

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

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

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

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

Council Bill No. B 141-13

### **AN ORDINANCE**

authorizing a right of use permit with Aegis Investment Group for the construction, improvement, operation and maintenance of landscaping, an irrigation system, signage and lighting in an island within Massengill Court and Mace Drive and electric conduits and water service lines within a portion of the Massengill Court and Mace Drive 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 Aegis Investment Group for the construction, improvement, operation and maintenance of landscaping, an irrigation system, signage and lighting in an island within Massengill Court and Mace Drive and electric conduits and water service lines within a portion of the Massengill Court and Mace Drive rights-of-way. The form and content of the permit shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

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:

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City Counselor

### RIGHT OF USE PERMIT

KNOW ALL MEN BY THESE PRESENT that on this \_\_\_\_\_ day of \_\_\_\_\_, 2013 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 **Aegis Investment Group**, 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 Village at Bearfield, Plat No. 1, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The street right-of-way of Massengill Court between stations 1+76 and 3+58, further described by Exhibit "A" attached to this right of use permit and the street right-of-way of Mace Drive between stations 19+83 and 21+78, further described by Exhibit "B" 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 landscaping, including the irrigation system, signage, and lighting in an island within Massengill Court and Mace Drive and electrical conduits and water service lines under Massengill Court and Mace Drive pavement.
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 Massengill Court or Mace Drive 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. Permittee agrees that the lights, signage and conduits will be installed with at least a 24-inch separation from any gas lines operated by Ameren UE which may be in place at the time of the execution of this agreement.
5. Prior to exercising its right granted herein, the Permittee shall present its construction plans or diagrams locating the proposed signage and lights, including conduit, and landscaping, including 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.
6. 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.
7. If the lights, signage, conduit, landscaping and irrigation systems are 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 underground utility facilities and structures left in place and any costs to remove them or store them or to otherwise clean up the right-of-way.
8. If at any time construction, repair, modification or relocation of the lights, signage and conduit or of any utility existing in the right of way of Massengill Court or Mace Drive at the time this permit is granted, is necessary which would require the relocation of the lights and conduit or the removal of any portion of the landscaping or irrigation system, the Permittee shall relocate the lights, conduit, landscaping and irrigation system at its expense.
9. The Permittee agrees by exercising its rights under this permit that if its lights, signage, conduit, landscaping and irrigation system are damaged in anyway, whether negligently or intentionally by the

construction, repair, modification or relocation of Massengill Court or Mace Drive 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 lights, signage, conduit, landscaping and 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.

