

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 138-08

AN ORDINANCE

authorizing the City Manager to execute a grant of easement to Boone Electric Cooperative necessary for the construction of a baseball field complex on the Atkins tract located north of the Boone County Fairgrounds; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute a grant of easement for electric purposes to Boone Electric Cooperative necessary for the construction of a baseball field complex on the Atkins tract located north of the Boone County Fairgrounds.

SECTION 2. The form and content of the easement shall be substantially as set forth in "Attachment A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2008.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

“ATTACHMENT A”

**RIGHT OF WAY EASEMENT
BOONE ELECTRIC COOPERATIVE, INC.
EASEMENT NUMBER _____**

**RIGHT-OF-WAY EASEMENT
Boone Electric Cooperative Work Order# 07-11523**

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF COLUMBIA the undersigned, whether one or more, (hereinafter called “Grantor”), for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant unto Boone Electric Cooperative, a Missouri rural electric cooperative, whose address is 1413 Rangeline St., PO Box 797, Columbia, Missouri, 65205-0797, (hereinafter called “Grantee”) and to its successors and assigns, the perpetual right and easement to enter upon the lands of the undersigned, situated in the County of Boone, State of Missouri, and more particularly described as follows:

A tract of land located in the East half of the Southwest ¼ of Section 20, Township 49 North, Range 12 West, Boone County, Missouri and being part of the property described by the survey recorded in Book 505, Page 847, and the property described by the warranty deed recorded in Book 2092, Page 907, both of Boone County Records, Boone County, Missouri and more particularly described as follows:

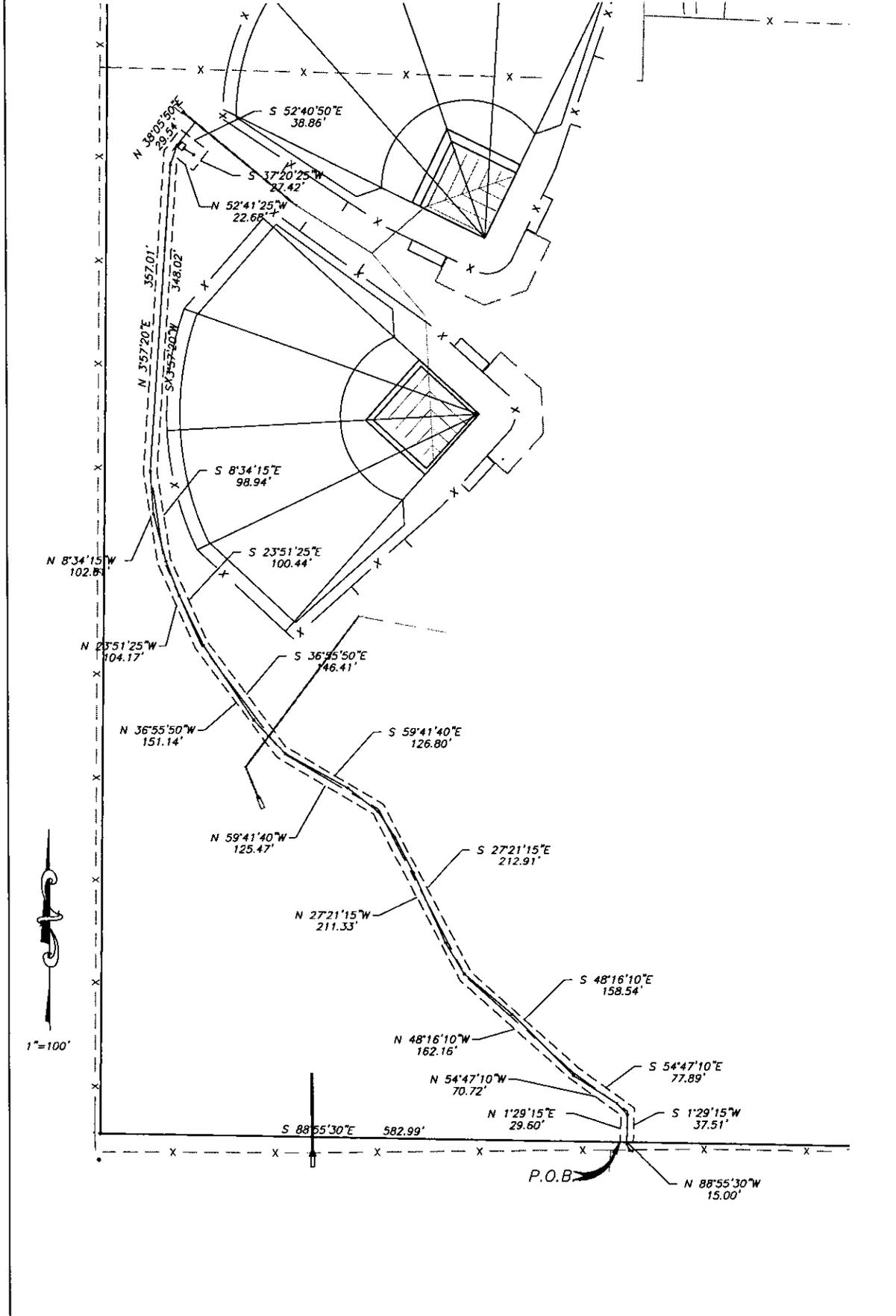
COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 20, TOWNSHIP 49 NORTH, RANGE 12 WEST; THENCE S88°55'30"E, 582.99 FEET TO THE POINT OF BEGINNING; THENCE N1°29'15"E, 29.60 FEET; THENCE N54°47'10"W, 70.72 FEET; THENCE N48°16'10"W, 162.16 FEET; THENCE N27°21'15"W, 211.33 FEET; THENCE N59°41'40"W, 125.47 FEET; THENCE N36°55'50"W, 151.14 FEET; THENCE N23°51'25"W, 104.17 FEET; THENCE N8°34'15"W, 102.61 FEET; THENCE N3°57'20"E, 357.01 FEET; THENCE N38°05'50"E, 29.54 FEET; THENCE S52°40'50"E, 38.86 FEET; THENCE S37°20'25"W, 27.42 FEET; THENCE N52°41'25"W, 22.68 FEET; THENCE S3°57'20"W, 348.02 FEET; THENCE S8°34'15"E, 98.94 FEET; THENCE S23°51'25"E, 100.44 FEET; THENCE S36°55'50"E, 146.41 FEET; THENCE S59°41'40"E, 126.80 FEET; THENCE S27°21'15"E, 212.91 FEET; THENCE S48°16'10"E, 158.54 FEET; THENCE S54°47'10"E, 77.89 FEET; THENCE S1°29'15"W, 37.51 FEET; THENCE N88°55'30"W, 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 20,751 SQUARE FEET.

