

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 302-15

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: 10/19/2015

Re: Authorizing a Right of Use Permit with The Board of Trustees of Boone County Hospital to Install and Maintain a Private Irrigation System within Portions of Nifong Blvd and Forum Blvd Right of Way

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Map

Executive Summary

Authorizing the City Manager to execute a right of use permit with The Board of Trustees of Boone County Hospital to install and maintain a private irrigation system within portions of Nifong Boulevard and Forum Boulevard right of way (see attached diagram).

Discussion

The Board of Trustees of Boone County Hospital are requesting to approve a right of use permit to install and maintain a private irrigation system within portions of the Nifong Boulevard and Forum Boulevard right of way (Boone Hospital South). The private irrigation system will be located in three separate locations.

1. Near the intersection of Nifong Boulevard and Forum Boulevard approximately 150 linear feet east of the center of Nifong Boulevard and Forum Boulevard intersection.
2. On Nifong Boulevard approximately 950 linear feet east of the center of Nifong Boulevard and Forum Boulevard intersection.
3. On Forum Boulevard approximately 550 linear feet south of the center of Nifong Boulevard and Forum Boulevard intersection.

The right of use permit agreement outlines the responsibilities of The Board of Trustees of Boone County Hospital 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, The Board of Trustees of Boone County Hospital will not obstruct or block any City street or sidewalk during construction without first obtaining permission from the City.

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Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

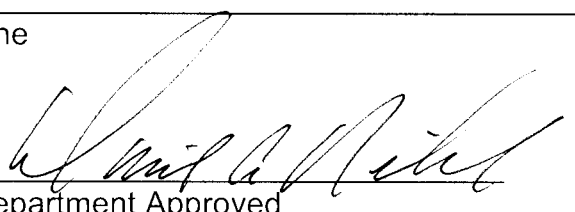
Comprehensive Plan Impact: Not Applicable

Suggested Council Action

Authorize the City Manager to execute a right of use permit with The Board of Trustees of Boone County Hospital to install and maintain a private irrigation system within portions of Nifong Boulevard and Forum Boulevard right of way.

Legislative History

None


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 302-15

AN ORDINANCE

authorizing a right of use permit with The Board of Trustees of Boone County Hospital to allow for the construction, improvement, operation and maintenance of a private irrigation system built in a portion of the Nifong Boulevard and Forum Boulevard 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 The Board of Trustees of Boone County Hospital to allow for the construction, improvement, operation and maintenance of a private irrigation system built in a portion of the Nifong Boulevard and Forum Boulevard 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 21st day of September, 2015, 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 **The Board of Trustees of Boone County Hospital**, 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 **Nifong Boulevard and Forum Boulevard** right of way, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The right-of-way of **Nifong Boulevard and Forum Boulevard**, located in the right-of-way, 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 **private irrigation system** built in the right-of-way of **Nifong Boulevard and Forum Boulevard**.
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 **Nifong Boulevard and Forum Boulevard** 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 **private irrigation system** 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 right-of-way.
6. If the **private irrigation system** 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 **private irrigation system**, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the **private irrigation system**, the Permittee shall relocate the **private irrigation system** at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the **private irrigation system** is damaged in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of **private irrigation system** 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 **private irrigation system** 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.

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

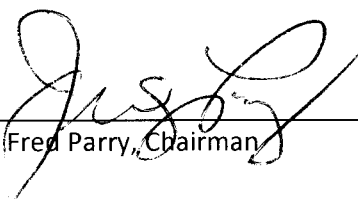
Attest:

By: _____
Sheela Amin
City Clerk

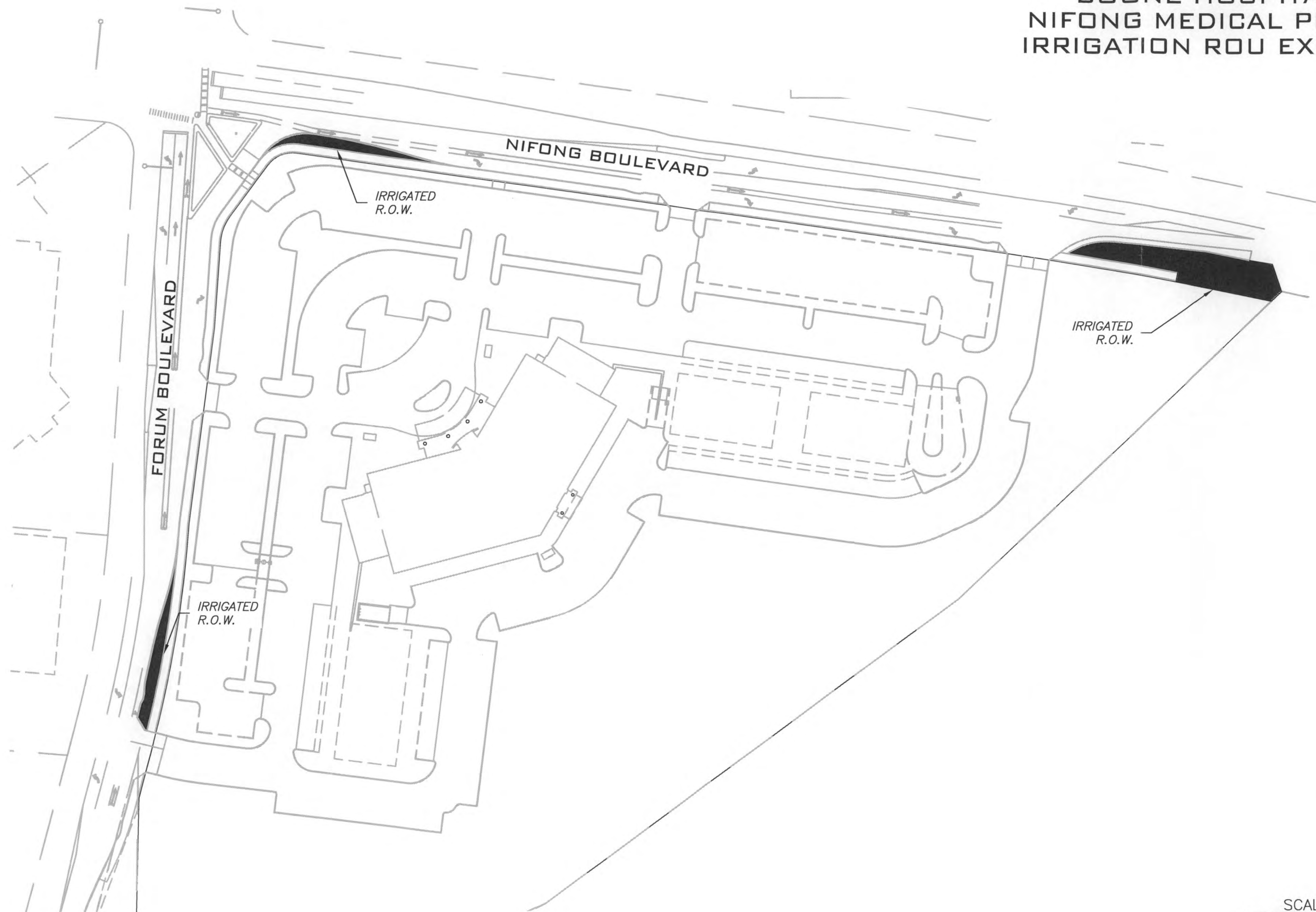
Approved as to form:

By: _____
Nancy Thompson
City Counselor

The Board of Trustees of Boone County Hospital

By:  _____
Fred Parry, Chairman

BOONE HOSPITAL
NIFONG MEDICAL PLAZA
IRRIGATION ROU EXHIBIT



SCALE: 1" = 100'

