

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 290-13

### **AN ORDINANCE**

vacating sewer easements as part of the South Country Club Drive PCCE #6 sewer improvement project; directing the City Clerk to have a copy of this ordinance recorded; accepting conveyances; directing the City Clerk to have the conveyances recorded; 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 Council finds and determines that certain easements obtained as part of the South Country Club Drive PCCE #6 sewer improvement project, more particularly described as follows:

#### **Permanent Sewer Easement**

A strip of land sixteen (16) feet in width across a tract of land as described in a warranty deed recorded in Book 1196 at Page 601, also being Tract 1 of a survey as shown in Book 279 at Page 190, both of the Boone County Records; situate in the north half (1/2) of the southeast quarter (1/4) of Section 7, Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said strip being described as follows:

Beginning at the northwest corner of said Tract 1; thence along the west line of said tract, S.2°14'15"W., 16.03 feet; thence leaving said line, S.84°02'15"E., 18.35 feet; thence N.5°57'45"E., 16.00 feet to the north line of said tract; thence along said line, N.84°02'15"W., 19.40 feet to the POINT OF BEGINNING and containing 302 square feet.

#### **Temporary Construction Easement**

An irregular shaped parcel of land located on a tract of land as described in a warranty deed recorded in Book 1196 at Page 601, also being Tract 1 of a survey as shown in Book 279 at Page 190, both of the Boone County Records; situate in the north half (1/2) of the southeast quarter (1/4) of Section 7, Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said strip being described as follows:

Beginning at the northwest corner of said Tract 1; thence along the west line of said tract, S.2°14'15"W., 38.55 feet; thence leaving said line, S.84°26'25"E., 121.51 feet; thence S.39°03'50"E., 51.04 feet; thence N.5°57'45"E., 60.45 feet to the north line of said tract; thence along said line, N.61°29'50"W., 34.55 feet to a corner on the north side of said tract; thence continuing along said line, N.84°02'15"W., 128.20 feet to the POINT OF BEGINNING and containing 6,167 square feet exclusive of 302 square feet of permanent sanitary sewer easement granted this date.

are in excess and surplus to the needs of the City and are hereby vacated.

SECTION 2. The City Clerk is hereby authorized and directed to cause a copy of this ordinance to be recorded in the office of the Recorder of Deeds of Boone County, Missouri.

SECTION 3. The conveyances to the City of Columbia, Missouri, a municipal corporation, more particularly described as follows:

Grant of Easement for sewer purposes from Gary L. and Patty Gramm Kespohl, dated August 13, 2013, more particularly described in Exhibit "A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

Agreement for Temporary Construction Easement from Gary L. and Patty Gramm Kespohl, dated August 13, 2013, more particularly described in Exhibit "B" attached hereto and made a part hereof as fully as if set forth herein verbatim.

are hereby accepted.

SECTION 4. The City Clerk is hereby authorized and directed to have the conveyances recorded in the office of the Boone County Recorder of Deeds.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

**GRANT OF EASEMENT FOR SEWER PURPOSES**

THIS INDENTURE, made on the 13<sup>th</sup> day of August, 2013, by and between Gary L. and Patty Gramm Kespohl, husband and wife, of the County of Boone in the State of Missouri, Grantor, and the City of Columbia, Missouri, a municipal corporation in the County of Boone and the State of Missouri, Grantee; Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205;

WITNESSETH:

That Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, to us in hand paid by the City of Columbia, Missouri, Grantee, mailing address Post Office Box 6015, Columbia, MO 65205, a municipal corporation, the receipt of which is hereby acknowledged, do hereby grant unto said City, its successors and assigns, the right, privilege and authority to construct, operate, replace, repair and maintain sewers and pipes, including the necessary manholes and other fixtures, under, across and upon the following described real estate, owned by us, situated in the County of Boone, State of Missouri, to wit:

**Project: PCCE #6 – S. Country Club Drive**

**Parcel: 17-118-00-00-002.00 01**

A strip of land sixteen (16) feet in width across a tract of land as described in a warranty deed recorded in Book 1196 at Page 601, also being Tract 1 of a survey as shown in Book 279 at Page 190, both of the Boone County Records; situate in the north half (1/2) of the southeast quarter (1/4) of Section 7, Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said strip being described as follows:

Beginning at the northwest corner of said Tract 1; thence along the west line of said tract, S.2°14'15"W., 16.03 feet; thence leaving said line, S.84°02'15"E., 101.41 feet; thence N.5°57'45"E., 16.00 feet to the north line of said tract; thence along said line, N.84°02'15"W., 102.45 feet to the POINT OF BEGINNING and containing 1,631 square feet. *(see attachment A)*

Said easement being the right to construct, operate, replace, repair and maintain sewers and pipes under or across said easement, and rights incidental and covenant thereto, and a right of access thereto over the above-described tract of land across the Grantor=s adjacent property.

