

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 342-13

AN ORDINANCE

authorizing a right of use permit with North America Islamic for construction, improvement, operation and maintenance of a private sidewalk and site wall with handrail in a portion of the Locust Street (408 Locust Street) right-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 North America Islamic for construction, improvement, operation and maintenance of a private sidewalk and site wall with handrail in a portion of the Locust Street (408 Locust Street) right-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 _____, 2013.

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 North America Islamic, 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 Locust Street right of way, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The right-of-way of Locust Street located in the right-of-way of 408 Locust Street, within the limits of the City of Columbia, further described by the diagram(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 sidewalk and site wall with handrail built in the right-of-way of Locust 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 Locust Street 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 sidewalk and site wall with handrail 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 sidewalk or site wall with handrail 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 sidewalk and site wall with handrail, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the sidewalk or site wall with handrail, the Permittee shall relocate sidewalk and site wall with handrail at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the sidewalk and site wall with handrail is damaged in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of sidewalk and site wall with handrail 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 sidewalk and site wall with handrail 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

North America Islamic

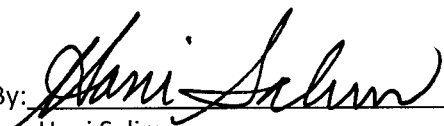
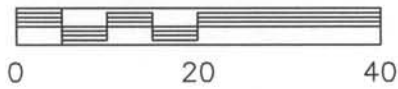
By:  _____
Hani Salim

EXHIBIT A

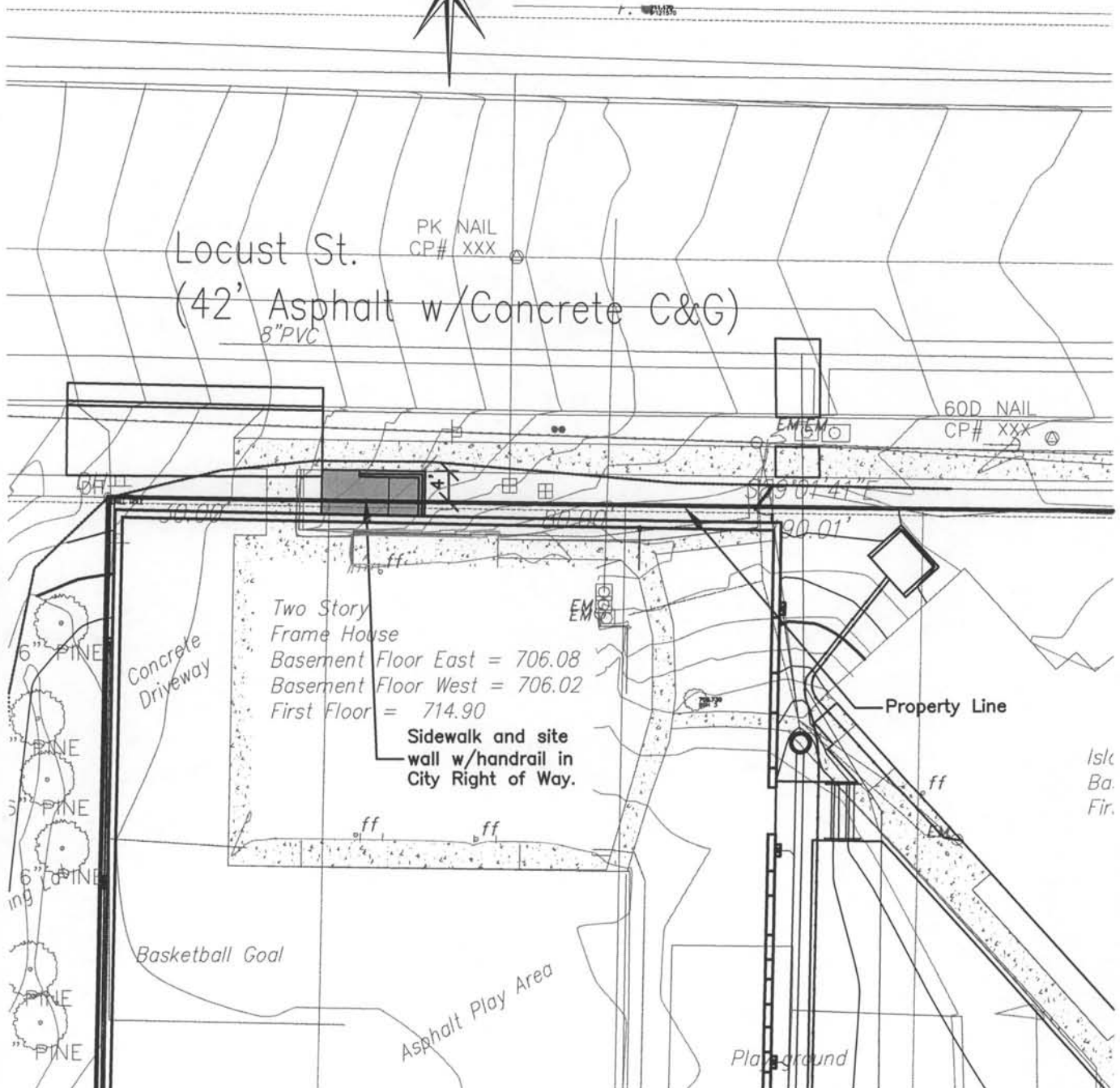


SCALE: 1"=20'



