

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 384-14

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: December 15, 2014

Re: Right of Use Permit with 1013 Walnut LLC for Six Inch Storm Sewer Line within the Right of Way of the Alley Located North of Walnut Street between N. 10th Street and Orr Street

Documents Included With This Agenda Item

Council Memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

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

Executive Summary

Authorizing the City Manager to execute a right of use permit with 1013 Walnut LLC to construct, operate, and maintain a six inch storm sewer line within a portion of the right of way of the alley located north of Walnut Street, between N. 10th Street and Orr Street.

Discussion

1013 Walnut, LLC has requested to construct, operate, and maintain 123.2 linear feet of a six inch storm sewer line within a portion of the right of way of the alley located north of Walnut Street, between N. 10th Street and Orr Street. The installation of the storm sewer is part of the site improvements at this location.

The right of use permit stipulates the responsibilities and duties of 1013 Walnut LLC and is similar to other right of use permits granted for this type of project. Staff has reviewed the proposed storm sewer and has no issues.

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

Approve the ordinance authorizing the City Manager to execute a right of use permit with 1013 Walnut LLC to construct, operate, and maintain a six inch storm sewer line in the City right of way of

City of Columbia

701 East Broadway, Columbia, Missouri 65201



the alley located north of Walnut Street, between N. 10th Street and Orr Street.

Legislative History

None


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 384-14

AN ORDINANCE

authorizing a Right of Use Permit with 1013 Walnut, LLC for the construction, operation and maintenance of a storm sewer line within a portion of the alley right-of-way located north of Walnut Street, between Tenth Street and Orr Street; 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 1013 Walnut, LLC for the construction, operation and maintenance of a storm sewer line within a portion of the alley right-of-way located north of Walnut Street, between Tenth Street and Orr Street. 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 _____, 2015.

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 fifty dollars (\$50.00) and other considerations to it paid, does hereby permit **1013 Walnut, LLC**, 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 an alley right-of-way, located with the City of Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

Install and maintain a six inch storm sewer within right-of-way owned by the City of Columbia, specifically within an alley connecting Orr and 10th Street in Columbia, Missouri.

This permit is subject to the following conditions and stipulations:

1. This permit is for the exclusive purpose of construction, operation and maintenance of the storm sewer within City right-of-way.
2. The Permittee will be responsible for all construction costs associated with the installation of the six inch storm sewer, which includes removing and replacing all pavement which is damaged throughout construction activities.
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 hereunder, Permittee agrees to obtain all necessary permits required by the City of Columbia pertaining to the future work being done within the alley of interest.
5. If the storm sewer is abandoned, all rights herein granted shall cease and terminate and Permittee shall have no further right of interest therein.
6. This permit does not grant Permittee or any of its officers, agents or employees the right to cut, break, excavate or damage the existing storm sewer structures without City of Columbia consent.
7. This permit shall remain in effect until canceled by the City of Columbia, which shall be obligated to notify the Permittee six (6) months in advance of cancellation.
8. The City of Columbia shall contact 1013 Walnut, LLC prior to working around or exposing the storm sewer; therefore the Permittee can make necessary precautions.
9. If the City damages the storm sewer while installing future improvements or working on adjacent utilities, the City will pay for repair of said damage.
10. If the City violates any provisions of this agreement and the storm sewer is damaged thereby, the City will pay for repair of said damage.

