

AGENDA ITEM
December 3, 2013

Subject: Sale of City owned surplus property on N. Adams Street

Department: Planning/Zoning

Mr. and Mrs. Allen have purchased 917 N. Adams; it is an empty lot north of city owned property. The property owners purchased the lot to construct a new home. After purchase they were informed that the lot was 50 foot in width and would not meet the minimum width requirement of 60 feet to construct their new house.

Mr. and Mrs. Allen came to the City and inquired about purchasing the north 20 feet of the city owned lot; a 20' x 150' strip of land. The lot does have a water well located on it, Alliance Water Resources advised the well is located on the southern part of the lot and the sale of the north 20 feet would not interfere with the operation and maintenance of the well.

The fair market value of the property is \$2,500 and the City Attorney has drafted the ordinance to declare the property surplus and the quit claim deed to transfer the property, after payment, to Mr. & Mrs. Allen.

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, DECLARING THE NORTH 20 FEET OF LOT EIGHT (8), BLOCK FIVE (5) OF EDDLEMON'S ADDITION EXCESS PROPERTY, AUTHORIZING THE SALE OF SAID 20 FOOT STRIP FOR THE SUM OF \$2,500, AND AUTHORIZING AND DIRECTING THAT THE CITY MANAGER EXECUTE AND DELIVER A QUIT CLAIM DEED FOR SAID TRACT, ANY CLOSING, RECORDING AND TITLE INSURANCE EXPENSES DESIRED BY BUYERS TO BE PAID BY BUYERS.

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

Section 1. The City Council finds and determines that since June 28, 1983, the City has owned 140 feet frontage on Adams Street, which it has retained for the possible utilization and development of municipal facilities, that the City maintains a water well on said tract, but that a portion of the tract is not and will not be needed in the foreseeable future in that the North 20 feet of said tract is not of use to the City and said North 20 feet of Lot Eight, Block Five of Eddlemon's Addition is hereby declared excess property.

Section 2. The City finds, based upon comparative market analysis of lots suitable for home construction in the area, that said 20 foot strip has a fair market value of approximately \$2,500, if said strip is added to an adjacent strip converting the adjacent strip to a lot suitable for building.

Section 3. Because the 20 foot strip is excess to the City, and the adjacent owners will promptly construct a new home on the adjacent property if the strip can be acquired, the sale of said 20 foot strip to the adjacent owners, Randy Allen and Debbie Allen, husband and wife, of Lot Nine, Block Five is hereby authorized and directed for the sum of \$2,500, it being understood that the buyers will pay any desired closing, recording, and title insurance costs. Because the adjacent property is the only possible party interested in purchasing at the city's price invitation for bids will not be required all as authorized by Section 26-14(3) of the Code of the City of Nevada, Missouri.

Section 4. The City Manager is hereby authorized and directed to execute and deliver a quit claim deed from the City of Nevada, MO to said owners upon receipt of a cashier's check for \$2,500 payable to the City of Nevada, MO. The City Manager is authorized to place a reasonable restriction on time for payment to the end that the City's offer to convey the 20' strip will be withdrawn if the payment is not made within a reasonable time frame.

PASSED, APPROVED and ADOPTED by the City Council of the City of Nevada, Missouri, this 17th day of December, 2013.

CITY OF NEVADA, MISSOURI

(SEAL)

By: _____
Seth Barrett, Mayor

Attest:

Bev Baker, City Clerk

CERTIFICATION

I, the undersigned Clerk of the City of Nevada, Missouri, hereby certify that the above and foregoing Ordinance is a true and correct copy of the Ordinance adopted by the City Council of the City of Nevada, Missouri, as the same appears of record in my office and that the same has not been amended or repealed as of the ____ day of _____ 2013.

(SEAL)

Bev Baker, City Clerk

QUIT CLAIM DEED

THIS INDENTURE, made on the ____ day of _____, 2013, by and between the City of Nevada, Missouri, a third class Missouri home rule charter municipality, in Vernon County, Missouri, **GRANTOR**, and Randy Allen and Debbie Allen, husband and wife, **GRANTEES**, whose mailing address is 917 N. Adams, Nevada, Missouri 64772, and 16534 County RD 63, Houston, AL 35572,

WITNESSETH, that the said **GRANTOR**, in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, to it paid by the said **GRANTEES**, the receipt of which is hereby acknowledged, does by the presents REMISE, RELEASE, AND FOREVER QUIT CLAIM unto the said **GRANTEES**, and unto their heirs and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Vernon and State of Missouri, to-wit:

THE NORTH TWENTY FEET (20') OF LOT EIGHT (8), BLOCK FIVE (5) OF EDDLEMON'S ADDITION TO THE CITY OF NEVADA, MISSOURI, AS PER THE RECORDED PLAT THEREOF, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

TO HAVE AND TO HOLD the premises aforesaid, with all singular, the rights, privileges, appurtenances and immunities thereto belonging, or in any wise appertaining, unto the said **GRANTEES**, and unto their heirs and assigns forever, so that neither that said **GRANTOR**, nor it's successors nor any other person or entity for it or in its name or behalf shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they or everyone of them shall by these presents be excluded and forever barred.

IN WITNESS WHEREOF, the said **GRANTOR** has hereunto set its hand the day and year first above written.

CITY OF NEVADA, MISSOURI:

By: _____
J.D. Kehrman, City Manager

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF VERNON) **) ss.**

On this ____ day of November 2013, before me personally appeared J.D. Kehrman, City Manager, to me personally known, who, being by me duly sworn did say that he is the City Manager of the City of Nevada, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said municipality, and that said instrument was signed and sealed in behalf of said municipality by authority of Bill No. _____, Ordinance No. _____, passed, approved, and adopted by the City Council of the City of Nevada, Missouri, on _____, 2013, and acknowledges said instrument to be the free act and deed of said City of Nevada, Missouri.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Nevada, Vernon County, Missouri, the day and year first above written.

(SEAL)

Notary Public, State