

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, AUTHORIZING THE CONDEMNATION OF AN EASEMENT IN THE SHEARER AND VOGT SUBDIVISION OF THE CITY OF NEVADA, MISSOURI, FOR INSTALLATION OF A COLLECTOR LINE FOR THE CITY OF NEVADA, WASTEWATER SYSTEM.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA THAT:

Section 1. The Council finds that it is necessary for the City to acquire for public use an easement within the following described property owned by Gayla Gibbs in the Shearer and Vogt subdivision of the City of Nevada, Missouri:

Lots Three (3) and Four (4) of Shearer and Vogt addition of the City of Nevada, Missouri, according to the recorded plat thereof, in plat book 6, page 1, in the Recorder's Office of Vernon County, Missouri, except the South 80 feet of Lot 3 thereof, subject to any part lying in the public road, and subject to any easements, reservations and restrictions affecting the property.

The deed by which owner appears to have acquired title is dated 08/04/1994, notarized 08/27/1994 (in Texas), and recorded on 09/01/1994 at book 404, page 580, in the office of the Recorder of Deeds for Vernon County, Missouri.

Section 2. The Council finds that the plat of the subdivision reveals a pre-existing utility easement and that the taking hereby authorized will be an expansion of the public use authorized by the dedication in the plat.

Section 3. The legal descriptions of the rights to be taken, which will supplement the utility easement heretofore dedicated are those described as follows:

PERMANENT EASEMENT:

A Tract of Land being part of Lots 3 and 4 and a part of vacated Barr Street all in Shearer and Vogt Addition to the City of Nevada, Vernon County, Missouri. Being described more fully as follows:

Beginning at the apparent North right-of-way Line of vacated Barr Street and the apparent West right-of-way Line of Clay Street;

Thence S02°22'10"W a distance of 20.00 feet along the said West Line of Clay Street;

Thence N87°37'40"W a distance of 160.11 feet;

Thence S02°28'37"W a distance of 249.13 feet along the East Line of Parent Tract;

Thence S28°04'45"W a distance of 26.75 feet to the South Line of said tract;

Thence N87°31'23"W a distance of 22.18 feet along said South Line;

Thence N28°04'45"E a distance of 31.79 feet;

Thence N02°28'37"E a distance of 211.08 feet;
Thence N05°56'11"W a distance of 54.02 feet to the North line of said Parent Tract;
Thence S87°37'50"E a distance of 187.98 feet along said North Line and the
apparent North Line of vacated Barr Street to the Point of Beginning.

Containing 0.21 Acres (9334.37 Square Feet) more or less.

TEMPORARY EASEMENT:

A Tract of Land being part of Lots 3 and 4 and a part of vacated Barr Street all in Shearer and Vogt Addition to the City of Nevada, Vernon County, Missouri. Being described more fully as follows:

Commencing at the apparent North right-of-way Line of vacated Barr Street and the apparent West right-of-way Line of Clay Street; Thence N87°37'50"W a distance of 187.98 feet along the apparent North Line of said Barr Street to the Point of Beginning;

Thence S05°56'11"E a distance of 54.03 feet;
Thence S02°28'37"W a distance of 211.08 feet;
Thence S28°04'45"W a distance of 31.79 feet to the South Line of Parent Tract;
Thence N87°31'23"W a distance of 11.09 feet along said South Line;
Thence N28°04'45"E a distance of 11.17 feet;
Thence N02°28'37"E a distance of 283.10 feet to the North Line of said Tract;
Thence S87°37'50"E a distance of 12.10 feet along said Line to the Point of Beginning.

Containing 0.13 Acres (5479.97 Square Feet) more or less.

Note: The temporary construction easement will expire and be of no further force and effect one year after the acceptance of construction by the City to the end that the City's contractor will be required during a one year warranty period to perform any clean up or other adjustments that may be reasonably necessary.

The easement to be taken by condemnation (expanding the dedicated easement) will be that described and platted on the exhibit prepared by Allgeier Martin & Associates, Inc., Consulting Engineers, Joplin, Missouri, a copy of which is attached hereto and incorporated herein by reference.