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

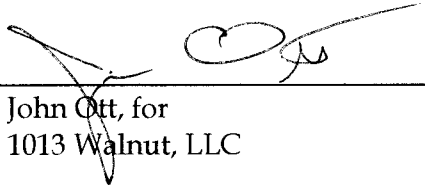
By: _____
Mike Matthes
City Manager

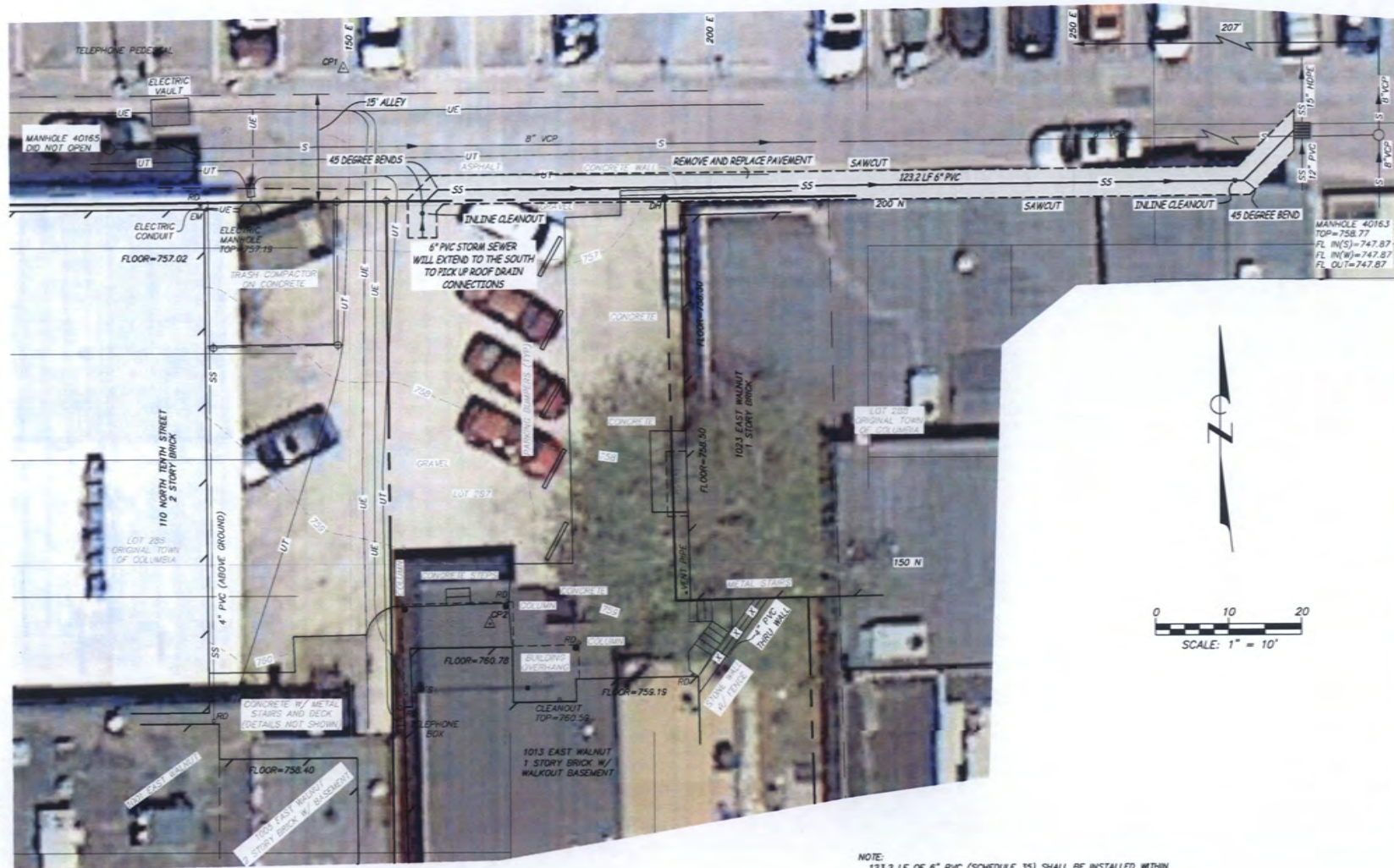
Attest:

By: _____
Sheela Amin
City Clerk

Approved as to form:

By: _____
Nancy J. Thompson
City Counselor

By:  _____
John Ott, for
1013 Walnut, LLC



Engineering Surveys and Services
Consulting Engineers, Scientists, and Land Surveyors
Analytical and Material Laboratories

1113 Fay Street, Columbia, Missouri 65201
571-449-2646 • www.ESS-inc.com

Other Offices:
Jefferson City, Missouri • Sodalia, Missouri
Missouri Engineering Corporation # 260-4055018

**NORTH VILLAGE
APARTMENTS COURTYARD**
COLUMBIA, BOONE COUNTY, MISSOURI

11/12/14



MATTHEW A. KRIETE
PROFESSIONAL ENGINEER
PE-2007002811

Date
SEPTEMBER 9, 2014

Revised
SEPTEMBER 15, 2014
NOVEMBER 12, 2014

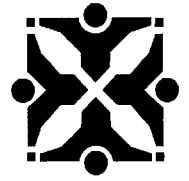
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**RIGHT-OF-USE
EXHIBIT**

Sheet
V1.01

1 of 1

ES&S PROJECT NO. 12811



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps, Diagrams (construction, route, etc.)

**Alley between N 10th
Street and Orr Street**

**Location of
storm sewer
installation**





NOTE:
123.2 LF OF 6" PVC (SCHEDULE 35) SHALL BE INSTALLED WITHIN
THE ALLEY RIGHT-OF-WAY.



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Marion Engineering Corporation # 200409518

**NORTH VILLAGE
APARTMENTS COURTYARD**
COLUMBIA, BOONE COUNTY, MISSOURI



MATTHEW A. KRIETE
PROFESSIONAL ENGINEER
PE-300700281

Date
SEPTEMBER 9, 2014

Revised
SEPTEMBER 15, 2014
NOVEMBER 12, 2014

Design: SH Drawn: MUS

**RIGHT-OF-USE
EXHIBIT**

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V1.01

1 of 1

ES&S PROJECT NO. 12811

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