

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 103-13

AN ORDINANCE

vacating scenic conservation bikeway/walkway easements within the Hominy Branch stream corridor located south of the intersection of Hillsdale Road and Oak Mount Drive; 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 certain scenic conservation bikeway/walkway easements within the Hominy Branch stream corridor located south of the intersection of Hillsdale Road and Oak Mount Drive, more particularly described as follows:

SCENIC CONSERVATION BIKEWAY/WALKWAY EASEMENT RECORDED IN BOOK 3902 PAGE 173

A STRIP OF LAND ACROSS PART OF LOT 1, RICHLAND HEIGHTS PLAT 2, RECORDED IN PLAT BOOK 31, PAGE 46 OF THE BOONE COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 638, PAGE 79 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE WITH THE EAST LINE THEREOF, S7°48'30"E, 243.80 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING, CONTINUING THENCE FROM THE POINT OF BEGINNING, CONTINUING S7°48'30"E, 59.25 FEET; THENCE LEAVING SAID EAST LINE, 101.05 FEET ALONG A 735.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S22°37'05"W, 100.97 FEET; THENCE S16°54'45"W, 200.40 FEET; THENCE 414.29 FEET ALONG A 435.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S47°34'50"W, 398.80 FEET; THENCE S78°26'45"W, 200.32 FEET; THENCE S73°52'30"W, 16.62 FEET; THENCE S2°51'20"E, 59.69 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE WITH SAID SOUTH LINE, S86°52'55"W, 39.80 FEET; THENCE LEAVING SAID SOUTH LINE, N1°37'25"E, 51.59 FEET; THENCE S73°52'30"W, 146.31 FEET; THENCE S80°16'05"W, 102.95 FEET; THENCE N89°08'30"W, 131.15 FEET; THENCE S0°51'30"W, 8.00 FEET; THENCE N89°08'30"W, 20.00 FEET; THENCE N0°51'30"E, 8.00 FEET; THENCE N89°08'30"W, 43.25 FEET TO THE WEST LINE OF SAID LOT 1; THENCE WITH SAID WEST LINE, N1°41'00"E, 35.00 FEET; THENCE LEAVING SAID WEST LINE, S89°08'30"E, 42.75 FEET; THENCE N0°51'30"E, 8.00 FEET; THENCE S89°08'30"E, 20.00 FEET; THENCE S0°51'30"W, 8.00 FEET; THENCE S89°08'30"E, 113.53 FEET; THENCE N5°11'35"W, 162.92 FEET; THENCE N20°49'10"E, 60.68 FEET; THENCE N26°45'35"E, 52.17 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HILLSDALE ROAD AS SHOWN BY SAID RICHLAND HEIGHTS PLAT 2; THENCE WITH SAID RIGHT-OF-WAY LINE, 20.14 FEET ALONG A 50.00-FOOT RADIUS NONTANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S63°06'15"E, 20.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, S26°45'35"W, 52.12 FEET; THENCE S0°38'15"E, 45.32 FEET; THENCE S1°40'10"E, 162.44 FEET; THENCE N80°23'50"E, 80.96 FEET; THENCE N75°08'55"E, 301.13 FEET; THENCE N79°08'25"E, 98.43 FEET; THENCE 380.95 FEET ALONG A 400.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N47°34'50"E, 366.72 FEET; THENCE N16°54'00"E, 199.41 FEET; THENCE 154.81 FEET ALONG A 770.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N24°26'25"E, 154.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.37 ACRES, INCLUSIVE OF 10,515 SQUARE FEET WITHIN THE EXISTING SEWER, ELECTRIC, UTILITY AND DRAINAGE EASEMENTS. 1.25 ACRES OF THE DESCRIBED STRIP IS WITHIN THE GREENSPACE ACCESS EASEMENT AS SHOWN BY SAID RICHLAND HEIGHTS PLAT 2.