10. 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

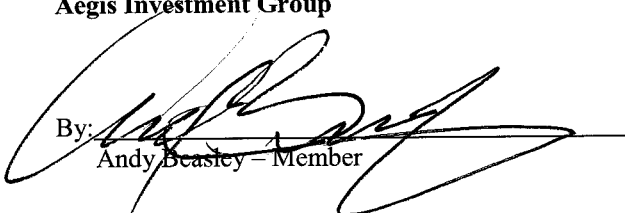
**Attest:**

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

**Approved as to form:**

By: \_\_\_\_\_  
City Counselor

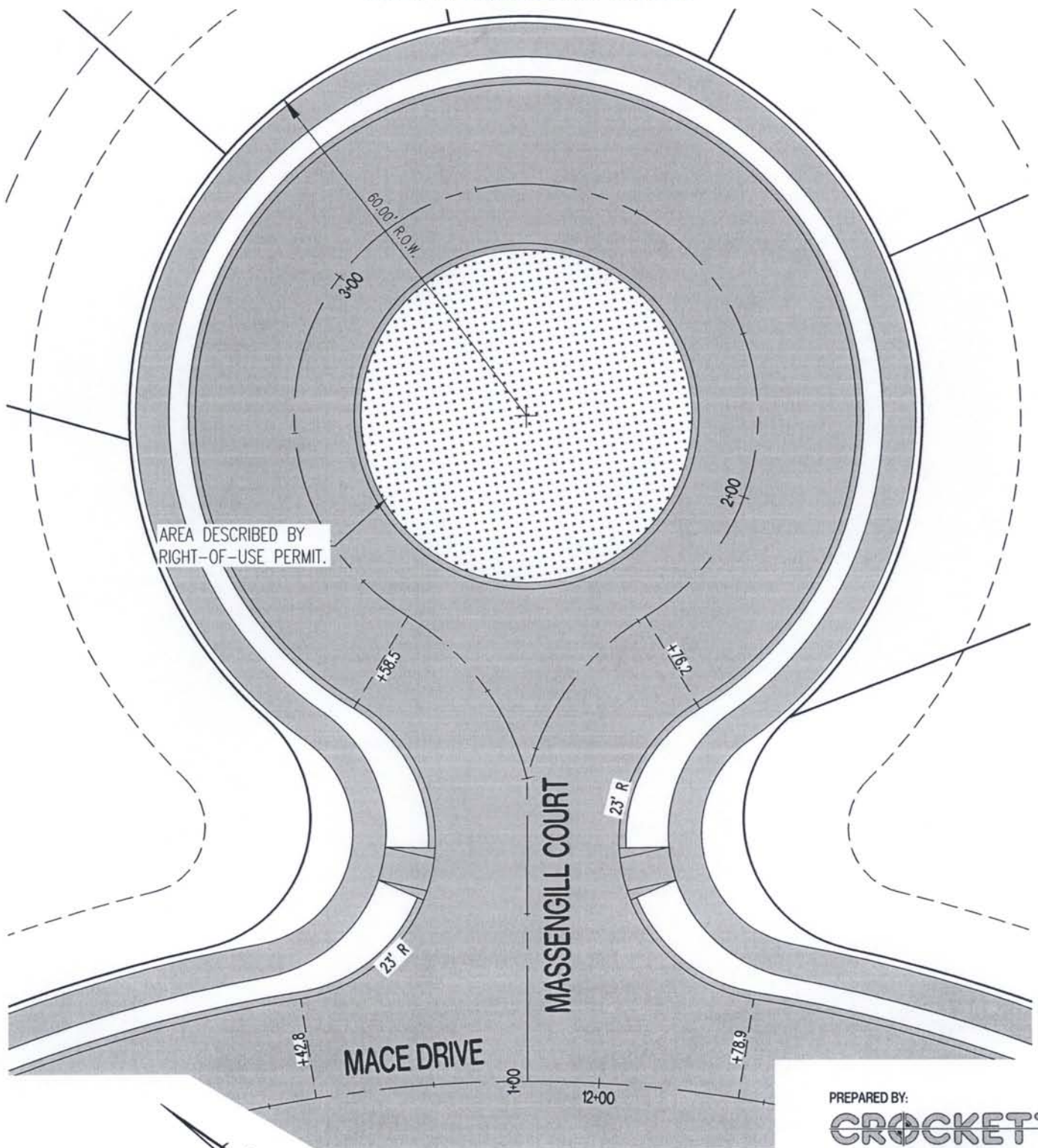
**Aegis Investment Group**

By:  \_\_\_\_\_  
Andy Beasley - Member

# EXHIBIT "A"

## THE VILLAGE AT BEARFIELD, PLAT No. 1

SECTION 31, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI



MASSENGILL COURT

SCALE: 1" = 20'

PREPARED BY:

**CROCKETT**

ENGINEERING CONSULTANTS  
2608 North Stadium Boulevard  
Columbia, Missouri 65202  
(573) 447-0292

