

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 231-15

**Department Source:** Public Works

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** 8/3/2015

**Re:** Authorizing a Right of Use Permit with McAlester Park, LLC to Install and Maintain a Private Storm Sewer System and Retaining Wall within Portions of S Ninth Street and Elm Street Right of Way

## Documents Included With This Agenda Item

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

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

## Executive Summary

Authorizing the City Manager to execute a right of use permit with McAlester Park, LLC to install and maintain a private storm sewer system and a retaining wall within portions of S. Ninth Street and Elm Street right of way (see attached diagrams).

## Discussion

McAlester Park, LLC is requesting to install and maintain a private storm sewer system and a retaining wall within portions of the S. Ninth Street and Elm Street right of way (Shakespeare's lot). The storm sewer system will consist of approximately 45 linear feet of 6" high-density polyethylene (HDPE) storm pipe, 154 linear feet of 8" high-density polyethylene (HDPE) storm pipe, 84 linear feet of 15" high-density polyethylene (HDPE) storm pipe, and three (3) storm sewer structures.

The retaining wall is approximately 40' in length with a 42" railing. The wall varies in height with the highest point approximately 7' and the lowest at sidewalk level.

The right of use permit agreement outlines the responsibilities of McAlester Park, LLC which include providing the City with detailed route maps and engineering and/or construction plans. The work will not begin until the plans are approved, proper building and/or construction permits obtained, and the work scheduled with the division of Building and Site Development. Further, McAlester Park, LLC will not obstruct or block any City street or sidewalk during construction without first obtaining permission from the City.

## Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

# City of Columbia

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## 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 McAlester Park, LLC to install and maintain a private storm sewer system and a retaining wall within portions of S. Ninth Street and Elm Street right of way.

## Legislative History

None

  
\_\_\_\_\_  
Department Approved

  
\_\_\_\_\_  
City Manager Approved

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 231-15

**AN ORDINANCE**

authorizing a right of use permit with McAlester Park, LLC for the construction, improvement, operation and maintenance of a private storm sewer and retaining wall in a portion of the Ninth Street and Elm Street rights-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 McAlester Park, LLC for the construction, improvement, operation and maintenance of a private storm sewer and retaining wall in a portion of the Ninth Street and Elm Street rights-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 \_\_\_\_\_, 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 ten dollars (\$10.00) and other considerations to it paid, does hereby permit **McAlester Park, 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 the right of way of 9<sup>th</sup> and Elm Streets, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

**STORM SEWER LOCATION:** The street right-of-way of 9<sup>th</sup> Street from station 0+20 to station 1+63 (as measured northerly from the center of the intersection of Elm and 9<sup>th</sup> Streets), AND the street right-of-way of Elm Street from station 0+56 to station 2+00 (as measured westerly from the center of the intersection of Elm and 9<sup>th</sup> Streets), all within the limits of the City of Columbia.

**RETAINING (RET.) WALL LOCATION:** The street right-of-way of 9<sup>th</sup> Street from station 1+23 to station 1+63 (as measured northerly from the center of the intersection of Elm and 9<sup>th</sup> Streets), within the limits of the City of Columbia.

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 private storm sewer system and ret. wall in a portion of 9<sup>th</sup> and Elm Streets.
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 9<sup>th</sup> or Elm Streets without City of Columbia 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 construction plans or diagrams locating the proposed infrastructure 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 work being done in the right of way.
6. If the private storm sewer system or ret. wall 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 storm sewer line or ret. wall or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the storm sewer or ret. wall, the Permittee shall relocate the storm sewer line or ret. wall at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the storm sewer line or ret. 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 storm sewer

or ret. 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 the Permittee six (6) months in advance of 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: \_\_\_\_\_  
Michael Matthes  
City Manager