and

SCENIC CONSERVATION BIKEWAY/WALKWAY EASEMENT RECORDED IN BOOK 3902 PAGE 174

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 12 WEST COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF REBEL HILLS MOBILE HOME PARK, RECORDED IN PLAT BOOK 10, PAGE 50 AND PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 638, PAGE 79 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF RICHLAND HEIGHTS PLAT 2, RECORDED IN PLAT BOOK 31, PAGE 46; THENCE WITH THE SOUTH LINE THEREOF N86°52'55"E, 436.15 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING, CONTINUING N86°52'55"E, 39.80 FEET; THENCE LEAVING SAID SOUTH LINE, S2°51'20"E, 4.30 FEET; THENCE

S8°45'00"W, 40.30 FEET; THENCE S1°37'30"W, 52.25 FEET; THENCE N88°22'30"W, 30.00 FEET; THENCE N1°37'30"E, 52.25 FEET; THENCE N5°30'00"W, 40.30 FEET; THENCE N1°37'30"E, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,070 SQUARE FEET.

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

PASSED this _____ day of _____, 2013.

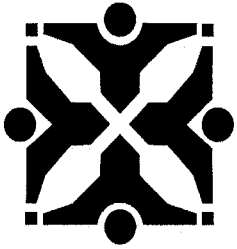
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Apr 15, 2013

Re: Hominy Branch Trail - easement vacation request (Case #13-45)

EXECUTIVE SUMMARY:

A request by the City of Columbia to vacate two trail easements that are no longer needed. The subject easements are located within the Hominy Branch stream corridor, generally south of the intersection of Hillsdale Road and Oak Mount Drive. (Case # 13-45)

DISCUSSION:

The request is to vacate two scenic conservation bikeway/walkway easements that are no longer needed since they have been replaced by larger easements that more comprehensively cover the location of a portion of the newly constructed Hominy Branch trail in northeast Columbia.

A letter from the City Surveyor is attached along with locator maps and descriptions of the easements to be vacated are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

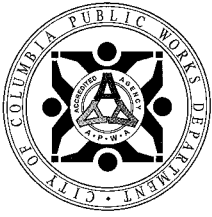
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

SUGGESTED COUNCIL ACTIONS:

Approval of the requested easement vacations.

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/Epands 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



CITY OF COLUMBIA, MISSOURI

PUBLIC WORKS DEPARTMENT

5 March, 2013

Timothy Teddy
Community Development Director
City of Columbia

Easement Vacation Request

Mr. Teddy:

With this letter I am requesting that two (2) ~~sanitary sewer~~ ^{bike way/walkway} easements be vacated as the area of both was enlarged and new easements were recorded. The Scenic Conservation Bikeway/Walkway easements are recorded in Book 3902 at Page 173 and Book 3902 at Page 174.

In lieu of an "Original surveyor sealed legal description(s) of the area(s) to be vacated" and an "Editable digital copy of legal description(s) for vacations" I have attached PDF's of the recorded easement documents.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Bill J. Adams', followed by a horizontal line.