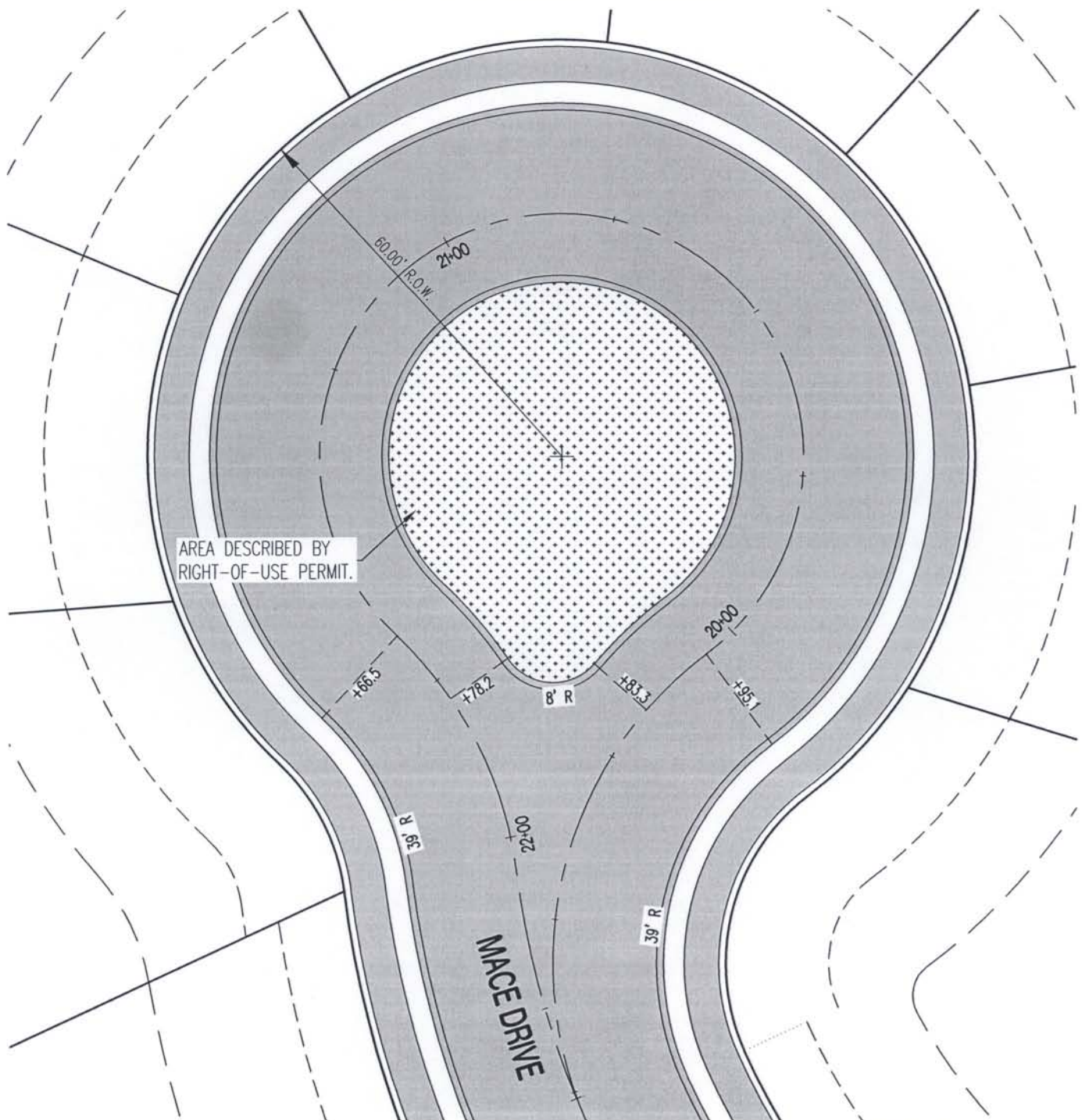
[www.crockettengineering.com](http://www.crockettengineering.com)

Crockett Engineering Consultants, LLC  
Missouri Certificate of Authority  
#2000151304

# EXHIBIT "B"

## THE VILLAGE AT BEARFIELD, PLAT No. 1

SECTION 31, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI



**MACE DRIVE CUL-DE-SAC**

SCALE: 1" = 20'

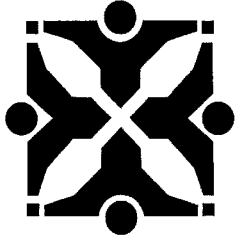
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Source: Public Works

Agenda Item No:

To: City Council  
From: City Manager and Staff

Council Meeting Date: May 20, 2013

**Re:** Authorizing a Right of Use Permit with Aegis Investment Group for Installation and Maintenance of Landscaping, Irrigation System, Signage and Lighting within a Portion of City Right of Way on Massengill Court and Mace Drive

**EXECUTIVE SUMMARY:**

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a right of use permit with Aegis Investment Group to install and maintain landscaping, an irrigation system, signage, and lighting within a portion of City right of way on Massengill Court and Mace Drive.

