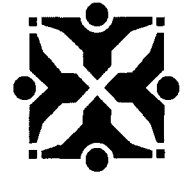


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 334-15

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: 11/16/2015

Re: 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 Rights 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 repeal of a Right of Use Permit with McAlester Park, LLC attached to Ordinance 22554 passed on August 17, 2015, and replace with an amended Right of Use Permit to install and maintain a private storm sewer system and a retaining wall within portions of S. Ninth Street and Elm Street rights of way.

Discussion

Council passed Ordinance 22554 on August 17, 2015 authorizing 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 the S. Ninth Street and Elm Street rights of way (Shakespeare's lot). The following changes have been made to the amended Right of Use Permit.

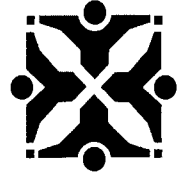
- 6" high-density polyethylene (HDPE) storm pipe originally identified at 45 linear feet in length and amended to approximately 11 linear feet
- 8" high-density polyethylene (HDPE) storm pipe originally identified at 154 linear feet in length and amended to 0 linear feet
- 15" high-density polyethylene (HDPE) storm pipe originally identified at 84 linear feet in length and amended to 85 linear feet
- Retaining wall originally identified as 40' in length and amended to approximately 60' in length.

The changes to the retaining wall were made to possibly accommodate an outside sitting area near the Shakespeare's building, and the storm pipe changes are a result of adding a trench drain on the backside of the retaining wall in order to collect the stormwater more efficiently.

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 plans are approved, proper building and/or construction permits obtained, and the work

City of Columbia

701 East Broadway, Columbia, Missouri 65201



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

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

Suggested Council Action

Authorize the repeal of a Right of Use Permit with McAlester Park, LLC attached to Ordinance 22554 passed on August 17, 2015, and replace with an amended 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 rights of way.

Legislative History

8/17/2015 (Ord 22554) Authorizing 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 rights of way.

Department Approved

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 334-15

AN ORDINANCE

repealing Ordinance No. 022554 which authorized 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; authorizing a revised right of use permit with McAlester Park, LLC; and fixing the time when this ordinance shall become effective.

WHEREAS, Ordinance No. 022554 passed by the City Council on August 17, 2015 authorized 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

WHEREAS, McAlester Park, LLC requests approval of a revised right of use permit to allow for changes in the design and location of the storm sewer and retaining wall.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Ordinance No. 022554 is hereby repealed.

SECTION 2. 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 3. 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 **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 9th Street, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

STORM SEWER LOCATION: The street right-of-way of 9th Street from station 0+20 to station 1+63 (as measured northerly from the center of the intersection of Elm and 9th Streets), all within the limits of the City of Columbia.

RETAINING (RET.) WALL LOCATION: The street right-of-way of 9th Street from station 1+04 to station 1+63 (as measured northerly from the center of the intersection of Elm and 9th 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 9th Street.
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 9th Street 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:



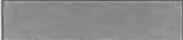
By: _____
Nancy Thompson
City Counselor

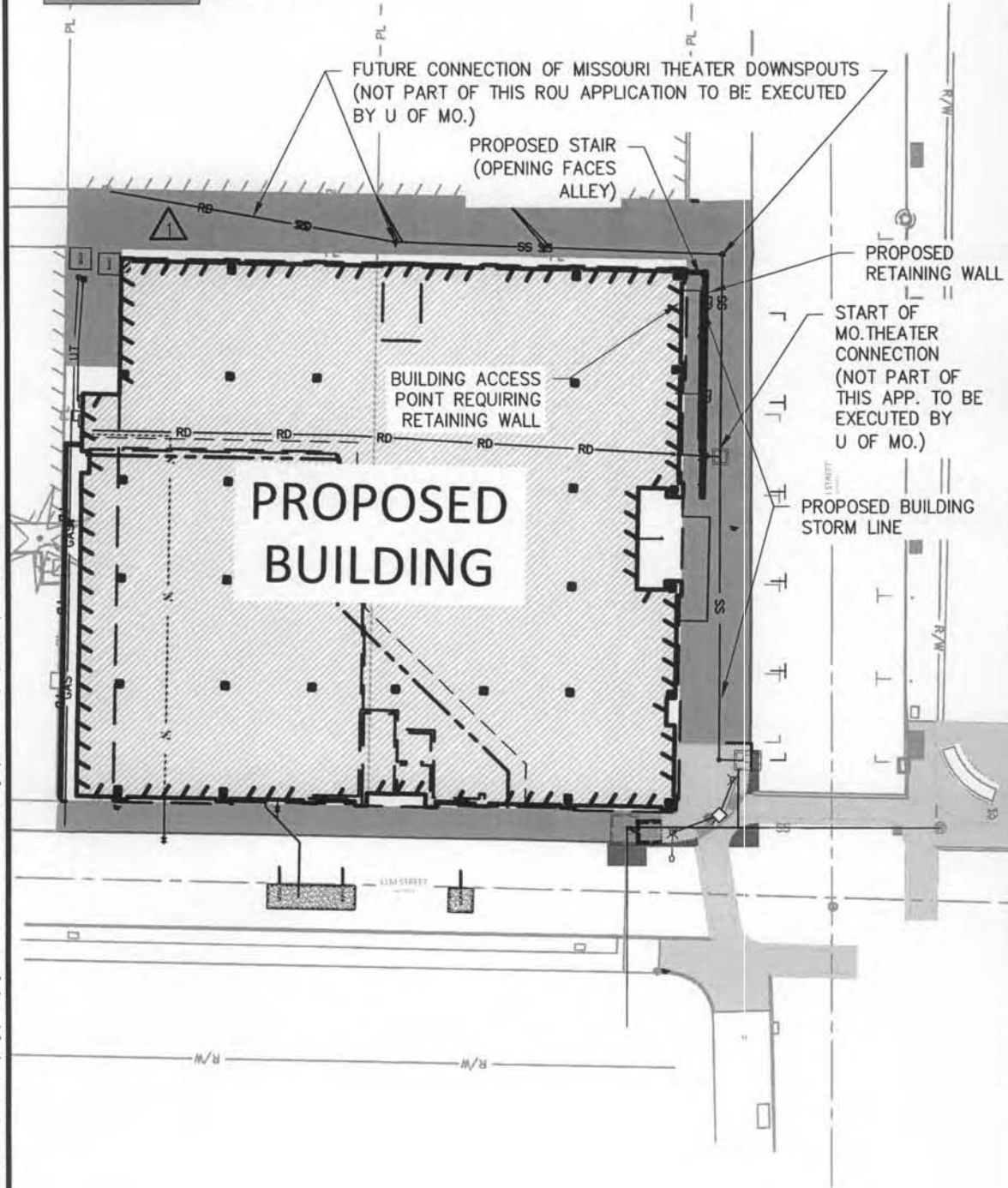
McAlester Park, LLC

By: _____
Jon Odle, Member

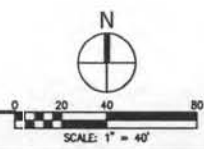
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HATCH LEGEND

