

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

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

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

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

Council Bill No. B 107-14

**AN ORDINANCE**

authorizing a right of use permit with Katy Lake Estates Homeowners Association for construction, improvement, operation and maintenance of two (2) decorative subdivision entrance signs in a portion of the Cedar Crest Lane 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 Katy Lake Estates Homeowners Association for construction, improvement, operation and maintenance of two (2) decorative subdivision entrance signs in a portion of the Cedar Crest Lane 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 \_\_\_\_\_, 2014.

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 **Katy Lake Estates Homeowners Association** 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 Cedar Crest Lane in Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The street right-of-way of Cedar Crest Lane, 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 two (2) decorative subdivision entrance signs.
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 Cedar Crest Lane 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 decorative subdivision entrance signs 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 decorative subdivision entrance signs 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 decorative subdivision entrance signs or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the decorative subdivision entrance signs, the Permittee shall relocate the decorative subdivision entrance signs at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the decorative subdivision entrance signs become 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 decorative subdivision entrance signs 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:**

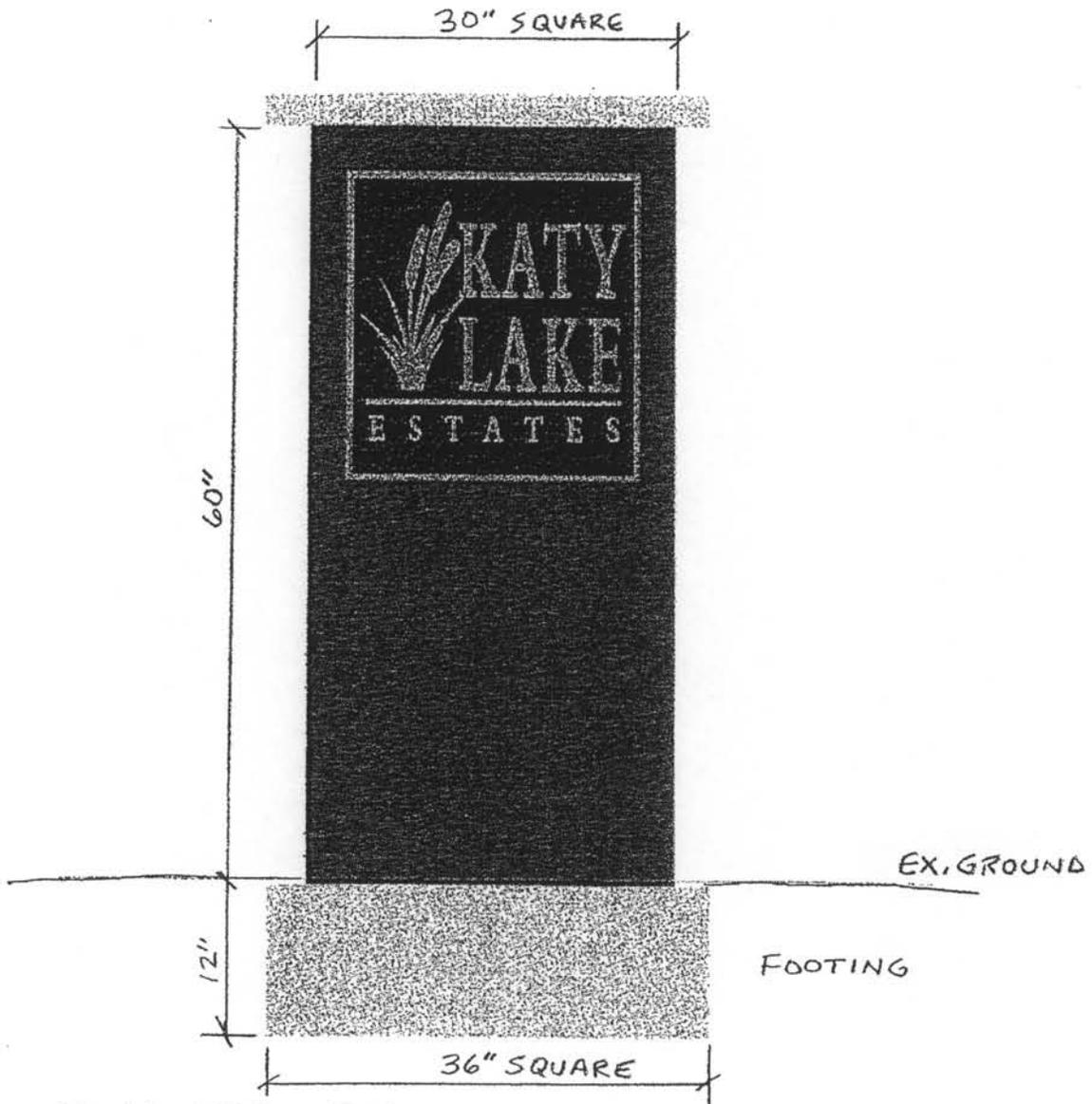
By: \_\_\_\_\_  
Sheela Amin  
City Clerk

