

RIGHT OF USE PERMIT

KNOW ALL MEN BY THESE PRESENT that on this 9th day of May, 2018, 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 **The Curators of the University of Missouri** (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 Seventh Street and Elm Street, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to-wit:

The right-of-way of the utilities (the "Utilities") accessing Elm Street from the intersection of Seventh Street to the east and 20ft. west, and Seventh Street from the intersection of Elm Street 160ft. north within the limits of the City of Columbia, further shown on the diagram attached to this right-of-use permit as Exhibit 1.

This permit is subject to the following conditions and stipulations:

1. This permit is for the exclusive purpose of construction of new steam distribution chase and manhole, chilled water distribution pipe, control conduit, domestic water pipe, and telecom ductbank in the road right of way.
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 surface of Elm Street and Seventh Street without City consent.
3. Permittee will be responsible for the costs of any future repairs, maintenance or replacements which result from Permittee's use under this right-of-use permit.
4. Permittee agrees that the new Utilities to be installed pursuant to this right-of-use permit shall be installed with at least a 24-inch separation when running parallel to any gas lines operated by Ameren Missouri. All areas where the gas line crosses the new Utilities will be coordinated with Ameren Missouri.
5. Prior to exercising its right granted herein, the Permittee shall present its construction plans or diagrams locating the proposed Utilities to the City Public Works Department and City Water and Light Department and any other utility existing in the rights-of-way to insure that the proposed plans will not interfere with any existing utility. The Permittee will relocate its improvement if requested to do so by an existing utility.
6. Prior to exercising its rights hereunder, Permittee agrees to obtain all necessary permits required by the City of Columbia pertaining to the work being done in the rights-of-way and to submit a traffic routing plan to be approved by the City Public Works Department.

7. If the steam, chilled water, domestic water, telecommunications or control utility is abandoned, all rights herein granted to such abandoned utility shall cease and terminate and Permittee shall have no further right of interest therein or thereto.
8. If at any time construction, repair, modification or relocation of the steam, chilled water, domestic water, telecommunications or control utility or any utility existing in the rights-of-way of the Utilities accessing Elm Street and Seventh Street at the time this permit is granted is necessary which would require the relocation of the Utilities, the Permittee shall relocate the affected utility at its expense.
9. The Permittee agrees by exercising its rights under this permit that if its underground steam, chilled water, domestic water, telecommunications or control utilities are damaged in any way, whether negligently or intentionally by the construction, repair, modification or relocation of the Utilities accessing Elm Street or Seventh Street or of any utility existing in the rights-of-way of said city streets at the time this permit is granted, it will repair or replace the steam, chilled water, domestic water, telecommunications or control utility at its own cost and hold the City of Columbia harmless for any of the cost associated with the repair or replacement and any other costs associated with the damage to the facilities.

This permit shall remain in effect until canceled by the City of Columbia, which shall be obligated to notify Permittee one (1) year 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:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

APPROVED
AS TO
LEGAL FORM
MM 5/1/2008

THE CURATORS OF THE UNIVERSITY
OF MISSOURI:

Kevin D. Hogg
Director
Real Estate & Business Services