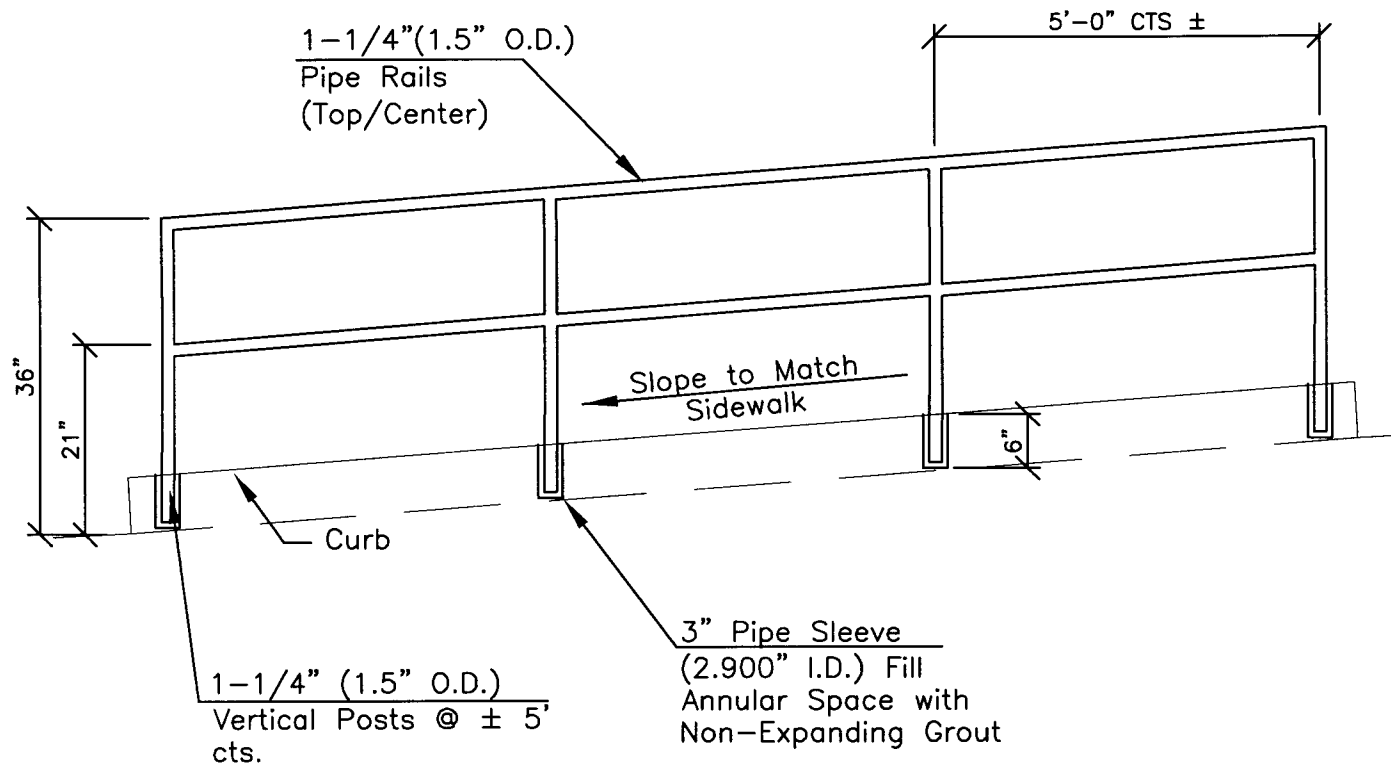
TRABUE, HANSEN & HINSHAW, INC.

