

**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 Columbia Automotive Management, 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 Jackson Street right of way, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

PARCEL 3: (710 W. BUSINESS LOOP 70) 16-314-00-02-009.00

LOTS THIRTY-SIX (36), THIRTY-SEVEN (37), THIRTY-EIGHT (38), THIRTY-NINE (39), FORTY (40), FORTY-ONE (41), FORTY-TWO (42), FORTY-THREE (43), FORTY-FOUR (44), FORTY-FIVE (45) AND THE NORTH 15 FEET OF LOT FORTY-SIX (46), ALL LOCATED IN MIKEL'S SUBDIVISION OF LOTS EIGHT-THREE (83), EIGHTY-FOUR (84), EIGHTY-FIVE (85), EIGHTY-EIGHT (88) AND THE WEST HALF (W ½) OF LOTS EIGHTY-SIX (86) AND EIGHTY-SEVEN (87) IN GARTH'S ADDITION TO THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AS SHOWN BY THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 9, RECORDS OF BOONE COUNTY, MISSOURI, INCLUDING LOT FORTY (40) OF MIKEL'S SUBDIVISION AS SHOWN BY THE SURVEY RECORDED IN BOOK 2087, PAGE 192, RECORDS OF BOONE COUNTY, MISSOURI.

The right-of-way of Jackson Street located in the right-of-way, within the limits of the City of Columbia, further described by the exhibit(s) 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 a retaining wall built in the right-of-way of Jackson 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 Jackson Street 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. Prior to exercising its right granted herein, the Permittee shall present its construction plans or diagrams locating the proposed Jackson Street 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 the work being done in the right-of-way.
6. If the retaining wall 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 retaining wall, or any utility existing in the easement at the time this permit is granted, is necessary which would require the relocation of the retaining wall, the Permittee shall relocate retaining wall at their own expense.

8. The Permittee agrees by exercising its rights under this permit that if the retaining wall is damaged in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of the retaining wall 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 retaining wall 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.

9. 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:**

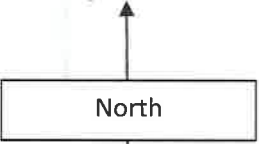
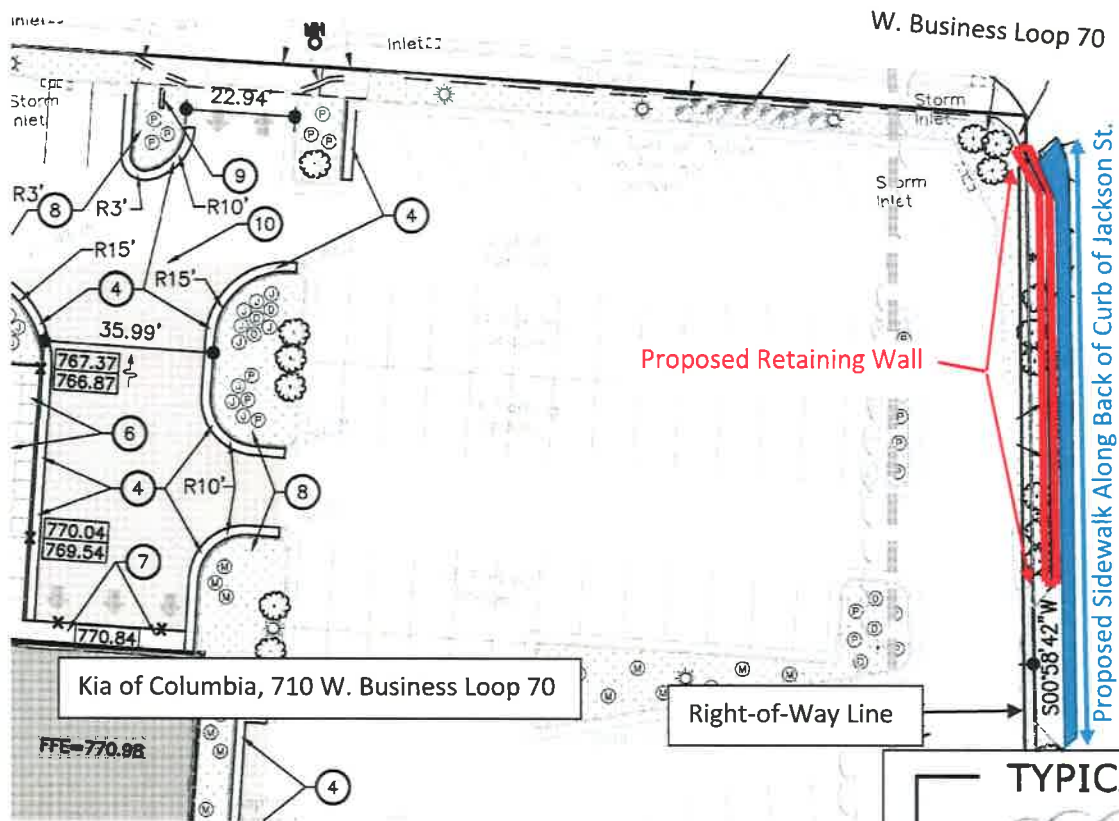
By: \_\_\_\_\_  
Nancy Thompson  
City Counselor

**(Owner's Name)**  
Columbia Automotive Management, LLC  
Larry Morgan

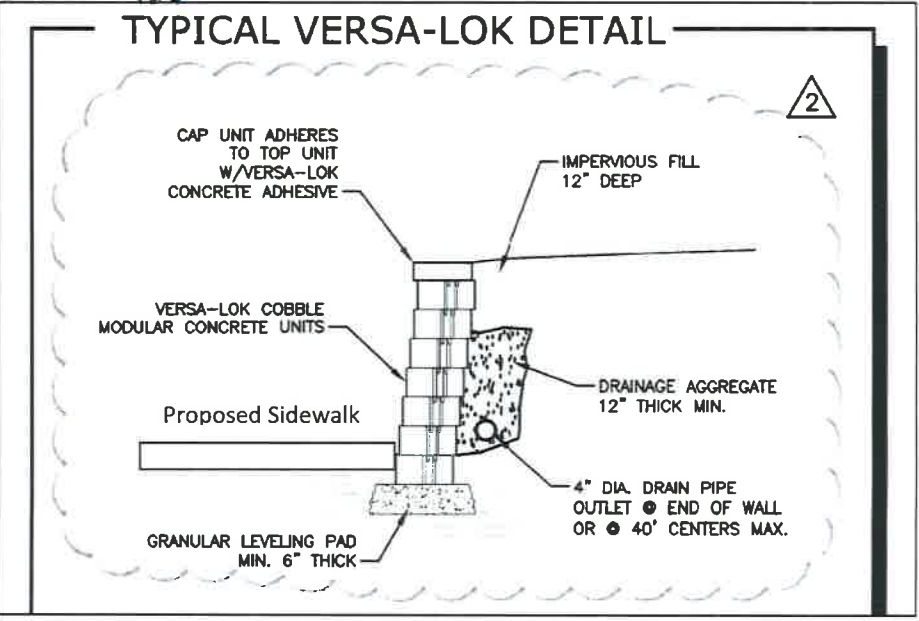
By:  \_\_\_\_\_  
(Signature of Owner)



View looking southwest from Business Loop 70. The block retaining wall will be extended southward along Jackson St. to the location of the first concrete drive approach, and a new sidewalk installed at the back of curb. The sidewalk was required to be constructed by the owner of Kia of Columbia by the Building and Site Development Division, in order to obtain a building permit to construct a building addition.



**TYPICAL VERSA-LOK DETAIL**



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