This grant includes the right of the City of Columbia, Missouri, its officers, agents and employees, to enter upon said real estate at any time for the purpose of exercising any of the rights herein granted; also the right to trim, clear or remove, at any time from said easement any tree, brush, structure or obstruction of any kind or character whatsoever which, in the reasonable judgment of the City may endanger the safety of or interfere with the operation and maintenance of said City's facilities.

The Grantor covenants that, subject to liens and encumbrances of record at the date of this easement, they are the owners of the above-described land and have the right and authority to make and execute this Grant of Easement.

Witness our hands the day and year first written above.

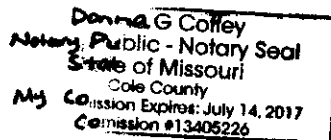
Gary L. Kespohl  
Gary L. Kespohl  
Patty Gramm Kespohl  
Patty Gramm Kespohl

STATE OF Missouri                     )  
  )ss.  
COUNTY OF Boone                    )

On this 13<sup>th</sup> day of August in the year 2013, before me, a Notary Public in and for said state, personally appeared, Gary L. and Patty Gramm Kespohl, husband and wife, who being by me duly sworn, acknowledged that they executed the same as their free act and deed for the purposes therein stated.




IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.

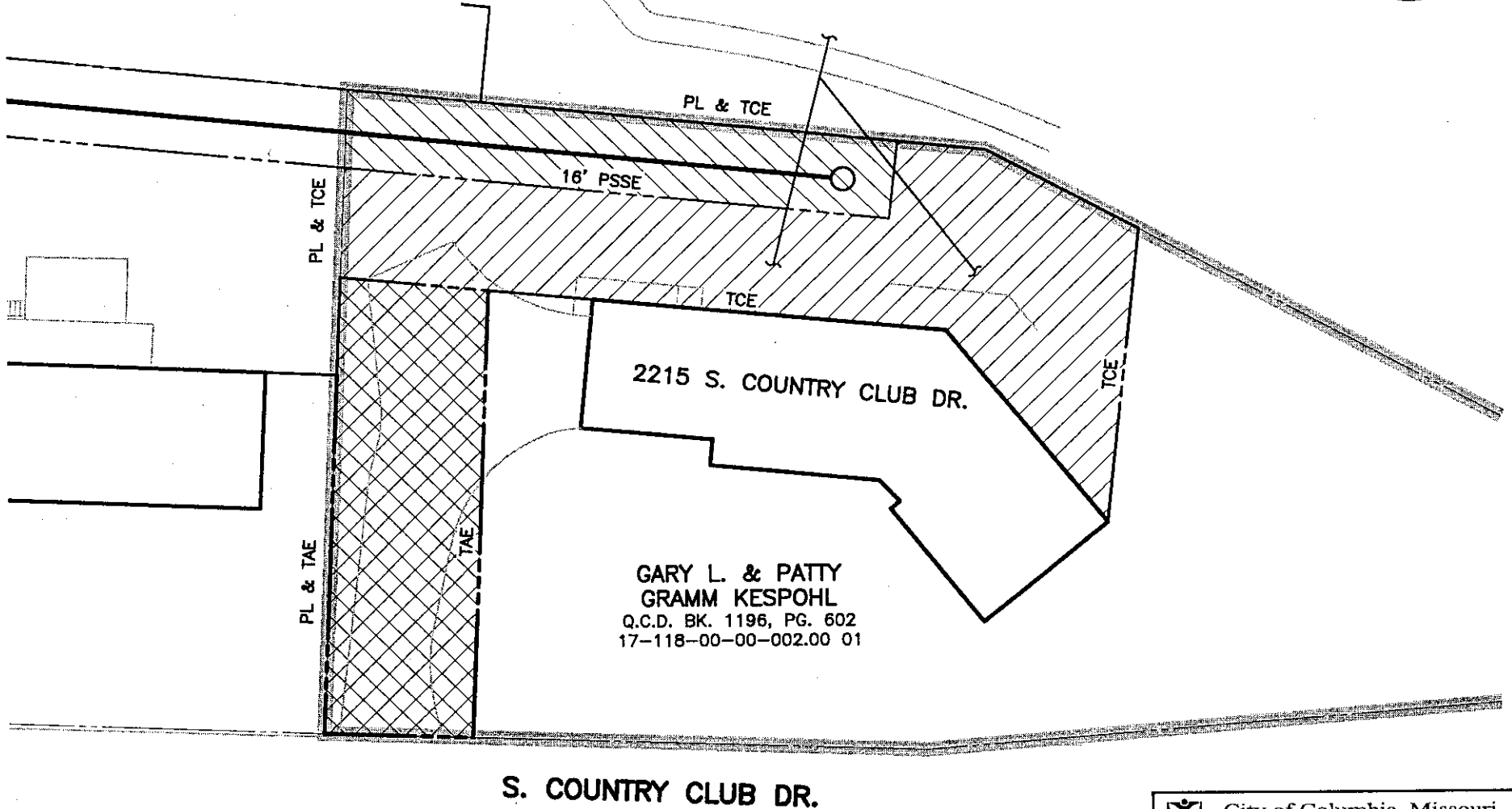
Donna Coffey  
Notary Public   Donna Coffey