Bill J. Adams, PLS
City Land Surveyor

Boone County Internet Parcel Map

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



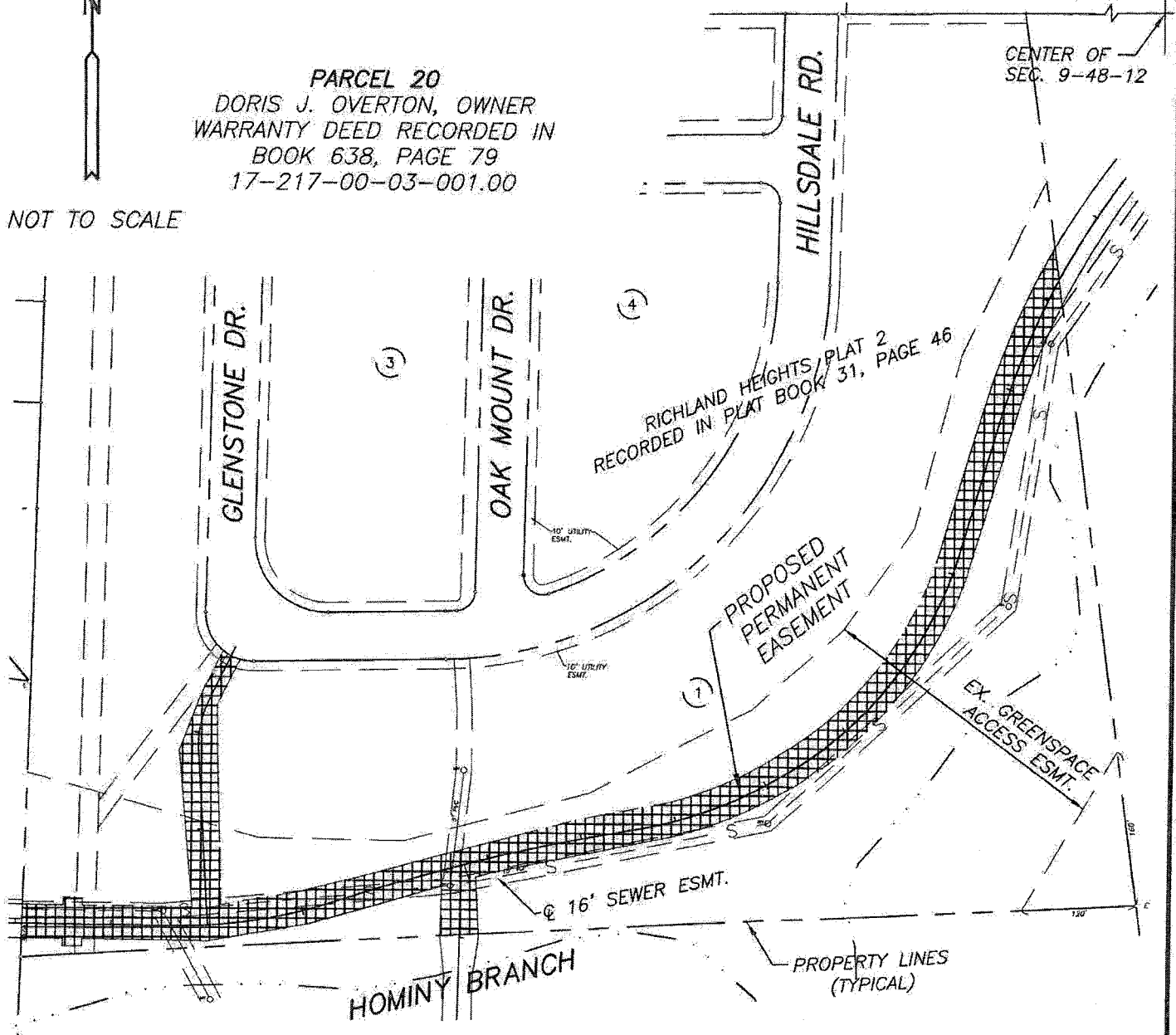
ATTENTION!!
 DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from 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 maps and assumes no liability or responsibility for the use or reuse of these maps by persons not affiliated with Boone County. Use of these maps by any person not affiliated with Boone County constitutes agreement by the user to assume full liability and responsibility for the verification of the accuracy of information shown on these maps.

PREPARED BY:
ALLSTATE
CONSULTANTS

AUG. 27, 2010
REV. AUG. 10, 2011

PARCEL 20
DORIS J. OVERTON, OWNER
WARRANTY DEED RECORDED IN
BOOK 638, PAGE 79
17-217-00-03-001.00

NOT TO SCALE



PROPOSED PERMANENT EASEMENT: 1.37 ACRES
(1.25 AC. WITHIN THE GREENSPACE ACCESS EASEMENT)
INCLUSIVE OF 10,515 SQ. FT. EXISTING EASEMENTS

DISPLAY OF PROPOSED HOMINY TRAIL EASEMENTS

Boone County, Missouri
Unofficial Document

Recorded in Boone County, Missouri
Date and Time: 01/11/2012 at 10:25:49 AM
Instrument # 2012000635 Book.3902 Page:173

Grantor OVERTON, DORIS J
Grantee COLUMBIA CITY OF MISSOURI

Instrument Type ESMT
Recording Fee \$33.00 S
No of Pages 4

Bettie Johnson
Bettie Johnson, Recorder of Deeds



SCENIC CONSERVATION BIKEWAY/WALKWAY EASEMENT

THIS INDENTURE, made on the 10TH day of JANUARY, 2012 by and between Doris J. Overton, a single person 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 Post Office Box 6015, Columbia, MO 65205.

