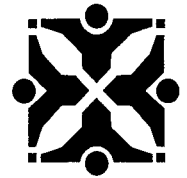


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B123-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 5, 2014

Re: Mid Missouri Real Estate Holdings, LLC - easement vacation request (Case #14-55)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Correspondence, Maps, Easement locator map and legal description

Executive Summary

A request by Mid Missouri Real Estate Holdings, LLC (owner) to vacate a water and electric easement located near the southeast corner of Forum Boulevard and Forum Katy Parkway. (Case #14-55)

Discussion

The request is to vacate a utility easement that is vaguely written. A replacement easement that provides adequate protection to existing utilities was introduced under separate cover, and is scheduled for Council approval on May 5th, 2014.

Attached is a letter from the applicant's surveyor, which describes the details of the request. Locator maps and a description of the easement to be vacated are also provided for reference.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

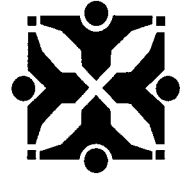
Suggested Council Action

Approval of the requested easement vacation

Legislative History

City of Columbia

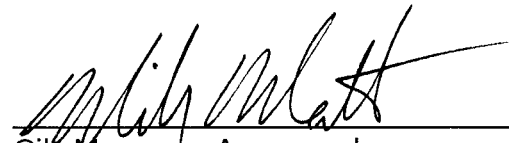
701 East Broadway, Columbia, Missouri 65201



N/A



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 123-14

AN ORDINANCE

vacating a water and electric easement near the southeast corner of Forum Boulevard and Forum Katy Parkway; directing the City Clerk to have a copy of this ordinance 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 and electric easement near the southeast corner of Forum Boulevard and Forum Katy Parkway, more particularly described as follows:

A tract of land located in the northwest quarter of Section 23 T48N R13W, in Columbia, Boone County, Missouri, being part of Lot 2 Katy Place Heights Subdivision Plat 1 recorded in plat book 25 page 38 and part of Lot 2 Katy Place Heights Subdivision Plat 3, recorded in plat book 40 page 63, and being the tract described by a "Grant of Easement for Water and Electric Purposes" recorded in book 865 page 353 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. 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



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Correspondence, Maps, Easement locator map and legal description

Engineering Surveys and Services

Consulting Engineers, Scientists, and Land Surveyors
Analytical and Materials Laboratories

1113 Fay Street
Columbia, Missouri 65201
Telephone 573-449-2646
Facsimile 573-499-1499

E-Mail ess@ESS-Inc.com
<http://www.ESS-Inc.com>

March 24, 2014

Mr. Timothy Teddy, Director
City of Columbia
Department of Community Development
P.O. Box 6015
Columbia, MO 65205

Dear Mr. Teddy:

On behalf of the property owners, we respectfully request that the water and electric easement recorded in book 865 page 353 of the Boone County Records, be vacated.

The description for this easement is approximate and the precise location of the easement can be interpreted several ways. The property owner has dedicated a new easement (copy enclosed) which will serve these properties.

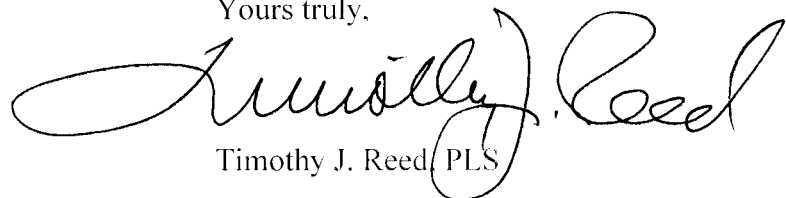
Enclosed is our "Development Review Application", locator map, map showing the area to be vacated, signed and sealed property description, copy of easement to be vacated, and a check in the amount of \$ 274.

Thank you for your consideration of this request.

If you have any questions, please contact me.

Thank you very much.

Yours truly,

A handwritten signature in black ink, appearing to read "Timothy J. Reed". The signature is fluid and cursive, with a large loop at the end.

Timothy J. Reed, PLS

enclosures

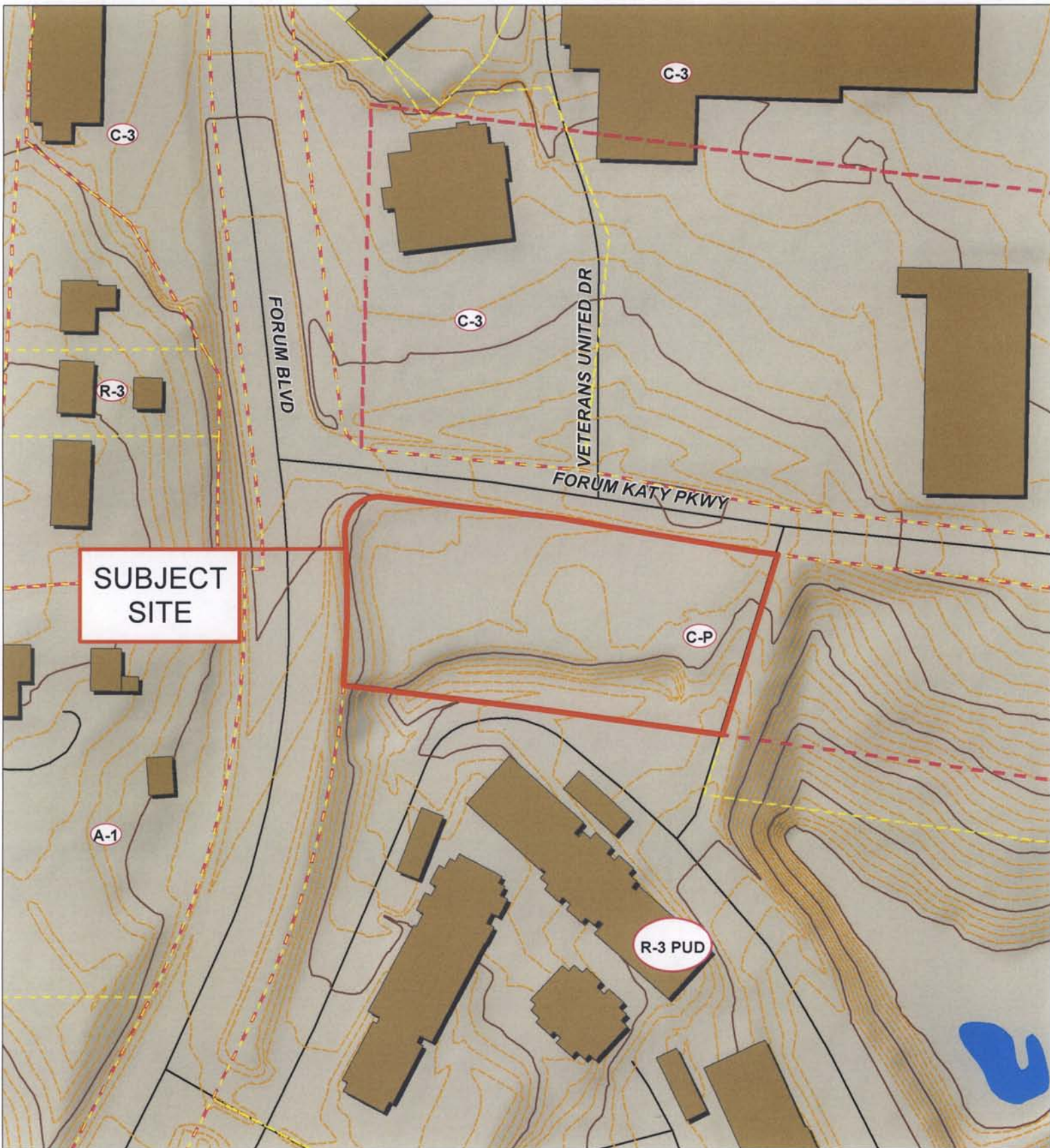


14-55: Mid-Missouri Surgery Center Easement Vacation



Hillshade Data: Boone County GIS Office
 Parcel Data Source: Boone County Assessor
 Imagery: Boone County Assessor's Office, Sanborn Map Company
 Created by The City of Columbia - Community Development Department

0 65 130 260
 Feet



14-55: Mid-Missouri Surgery Center Easement Vacation



Hillshade Data: Boone County GIS Office
Parcel Data Source: Boone County Assessor
Imagery: Boone County Assessor's Office, Sanborn Map Company
Created by The City of Columbia - Community Development Department



Boone County Internet Parcel Map

Prepared by the Boone County Assessor's Office, (573) 886-4262



ATTENTION!!

DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these

TOPPING

CENTER

UNIVERSITY HEIGHTS RECORDED IN
PLAT BOOK 7 PAGE 64

1" = 80'

SURVEY RECORDED IN BOOK 505 PAGE 482

FORUM - KATY PARKWAY

S 84° 25' 00" E 662.00'

NEW RIGHT OF WAY FOR FORUM KA
S 84° 25' 00" E 179.15'

LOT 3
2.57 ACRES

ACCESS ROAD EASEMENT
BOOK 567 PAGE 798

CENTERLINE 16' DRAINAGE E
340.50'

**EASEMENT TO
BE VACATED**

EXISTING GRAVEL DRIVE AS
SURVEY IN BOOK 678 PAGE 62
EASEMENTS RECORDED IN BOOK
ANE BOOK 694 PAGE 832.

LOT 2
Part 1

KATY

Water & Electric
Easement W
10.00' Book 865
Page 353

CH = N 14° 47' 00" E 332.59'

10' UTILITY
EASEMENT

FORUM BOULEVARD

N 1° 50' 00" W 4.00'
S 84° 21' 00" E 25.30'
8° 00' 00" W 14.00'

R = 858.51'

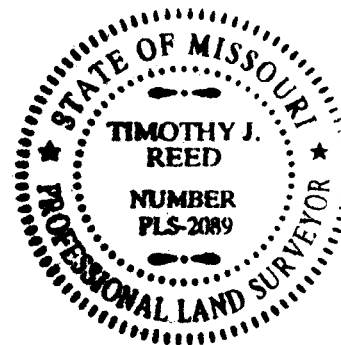
R = 949.65'

S 49° 35' 00" E 160.05'

Easement to be vacated

A tract of land located in the northwest quarter of Section 23 T48N R13W, in Columbia, Boone County, Missouri, being part of Lot 2 Katy Place Heights Subdivision Plat 1 recorded in plat book 25 page 38 and part of Lot 2 Katy Place Heights Subdivision Plat 3, recorded in plat book 40 page 63, and being the tract described by a "Grant of Easement for Water and Electric Purposes" recorded in book 865 page 353 of the Boone County records

Timothy J. Reed
3/24/2019



GRANT OF EASEMENT FOR WATER AND ELECTRIC PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

ORD. 13211

THAT Patrick L. and Mollie A. Kelly, husband and wife; and Lawrence R. and Dorothy A. Kelly, husband and wife, of Boone County, Missouri, hereinafter referred to as Grantor, in consideration of the sum of Ten Dollars to us in hand paid by the City of Columbia, Missouri, a municipal corporation, P.O. Box N, 65205, hereinafter referred to as City, the receipt of which is hereby acknowledged, do hereby grant unto said City, 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, and electric light and power transmission lines, including the necessary poles, wires, guys, stubs and other fixtures, over, under, across, and upon the following described real estate, owned by us, situated in the County of Boone, State of Missouri, to wit:

In the Northwest Quarter of Section 23, Township 48 North, Range 13 West, Boone County, Missouri, across part of Lot 3, Plat 2 and Lot 2, Plat 1 of Katy Place Heights Subdivision, recorded in Plat Book 25, Page 39, and Plat Book 25, Page 38, respectively, of the Boone County records.

Being a strip of land 50 feet wide and lying coincident to, and east of, the east right-of-way line of Forum Boulevard and starting at a point approximately 160 feet south of the Northwest corner of said Lot 3 of Plat 2, and extending southward along the right-of-way line approximately 65 feet.

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, and includes, also, the right to attach to poles and install in conduits the wires and cables of any other utility, and the right to trim, cut, clear, or remove, at any time from said easement or the premises of the Grantor adjoining the same on either side, trees, brush, and any and all obstructions of whatsoever kind or character which, in the judgement of said City, may endanger the safety of or interfere with the operation and maintenance of said City'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 obstructions of any kind on said easement or on premises of the Grantor adjoining the same on either side which, in the judgement of the City, shall interfere with the construction, placement, operation, and maintenance of the 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 agreement.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 16 day of April, 1991.

(NO SEAL)

Patrick L. Kelly
Patrick L. Kelly

Lawrence R. Kelly
Lawrence R. Kelly

Mollie A. Kelly
Mollie A. Kelly

Dorothy A. Kelly
Dorothy A. Kelly

STATE OF MISSOURI)
COUNTY OF BOONE) ss.

On this 13th day of Nov, 1991, before me personally appeared Patrick L. and Mollie A. Kelly, husband and wife; and Lawrence R. and Dorothy A. Kelly, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at my office in Edwards, Mo, Boone County, Missouri, the day and year first above written.



Frances A. Driscoll
Notary Public