**DISCUSSION:**

Aegis Investment Group is requesting to install and maintain landscaping, an irrigation system, signage, and lighting within a portion of City right of way on Massengill Court and Mace Drive. The right of use permit stipulates the responsibilities and duties of Aegis Investment Group, 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:**

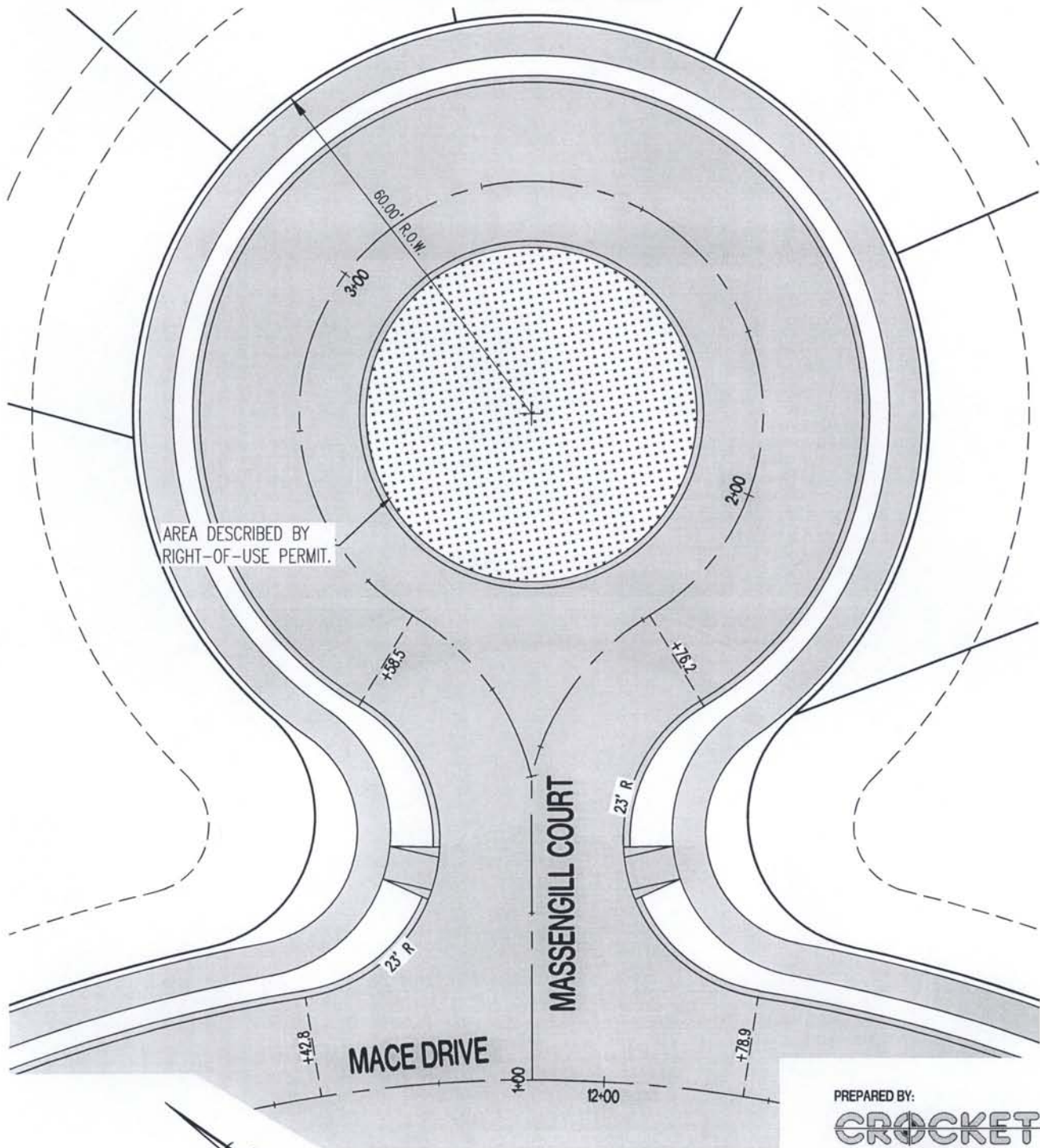
Approve the ordinance authorizing the City Manager to execute a right of use permit with Aegis Development Group to install and maintain landscaping, an irrigation system, signage, and lighting within a portion of City right of way on Massengill Court and Mace Drive.

| FISCAL and VISION NOTES:                   |        |                                                   |    |                                               |    |
|--------------------------------------------|--------|---------------------------------------------------|----|-----------------------------------------------|----|
| City Fiscal Impact<br>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:<br>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 #             |    |