WITNESSETH:

That Grantor, for good and valuable consideration, which includes its desire to preserve for posterity the natural beauty and character of the following described property, does hereby grant unto the City of Columbia, Missouri, an exclusive perpetual easement in, over, under, across and through the following described real property for all the following purposes: (1) all conservation purposes (including but not limited to storm water and erosion control), (2) preservation as open green space and/or woodland, (3) for the construction, installation, reconstruction, replacement, removal, repair, maintenance, and operation of a bikeway/walkway-path/trail, not to exceed ten (10) feet in width, and appurtenances thereto:

Project: Hominy Creek Trail Phase II
Ordinance: 020854

LEGAL DESCRIPTION

A STRIP OF LAND ACROSS PART OF LOT 1, RICHLAND HEIGHTS PLAT 2, RECORDED IN PLAT BOOK 31, PAGE 46 OF THE BOONE COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 638, PAGE 79 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE FROM THE POINT OF BEGINNING, CONTINUING THENCE FROM THE POINT OF BEGINNING, CONTINUING S7°48'30"E, 59.25 FEET; THENCE LEAVING SAID EAST LINE, 101.05 FEET ALONG A 735.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S22°37'05"W, 100.97 FEET; THENCE S16°54'45"W, 200.40 FEET; THENCE 414.29 FEET ALONG A 435.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S47°34'50"W,

Boone County, Missouri
Unofficial Document

BOONE COUNTY MO JAN 11 2012

398.80 FEET; THENCE S78°26'45"W, 200.32 FEET; THENCE S73°52'30"W, 16.62 FEET; THENCE S2°51'20"E, 59.69 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE WITH SAID SOUTH LINE, S86°52'55"W, 39.80 FEET; THENCE LEAVING SAID SOUTH LINE, N1°37'25"E, 51.59 FEET; THENCE S73°52'30"W, 146.31 FEET; THENCE S80°16'05"W, 102.95 FEET; THENCE N89°08'30"W, 131.15 FEET; THENCE S0°51'30"W, 8.00 FEET; THENCE N89°08'30"W, 20.00 FEET; THENCE N0°51'30"E, 8.00 FEET; THENCE N89°08'30"W, 43.25 FEET TO THE WEST LINE OF SAID LOT 1; THENCE WITH SAID WEST LINE, N1°41'00"E, 35.00 FEET; THENCE LEAVING SAID WEST LINE, S89°08'30"E, 42.75 FEET; THENCE N0°51'30"E, 8.00 FEET; THENCE S89°08'30"E, 20.00 FEET; THENCE S0°51'30"W, 8.00 FEET; THENCE S89°08'30"E, 113.53 FEET; THENCE N5°11'35"W, 162.92 FEET; THENCE N20°49'10"E, 60.68 FEET; THENCE N26°45'35"E, 52.17 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HILLSDALE ROAD AS SHOWN BY SAID RICHLAND HEIGHTS PLAT 2; THENCE WITH SAID RIGHT-OF-WAY LINE, 20.14 FEET ALONG A 50.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S63°06'15"E, 20.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, S26°45'35"W, 52.12 FEET; THENCE S0°38'15"E, 45.32 FEET; THENCE S1°40'10"E, 162.44 FEET; THENCE N80°23'50"E, 80.96 FEET; THENCE N75°08'55"E, 301.13 FEET; THENCE N79°08'25"E, 98.43 FEET; THENCE 380.95 FEET ALONG A 400.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N47°34'50"E, 366.72 FEET; THENCE N16°54'00"E, 199.41 FEET; THENCE 154.81 FEET ALONG A 770.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N24°26'25"E, 154.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.37 ACRES, INCLUSIVE OF 10,515 SQUARE FEET WITHIN THE EXISTING SEWER, ELECTRIC, UTILITY AND DRAINAGE EASEMENTS. 1.25 ACRES OF THE DESCRIBED STRIP IS WITHIN THE GREENSPACE ACCESS EASEMENT AS SHOWN BY SAID RICHLAND HEIGHTS PLAT 2.

