

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

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

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

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

Council Bill No. B 291-13

**AN ORDINANCE**

vacating a water utility easement located on the west side of Old 63 and north of Grindstone Parkway; directing the City Clerk to have a copy of this ordinance recorded; accepting a conveyance for water utility purposes; directing the City Clerk to have the conveyance 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 a certain water utility easement, located on the west side of Old 63 and north of Grindstone Parkway, more particularly described as follows:

A TRACT OF LAND LOCATED IN SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING THE TRACT DESCRIBED BY DOCUMENT RECORDED IN BOOK 2471, PAGE 87 OF THE BOONE COUNTY RECORDS.

is in excess and surplus to the needs of the City and is 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 conveyance to the City of Columbia, Missouri, a municipal corporation, more particularly described as follows:

Grant of Easement for water utility purposes from South Canyon View, LLC, dated September 27, 2013, more particularly described in "Attachment A," attached hereto and made a part hereof as fully as if set forth herein verbatim.

is hereby accepted.

SECTION 4. The City Clerk is hereby authorized and directed to have the conveyance 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 WATER UTILITY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

THAT, South Canyon View LLC, a Missouri Limited Liability Company, hereinafter referred to as Grantor, whose mailing address is 5715 Rabbit Run Dr East, Columbia, MO 65201 on this 27<sup>th</sup> day of SEPTEMBER, 2013, in consideration of the sum of Ten Dollars to us in hand paid by the City of Columbia, Missouri, a municipal corporation, hereinafter referred to as Grantee, whose mailing address is P.O. Box 6015, Columbia, MO 65205, the receipt of which is hereby acknowledged, do hereby grant unto said Grantee, its successors and assigns, an easement for the right, privilege, and authority to construct, operate, replace, repair, and maintain water mains, including the necessary pipes, valves, manholes, hydrants, and other appurtenances, over, under, across, and upon the following described real estate, owned by us, situated in the County of Boone, State of Missouri, to-wit:

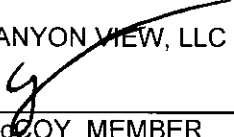
A TRACT OF LAND LOCATED IN SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOT 101 OF SOUTH CANYON VIEW PLAT 1 AS RECORDED IN BOOK 2833, PAGE 159 OF THE BOONE COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF LOT 102 OF SAID PLAT, THENCE N71°36'10"W, 16.55 FEET TO THE POINT OF BEGINNING; THENCE S80°19'45"W, 20.00 FEET; THENCE N9°40'15"W, 20.00 FEET; THENCE N80°19'45"E, 20.00 FEET; THENCE S9°40'15"E, 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 400 SQUARE FEET. (See attached Exhibit A)

This grant includes the right of the Grantee, 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, and includes, also, the right to trim, cut, clear, or remove, at any time from said easement trees, brush, and any and all obstructions of whatsoever kind or character which, in the judgment of said Grantee, may endanger the safety of or interfere with the operation and maintenance of said Grantee's facilities; and the right of ingress and egress to and from the herein described easement over any of the adjoining lands of the Grantor for the purpose of exercising any of the rights herein granted.

The Grantor agrees that it will not erect any building or structure on the herein described easement or permit any hazard or obstruction of any kind on said easement or on premises of the Grantor adjoining the same on either side which, in the judgment of the Grantee, shall interfere with the construction, placement, operation, and maintenance of the Grantee's facilities. The Grantor covenants, subject to liens and encumbrances of record at the date of this easement, that it is the owner of the above described land and has the right and authority to make and execute this agreement.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the day and year first above written

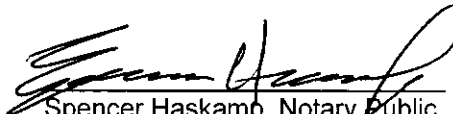
SOUTH CANYON VIEW, LLC  
By  \_\_\_\_\_  
WAYNE MCCOY, MEMBER

STATE OF MISSOURI )  
  ) ss.  
COUNTY OF BOONE )

On this 27<sup>th</sup> day of SEPTEMBER, 2013, before me, a notary public, appeared Wayne McCoy, to me personally known, who, being by me duly sworn, did say that he is a Member of South Canyon View LLC, a Missouri Limited Liability Company, and that said instrument was signed in behalf of said company and further acknowledged to me that he executed the same for the purposes therein stated and that he has been granted the authority by said company to execute the same.