**Approved as to form:**

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

Katy Lake Estates Homeowners Association

By:  \_\_\_\_\_  
Pat Bess

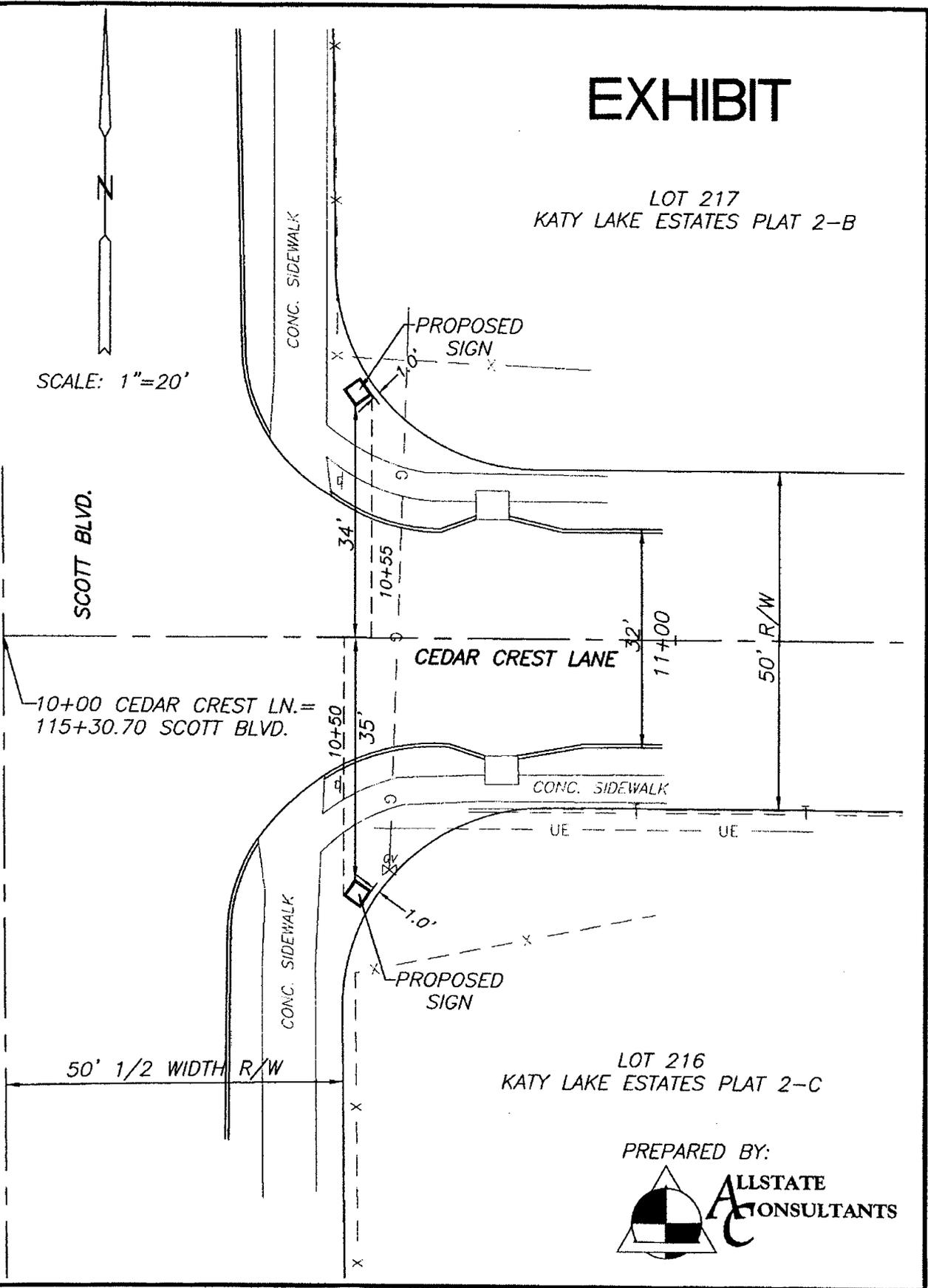


- 3' x 3' x 12" Deep Pad
- 30" x 30" x 60" Tall Cinder Block and Cultured Stone Column
- Capstone mounted on top
- 24" x 24" Bronze Plaque mounted to column
- Two columns (one on each side of entrance)

# EXHIBIT

LOT 217  
KATY LAKE ESTATES PLAT 2-B

SCALE: 1"=20'



SCOTT BLVD.

CONC. SIDEWALK

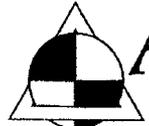
CEDAR CREST LANE

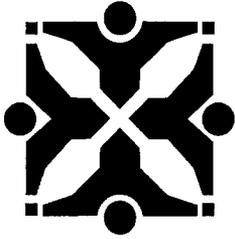
CONC. SIDEWALK

10+00 CEDAR CREST LN. =  
115+30.70 SCOTT BLVD.

50' 1/2 WIDTH R/W

LOT 216  
KATY LAKE ESTATES PLAT 2-C

PREPARED BY:  
 ALLSTATE  
CONSULTANTS



Source: Public Works

A handwritten signature in black ink, appearing to be 'John'.

Agenda Item No:

To: City Council  
From: City Manager and Staff

A handwritten signature in black ink, appearing to be 'M'.

Council Meeting Date: Apr 21, 2014

**Re:** Right of Use Permit with Katy Lake Estates Homeowners Association for Access to City Right of Way on Cedar Crest Lane

**EXECUTIVE SUMMARY:**

Staff has prepared for Council consideration legislation authorizing the City Manager to execute a right of use permit with Katy Lake Estates Homeowners Association to construct, operate, and maintain decorative subdivision entrance signs within a portion of the Cedar Crest Lane right of way.