CONSULTING ENGINEERS

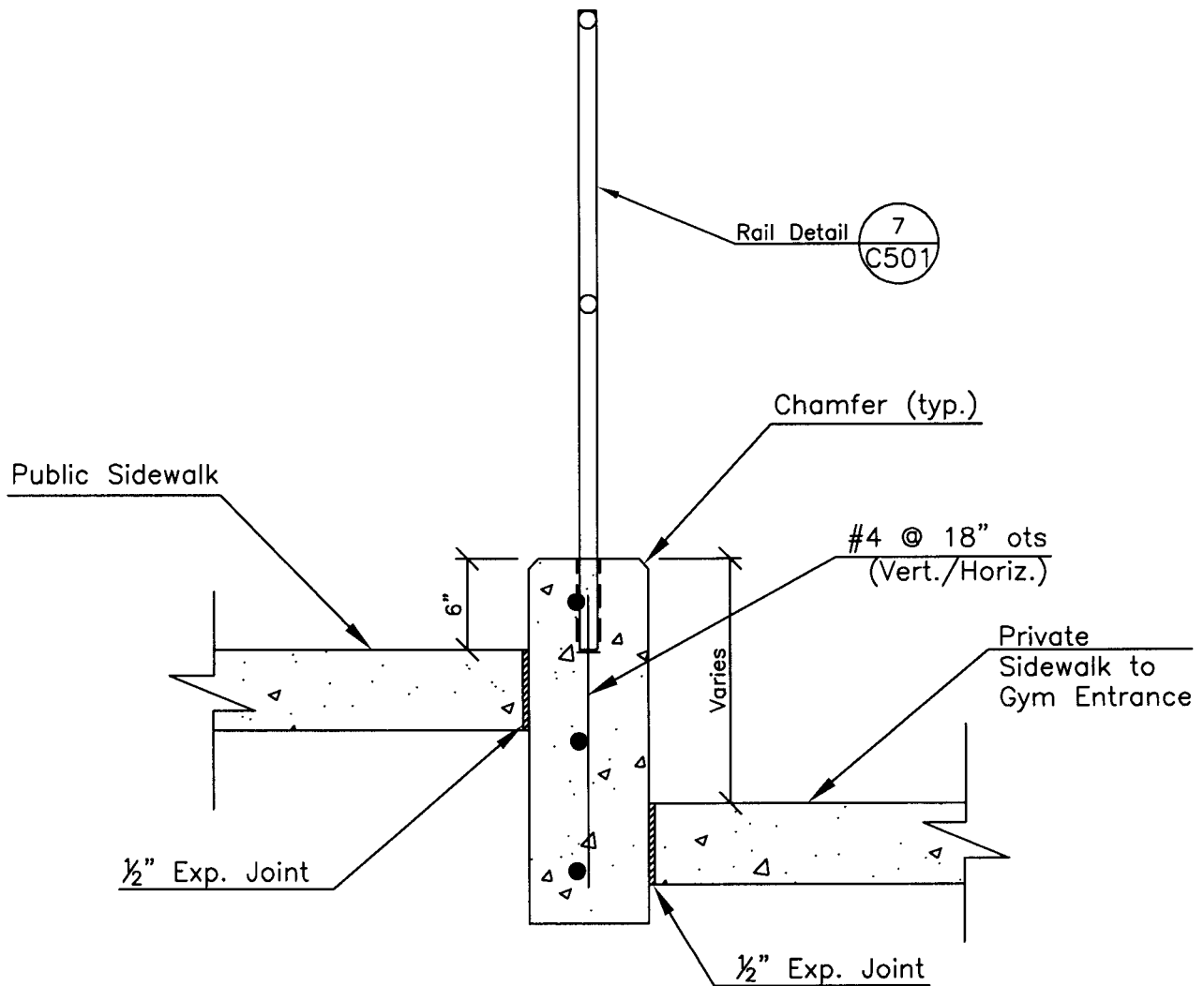


Islamic Center

Right of
Use Permit

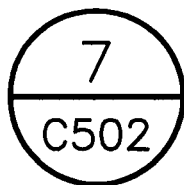


7 RAIL DETAIL
C501 N.T.S.



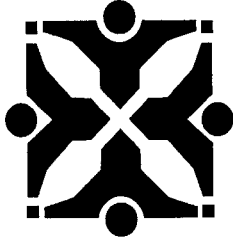
NOTES:

1. ALL P.C. CONCRETE SHALL BE CLASS A.



8" VERTICAL CURB

N.T.S.