Attachment A



-  Temporary Construction Easement
-  Permanent Sanitary Sewer Easement
-  Temporary Access Easement



City of Columbia, Missouri  
Department of Public Works

Easement Diagram  
2215 S. Country Club Dr  
PCCE #6

Scale: 1"=30' Dwn: J.K.M. Date: 6/12/13

**AGREEMENT FOR TEMPORARY CONSTRUCTION EASEMENT**

THIS AGREEMENT for temporary construction easement entered into this 13<sup>th</sup> day of August, 2013, by and between Gary L. and Patty Gramm Kespohl, husband and wife, Grantor, and the City of Columbia, Missouri, Grantee; Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205, a municipal corporation in the County of Boone and the State of Missouri;

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the City of Columbia, Missouri, the receipt of which is hereby acknowledged, do hereby grant unto the Grantee, a temporary easement and right-of-way to be in effect during the time of construction of the **PCCE #6 – South Country Club Drive** project in Boone County for the following purposes, namely: to provide access to said construction project by granting the right to enter upon, permanently alter the grade, store materials, and operate and park equipment on, over and across the right-of-way hereinafter described, which is located within the boundaries of a parcel of land situated in the County of Boone and State of Missouri and described as follows:

**Project: PCCE #6 – South Country Club Drive**

**LEGAL DESCRIPTION:**

An irregular shaped parcel of land located on a tract of land as described in a warranty deed recorded in Book 1196 at Page 601, also being Tract 1 of a survey as shown in Book 279 at Page 190, both of the Boone County Records; situate in the north half (1/2) of the southeast quarter (1/4) of Section 7, Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said strip being described as follows:

Beginning at the northwest corner of said Tract 1; thence along the west line of said tract, S.2°14'15"W., 38.55 feet; thence leaving said line, S.84°26'25"E., 121.51 feet; thence S.39°03'50"E., 51.04 feet; thence N.5°57'45"E., 60.45 feet to the north line of said tract; thence along said line, N.61°29'50"W., 34.55 feet to a corner on the north side of said tract; thence continuing along said line, N.84°02'15"W., 128.20 feet to the POINT OF BEGINNING and containing 4,823 square feet exclusive of permanent sanitary sewer easement granted this date (see Attachment A)

TO HAVE AND TO HOLD said temporary easement and right-of-way unto the Grantee and to its successors

and assigns during the period of construction herein referred to. Said easement shall cease within one year of acceptance of the completed construction project by the City Council or other date as specified in the City's acceptance of the project.

This grant includes the right of the City of Columbia, Missouri, its officers, agents and employees, to enter upon said real estate at any time during the time of construction for the purpose of exercising any of the rights herein granted.

The Grantor covenants that they have the right and authority to make and execute this agreement.

