

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

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

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

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

Council Bill No. B 376-13

**AN ORDINANCE**

vacating a sanitary sewer easement on Lot 4 within Academy Village Subdivision Plat 1 located on the south side of Green Meadows Road and east of Providence Road; directing the City Clerk to have a copy of this ordinance recorded; accepting a conveyance for sanitary sewer 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 a sanitary sewer easement on Lot 4 within Academy Village Subdivision Plat 1 located on the south side of Green Meadows Road and east of Providence Road, more particularly described as follows:

A 16 FOOT WIDE SANITARY SEWER EASEMENT LOCATED IN SECTION 25, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOTS 1 AND 4 OF ACADEMY VILLAGE PLAT 1 AS SHOWN BY PLAT BOOK 42 PAGE 43 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING 8 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

STARTING AT THE NORTH EAST CORNER OF SAID LOT 1, THENCE WITH NORTH LINE OF SAID LOT 1 S 18° 10'45" W, 5.00 FEET; THENCE WITH A NON TANGENT CURVE TO THE LEFT 6.78 FEET, CURVE RADIUS 418.00 FEET, CHORD N 72°17'00"W, 6.75 FEET TO THE CENTERLINE OF A SANITARY SEWER EASEMENT AS SHOWN BY SAID ACADEMY VILLAGE PLAT 1; THENCE LEAVING THE NORTH LINE OF SAID LOT 1 AND WITH SAID CENTERLINE S 09°32'15" W, 49.00 FEET TO THE POINT OF BEGINNING;

THENCE N 82°28'15"W, 247.90 FEET; THENCE S 12°28'30"W, 119.60 FEET; THENCE S 07°31'45"W, 31.95 FEET TO THE END OF THIS CENTERLINE AND EASEMENT.

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 sewer purposes from Wendling Development, LLC, dated December 6, 2013, more particularly described in Exhibit "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 \_\_\_\_\_, 2014.

ATTEST:

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

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

APPROVED AS TO FORM:

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

**GRANT OF EASEMENT FOR SEWER PURPOSES (SANITARY)**

THIS INDENTURE, made on the 6 day of December, 2013, by and between Wendling Development LLC, a **limited liability company** of the State of Missouri, Grantor, and the City of Columbia, a municipal corporation, Grantee, Grantee's mailing address Post Office Box 6015, Columbia, MO 65205

WITNESSETH:

That the said Grantor in consideration of the sum of TEN DOLLARS ( \$ 10.00 ) and other valuable considerations paid by the City of Columbia, Missouri, the receipt of which is hereby acknowledged, does 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:

See Attachment A

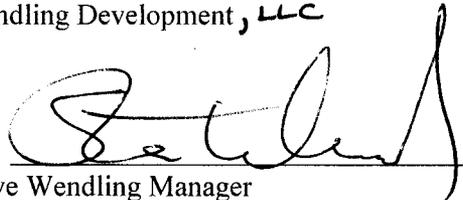
Said easement being the right to construct, operate, replace, repair and maintain sewers and pipes under or across said easement, and right of access thereto over the above described tract of land along any reasonable route designated in writing by the owner thereof and accepted by the City of Columbia, Missouri; or in the absence of such reasonable designation and acceptance, a reasonable right of access as designated by the City of Columbia, Missouri, its agents, officers or employees.

The 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, it is the owner of the above described land and has the right and authority to make and execute this Grant of Easement.

IN WITNESS WHEREOF, the said Wendling Development LLC,  
has caused these presents to be signed by its authorized member the day and year first written above.