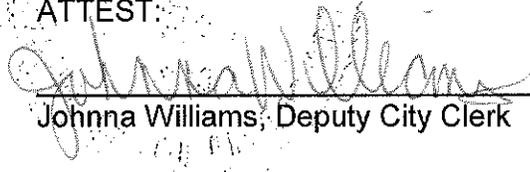
Section 4. The City Attorney is hereby authorized and directed to coordinate and commence condemnation proceedings to comply with Chapter 523, RSMo. as amended; and to file condemnation proceedings in the Circuit Court of Vernon County, Missouri.

Section 5. This ordinance shall be in full force and effect immediately on its passage and approval.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada,
Missouri, this 16th day of January, 2018.

(SEAL)

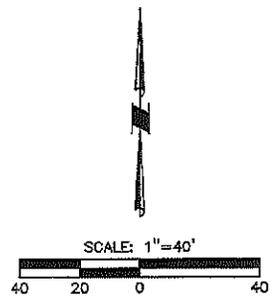
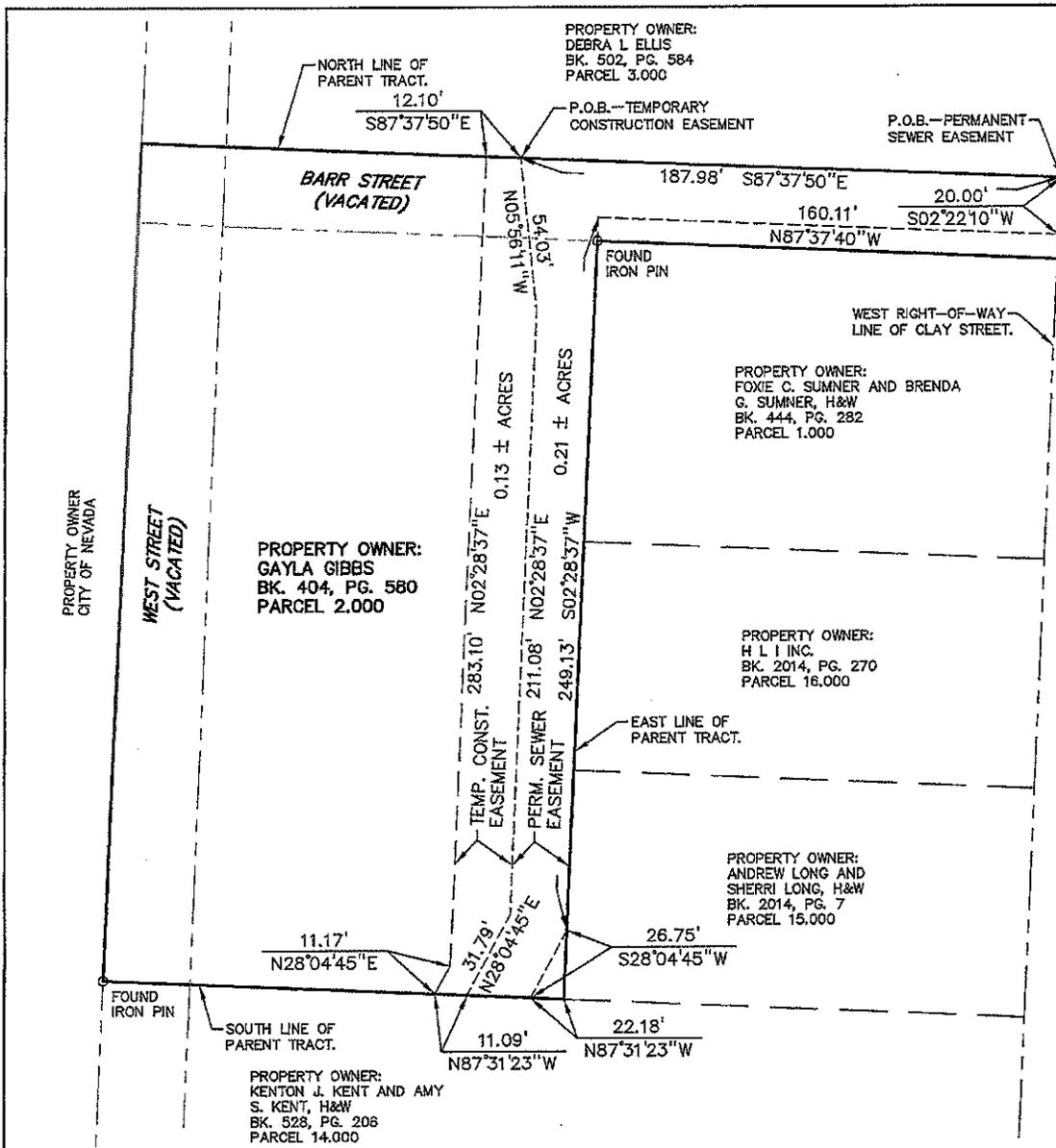
ATTEST:



Johnna Williams, Deputy City Clerk



Brian L. Leonard, Mayor



PROPERTY DESCRIPTION:

GAYLA GIBBS
BOOK 404, PAGE 580.