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## THE VILLAGE AT BEARFIELD, PLAT No. 1

SECTION 31, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI



**MASSENGILL COURT**

SCALE: 1" = 20'

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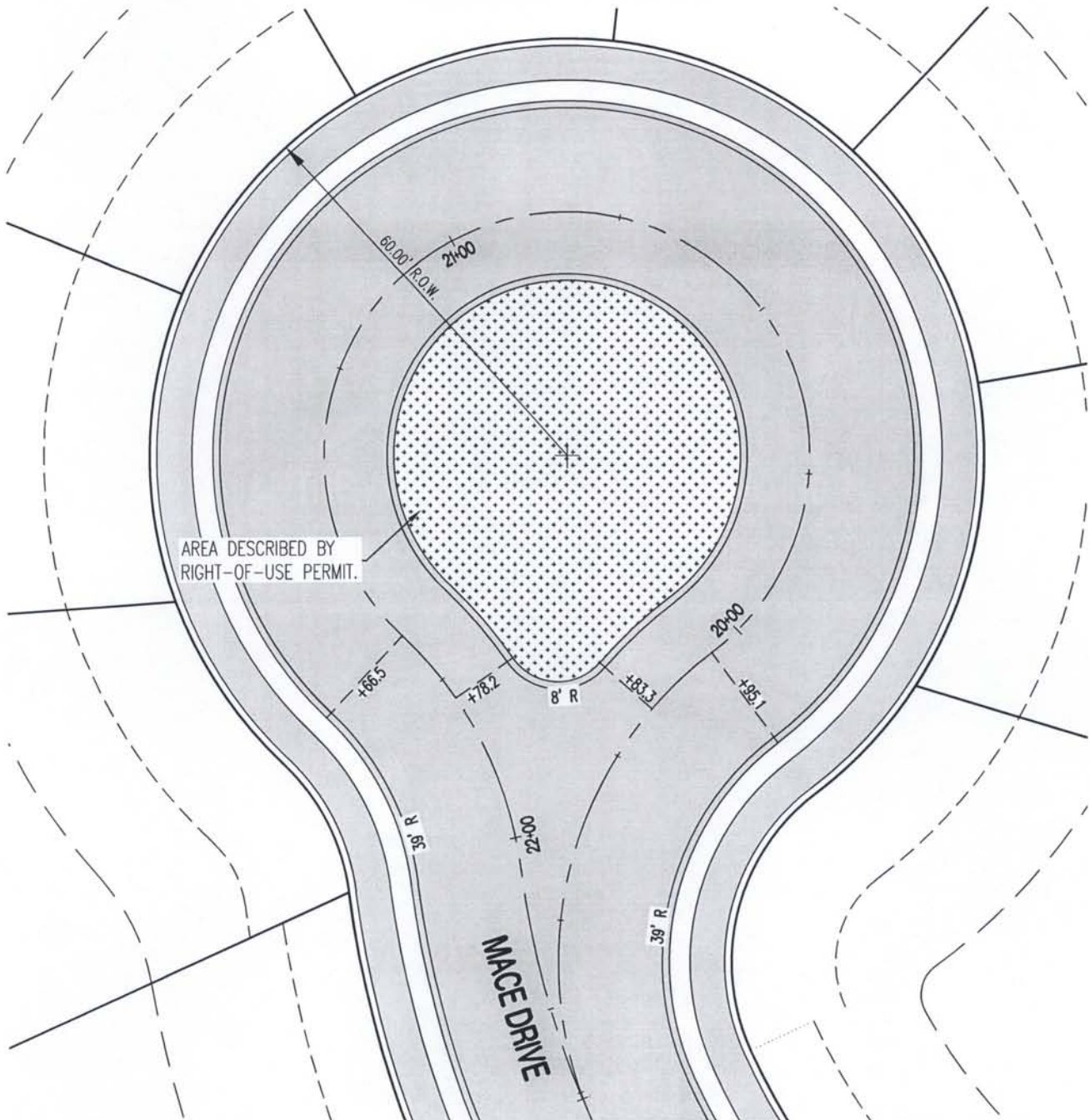
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**MACE DRIVE CUL-DE-SAC**

SCALE: 1" = 20'

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