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

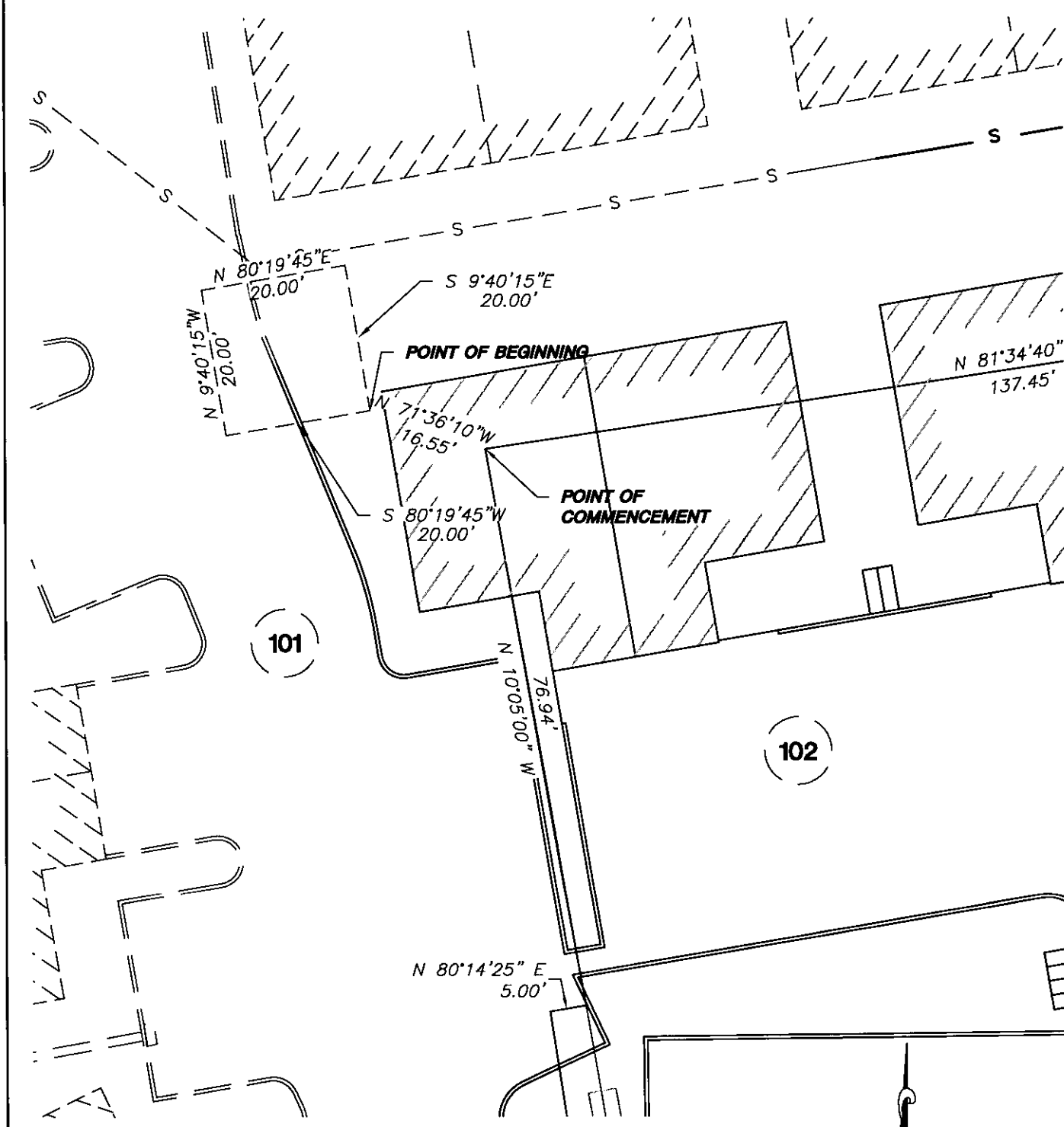
My commission expires: July 11, 2015

  
Spencer Haskamp, Notary Public

SPENCER HASKAMP  
Notary Public - Notary Seal  
State of Missouri  
County of Boone  
My Commission Expires July 11, 2015  
Commission #11116674

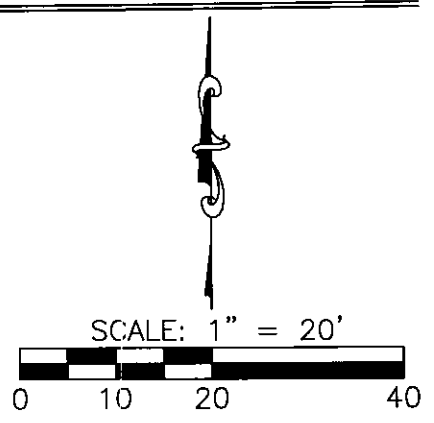
# EASEMENT DEDICATION EXHIBIT A

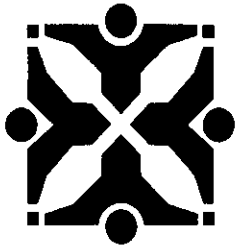
X:\Project\MCCOY\South Canyon View\Drawings\SCV Common.dwg EXHIBITS



101

102





Source: Community Development - Planning <sup>TT</sup>

Agenda Item No:

To: City Council

From: City Manager and Staff MM

Council Meeting Date: Oct 7, 2013

Re: South Canyon View, LLC - easement vacation & dedication request (Case #13-173)

**EXECUTIVE SUMMARY:**

A request by South Canyon View, LLC to vacate an easement and dedicate a replacement easement for water utility purposes. The subject site is located on the west side of Old 63, approximately 2,000 feet north of Grindstone Parkway. (Case 13-173)

**DISCUSSION:**

The request is to vacate a water utility easement that interferes with a proposed new building location. The applicant is requesting to simultaneously dedicate a replacement easement to cover the affected utility.