**DISCUSSION:**

Katy Lake Estates Homeowners Association has requested to construct, operate, and maintain two decorative subdivision entrance signs within a portion of the right of way of Cedar Crest Lane, at the northeast and southeast corners of the intersection, on Scott Boulevard and Cedar Crest Lane (see attached diagram). Staff has reviewed the proposed design of the sign and base, and has no issues. The right of use permit stipulates the responsibilities and duties of Katy Lake Estates Homeowners Association and is similar to other right of use permits granted for this type of project.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

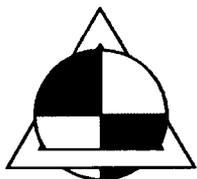
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

**SUGGESTED COUNCIL ACTIONS:**

Approve the legislation authorizing the City Manager to execute a right of use permit with Katy Lake Estates Homeowners Association to construct, operate, and maintain decorative subdivision entrance signs in the Cedar Crest Lane right of way.

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	<b>Vision Implementation impact</b>	
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 #	



**ALLSTATE**  
**CONSULTANTS**

ENGINEERING • PLANNING • SURVEYING • GEOTECHNICAL • INVESTIGATIVE

April 4, 2014

City of Columbia, Missouri  
ATTN: Mayor and City Council  
701 East Broadway  
Columbia, MO 65201

Re: Right of Use Permit Request for Katy Lake Estates Homeowners Association

Dear Honorable Mayor and Honorable Council Members,

On behalf of the Katy Lake Estates Homeowners Association we respectfully request that you please consider this Right of Use Permit for two (2) cinder block and cultured stone column signs be built within dedicated public right-of-way. The locations of the proposed signs are at the entrance to the Katy Lake Estates Subdivision off Scott Boulevard on each side of Cedar Crest Lane.