Wendling Development, LLC

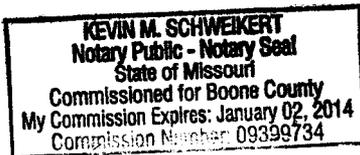
By:   
Steve Wendling Manager

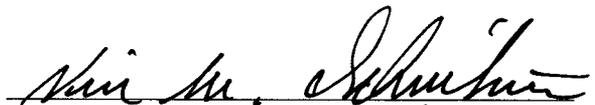
STATE OF MISSOURI     )  
                                  )ss.  
COUNTY OF BOONE     )

On this 6 day of December in the year 2013, before me, a Notary Public in and for said state, personally appeared, Steve Wendling, who being by me duly sworn, acknowledged that he is a member of Wendling Development LLC, a limited liability company, and that said instrument was signed in behalf of said company and further acknowledged that they executed the same as a free act and deed for the purposes therein stated and that they have been granted the authority by said limited liability company to execute the same.

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

(SEAL)



  
Notary Public Kevin M. Schweikert

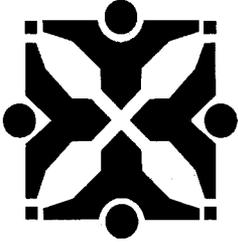
My commission expires: January 2, 2014

ATTACHMENT A

SANITARY SEWER EASEMENT DESCRIPTION:

A 16 FOOT WIDE SANITARY SEWER EASEMENT LOCATED IN SECTION 25, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOTS 1,2,3 AND 4 OF ACADEMY VILLAGE PLAT 1 AS SHOWN BY PLAT BOOK 42 PAGE 43 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING 8 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

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Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Dec 16, 2013

Re: Academy Village Subdivision Plat 1, Lot 4 - easement vacation & dedication request (Case #13-231)

**EXECUTIVE SUMMARY:**

A request by Wendling Development, LLC (owner) to vacate a sanitary sewer easement and dedicate a replacement easement within Lot 4 of Academy Village Subdivision Plat 1. The subject site is located on the south side of Green Meadows Road, east of Providence Road (Case #13-231)

**DISCUSSION:**

The request is to vacate a sewer easement that does not fully cover the sewer line it was intended to protect, and to dedicate a replacement sewer easement to match the location of the existing sewer.

A letter from the applicant's surveyor is attached, along with locator maps and descriptions of the easements to be vacated and dedicated.

