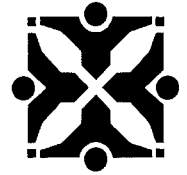


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 307-14

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: September 15, 2014

Re: Authorizing a Right of Use Permit with The Curators of the University of Missouri

Documents Included With This Agenda Item

Ordinance, Exhibit to Ordinance

Supporting documentation includes: None

Executive Summary

At the request of council member Chadwick, a right of use permit with The Curators of the University of Missouri has been prepared. The right of use permit allows enforcement of the University's smoking policy on certain city street rights-of-way during times when such rights-of-way are lawfully closed to restricted vehicular traffic.

Discussion

The right-of-use permit allows enforcement of the University's smoking policy, as amended from time to time, on certain city streets that are lawfully closed to restrict vehicular traffic in the permit. The streets lawfully restricted are: Conley Avenue, Hitt Street, Ninth Street and Rollins Street. These streets are within the current closed campus areas and the exact areas are described in the right of use permit. The permit is a license that shall remain in effect until canceled by the city manager. Generally, notice of cancellation will be given six (6) months in advance.

Fiscal Impact

Short-Term Impact: NA

Long-Term Impact: NA

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Health, Social Services and Affordable Housing

Strategic Plan Impact: Health, Safety and Wellbeing

Comprehensive Plan Impact: Not Applicable

City of Columbia

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Suggested Council Action

Passage of the ordinance authorizing execution of the right of use permit.

Legislative History

Not applicable.


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 307-14

AN ORDINANCE

authorizing a right of use permit with The Curators of the University of Missouri to allow for the enforcement of the University's smoking policy on portions of Conley Avenue, Hitt Street, Ninth Street and Rollins Road when lawfully closed to vehicular traffic; 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 for the enforcement of the University's smoking policy on portions of Conley Avenue, Hitt Street, Ninth Street and Rollins Road when lawfully closed to vehicular traffic. 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 _____, 2014, the City of Columbia, Missouri, a municipal corporation, in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, does hereby permit The Curators of the University of Missouri, 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 for the purpose of enforcement of Permittee's smoking policy, as amended from time to time:

- *Conley Avenue*, from Ninth Street to the east line of Missouri Avenue;
- *Hitt Street*, from a point seventy-five (75) feet south of the south curblin of University Avenue, thence south five hundred forty-four (544) feet;
- *Ninth Street*, from the south line of the entrance to Middlebush Hall parking lot to Conley Avenue;
- *Rollins Street*, from a point fifty (50) feet east of the east curblin of Missouri Avenue, thence east six hundred ninety (690) feet County of Boone, State of Missouri, during times when such rights of way are lawfully closed to restricted vehicular traffic.

This permit is subject to the following conditions and stipulations:

1. This permit and license shall remain in effect until canceled by the City Manager. Written notice of cancellation shall be given to the Permittee six (6) months in advance, but may be given with no advance notice if deemed necessary or desirable by the City Manager to serve the best interest of the public.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the said parties have 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: _____

ATTEST:

By: _____