

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 **DRI/CA Columbia, 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 in the right of way of S. Ninth Street and Locust Street, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

Install and maintain canopies over the sidewalk within the right of way of S. Ninth Street and Locust Street, at 131 S. Tenth Street, further shown by the diagram 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 canopies in the right of way of S. Ninth Street and Locust Street, at 131 S. Tenth 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 S. Ninth Street or Locust 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, Permittee shall present construction plans or diagrams locating the proposed canopies 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 canopies 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 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 canopies or any utility existing in the easement at the time this permit is granted, is necessary which would require relocation of the canopies, the Permittee shall relocate the canopies at their own expense.

8. The Permittee agrees by exercising its rights under this permit that if the canopies become damaged in any way, 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 canopies 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: _____
Mike Matthes
City Manager

Attest:

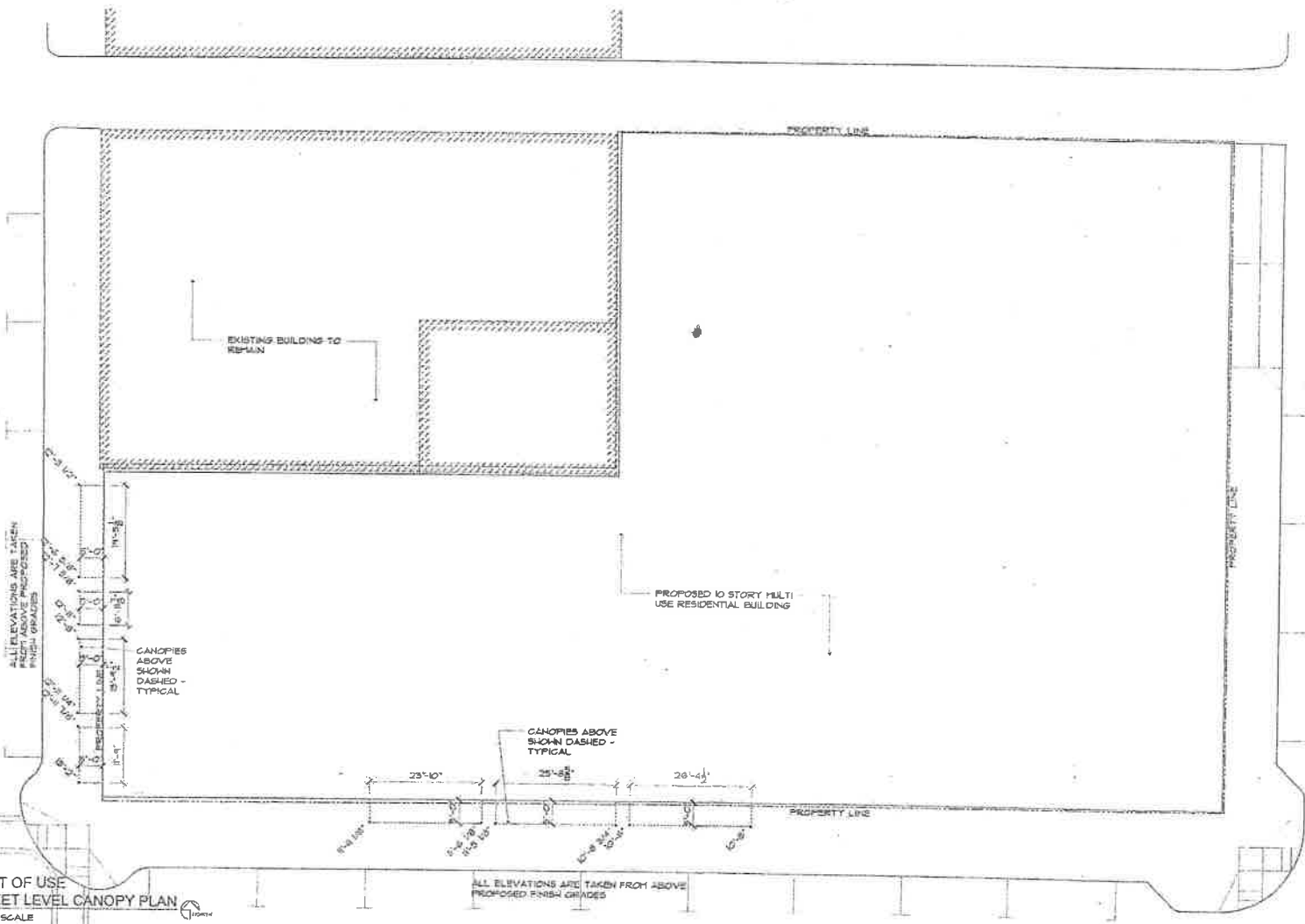
By: _____
Sheela Amin
City Clerk

Approved as to form:

By: _____
Nancy J. Thompson
City Counselor

DRI/CA Columbia, LLC


By: Eran Fields, Authorized Signatory



RIGHT OF USE
STREET LEVEL CANOPY PLAN
NOT TO SCALE

ACI
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AIA Registered
AIA License Number: 120
Missouri License Number: 120
Missouri License Number: 120

Proposed New Apartment Building For:
Rise at Ninth
9th Street & Locust Street
City of Columbia
Boone County, Missouri 65201

RISE
ON 9TH

Date	03/16/2018	
Job Number	131712	
Drawn By	JK	
Checked By	JK	
Author		
Modif.	Date	Description

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