**Attest:**

By: \_\_\_\_\_  
Sheela Amin  
City Clerk




**Approved as to form:**

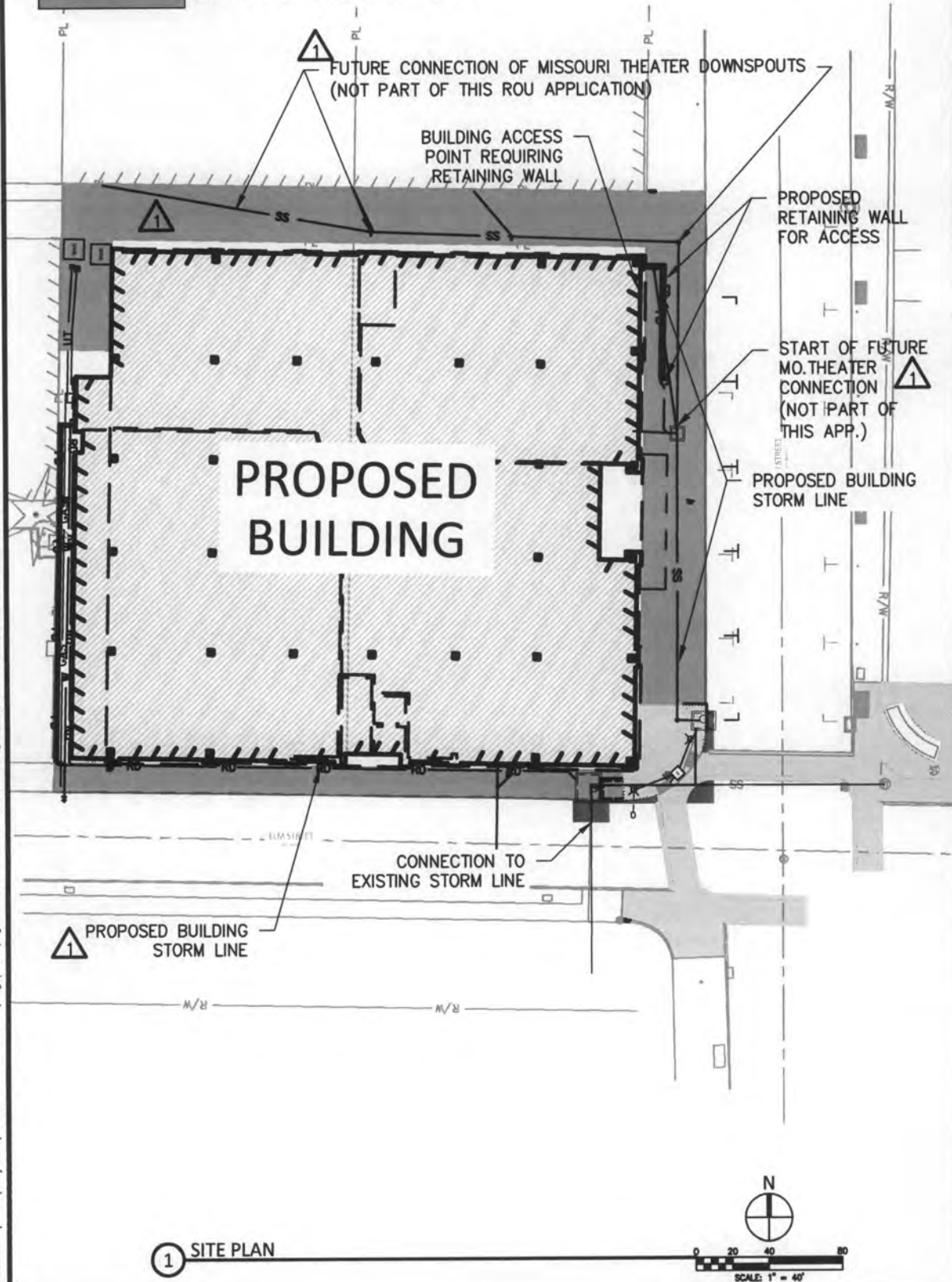
By: \_\_\_\_\_  
Nancy Thompson  
City Counselor

