

BILL NO. 2017-078

ORDINANCE NO. 8206

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, ACCEPTING THE RIGHT-OF-WAY EASEMENT FOR THE GARFIELD AVENUE SEWER LINE EXTENSION.

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 Garfield Avenue Sewer Project is hereby accepted.

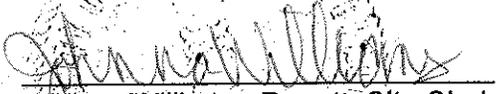
**Section 2.** The Council finds that the Planning Commission held a public hearing for which notice was duly published and the acceptance of the sewer easements come with a positive recommendation by that body.

**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 2nd day of January, 2018.

  
Brian L. Leonard, Mayor

(seal)  
ATTEST  
  
Johnna Williams, Deputy City Clerk

**AGENDA ITEM**  
December 19, 2017

Subject: Garfield Avenue Sewer Project

Department: Administration

An easement was secured from one property owner for the Garfield Avenue Sewer Line Extension.

The Planning Commission reviewed the project at their December 12, 2017 meeting and voted unanimously to send a positive recommendation to approve the sewer main location.

Recorded in Vernon County, Missouri



Recording Date/Time: 01/02/2018 at 10:49:29 AM

Instr #: 2018R00001

Book: 2018 Page: 1

Type: EASE

Pages: 5

Fee: \$36.00 \$ 20180000001



Doug Shupe  
Recorder of Deeds

NEVADA CITY OF

**Title of Document:** Right of Way Easement

**Date of Document:** January 2, 2018

**Grantor(s):** Blake & Amy Hertzberg

**Grantee(s):** City of Nevada

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

**Legal Description:** All lts 1 & 2 of Brooke Estates EX Rd ROW & all of lt 1 -Hailee Estates.

**Reference Book and Page(s):**

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

**THIS INDENTURE** is made on the 26th day of October 2017, by and between **BLAKE & AMY HERTZBERG**, husband and wife of Vernon County, Missouri, whose mailing address is 1004 North Tucker Street, 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**, private lines are directly connected to the North Interceptor line which runs on the East side of White Branch which runs north and south and demanded long private service connections for the residences on Tucker street to the West, which are substandard or deteriorating and threaten wastewater spills, and

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

**AND WHEREAS**, **GRANTOR** owns land in the 1000 block of North Tucker Street which is legally described as ALL LTS 1 & 2 OF BROOKE ESTATES EX RD ROW & ALL OF LT 1 - HAILEE ESTATES

**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 15' permanent easement for new sewer line, hereafter described in Exhibit A, and
2. A 25' temporary construction easement for the new sewer line, 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.

Consideration includes the privileges, benefits mutually obtained and the following special provisions:

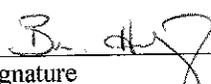
1. City of Nevada agrees to remove sewer connection line that runs East and West across said creek and haul off debris.
2. City of Nevada agrees to remove only those trees marked and agreed upon by owners. Any additional tree removal will require owners consent.

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 A. The temporary Easement for the repair and replacement of portions of the private service line is restricted to 25 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.

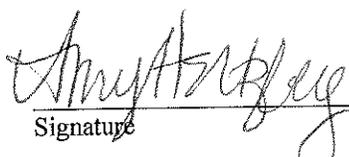
This instrument permits the **GRANTEE** to use the limited and restricted easement area to construct, operate, inspect, maintain, repair, rebuild, replace, remove and patrol a sewer line and essential appurtenances, customary and necessary in connection therewith, subject to the terms and restrictions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

Blake Hertzberg  
\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Signature

Amy Hertzberg  
\_\_\_\_\_  
Print Name



**EXHIBIT A**

BLAKE & AMY HERTZBERG  
1004 N TUCKER

**PARCEL: 18-3.0-05-001-008-002.010**

**LEGAL: ALL LTS 1 & 2 OF BROOKE ESTATES EX RD ROW & ALL OF LT 1 -  
HAILEE ESTATES**

The Permanent easement is 15 feet in width at the center of which the original line was installed  
legally described as: