

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 6<sup>TH</sup> & ELM, 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 5<sup>th</sup>, 6<sup>th</sup> and Landcaster Dr., Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

**STORM SEWER LOCATION:** The street right-of-way of 6<sup>th</sup> Street from station 0+31 to station 1+68 (as measured northerly from the center of the intersection of Elm and 6<sup>th</sup> Streets), AND the street right-of-way of 5<sup>th</sup> Street from station 0+40 to station 0+94 (as measured northerly from the center of the intersection of Elm and 5<sup>th</sup> Streets), AND Landcaster Dr. from station 1+84 to station 1+95 (as measured westerly from the intersection of 6<sup>th</sup> and Landcaster) all 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 in a portion of 5<sup>th</sup> and 6<sup>th</sup> Streets and Landcaster Dr.
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 5<sup>th</sup> or 6<sup>th</sup> Streets or Landcaster Dr. 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 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 the private storm sewer system 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, the Permittee shall relocate the private storm sewer system at their own expense.
8. The Permittee agrees by exercising its rights under this permit that if the private storm sewer system 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 private storm sewer system 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

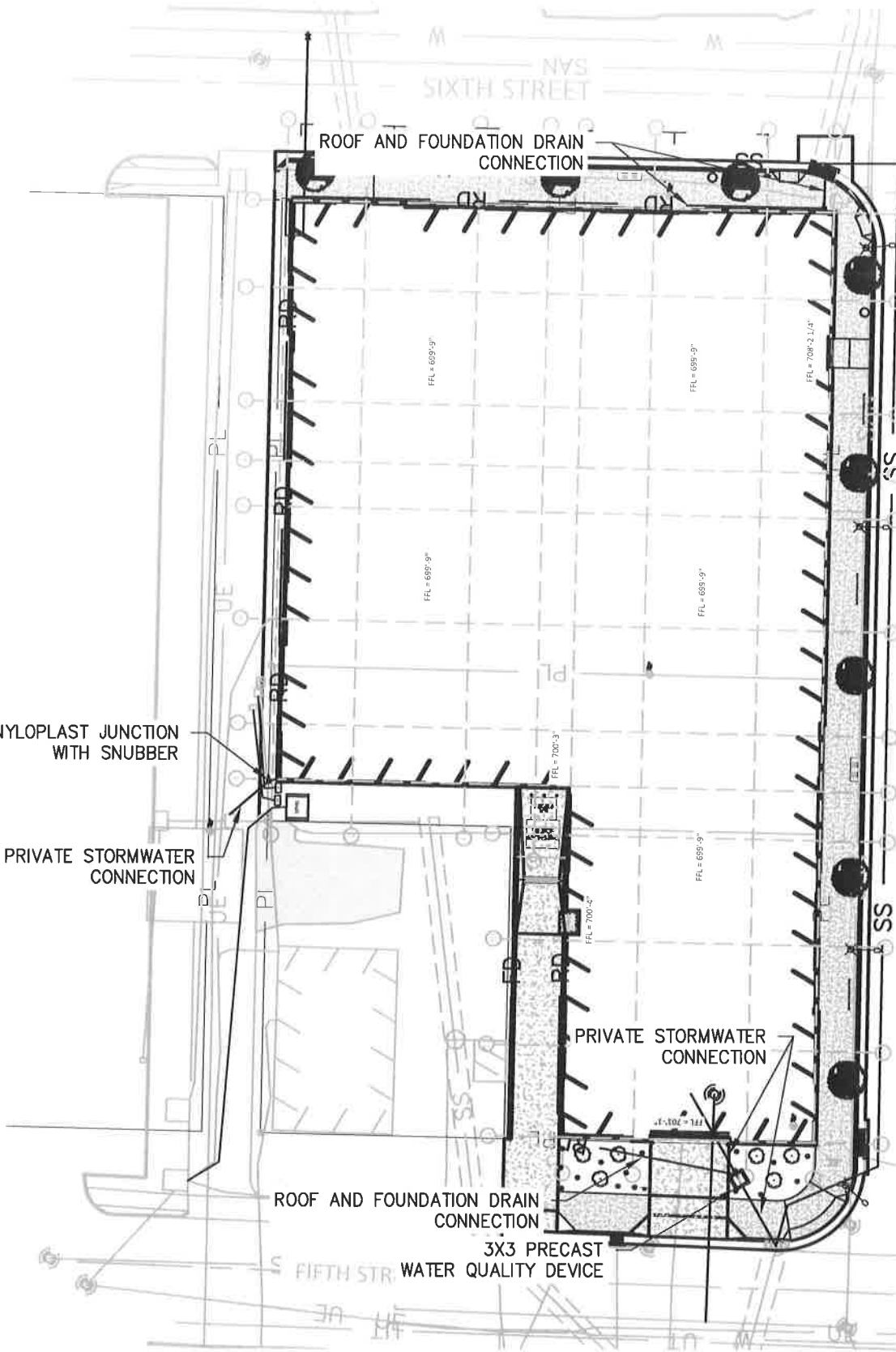
**Attest:**

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

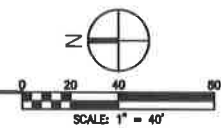
**Approved as to form:**

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

6<sup>th</sup> and Elm, LLC  
By: \_\_\_\_\_  
Jon Odle, Member



1 SITE PLAN



**COLUMBIA**  
Civil Engineering Group

Columbia, MO  
4220 PHILIP'S FARM ROAD COLUMBIA, MO 65201  
PHONE (673) 999-7821

MO. ENG. CORP  
#2013000149  
EXP. 12-31-2017

NEW APARTMENT PROJECT - 6TH AND ELM  
RIGHT OF USE EXHIBIT  
COLUMBIA, MISSOURI

DATE	SCALE	FIELD BOOK	REVISION
6/7/2016			
DRAWN	MMH		
APPROVED	MMH		

PROJECT NO.  
114006-1

SHEET NO.  
**C100**