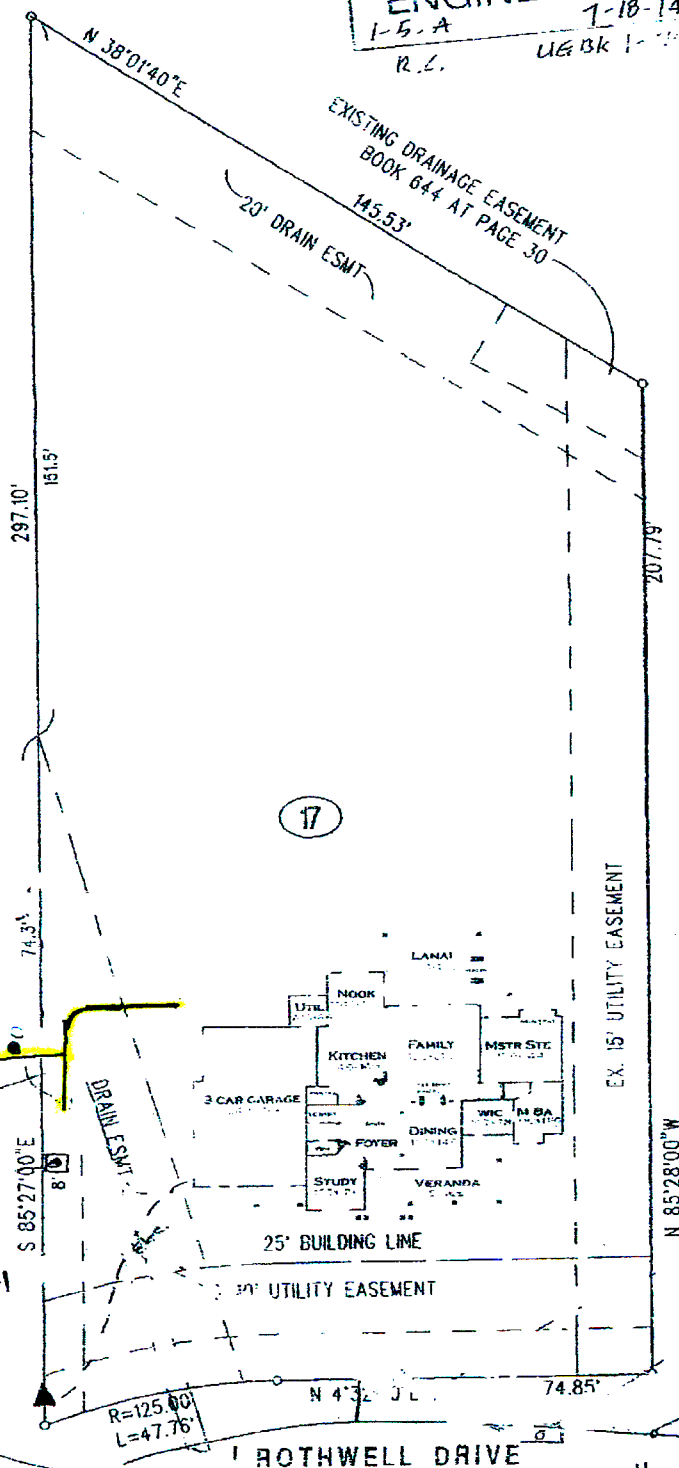
SCALE: 1" = 30'



NO. 1	600'±
NO. 2	
NO. 3	
NO. 4	
NO. 5	
NO. 6	
NO. 7	
NO. 8	
NO. 9	
NO. 10	
NO. 11	
NO. 12	
NO. 13	
NO. 14	
NO. 15	
NO. 16	
NO. 17	
NO. 18	
NO. 19	
NO. 20	

APPROVED
BSD
D.M.

Approx.
25'-30'
of 12"-18"
tall block
retaining wall



DEED REFERENCE:
LOT 17 OF WESTLAWN SUBDIVISION, PLAT NO. 1, LOCATED IN COLUMBIA, BOONE COUNTY, MISSOURI.

CERTIFICATION:
HEREBY CERTIFY THE ABOVE LOT WAS SURVEYED UNDER MY DIRECTION.
I FURTHER STATE THE ABOVE LOT DOES NOT LIE WITHIN THE 100 YEAR FLOOD
PLAIN AS ADOPTED BY THE CITY OF COLUMBIA, MISSOURI.

ROTHWELL DRIVE
Mc # 14-2576
BILLY R. CROCKETT, RLS - 1570
DATE: SEP 23 2014
LAND SURVEY