Source: Public Works

John NM

Agenda Item No:

To: City Council
From: City Manager and Staff

Council Meeting Date: Nov 18, 2013

Re: Allowing North America Islamic Center to Construct a Private Sidewalk and Site Wall with Handrail within a Portion Locust Street Right of Way

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration legislation authorizing the City Manager to execute a right of use permit with North America Islamic Center to construct, operate, and maintain a private sidewalk and site wall with handrail within a portion of the right of way of Locust Street.

DISCUSSION:

North America Islamic Center is proposing to build a gymnasium at 408 Locust Street, and has requested to construct, operate, and maintain a private sidewalk and site wall with handrail within a portion of the right of way of Locust Street to provide pedestrian access (see attached diagrams). The right of use permit stipulates the responsibilities and duties of North America Islamic Center and is similar to other right of use permits granted for this type of project.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

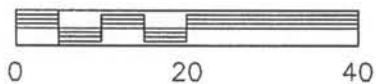
None

SUGGESTED COUNCIL ACTIONS:

Approve the legislation authorizing the City Manager to execute a right of use permit with North America Islamic Center to construct, operate, and maintain a private sidewalk and site wall with handrail in the City right of way of Locust Street.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

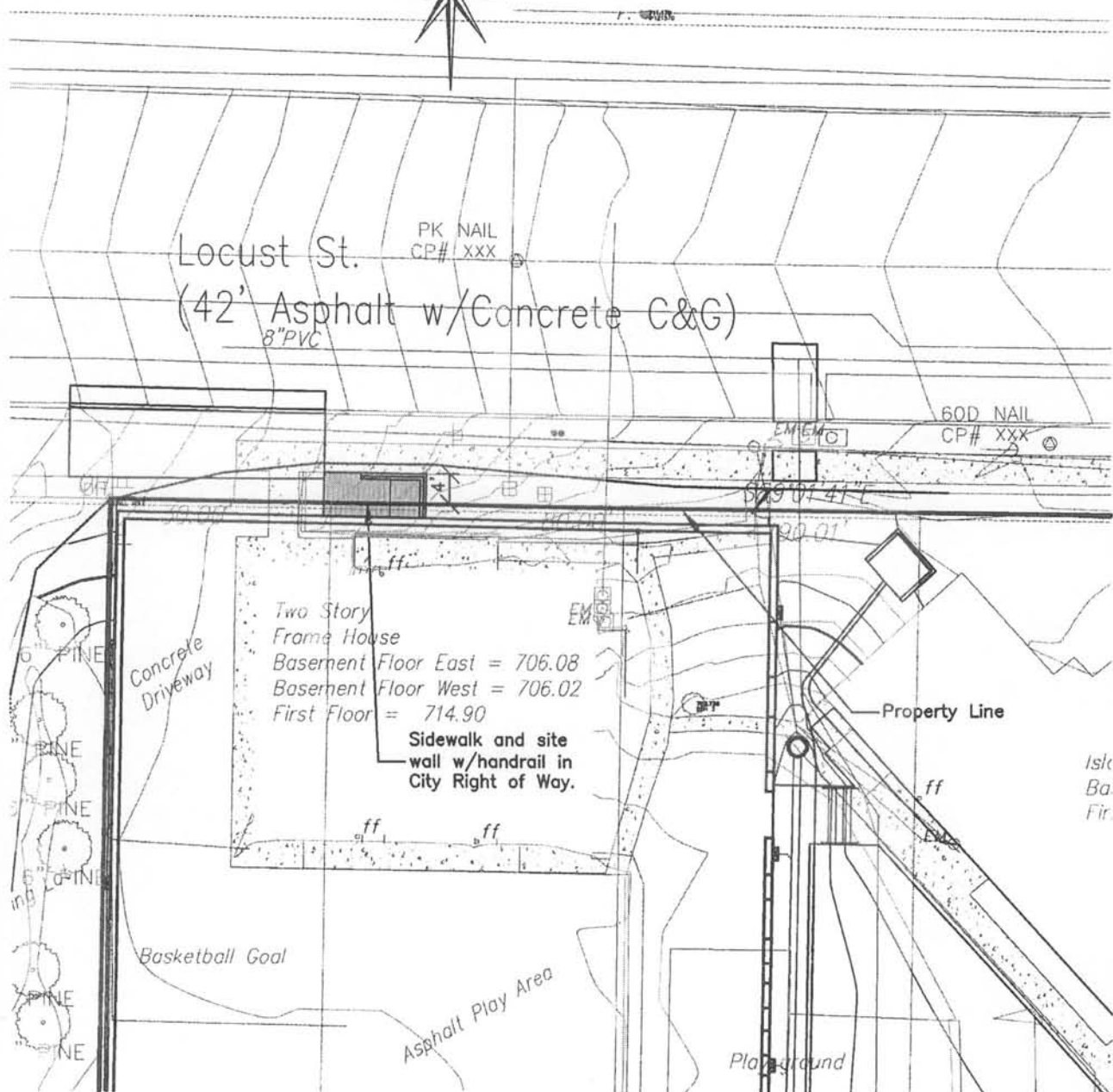
EXHIBIT A



SCALE: 1"=20'



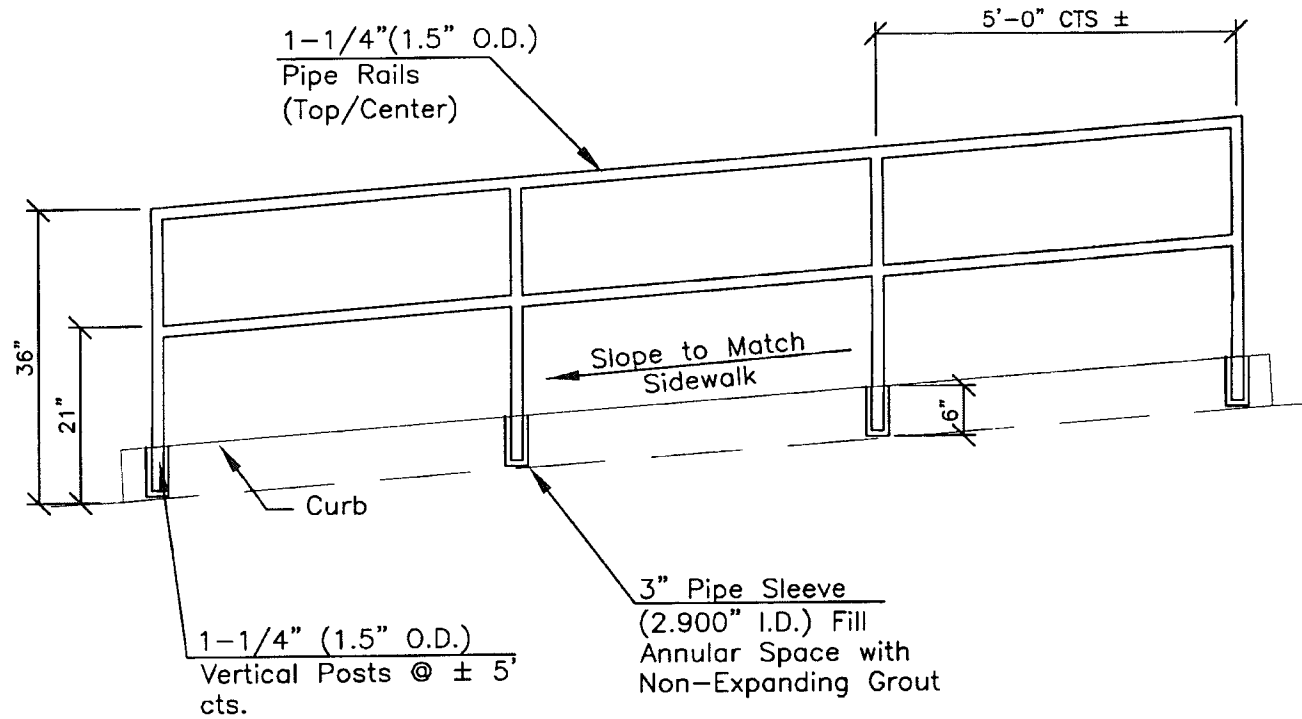
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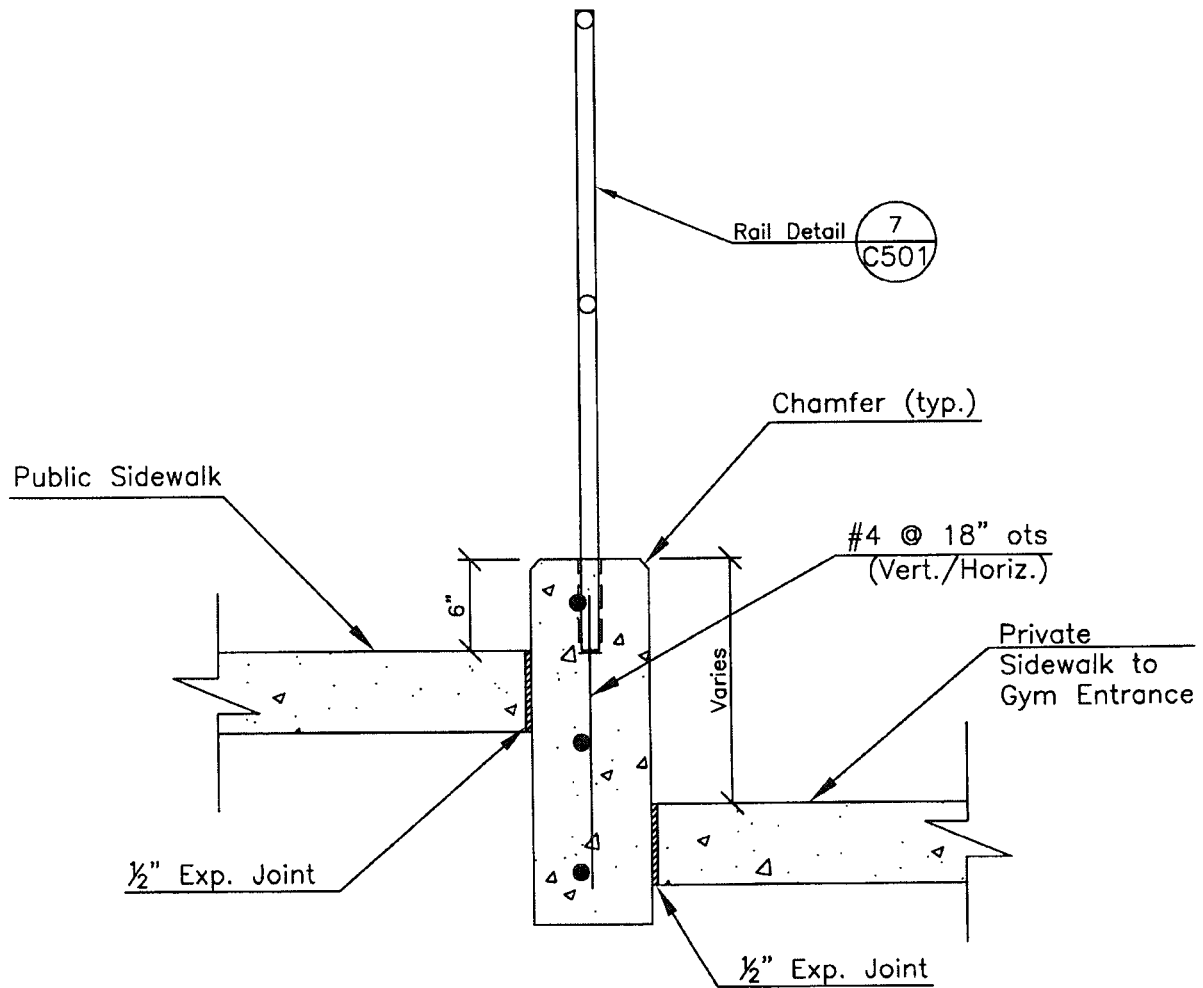
THHinc.

Islamic Center

Right of
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7 RAIL DETAIL
C501 N.T.S.



NOTES:

1. ALL P.C. CONCRETE SHALL BE CLASS A.

(7) C502 8" VERTICAL CURB
N.T.S.