Gary L. Kespohl  
Gary L. Kespohl

Patty Gramm Kespohl  
Patty Gramm Kespohl

STATE OF Missouri                     )  
  )ss.  
COUNTY OF Boone                    )

On this 13<sup>th</sup> day of August, 2013, before me, a Notary Public in and for said state, personally appeared Gary L. and Patty Gramm Kespohl, husband and wife, known to me to be the persons described in and who executed the foregoing instrument, who being by me duly sworn, acknowledged that they executed the same as a free act and deed for the purposes therein stated.




IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.

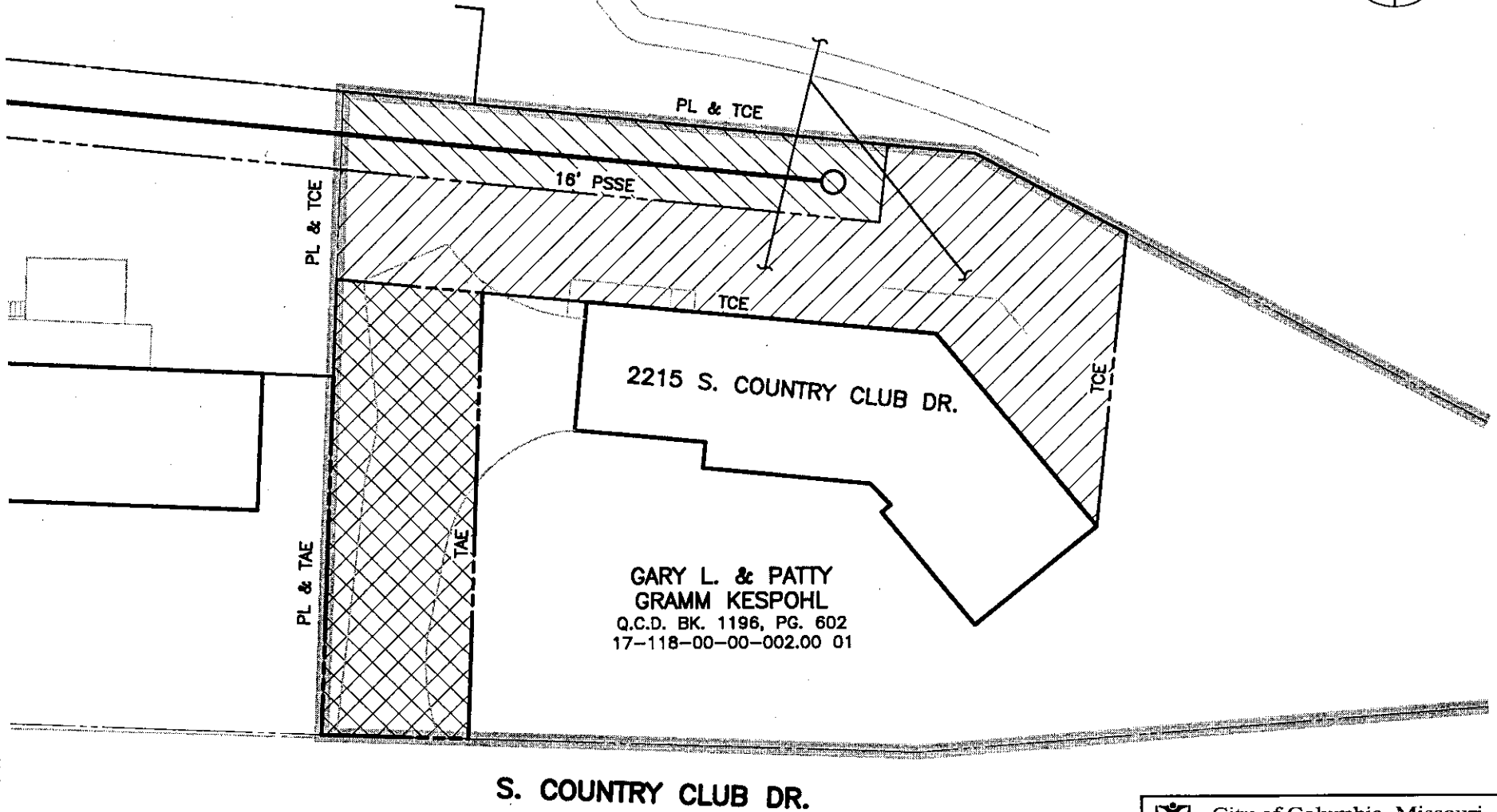
Donna Coffey  
Notary Public   Donna Coffey

Donna G Coffey  
Notary Public - Notary Seal  
State of Missouri  
Cole County  
My Commission Expires: July 14, 2017  
Commission #13405226





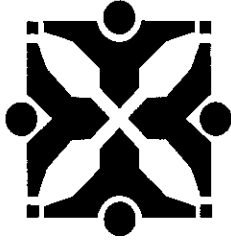
-  Temporary Construction Easement
-  Permanent Sanitary Sewer Easement
-  Temporary Access Easement



City of Columbia, Missouri  
Department of Public Works

Easement Diagram  
2215 S. Country Club Dr  
PCCE #6

Scale: 1"=30' Dwn: J.K.M. Date: 6/12/13



Source: Community Development - Planning 

Agenda Item No:

To: City Council

From: City Manager and Staff 

Council Meeting Date: Oct 7, 2013

**Re:** PCCE #6 permanent and temporary sewer easement vacation and dedication (Case #13-160)

**EXECUTIVE SUMMARY:**

A request by the City of Columbia Public Works Department (owner) to vacate and dedicate sanitary sewer easements associated with the PCCE #6 (South Country Club Drive) project. The easement vacations and dedications are located on property addressed as 2215 S. Country Club Drive. **(Case # 13-160)**

**DISCUSSION:**

The City's Public Works Department is currently in the process of completing the construction associated with PCCE #6 - South Country Club Drive. As part of the installation process field changes were made to optimize the location of the new sewer line. As a result, the previously recorded permanent and temporary easements need to be vacated and new easements need to be dedicated. The previously acquired easements do not match the improvements being installed.

This request has been reviewed by internal and external departments/agencies and is supported for approval. A project location map and the legal descriptions and maps for the easements to be vacated and dedication are attached.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

**SUGGESTED COUNCIL ACTIONS:**

Approval of the request to vacate existing easements associated with PCCE #6 and acceptance of new easements for temporary construction access and the actual improvement being installed.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A





**SUBJECT  
SITE**

COUNTRY CLUB DR S

ANITA CT

BRENDA LN

ELMER DR

CALVIN DR

DIVOT DR

PARKVIEW DR

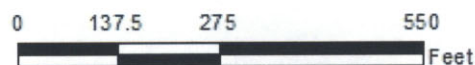
WALNUT ST E

Boone County Assessor's Office, Sanborn Map Company



Parcel Data and Aerial Photo  
Source: Boone County Assessor

# **13-160 Sewer Easment Vacation & Dedication 2215 S. Country Club Drive**





**Kespohl Permanent and Temporary Legal Descriptions to be Vacated**

**Project: PCCE #6 – South Country Club Drive – Sewer Easement**

**LEGAL DESCRIPTION**

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**Project PCCE #6 – South Country Club Drive – Temporary Easement**

**LEGAL DESCRIPTION**

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P.O.B.

N84°02'15"W  
19.40'

S02°14'15"W  
16.03'

N05°57'45"E  
16.00'

S84°02'15"E  
18.35'

2215 S. COUNTRY CLUB DR.

GARY L. & PATTY  
GRAMM KESPOHL  
Q.C.D. BK. 1196, PG. 601  
17-118-00-00-002.00 01

S. COUNTRY CLUB DR.



City of Columbia, Missouri  
Department of Public Works

Permanent Sanitary  
Sewer Easement  
2215 S. Country Club Dr

Scale: 1"=30' Dwn: B.F.R. Date: 12/01/11



P.O.B.

N84°02'15"W  
128.20'

N61°29'50"W  
34.55'

S02°14'15"W  
38.55'

121.51'

S84°26'25"E

2215 S. COUNTRY CLUB DR.

51.04'  
S39°03'50"E

60.45'  
N05°57'45"E

GARY L. & PATTY  
GRAMM KESPOHL  
Q.C.D. BK. 1196, PG. 601  
17-118-00-00-002.00 01

S. COUNTRY CLUB DR.



City of Columbia, Missouri  
Department of Public Works

Temporary Construction  
Easement  
2215 S. Country Club Dr

Scale: 1"=30'    Dwn: BFR    Date: 12/01/11

**Kespohl Sewer and Temporary Easements to be Dedicated**

**Project: PCCE #6 – S. Country Club Drive - Permanent**

**Parcel: 17-118-00-00-002.00 01**

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**Project: PCCE #6 – South Country Club Drive - Temporary**

