

BILL NO. 2017-063

ORDINANCE NO. 8191

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, ACCEPTING ADDITIONAL RIGHT-OF-WAY EASEMENTS FOR THE CLAY STREET PHASE II SEWER PROJECT.

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

Section 1. The easements attached hereto and incorporated herein by reference granting easements for sewer improvements associated with the Clay Street Phase II Sewer Project is hereby accepted. These easements are an addition to the easements approved by ordinance 8104.

Section 2. The Council finds that the Planning Commission held a public hearing for which notice was duly published and the acceptance of the sewer easements come with a positive recommendation by that body.

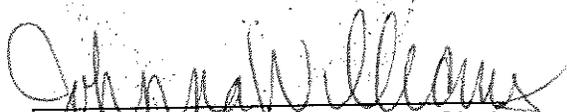
Section 3. The City Clerk is authorized to have the easements recorded with the Recorder of Deeds, Vernon County, Missouri.

This ordinance shall be in full force and effect after its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada, Missouri, this 5th day of December 2017.


Brian L. Leonard, Mayor

(seal)
ATTEST


Johnna Williams, Deputy City Clerk

AGENDA ITEM
November 21, 2017

Subject: Clay Street Phase II Sewer Project

Department: Administration

The attached easements are part of the Clay Street Phase II Sewer Project and secured after the passing of Ordinance 8104.

Recorded in Vernon County, Missouri



Recording Date/Time: 12/11/2017 at 02:02:46 PM

Instr #: 2017R02769

Book: 2017 Page: 2739

Type: EASE

Pages: 6

Fee: \$39.00 S 20170002656



Doug Shupe
Recorder of Deeds

NEVADA CITY OF

Title of Document: Right of Way Easement

Date of Document: December 5, 2017

Grantor(s): Carol Clyde Gallagher and Aaron Gallagher

Grantee(s): City of Nevada

Mailing Address(s): Attn: City Clerk, 110 S. Ash, Nevada, MO 64772

Legal Description: All of lots four (4) and five (5) of block eleven (11) in Wight's Addition of 1888 to the City of Nevada, Missouri. According to the recorded plat thereof. Also, the vacated alley between said lots and the north half (N ½) of Pitcher Street and the east half (E ½) of West Street adjacent to said lots.

Reference Book and Page(s):

Owners Name: Carol Clyde
Address: 720 S. Clay
Easement No. CS2-11

RIGHT-OF-WAY EASEMENT
Wastewater – City of Nevada, MO 2016

THIS INDENTURE is made on the 14 day of December, 2016, by and between CAROL CLYDE GALLAGHER AND AARON GALLAGHER, husband and wife, of Vernon County, Missouri, whose mailing address is 720 SOUTH CLAY, NEVADA MO 64772 hereinafter called **GRANTOR** and the City of Nevada, Missouri, of Vernon County, Missouri, a Missouri municipality of the third class organized under a Home Rule Charter, hereafter called **GRANTEE** whose address is City Hall, 110 S. Ash, Nevada, MO 64772,

WHEREAS, an old collector sewer line runs on the West side of the creek which runs north and south through Spring Street Park (and north to Wight Street) from Wight Street to South Street demanded long private service connections for the residences on Clay street to the East, which are substandard or deteriorating and threaten wastewater spills, and

WHEREAS, the city wishes to construct a new sewer collector line on the East side of said Creek and connect the same to the private service connections, all at City cost,

AND WHEREAS, **GRANTOR** owns land in the 700 block of South Clay Street with one of the private service connections, which is legally described shown on Exhibit A:

NOW THEREFORE, in consideration of Ten Dollars and Other Good and Valuable Consideration the receipt and adequacy of which is hereby acknowledged, **GRANTOR** does hereby grant, bargain and sell, convey and confirm unto **GRANTEE** and unto its successors and assigns:

1. A permanent easement for the new sewer line, hereafter described in Exhibit B, and
2. A temporary construction easement for the new sewer line, hereafter described in Exhibit B, and

3. A temporary easement to rebuild and connect at city expense such portions of the private service connection as the city concludes appears to be deteriorating, with right of ingress and egress thereto over adjacent land of **GRANTOR** for said purpose and for cleanup, regrading and seeding the surface to return it to original condition as nearly as reasonably feasible.