Grantor and Grantee, as further consideration for the easement granted herein, do hereby agree that the following terms, conditions, restrictions and limitations shall be effective and binding upon the parties and their respective successors and assigns. The easement herein granted shall run with the land in perpetuity and it is the intent and purpose of both parties to this easement to restrict and forbid any activity or use which would, as a natural consequence of such, impede or make more difficult use of the easement for its intended purposes and accomplishment of scenic, erosion control, and conservation objectives.

It is the intent of this easement that no private encroachment shall be permitted and the Grantor shall not cause to be constructed or allow to be constructed in, over, under, across, through, or upon the described easement any buildings, structures, swimming pools, signs, billboards, utility lines or pipes, power transmission lines, roadway or any other improvements not provided for herein.

Grantor accepts no liability for accidents or damages resulting from such public use of the easement as may be invited by the Grantee's construction of the bikeway/walkway, or as otherwise may result from the Grantee's ownership of the easement granted herein.

The Grantee agrees to keep said easement clear of debris and trash and to repair and maintain any Grantee improvements in a good and safe condition, free of nuisance.

Boone County, Missouri
Unofficial Document

BOONE COUNTY MO JAN 11 2012

Subject to the conditions, restrictions, and limitations contained herein, this conservation easement is not intended to interfere with the use of the easement area by the Grantor and its successors and assigns for all purposes which are not inconsistent with or antagonistic to this grant.

The Grantor shall not cause or allow any of the following to be done on the described easement:

- a. excavation
- b. change of topography
- c. mining, drilling, removal of top soil, sand, gravel, rocks or minerals
- d. spraying of herbicides or pesticides
- e. dumping or burning
- f. hunting or trapping
- g. commercial lumbering
- h. storage or placement of any trailers, house trailers, signs, billboards, advertisements, equipment, machinery, cars, trucks, garbage, trash, unsightly materials or items of any nature whatsoever

Except for dead or diseased plant life, which condition may be determined only by the City of Columbia, no plants, shrubs, ground cover or trees shall be removed. However, the City of Columbia may remove plants, shrubs, ground cover and trees necessary for the construction, installation, maintenance, repair, etc., of the bikeway/walkway, and for conservation, scenic, and erosion purposes or for reasons of public safety, as determined by the City of Columbia.

Grantor's duties, obligations, and liabilities, relating to natural drainage courses shall not be affected by the easement granted here.

The only vehicular access granted by the easement shall be for purposes of maintenance of Grantee's facilities on the easement or for access by emergency vehicles and the case of the occurrence of an emergency within the easement.

The Grantor hereby covenants with Grantee that it is the true and lawful owner of the above-described real property and is lawfully seized of the same in fee simple and has good right, full power and authority to grant this Deed of Easement.

TO HAVE AND TO HOLD said real property unto said Grantee, the City of Columbia, its successors and assigns forever, for the uses and purposes hereinbefore described.

Witness my hand the day and year first written above.


Doris J. Overton

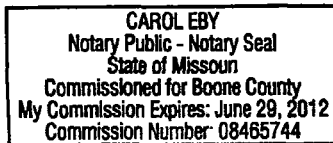
Boone County, Missouri
Unofficial Document

BOONE COUNTY MO JAN 11 2012

STATE OF Missouri)
)ss.
COUNTY OF Boone)

On this 10 day of Jan in the year 2012, before me, a Notary Public in and for said state, personally appeared, Doris J. Overton, who being by me duly sworn, acknowledged that she executed the same as a free act and deed for the purposes therein stated. The said Doris J. Overton further declares herself to be single and unmarried.