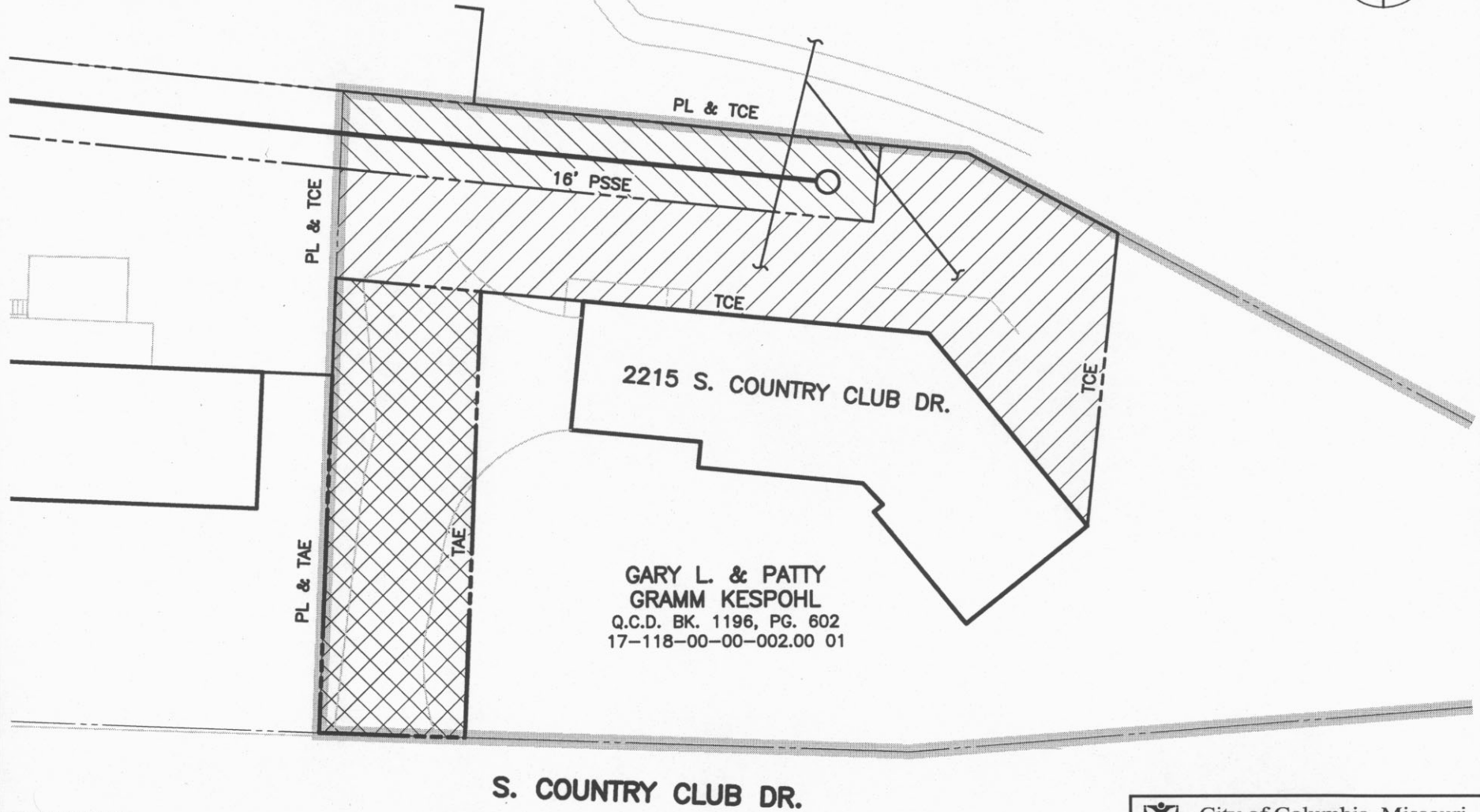
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-  Temporary Construction Easement
-  Permanent Sanitary Sewer Easement
-  Temporary Access Easement



City of Columbia, Missouri  
Department of Public Works

Easement Diagram  
2215 S. Country Club Dr  
PCCE #6

Scale: 1"=30' Dwn: J.K.M. Date: 6/12/13