The temporary easement will expire and terminate at the end of the contractors warranty period of one year after completion of construction during which the contractor will be required to redress and complete cleanup and seeding. After completion of construction and termination of the temporary easement, the new private service line reverts to the owner and will be maintained by owner. The maintenance of the new sewer (collector) line will at all time be the sole responsibility of the City of Nevada.

The easements' purpose is restricted to use for sewer transmission lines only. The permanent collector line easement is explicitly located by **GRANTOR** on the **easement description** stated in Exhibit B. The temporary Easement for the repair and replacement of portions of the private service line is restricted to 20 feet on either side of Grantor's private service connection line with access thereto across adjacent property of Grantor without damaging Grantor's improvements, shrubs and/or structures.

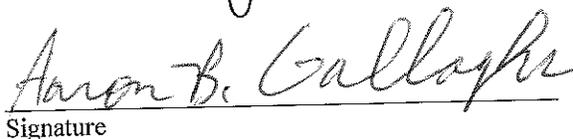
This instrument permits the **GRANTEE** to use the limited and restricted easement area to construct, operate, inspect, maintain, repair, rebuild, replace, remove and patrol a sewer line and essential appurtenances, customary and necessary in connection therewith, subject to the terms and restrictions set forth in this instrument.

Where access to the easement area from a public roadway is impractical or would visit damage upon the **GRANTOR**, the **GRANTEE** is permitted to reasonably obtain access to the easement area over adjacent lands of the **GRANTOR**.

IN WITNESS WHEREOF, GRANTORS have executed this instrument the day and year first above written.


Signature

Carol Clyde Gallagher
Print Name


Signature

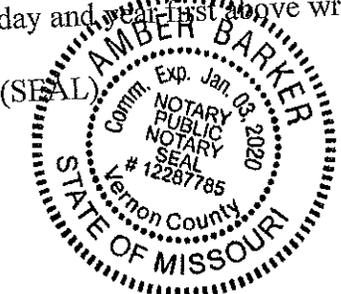
AARON B. GALLAGHER
Print Name

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF VERNON)

On this 14 day of December, 2016, before me appeared CAROL CLYDE GALLAGHER to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that the execution of this instrument by each grantor is said grantor's free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year first above written.

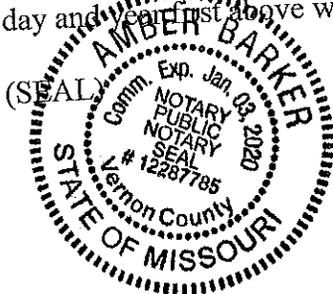


Amber Barker
Notary Public, State of Missouri

STATE OF MISSOURI)
) ss.
COUNTY OF VERNON)

On this 19 day of December, 2016, before me appeared AARON GALLAGHER to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that the execution of this instrument by each grantor is said grantor's free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year first above written.



Amber Barker
Notary Public, State of Missouri

EXHIBIT A

ALL OF LOTS FOUR (4) AND FIVE (5) OF BLOCK ELEVEN (11) IN WIGHT'S ADDITION OF 1888 TO THE CITY OF NEVADA, MISSOURI. ACCORDING TO THE RECORDED PLAT THEREOF. ALSO, THE VACATED ALLEY BETWEEN SAID LOTS AND THE NORTH HALF (N 1/2) OF PITCHER STREET AND THE EAST HALF (E 1/2) OF WEST STREET ADJACENT TO SAID LOTS.