	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 (314) 994-7521

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

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

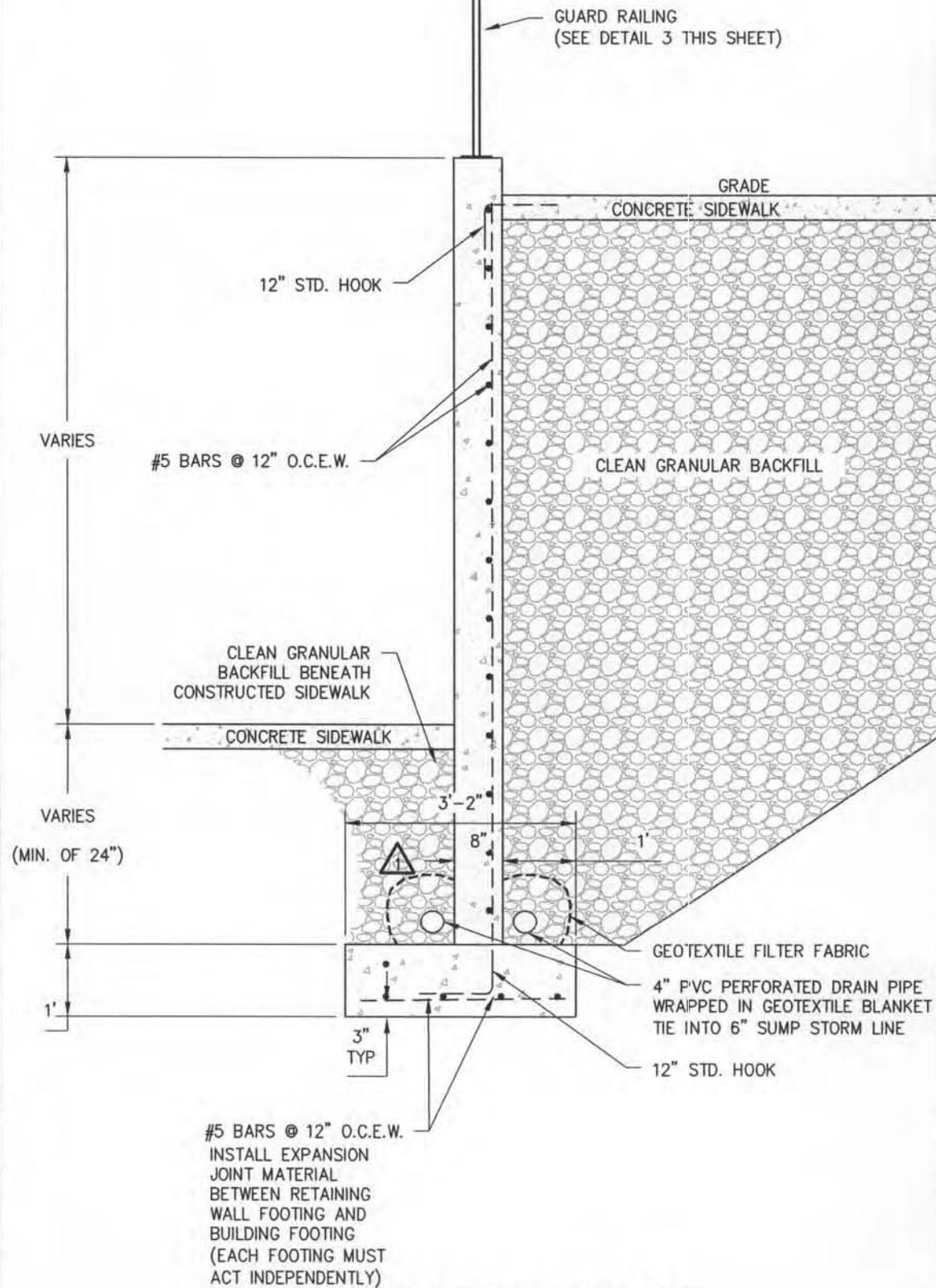
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10/14/15		JMB	MMH
DRAWN			
APPROVED			

PROJECT NO.
115002-1

SHEET NO.

C1.1

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1 RETAINING WALL SECTION

SCALE: 1" = 2'

COLUMBIA
Civil Engineering Group

Columbia, MO
3301 BORTHWOOD DRIVE SUITE 103 COLUMBIA, MO 65201
PHONE (613) 999-7881

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

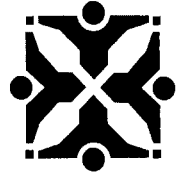
9TH STREET RETAINING WALL DETAIL
9TH & ELM STREET
COLUMBIA, MISSOURI

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

PROJECT NO.
115002-1

SHEET NO.