McAlester Park, LLC

By: \_\_\_\_\_  
Jon Odle, Member

## HATCH LEGEND

	STREET REPAIR
	SIDEWALK REPAIR
	BRICK PAVING/SIDEWALK REPAIR



**COLUMBIA**  
Civil Engineering Group

Columbia, MO  
3301 BENTWOOD DRIVE SUITE 103 COLUMBIA, MO 65201  
PHONE (314) 999-7821

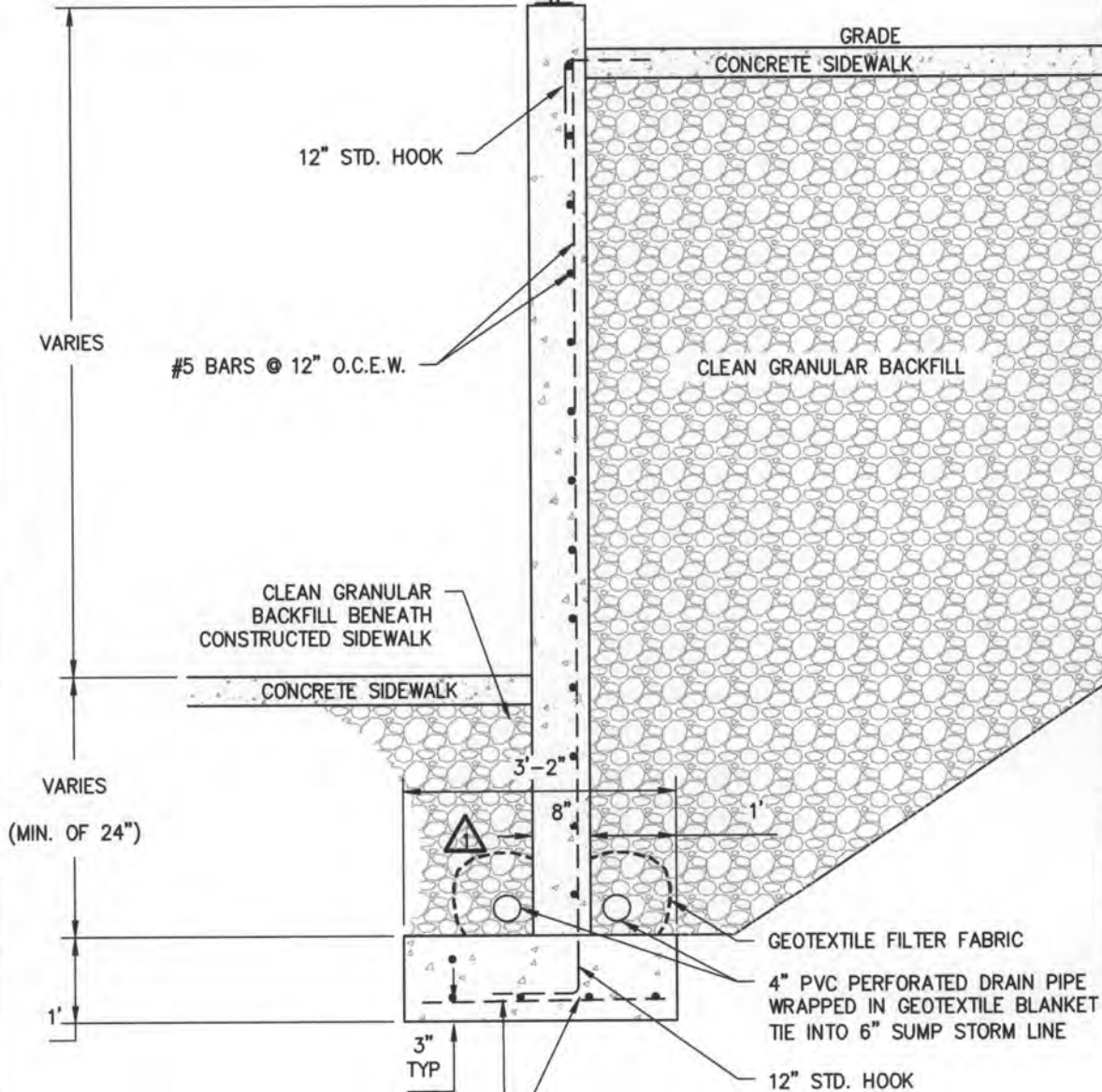
MO. ENG. CORP  
#2013000149  
EXP. 12-31-2015

RIGHT OF USE LOCATION EXHIBIT  
9TH & ELM STREET  
COLUMBIA, MISSOURI

DATE	SCALE	FIELD BOOK	REVISION
7/17/15	JMB	MMH	
DRAWN			
APPROVED			

PROJECT NO.  
115002-1

SHEET NO.  
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## RETAINING WALL SECTION

SCALE: 1" = 2'

Columbia, MO  
3301 BERRYWOOD DRIVE SUITE 103 COLUMBIA, MO 65201  
PHONE (573) 909-7821

MO. ENG. CORP  
#2013000149  
EXP. 12-31-2015

9TH STREET RETAINING WALL DETAIL  
9TH & ELM STREET  
COLUMBIA, MISSOURI

DATE	7/17/15	SCALE
DRAWN	JMB	FIELD BOOK
APPROVED	MMH	REVISION

PROJECT NO.  
115002-1

SHEET NO.