EXHIBIT B

Carol L. Clyde, a single person - Book 2014, Page 57

Permanent Sewer Easement:

A strip of land in Lot 5 and the North half of vacated Pitcher Street in Block 11 Wight's Addition of 1888 to the City of Nevada, Vernon County, Missouri, being 20.0 feet in width and lying 10.0 feet each side of the following described centerline as constructed:
Commencing at the Northeast corner of Lot 4 of said subdivision; thence N 87°37'50"W along the North line thereof, 228.71 feet to the Point Of Beginning of said centerline; thence S 02°24'48"W along said centerline, 105.00 feet to the Point Of Terminus of said centerline on the South line of the parent tract.

Containing 0.05 acre (2100 square feet), more or less.
Basis of Bearings: Missouri State Plane Coordinate System, West Zone.

Temporary Construction Easement

A Tract of Land being part of the Northwest Quarter of Section 9 Township 35 North Range 31 West, all in the City of Nevada, Vernon County Missouri. Being described more fully as follows:

Commencing at the Northwest Corner of Lot 5 in Block 10 of Wight's Addition to the City of Nevada, a found 5/8-inch iron pin;
Thence S02°25'32"W a distance of 80.00 feet along the West line of said Lot 5 to the Southwest Corner of said Lot, a found iron pin with survey cap;
Thence N87°37'50"W a distance of 29.69 feet to the apparent centerline of Clay Street;
Thence S02°22'10"W a distance of 10.99 feet along said centerline to the Point of Beginning;
Thence S02°22'10"W a distance of 15.00 feet along said centerline to the Southeast Corner of Parent Tract;
Thence N87°37'50"W a distance of 218.79 feet along the South line of said Parent Tract;
Thence N02°22'10"E a distance of 15.00 feet;
Thence S87°37'50"E a distance of 218.79 feet to the Point of Beginning.

Containing 0.08 Acres (3281.89 Square Feet) more or less.

Recorded in Vernon County, Missouri



Recording Date/Time: 12/11/2017 at 02:02:47 PM

Instr #: 2017R02770

Book: 2017 Page: 2740

Type: EASE

Pages: 5

Fee: \$36.00 S 20170002656



Doug Shupe
Recorder of Deeds

NEVADA CITY OF

Title of Document: Right of Way Easement

Date of Document: December 5, 2017

Grantor(s): The Nevada Regional Medical Center

Grantee(s): City of Nevada

Mailing Address(s): Attn: City Clerk, 110 S. Ash, Nevada, MO 64772

Legal Description: A tract of Land being part of Lot 5 in Block 15 of Wight's Addition of 1888 to the City of Nevada, Vernon County, Missouri.

Reference Book and Page(s):

Owners Name: NEVADA REGIONAL MEDICAL CENTER
Easement No. CS2-50

RIGHT-OF-WAY EASEMENT
Sewer – City of Nevada, MO 2016

THIS INDENTURE is made on the 1st day of September 2016, by and between **THE NEVADA REGIONAL MEDICAL CENTER**, a municipally owned independently governed Hospital created by the City of Nevada, in Vernon County, Missouri, whose mailing address is 800 South Ash, Nevada, Missouri, 64772. hereinafter called **GRANTOR** and the City of Nevada, Missouri, of Vernon County, Missouri, a Missouri municipality of the third class organized under a Home Rule Charter, hereafter called **GRANTEE** whose address is City Hall, 110 S. Ash, Nevada, MO 64772,

WHEREAS, GRANTOR owns land in or in the vicinity of the City of Nevada, Vernon County, MO, and said land is legally described as follows:

A Tract of Land being part of Lot 5 in Block 15 of Wight's Addition of 1888 to the City of Nevada, Vernon County, Missouri.

AND WHEREAS, Grantee is in process of upgrading its wastewater collection lines along Clay street to provide service to the Hospital and will further reattach all needed connections to the Hospital facilities, all at no cost to the Hospital;

NOW THEREFORE, in consideration of One Dollars and Other Good and Valuable Consideration the receipt and adequacy of which is hereby acknowledged, **GRANTOR** does hereby grant, bargain and sell, convey and confirm unto **GRANTEE** and unto its successors and assigns an easement hereafter described with right of ingress and egress thereto over adjacent land of **GRANTOR**. The easement purpose is restricted to use for sewer transmission lines. The easement is explicitly located by **GRANTOR** on the following easement description in **Exhibit A**.