PERMANENT SEWER EASEMENT DESCRIPTION:

A TRACT OF LAND BEING PART OF LOTS 3 AND 4 AND A PART OF VACATED BARR STREET ALL IN SHEARER AND VOGT ADDITION TO THE CITY OF NEVADA, VERNON COUNTY, MISSOURI. BEING DESCRIBED MORE FULLY AS FOLLOWS:

BEGINNING AT THE APPARENT NORTH RIGHT-OF-WAY LINE OF VACATED BARR STREET AND THE APPARENT WEST RIGHT-OF-WAY LINE OF CLAY STREET;
 THENCE S02°22'10"W A DISTANCE OF 20.00 FEET ALONG THE SAID WEST LINE OF CLAY STREET;
 THENCE N87°37'40"W A DISTANCE OF 160.11 FEET;
 THENCE S02°28'37"W A DISTANCE OF 249.13 FEET ALONG THE EAST LINE OF PARENT TRACT;
 THENCE S28°04'45"W A DISTANCE OF 26.75 FEET TO THE SOUTH LINE OF SAID TRACT;
 THENCE N87°31'23"W A DISTANCE OF 22.18 FEET ALONG SAID SOUTH LINE;
 THENCE N28°04'45"E A DISTANCE OF 31.79 FEET;
 THENCE N02°28'37"E A DISTANCE OF 211.08 FEET;
 THENCE N05°56'11"W A DISTANCE OF 54.03 FEET TO THE NORTH LINE OF SAID PARENT TRACT;
 THENCE S87°37'50"E A DISTANCE OF 187.98 FEET ALONG SAID NORTH LINE AND THE APPARENT NORTH LINE OF VACATED BARR STREET TO THE POINT OF BEGINNING.

CONTAINING 0.21 ACRES (9334.37 SQUARE FEET) MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

A TRACT OF LAND BEING PART OF LOTS 3 AND 4 AND A PART OF VACATED BARR STREET ALL IN SHEARER AND VOGT ADDITION TO THE CITY OF NEVADA, VERNON COUNTY, MISSOURI. BEING DESCRIBED MORE FULLY AS FOLLOWS:

COMMENCING AT THE APPARENT NORTH RIGHT-OF-WAY LINE OF VACATED BARR STREET AND THE APPARENT WEST RIGHT-OF-WAY LINE OF CLAY STREET;
 THENCE N87°37'50"W A DISTANCE OF 187.98 FEET ALONG THE APPARENT NORTH LINE OF SAID BARR STREET TO THE POINT OF BEGINNING;
 THENCE S05°56'11"E A DISTANCE OF 54.03 FEET;
 THENCE S02°28'37"W A DISTANCE OF 211.08 FEET;
 THENCE S28°04'45"W A DISTANCE OF 31.79 FEET TO THE SOUTH LINE OF PARENT TRACT;
 THENCE N87°31'23"W A DISTANCE OF 11.09 FEET ALONG SAID SOUTH LINE;
 THENCE N28°04'45"E A DISTANCE OF 11.17 FEET;
 THENCE N02°28'37"E A DISTANCE OF 283.10 FEET TO THE NORTH LINE OF SAID TRACT;
 THENCE S87°37'50"E A DISTANCE OF 12.10 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.

CONTAINING 0.13 ACRES (5479.97 SQUARE FEET) MORE OR LESS.

	ALLGEIER, MARTIN and ASSOCIATES, INC. CONSULTING ENGINEERS and SURVEYORS 7231 EAST 24th STREET JOPLIN, MISSOURI 64804 (417) 880-7200	DATE: _____ REVISION: _____ DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____ DATE: 12-10-2017	EXHIBIT	DWS NO. _____
	CERTIFICATE OF APPROVAL MISSOURI SURVEYORS	SECTION 9, T35N, R31W	VERNON COUNTY, MO	