

RIGHT OF USE PERMIT

KNOW ALL MEN BY THESE PRESENT that on this 21st day of May, 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 **Columbia Hotel Investments**, 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 as described below in, Columbia, County of Boone, State of Missouri, and more particularly described as follows, to wit:

The street right-of-way of 8th street being 23 feet east of and adjacent to lot 150 of the original town of Columbia, further shown by Exhibit "A" 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 heated sidewalk loop, architectural planters, and electrical service to 4 tree grates.
2. This permit does not grant Permittee or any of its officers, agents or employees the right to cut, break, excavate or damage the sidewalk pavement adjacent to 8th 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. Permittee agrees that the conduits and wiring will be installed with at least a 24-inch separation from any gas lines operated by Ameren UE which may be in place.
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 conduit or wiring 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 conduit and wiring, or of any utility existing in the right of way of 8th Street at the time this permit is granted, is necessary which would require the relocation of the conduits or wiring or the removal of any portion of the landscaping or irrigation system, the Permittee shall relocate the lights, conduit, landscaping and wiring at its expense.
9. The Permittee agrees by exercising its rights under this permit that if its wiring or conduit in anyway, whether negligently or intentionally by the construction, repair, modification or relocation of 8th Street 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 wiring 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: 
Nancy Thompson
City Counselor

Columbia Hotel Investments


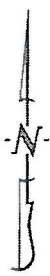
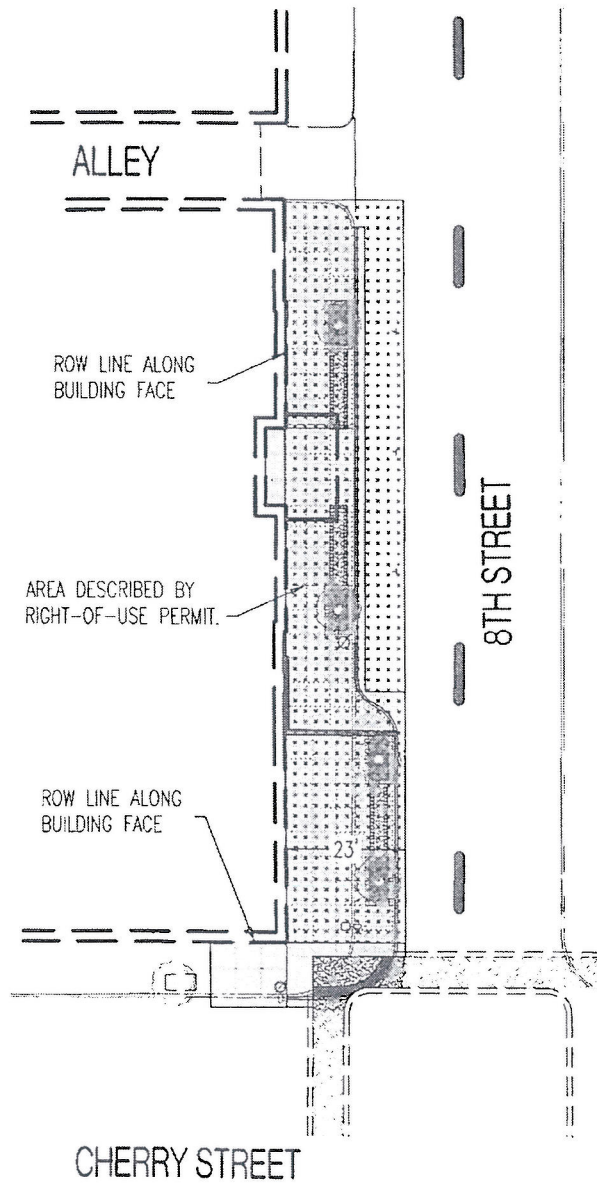
By: 
Glyn Laverick - Member

EXHIBIT "A"
TIGER HOTEL 8TH STREET SIDEWALK REPLACEMENT

SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI



SCALE: 1" = 30'

PREPARED BY:
CRACKETT
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Crockett Engineering Consultants, LLC
Missouri Certificate of Authority
#2000151304

021692

Permanent Record
Filed in Clerk's Office

Introduced by McDavid

First Reading 5-6-13

Second Reading 5-20-13

Ordinance No. 021692

Council Bill No. B 124-13

AN ORDINANCE

authorizing the City Manager to execute a right of use permit with Columbia Hotel Investments to allow construction, improvement, operation and maintenance of a heated sidewalk loop, architectural planters and electrical service to tree grates within a portion of the Eighth Street right-of-way (23 South Eighth Street); 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 Columbia Hotel Investments to allow construction, improvement, operation and maintenance of a heated sidewalk loop, architectural planters and electrical service to tree grates within a portion of the Eighth Street right-of-way (23 South Eighth Street). 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 20th day of May, 2013.

ATTEST:

[Signature]
City Clerk

[Signature]
Mayor and Presiding Officer

APPROVED AS TO FORM:

[Signature]
City Counselor