In order to construct the facility and provide for redressing excavation or correcting construction defects, the City is also granted a temporary construction easement which will expire after construction of the line and termination of the "one year after

completion of construction" warranty provided by the construction contract. The temporary easement is described in **Exhibit A**.

The purpose of the permanent and temporary easements is to permit the city to construct, operate, inspect, maintain, repair, rebuild, replace, remove and patrol a sewer line and essential appurtenances, and reattach service connections customary and necessary in connection therewith, subject to the terms and restrictions set forth in this instrument. More specifically:

1. The purpose of the permanent easement will be for the new transmission line.
2. The temporary easement will permit the city to work within the permanent easement and to rebuild and connect at city expense such portions of the private service connections as the city concludes appear to be deteriorating, with right of ingress and egress thereto over adjacent land of Grantor for said purpose and for cleanup, regrading and seeding the surface to return it to original condition as nearly as reasonably feasible.

This easement is restricted to use for wastewater transmission lines only.

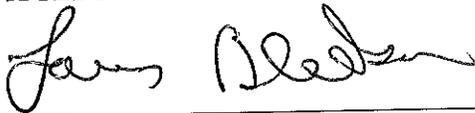
IN WITNESS WHEREOF, GRANTOR have executed this instrument the day and year first above written.

Nevada Regional Medical Center

By: _____

Steve Russ, President

SEAL
ATTEST:



Secretary

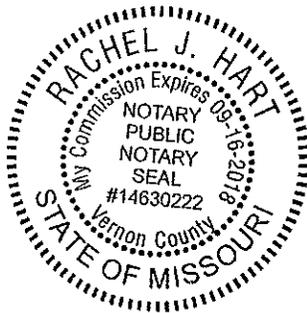
ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF VERNON)

On this 1st day of September 2016, before me appeared Steve Russ, to me known to be the Board Chair of Nevada Regional Medical Center, described in and who executed the foregoing instrument, and acknowledged that the execution of this instrument was made by him at the direction and with the authority of its Board of Directors, and the Secretary of the Board of Directors ~~duly affixed the corporate seal.~~

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year first above written.

(SEAL)



Rachel J. Hart

Notary Public, State of Missouri

EXHIBIT A

BOARD OF TRUSTEES
OF NEVADA HOSPITAL

PERM

A Tract of Land being part of Lot 5 in Block 15 of Wight's Addition of 1888 to the City of Nevada, Vernon County, Missouri. Being described more fully as follows:

Beginning at the Southwest Corner of said Lot 5;
Thence N02°23'46"E a distance of 80.00 feet along the West Line of said Lot 5;
Thence S87°36'14"E a distance of 15.00 feet along the North Line of said Lot 5;
Thence S02°23'46"W a distance of 80.00 feet to the South Line of said Lot 5;
Thence N87°36'14"W a distance of 15.00 feet along said South Line to the Point of Beginning.

Containing 0.03 Acres (1200.00 Square Feet) more or less.

TEMP

A Tract of Land being part of Lot 5 in Block 15 of Wight's Addition of 1888 to the City of Nevada, Vernon County, Missouri. Being described more fully as follows:

Commencing at the Southwest Corner of said Lot 5;
Thence S87°36'14"E a distance of 15.00 feet along the South Line of said Lot 5 to the Point of Beginning;

Thence N02°23'46"E a distance of 80.00 feet to the North Line of said Lot 5;
Thence S87°36'14"E a distance of 15.00 feet along the North Line of said Lot 5;
Thence S02°23'46"W a distance of 80.00 feet to the South Line of said Lot 5;
Thence N87°36'14"W a distance of 15.00 feet along said South Line to the Point of Beginning.

Containing 0.03 Acres (1200.00 Square Feet) more or less.