## C1.5

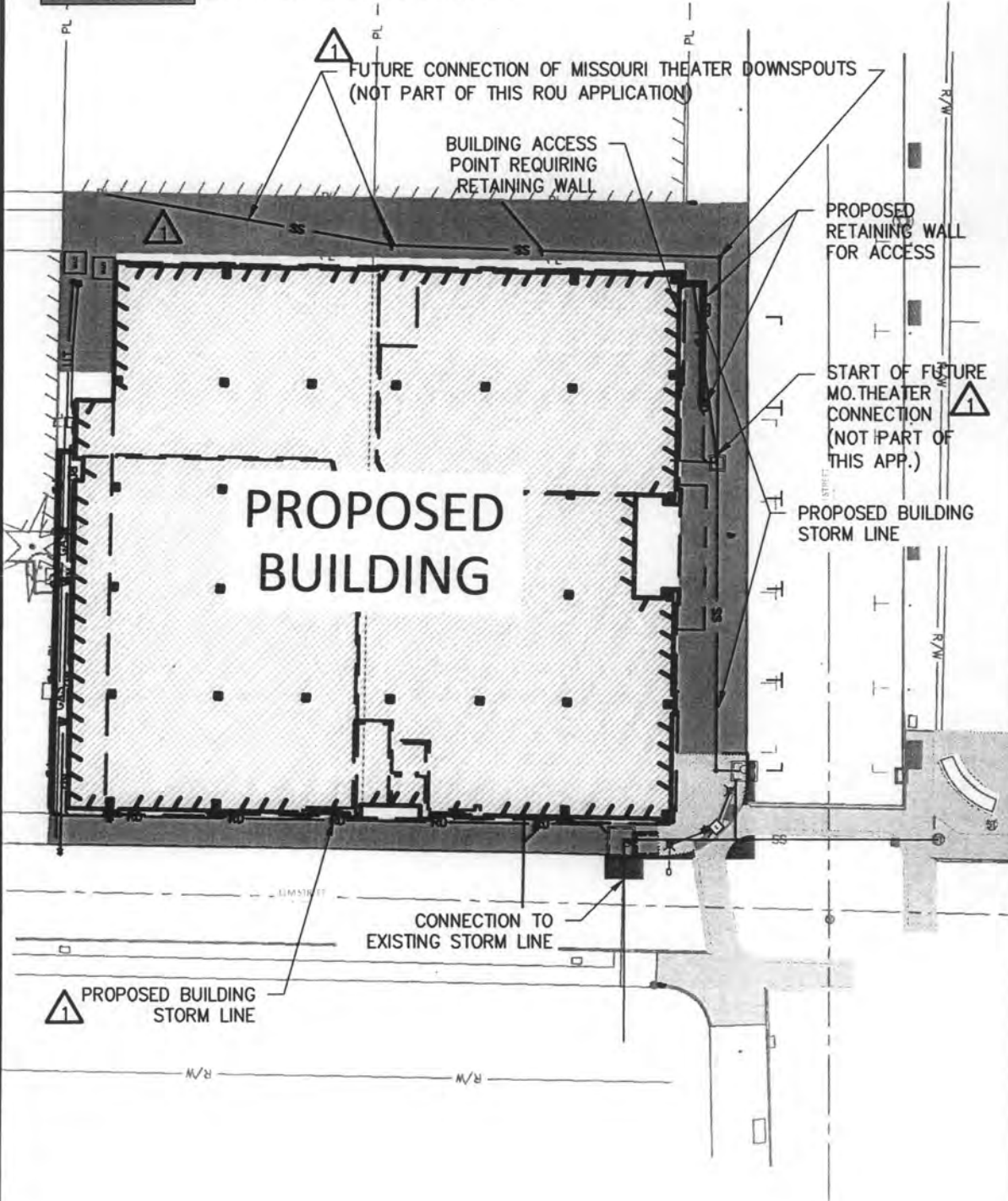


## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

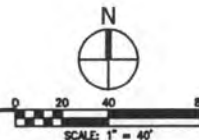
Diagrams (construction, route, etc.)