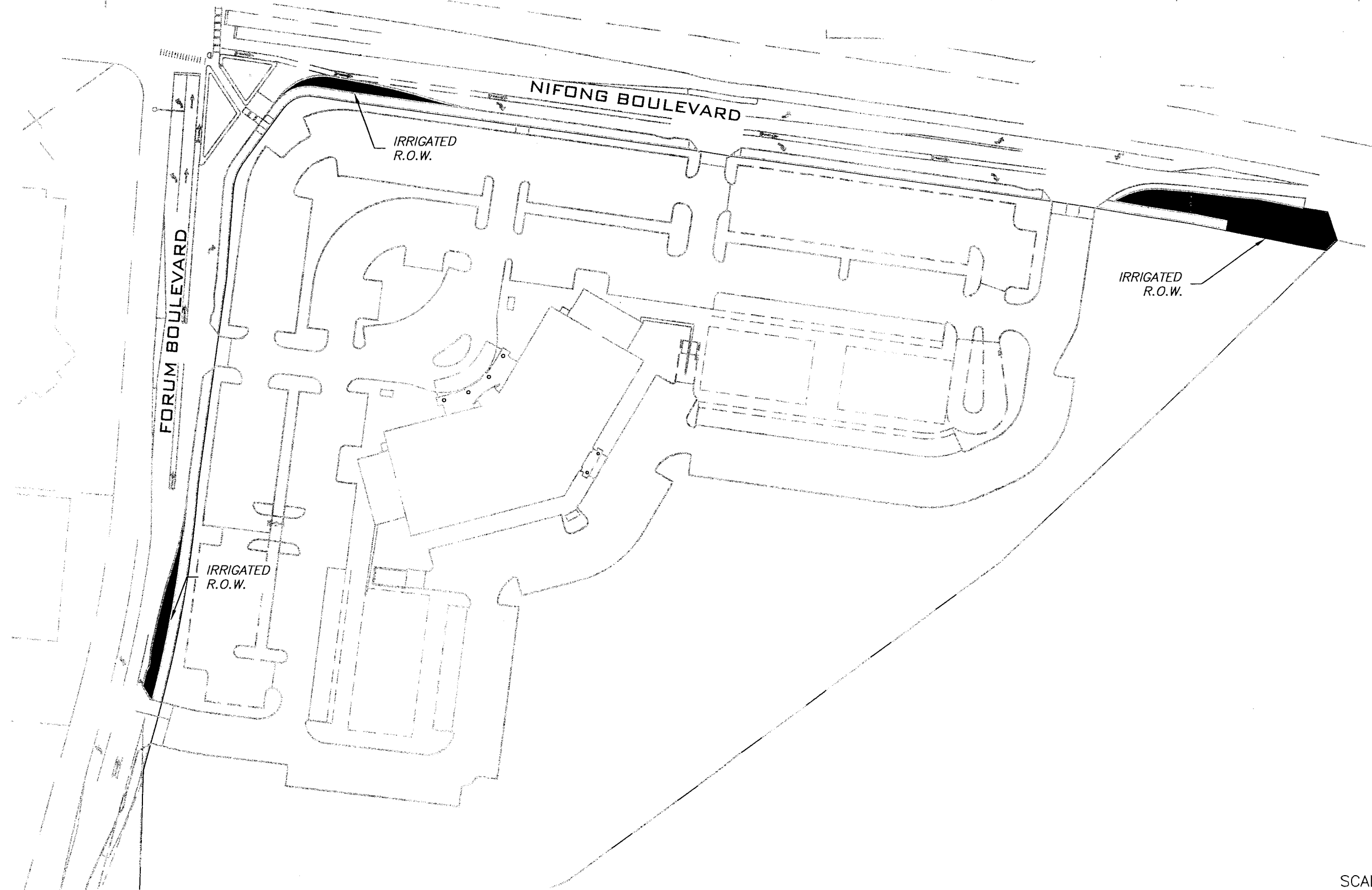
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SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Map

BOONE HOSPITAL
NIFONG MEDICAL PLAZA
IRRIGATION ROU EXHIBIT



SCALE: 1" = 100'

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