Locator maps and descriptions of the easements to be vacated and dedicated are attached.

**FISCAL IMPACT:**

None.

**VISION IMPACT:**

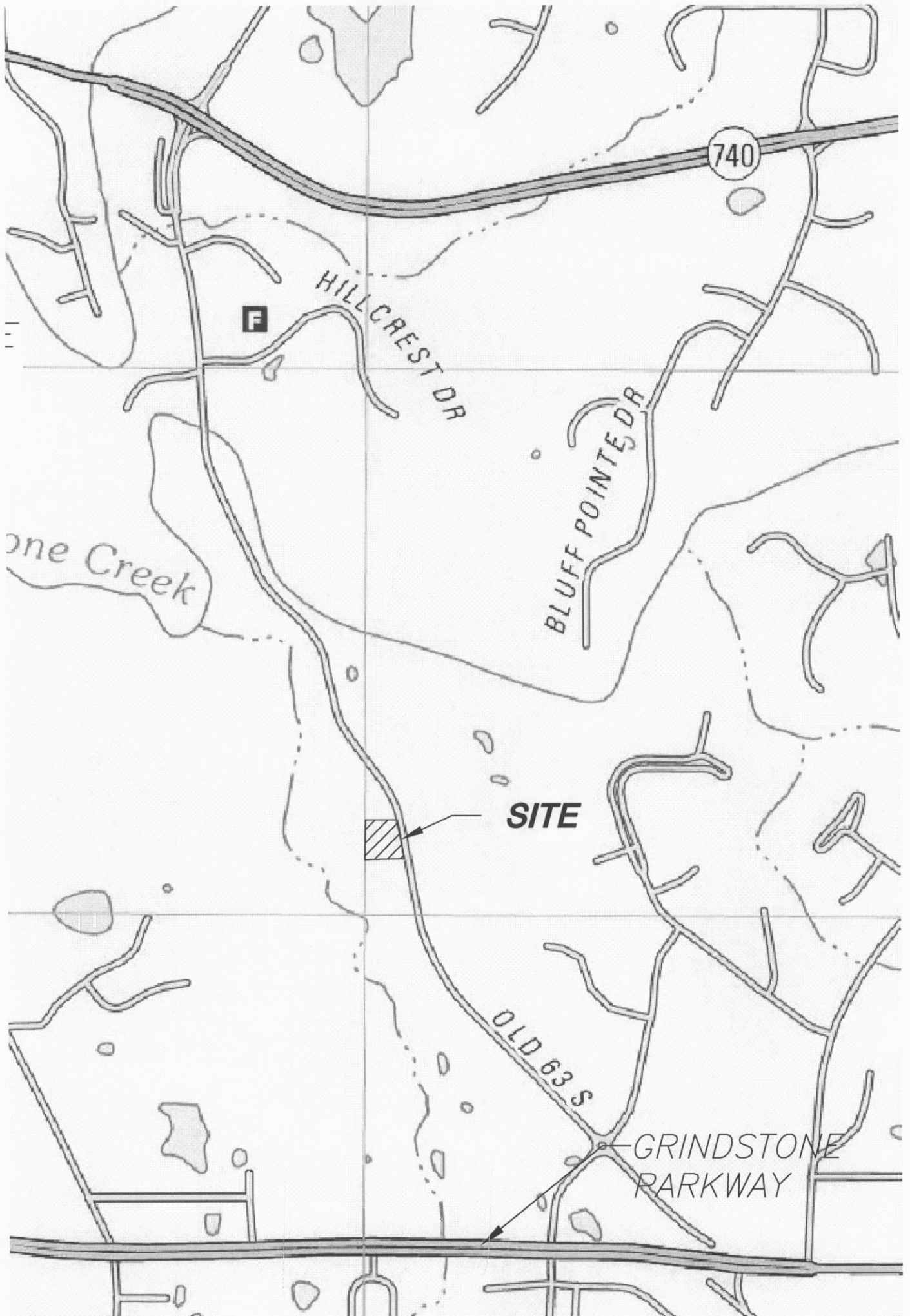
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

**SUGGESTED COUNCIL ACTIONS:**

Approval of the requested easement vacation and dedication.

<b>FISCAL and VISION NOTES:</b>					
<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
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/Epands an existing program?	No	<b>Vision Implementation impact</b>	
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:		<b>Resources Required</b>		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



740

HILLCREST DR

BLUFF POINTE DR

one Creek

SITE

OLD 63 S

GRINDSTONE PARKWAY

F



# EASEMENT VACATION EXHIBIT

X:\Project\MCCOY\South Canyon View\Drawings\SCV Common.dwg EXHIBITS

