RESOLUTION 2015-5

Agenda Item

TO: Mayor and City Council

FROM: Mark S. Gaugh, City Manager

DATE: March 2, 2015

RE: Land Use Resolution

Issues

The attached Resolution incorporates language into our permitting process that specifies how our easements and City-owned land are handled when it comes to renting a portion of the land or easement for other utilities.

We already have right-of-way agreements, but they do not deal with land that is not actual right-of-way, but this language will cover land owned by the City or easements that are granted to the City. The language will allow us to create an agreement for this land usage, much the same as our other agreements. This will be done in the construction permits, however.

Recommendation

Staff recommends that the City Council approve the Resolution for the permit changes.

Resolution 2015-5

A RESOLUTION TO AUTHORIZE THE CITY MANAGER OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI TO PERMIT THE USE OF NON-RIGHTS-OF-WAY CITY PROPERTY INTERESTS AS PART OF A RIGHTS-OF-WAY CONSTRUCTION PERMIT UNDER SPECIFIED CIRCUMSTANCES

WHEREAS, the City allows utility providers to use City rights-of-way ("ROW") for provision of their services pursuant to agreements for Use of the ROW; and

WHEREAS, the City also holds property interests in land that does not constitute ROW and not otherwise within the use rights granted by ROW agreements; and

WHEREAS, language will be included in construction permits to include these special land uses, to authorize the City Manager to approve qualified and lawfully operating companies having a ROW Agreement to use non-ROW property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council for the City of Cameron, Clinton and DeKalb Counties, Missouri, as follows:

Section 1. The City Manager or designee shall be authorized to permit the use of City property interests that are not rights-of-way for projects that may be otherwise connected to the City ROW, where in the public interest, for any company lawfully operating in the City and having a valid ROW agreement (and valid pole attachment agreement if City poles are also used) by means of express language included in a ROW Construction Permit signed by the applicant and substantially in the form of the following language:

> This permit shall grant a revocable license to _____ ("Applicant") to use the designated area within the City [describe area] and/or City utility easements, [including attachment to ___ poles located on City Property][if applicable] as shown on the attached map, subject to the compensation requirements (as rent) and the other obligations of Applicant within its ROW Agreement with the City and General Agreement for Non-Exclusive Use of City Utility Poles, if applicable, between the City and _____ [insert date(s) of agreements or other requirements if applicable]; provided that any compensation limitation or cap therein shall not apply for use of the designated area in this License being NON-ROW property interests of the City.

Nothing herein shall preclude the City Manager from alternatively requiring a lease agreement for use of non-ROW property interests of the City to be submitted to the City

Council where that process is deemed by the Manager to be more appropriate such as due to the size, location or nature of the project.

Section 2. The City Clerk is hereby authorized to attest to the Mayor's and other official's signature for all documents implementing this Resolution.

Section 3. This Resolution shall be effective upon passage and approval by the Mayor and City Council.

PASSED AND APPROVED this 2nd day of March 2015.

_____
Mayor Dennis M.Clark

ATTEST:

_____
City Clerk/Finance Clerk