**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

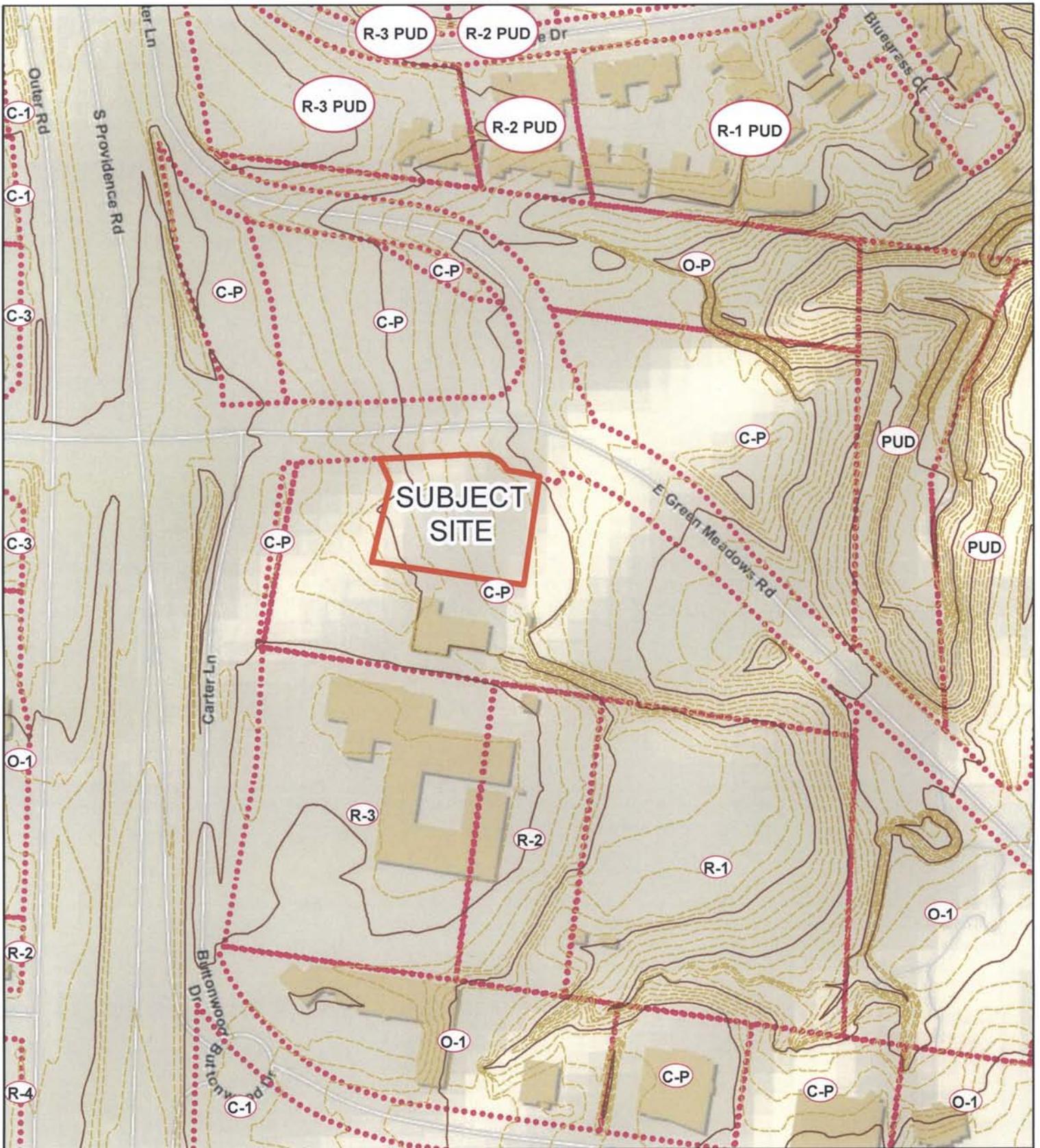
<b>FISCAL and VISION NOTES:</b>					
<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	<b>Vision 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



# 13-231: Academy Village Easement



Parcel Data Source: Boone County Assessor  
 Created by The City of Columbia - Community Development Department

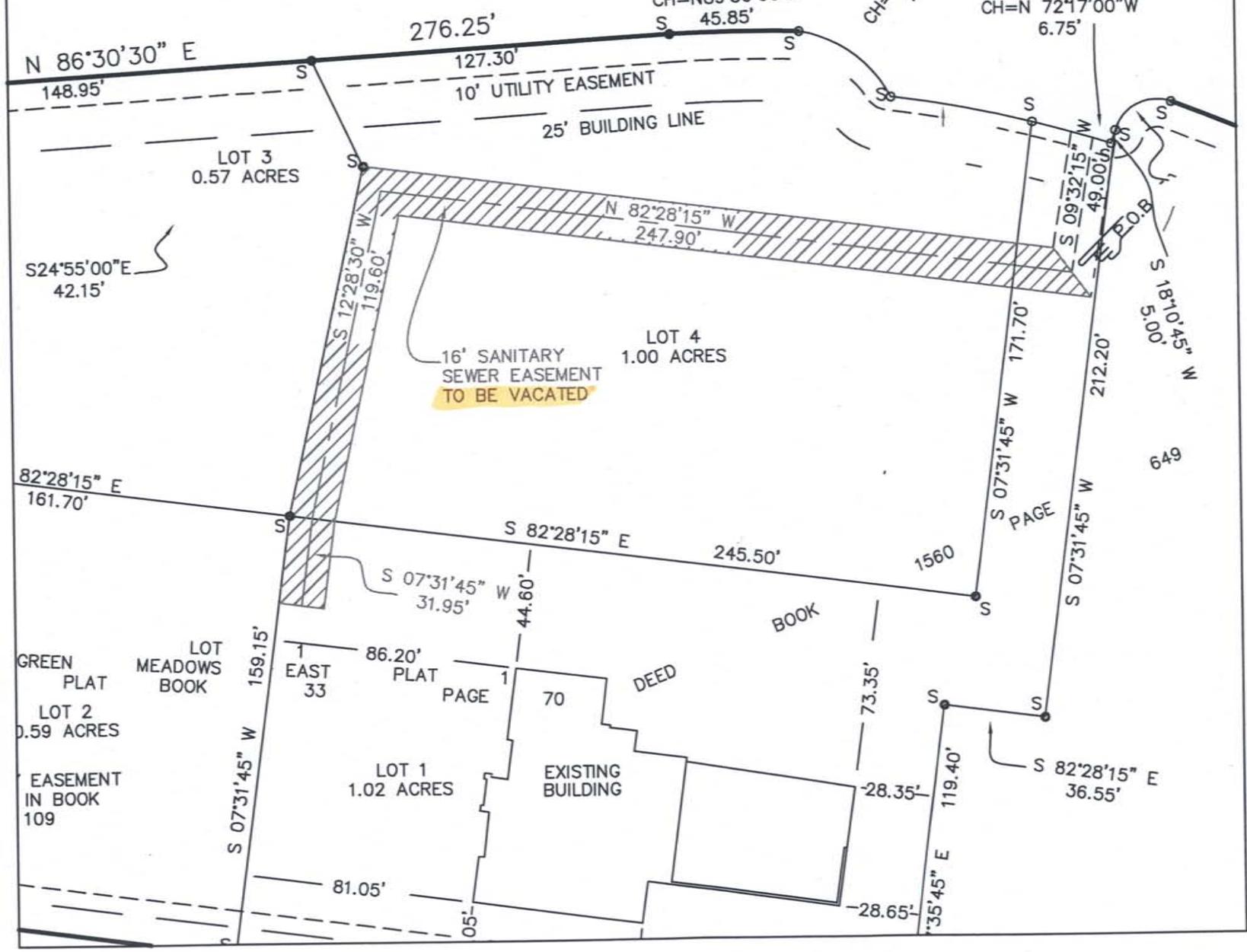


## 13-231: Academy Village Easement



ROADWAY EASEMENT  
BOOK 2552 PAGE 162

GREEN MEADOWS ROAD



N 86°30'30" E

276.25'

148.95'

127.30'

10' UTILITY EASEMENT

25' BUILDING LINE

LOT 3  
0.57 ACRES

S24°55'00"E  
42.15'

S 12°28'30" W  
119.60'

N 82°28'15" W  
247.90'

16' SANITARY  
SEWER EASEMENT  
TO BE VACATED

LOT 4  
1.00 ACRES

82°28'15" E  
161.70'

S 82°28'15" E

245.50'

S 07°31'45" W  
31.95'

44.60'

GREEN  
PLAT  
LOT 2  
0.59 ACRES

LOT  
MEADOWS  
BOOK

S 07°31'45" W  
159.15'

1 EAST  
33

86.20' PLAT

PAGE 1

70

DEED

LOT 1  
1.02 ACRES

EXISTING  
BUILDING

BOOK

1560

PAGE

S 07°31'45" W  
171.70'

S 07°31'45" W

212.20'

S 181°0'45" N  
5.00'

649

88' R

RA=439.00  
L=45.88  
CH=N89°30'00"E  
S 45.85'

RA=45.00  
L=41.42'  
CH=S53°34'15"E  
40.00'

RA=418.00  
L=6.78'  
CH=N 72°17'00"W  
6.75'

S 09°32'15" W  
49.00'

P.O.B.

S 82°28'15" E  
36.55'

S 35°45" E  
119.40'

28.35'

28.65'

81.05'

05'

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