And to place, replace, construct, reconstruct, erect, relocate, modify, change operating voltage, patrol, repair, operate and maintain thereon, and in or upon all streets, roads or highways abutting said lands, either above ground or underground or a combination of both, communication and electric distribution lines of one or more circuits, poles, towers, wire, guys brace poles, guy wires, anchors, cables, fiber optics, line, lines or systems and other appurtenances for the distribution of electrical energy and communication data or information of any type whatsoever, to and across the above described lands of the undersigned.

The easement granted herein shall be 15 feet in width, being 7.5 feet on each side of its centerline as and when installed. Furthermore, for any guys brace poles, guy wires, anchors and other appurtenances that extend outside of the 15 foot wide easement, said easement shall continue and extend out n/a feet wide, n/a feet on each side of the centerline of any guys brace poles, guy wires, anchors and other appurtenances, and thereafter continue at a radius of n/a feet around all anchors or other appurtenances. The location of the easement granted herein on the above described lands of the undersigned shall be defined and fixed upon completion of the communication and electric distribution lines when and as initially constructed.

The location of the burden shall be fixed to the degree occupied by the initial structure upon completion of such structure, except as otherwise provided for herein. Upon completion of construction of the initial structures within said easement, the burden, scope of use, and footprint shall be fixed, except as otherwise provided for herein. Nothing set forth herein shall be deemed to limit Grantee’s right and ability to upgrade, expand or extend any electric line, cable, fiber optics or other lines, or communication systems, data or

EXHIBIT



Source

TO: City Council
FROM: City Manager and Staff
DATE: April 24, 2008
RE: Boone Electric Easement for Atkins Tract



Mike Hood
~~MAX~~

Summary:

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute a 15-ft Electric Line Easement in favor of Boone Electric Cooperative of Boone County, Missouri for the location of their facilities due to the construction of a baseball field complex at the Atkins tract co-owned by Boone County and the City of Columbia.

Fiscal Impact

YES

NO X

Project Description:

On April 16, 2007 the Columbia City Council authorized the department to proceed with the development of two baseball fields on the Atkins tract located north of the Boone County Fairgrounds. This tract is co-owned by Boone County and the City of Columbia with an agreement that the City will be responsible for the development and operation of the tract. By mutual agreement, the City of Columbia will provide water and sewer to the tract with Boone Electric responsible for electrical needs. Future City of Columbia electrical service may be available depending on the electrical needs associated with the construction of the Waco Road extension.

Other Info.

SUGGESTED COUNCIL ACTION

Approval of the Resolution.