# HATCH LEGEND

	STREET REPAIR
	SIDEWALK REPAIR
	BRICK PAVING/SIDEWALK REPAIR



1 SITE PLAN



**COLUMBIA**  
Civil Engineering Group

Columbia, MO  
3301 BERRYWOOD DRIVE SUITE 103 COLUMBIA, MO 65201  
PHONE (573) 998-7821

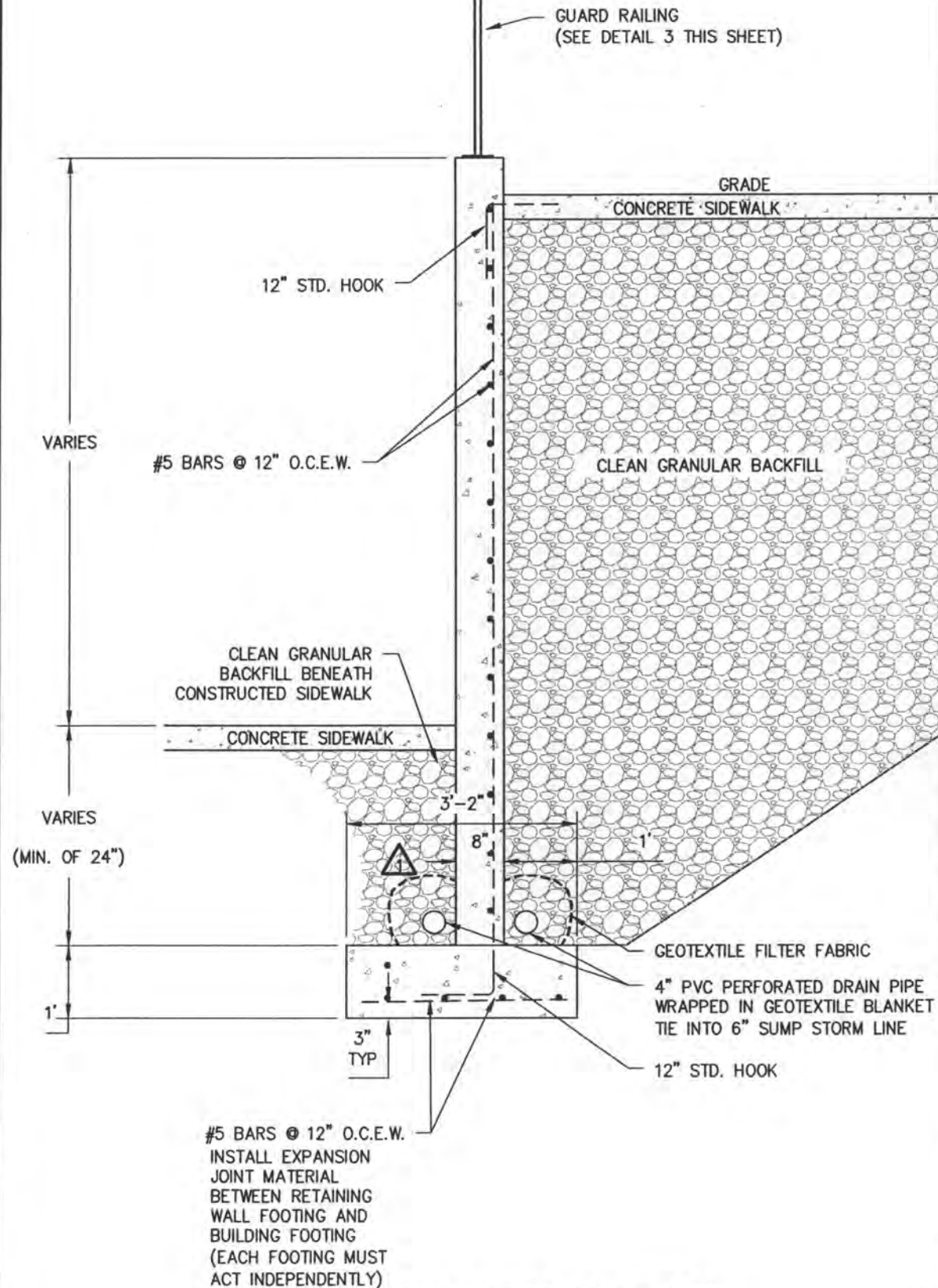
MO. ENG. CORP  
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RIGHT OF USE LOCATION EXHIBIT  
9TH & ELM STREET  
COLUMBIA, MISSOURI

DATE	7/17/15	SCALE	FIELD BOOK	REVISION
DRAWN	JMB			
APPROVED	MMH			

PROJECT NO.  
115002-1

SHEET NO.  
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**COLUMBIA**  
Civil Engineering Group

Columbia, MO  
3301 BERRYWOOD DRIVE SUITE 103 COLUMBIA, MO 65201  
PHONE (973) 999-7821

MO. ENG. CORP  
#2013000149  
EXP. 12-31-2015

9TH STREET RETAINING WALL DETAIL  
9TH & ELM STREET  
COLUMBIA, MISSOURI

DATE	SCALE	FIELD BOOK	REVISION
7/17/15	JMB	MMH	
DRAWN			
APPROVED			

PROJECT NO.  
115002-1

SHEET NO.  
**C1.5**