C1.5






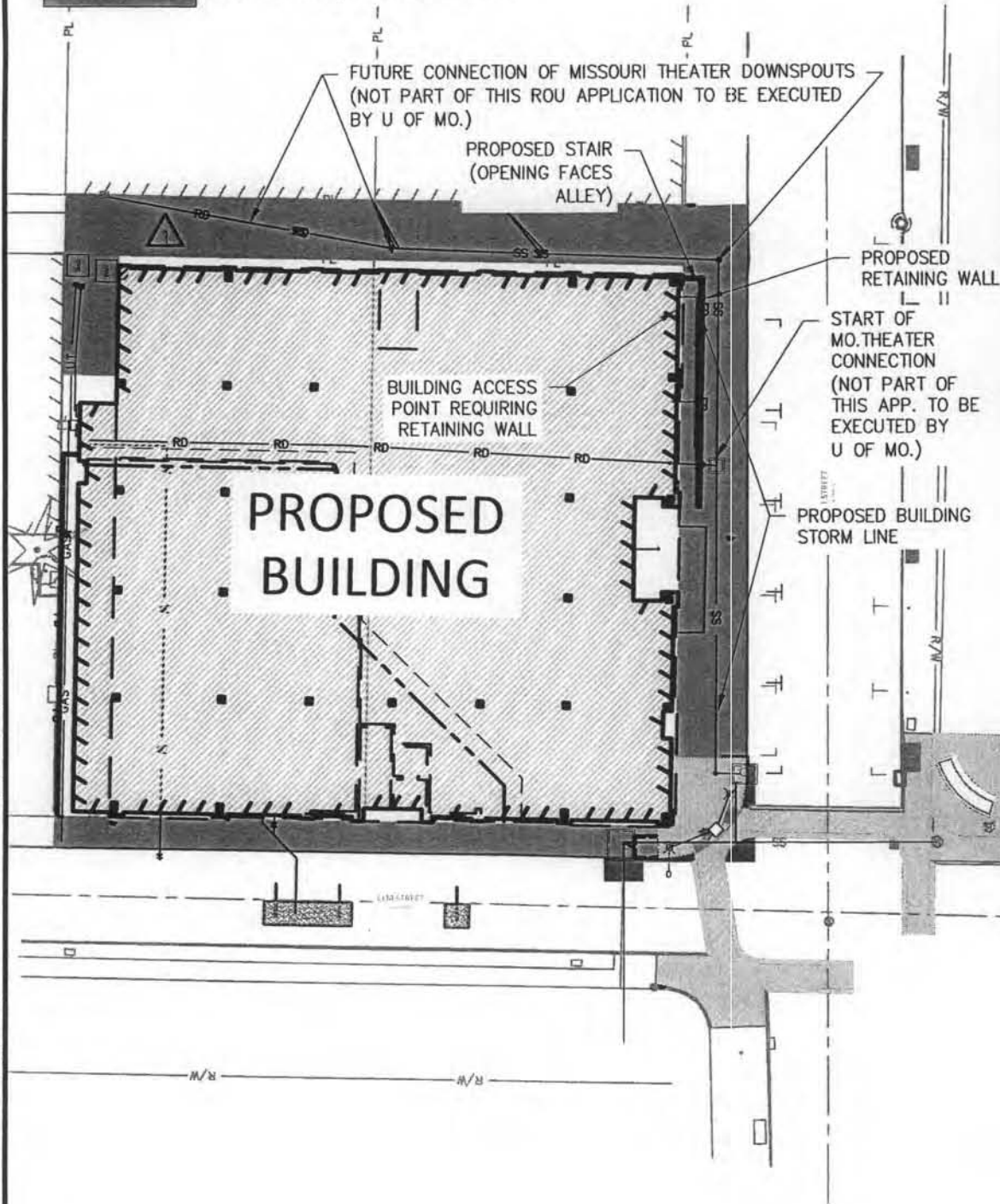
SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Diagrams (construction, route, etc.)