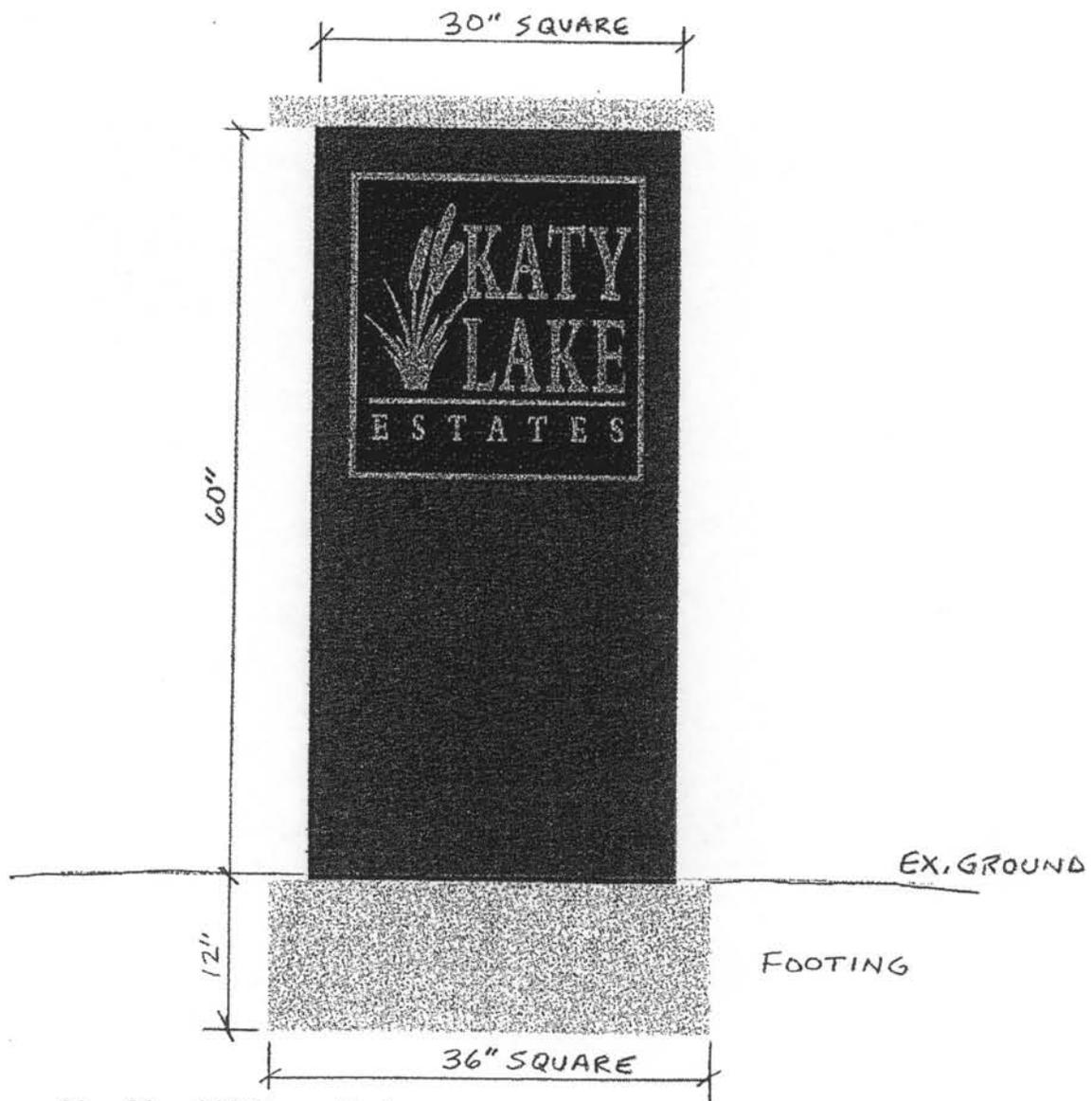
We have provided three (3) signed originals, a display showing the sign locations and a detail of the dimensions and configuration for review and approval.

Thank you for your consideration in this matter. If you have any questions or need additional information, please feel free to contact me at (573) 875-8799 or Pat Bess of the Katy Lake Estates Homeowners Association at (573) 499-4445.

Sincerely,  
Allstate Consultants LLC

James R. Jeffries, PLS

CC: Pat Bess of Katy Lake Estates Homeowners Association

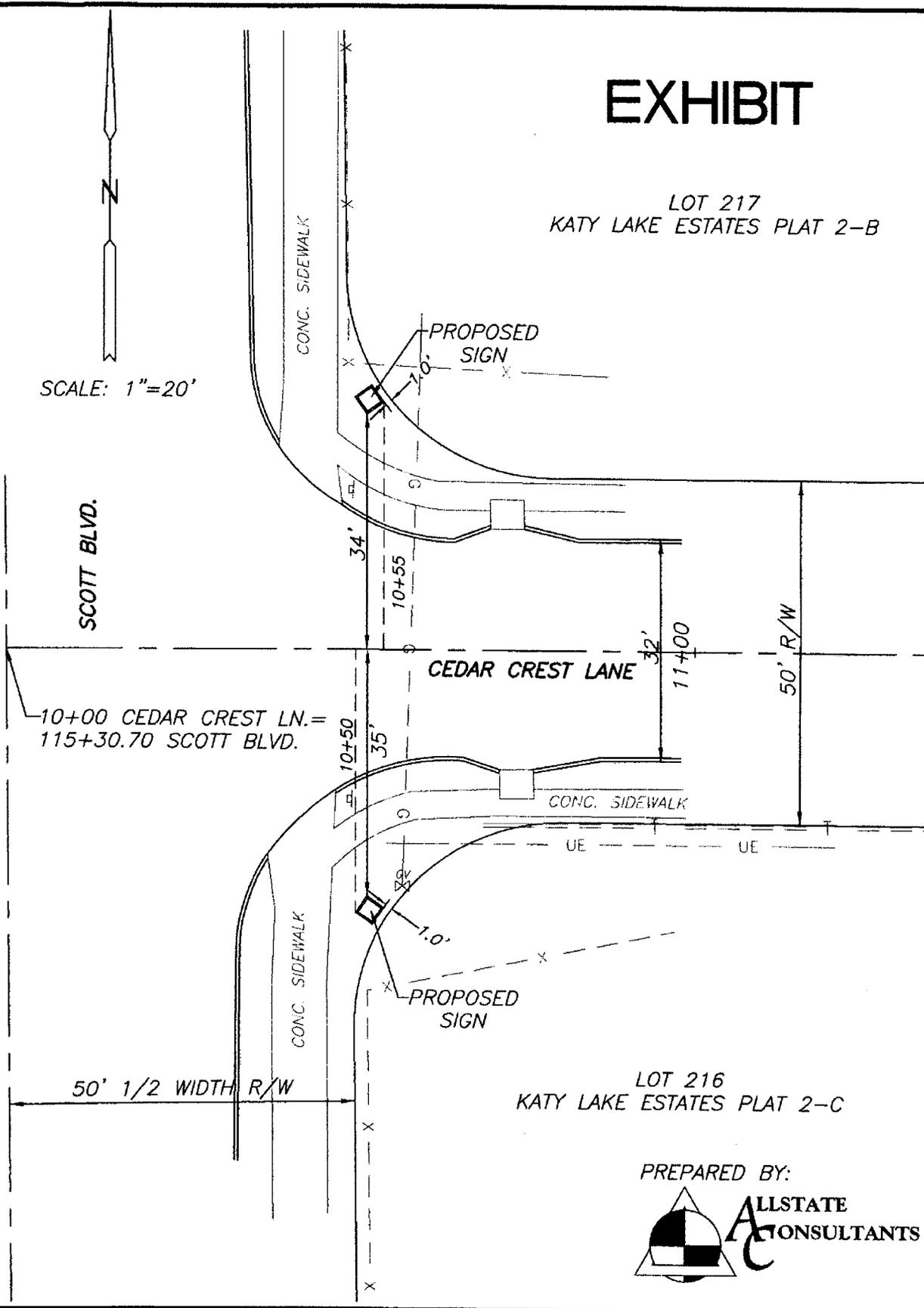


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PREPARED BY:

