

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: R86-14

Department Source: Water & Light

To: City Council

From: City Manager & Staff

Council Meeting Date: May 5, 2014

Re: Granting of Easements to the Missouri Department of Transportation.

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Maps

Executive Summary

The Missouri Department of Transportation's (MoDOT) Central District is planning to replace the Route B bridge over Business Loop 70, Highway Project No. J5S2186. MoDOT is requesting the City of Columbia grant two easements to facilitate this replacement. One easement will be permanent and will resolve a minor conflict between the COLT Railroad right of way and the MoDOT right of way in this area. The other easement is temporary and is necessary to facilitate the bridge replacement project.

Discussion

MoDOT's Central District is planning to replace the Route B bridge over Business Loop 70 project J5S2186. This bridge is adjacent to the COLT Railroad bridge over Business Loop 70 and is located immediately to the east of the COLT Railroad and just west of the pedestrian bridge. The current railroad right of way overlaps the Route B bridge and into MoDOT right of way.

MoDOT is seeking a permanent easement adjusting the COLT Railroad right of way line slightly to the west so that MoDOT has sufficient right of way to complete this project and maintain the bridge in the future. At this particular location there is excess COLT right of way allowing this adjustment to be made without impacting any railroad operations.

MoDOT is also seeking a temporary construction easement for the construction of Bridge A8165 over Business Loop 70. This easement is necessary to facilitate the bridge replacement project. The temporary easement will be extinguished immediately at the completion of Highway Project No J5S2186.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

City of Columbia

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Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

Suggested Council Action

Staff recommends approval of this resolution granting MoDOT both a permanent and a temporary easement to facilitate their bridge replacement project.

Legislative History

none


Department Approved


City Manager Approved

Introduced by _____ Council Bill No. R 86-14

A RESOLUTION

authorizing the City Manager to execute a grant of easements for highway purposes to the Missouri Highways and Transportation Commission to facilitate the replacement of the Route B bridge over Business Loop 70 project.

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

SECTION 1. The City Manager is hereby authorized to execute a grant of easements for highway purposes to the Missouri Highways and Transportation Commission necessary to facilitate the replacement of the Route B bridge over Business Loop 70 project.

SECTION 2. The form and content of the grant of easements for highway purposes shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof.

ADOPTED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

CCO FORM: RW05
 Approved: 09/98 (RMH)
 Revised: 07/13 (AR)
 Modified:

COUNTY: Boone
 ROUTE: B
 PROJECT: J5S2186
 FED. PROJECT: NA
 PARCEL: 1

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
 EASEMENTS FOR HIGHWAY PURPOSES**

Subject to the September 25, 1987 quitclaim deed granted by WABASH RAILROAD COMPANY and NORFOLK AND WESTERN RAILWAY COMPANY to the City of Columbia, Missouri, THIS permanent EASEMENT and a temporary construction easement are made this _____ day of _____, 2014, by and between the **CITY OF COLUMBIA, MISSOURI**, a municipal corporation organized and existing as a Constitutional Charter City under the laws of the State of Missouri, P.O. Box 6015, Columbia, MO 65205-6015 (the "Grantor"), party of the first part, and the State of Missouri, acting by and through the Missouri Highways and Transportation Commission, 105 W. Capitol Avenue, P.O. Box 718, Jefferson City, Missouri 65102, (the "Grantee") party of the second part.

WITNESSETH, that the said party of the first part, in consideration of the sum of One Dollar and other valuable consideration, to it paid by the said party of the second part, the receipt of which is hereby acknowledged, does by these presents grant, unto said party of the second part, its successors and assigns, the following described **Permanent Easement** and interests in real estate, subject to the rights obtained by the City of Columbia, Missouri and the easements reserved by Wabash Railroad Company and Norfolk and Western Railway Company, in the September 25, 1987 quitclaim deed in the County of Boone, State of Missouri, to wit:

A permanent maintenance easement for the maintenance of Route B and Bridge A8165 over Business Loop 70, said permanent maintenance easement situated in the Southwest quarter of the Southeast quarter of Section 6, and the North half of Section 7, all in Township 48 North, Range 12 West, 5th P.M., in the County of Boone, State of Missouri, more particularly described as follows:

Commencing at the Quarter Corner common to the aforesaid Sections 6 and 7 as shown on Document Number 600-31086 as recorded at the Missouri Department of Agriculture's Land Survey Program ; thence S 02 deg. 41 min. 00 sec. E a distance of 61.75 feet to a point 25.00 feet left of Route B (MoDOT project Sec. 10(3)-U) Centerline Station 13+43.44, said point also being 50.00 feet left of Columbia Terminal railroad(formerly known as the Wabash Railroad and hereinafter referred to as COLT railroad) Centerline Station 7633+75.05, said point being at the intersection of the Westerly right-of-way line of Route B and the Easterly right-of-way line of the COLT railroad, these lines being hereinafter referred to as the common line, said point also being the POINT OF BEGINNING of this description; thence coincident with said common line the following courses: along a non-tangential curve to the left, the radius being 1959.95 feet, the central angle being 02 deg. 27 min. 30 sec., the arc length being 84.09 feet, the chord being N 41 deg. 12 min. 04 sec. E a distance of 84.08 feet to a point 50.00 feet left of COLT railroad Centerline Station 7632+93.10, said point also being at Business Loop 70 (formerly known as Route 40 by MoDOT project 229 D) Centerline Station 776+28.14; thence continuing coincident with said common line and the Business Loop 70 Centerline N 89 deg. 11 min. 59 sec. W a distance of 21.99 feet to Business Loop 70 Centerline Station 776+06.15, said point also being 33.00 feet left of COLT railroad Centerline Station 7633+06.76; thence departing the Business Loop 70 Centerline, continuing coincident with said common line along a non-tangential curve to the left, the radius being 1942.95 feet, the central angle being 01 deg. 53 min. 16 sec., the arc length being 64.01 feet, the chord being N 39 deg. 26 min. 16 sec. E a distance of 64.01 feet to a point at the intersection of said common line and the Northerly Right of way line of Business 70, said point being 33.00 feet left of COLT railroad Centerline Station 7632+43.83, said point also being 50.00 feet left of Business Loop 70 Centerline Station 776+46.12, said point also being 19.42 feet left of Route B Centerline Station 14+74.89, said point also being at the Southeast corner of an existing permanent maintenance easement described in Boone County Deed Book 6, page 42; thence departing said common line, coincident with Northerly line of Business Loop 70 and the Southerly line of said existing easement, N 89 deg. 11 min. 59 sec. W a distance of 9.21 feet to a point 27.00 feet left of Route B Centerline Station 14+69.82, said point also being 25.72 feet left of COLT railroad Centerline Station 7632+49.39; thence departing the Northerly line of Business Loop 70 and the Southerly line of said existing easement along a non-tangential curve to the left, the radius being 836.40 feet, the central angle being 08 deg. 57 min. 07 sec., the arc length being 130.68 feet, the chord being S 30 deg. 41 min. 57 sec. W a distance of 130.55 feet to a point 48.08 feet left of COLT railroad Centerline Station 7633+75.59, said point also being 27.00 feet left of Route B Centerline Station 13+43.44; thence S 63 deg. 39 min. 35 sec. E a distance of 2.00 feet to the point of beginning, containing 1151 square feet.

Additionally, WITNESSETH, that the said party of the first part does by these presents grant, subject to the rights obtained by the City of Columbia, Missouri and the easements reserved by Wabash Railroad Company and Norfolk and Western Railway Company, in the September 25, 1987 quitclaim deed unto said party of the second part, the following described **Temporary Construction Easement** for the construction of Bridge A8165 over Business Loop 70 in real estate in the County of Boone, State of Missouri, to wit:

A temporary construction easement situated in the Southwest quarter of the Southeast quarter of Section 6, and the North half of Section 7, all in Township 48 North, Range 12 West, 5th P.M., in the County of Boone, State of Missouri, more particularly described as follows:

Beginning at a the southwest corner of the above described Maintenance Easement at a point 27.00 feet left of Route B Centerline Station 13+43.44; thence N 63 deg. 46 min. 37 sec. W a distance of 23.00 feet to a point 50.00 feet left of Route B Centerline Station 13+43.44; thence along a non-tangential curve to the right, the radius being 859.40 feet, the central angle being 07 deg. 54 min. 34 sec., the arc length being 118.63 feet, the chord being N 30 deg. 10 min. 40 sec. E a distance of 118.54 feet to a point 50.00 feet left of Route B Centerline Station 14+55.10, said point being on the Northerly right-of-way line of Business Loop 70 and the Southerly line of the aforesaid existing easement; thence coincident with the said right-of-way and existing easement lines, S 89 deg. 11 min. 59 sec. E a distance of 27.69 feet to the Northwest corner of the above described Maintenance Easement; thence departing the said right-of-way and existing easement lines, coincident with the westerly line of the above described Maintenance Easement along a non-tangential curve to the left, the radius being 836.40 feet, the central angle being 08 deg. 57 min. 07 sec., the arc length being 130.68 feet, the chord being S 30 deg. 41 min. 57 sec. W a distance of 130.55 feet to the point of beginning, containing 2867 square feet.

The party of the second part's interest in the temporary easement will be extinguished immediately at the completion of Highway Project No. J5S2186.

Restraints. Commission shall not have exclusive possession of said premises. Grantor, for itself, its successors and assigns, lessees and licensees, herein reserves the right to maintain, operate and renew existing telephone, telegraph, power and signal lines and poles, tracks, roadways, pipe lines, and facilities of similar or different character, now located on, above or beneath said premises. Grantor also reserves the right of itself, its successors and assigns, lessees and licensees to hereafter construct or install and thereafter maintain, operate and renew any or all of the aforesaid type of facilities, or necessary appurtenances thereto, at any and all times thereat. As part of the consideration for the granting of the easements, the party of the second part shall compensate Grantor for the expenses related to the Grantor's relocation of the railroad signal box as a result of the Missouri Highways and Transportation Commission's project J5S2186.

Limitation of Grant. Grantor's grant herein is limited to Grantor's estate in the land without warranty, express or implied. In the case of the eviction of Commission by anyone owning or claiming title to or any interest in the premises, or because of failure of, defect in or extinction of Grantor's title, Grantor shall not be liable to the Commission for any damage of any nature whatsoever.

IN WITNESS WHEREOF, the said party of the first part has executed the above the day and year first above written.

CITY OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

ATTEST:

APPROVED AS TO FORM:

By: _____
Sheela Amin, City Clerk

By: _____
Nancy Thompson, City Counselor

ACKNOWLEDGMENT BY CITY

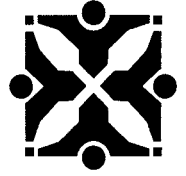
STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this _____ day of _____, 2014, before me appeared **Mike Matthes**, personally known to me, who being by me duly sworn, did say that he is the City Manager of the **CITY OF COLUMBIA, MISSOURI** and that the foregoing instrument was signed and sealed on behalf of the City of Columbia, Missouri and that he acknowledged said instrument to be the free act and deed of the City of Columbia, Missouri and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____

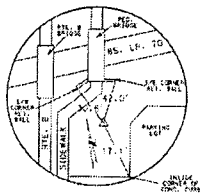


SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps

WP #800

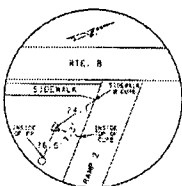
MOD. COORDS.
X = 1694152.6356
Y = 1139920.1427
Z = 780.37



COPPER WELD
25' EAST OF
RTE. B EP.
63.5' SOUTH OF
BUS. LOOP 70

WP #801

MOD. COORDS.
X = 1694352.2437
Y = 1140135.6205
Z = 781.65



COPPER WELD
33.8' EAST OF
RTE. B EP.
6.7' SOUTH OF
RAMP 2 EP

NOTE: ELEVATIONS ON THE WORKING POINTS
ARE TO BE USED FOR BENCH MARKS ALSO.

SEC. 6
T 48N. R 12W

APPROXIMATE SECTION LINE

SEC. 7
T 48N. R 12W

ROADWAY
TYPICAL SECTION

BRIDGE
TYPICAL SECTION

STA.	LT. XS	RT. XS	NOTE
13+00.00	+2.6%	-2.6%	MATCH
13+60.00	+4.9%	-4.9%	FULL S.E.
15+05.00	+4.9%	-4.9%	FULL S.E.
1+25.00	+2.55%	-2.55%	MATCH

SUPERELEVATION
TRANSITION

CURVE 81
PI 13+86.21
PC 12+67.70
PT 15+02.90
Δ 16° 39' 36.0" (RT)
D 7' 05" 00.0"
L 235.20'
T 118.51'
R 809.40'

Feature intersected
BUSINESS LOOP 70

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION
REPORT OF BRIDGE SURVEY

SEC. 6 & 7 T. 48N. R. 12W
ROUTE B 1 BOONE COUNTY
SURVEY MADE BY FRED WILDE
PREPARED BY MIK SCHAFFNER
CHECKED BY MIKE DUSENBERG
PROJ. NO. Transportation Project Manager
JOB NO. J552186 BRIDGE NO. A0087