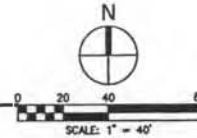
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HATCH LEGEND

	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 (673) 999-7821

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

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

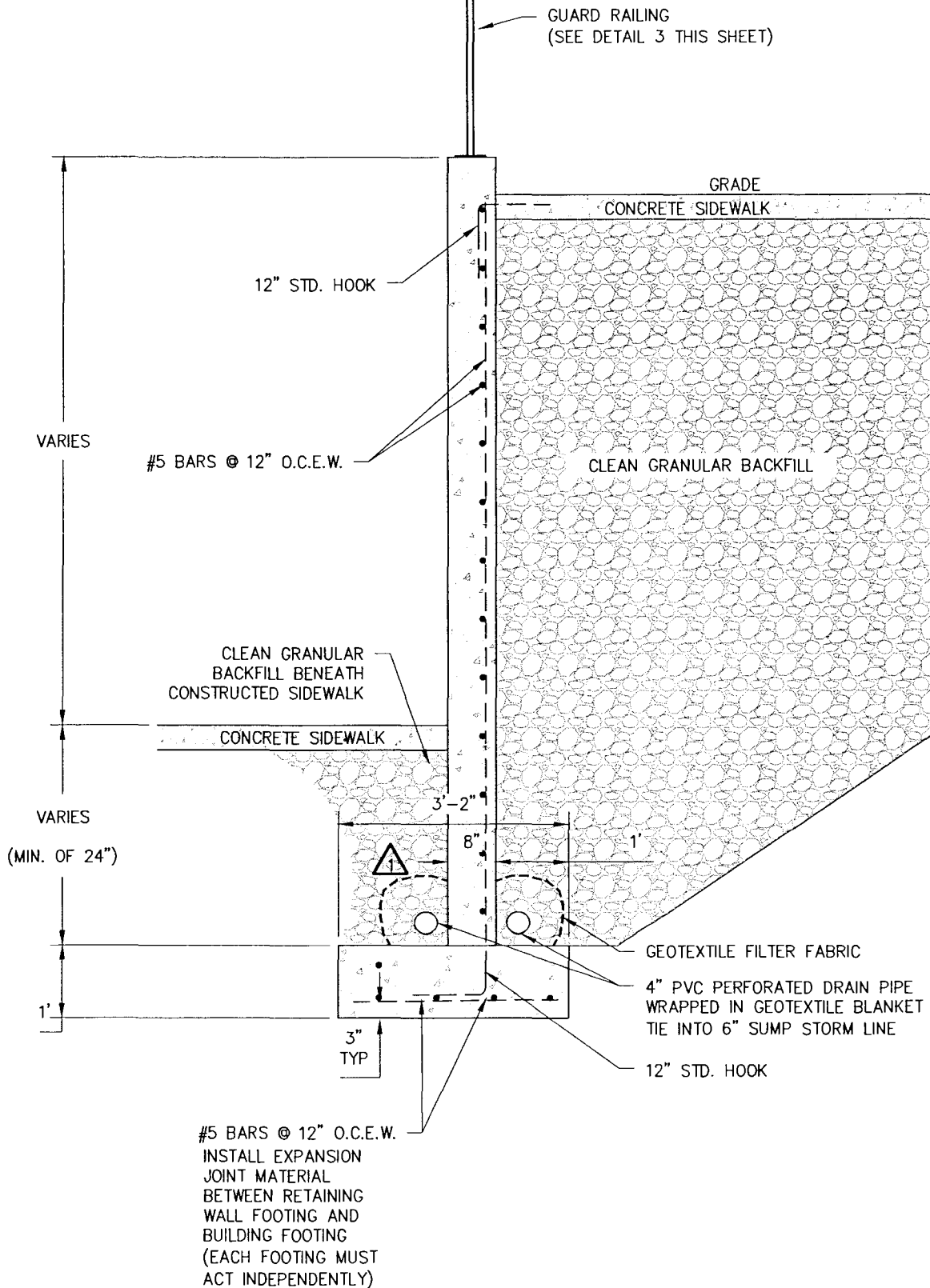
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APPROVED			

PROJECT NO.
115002-1

SHEET NO.

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1 RETAINING WALL SECTION

SCALE: 1" = 2'

COLUMBIA
Civil Engineering Group

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3301 BERRYWOOD DRIVE SUITE 103 COLUMBIA, MO 65201
PHONE (573) 996-7821

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