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



Carol Eby
Notary Public
CAROLEBY

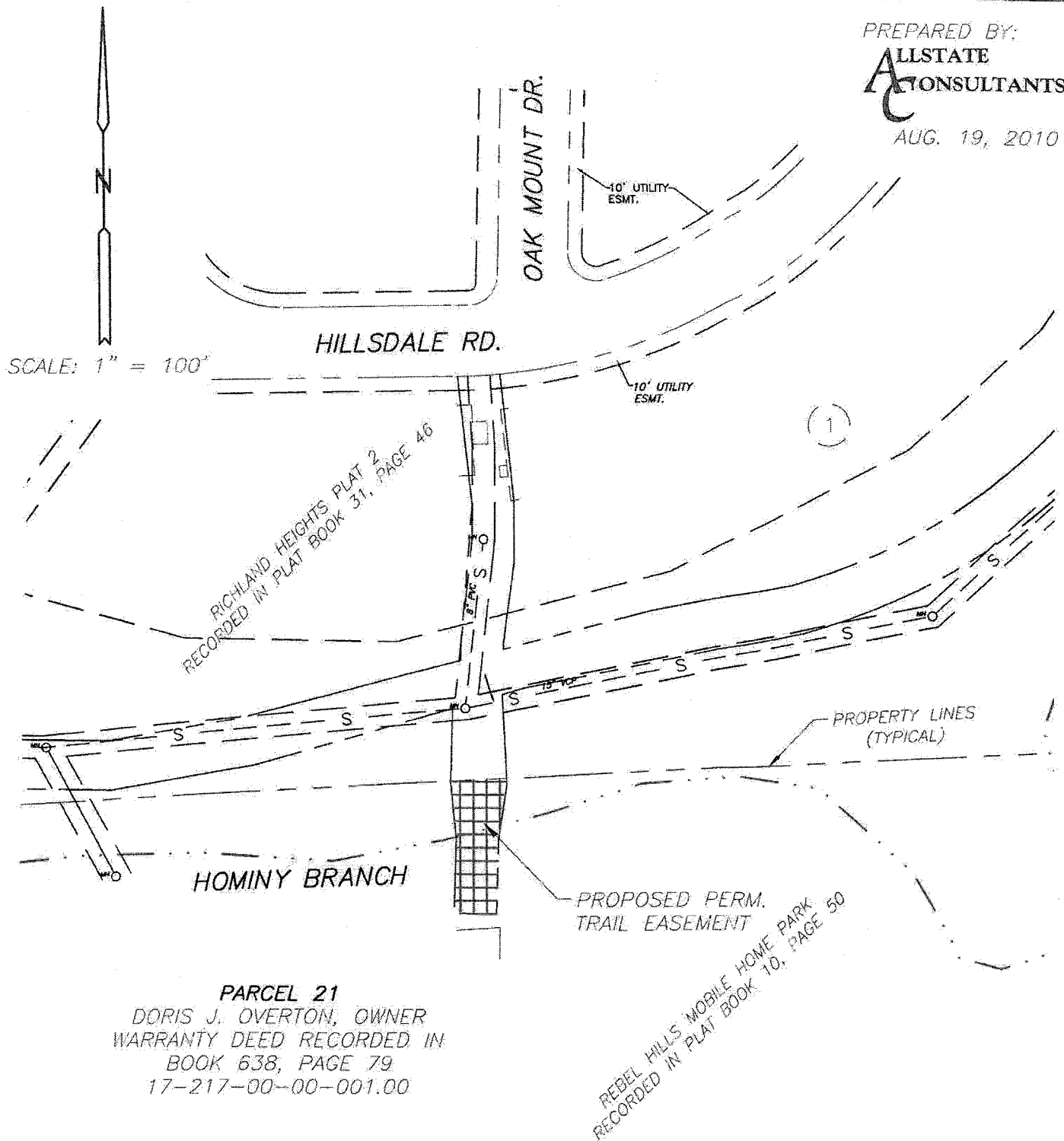
Boone County Internet Parcel Map

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



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PREPARED BY:
ALLSTATE
CONSULTANTS
AUG. 19, 2010



PROPOSED PERMANENT TRAIL EASEMENT: 3,070 SQUARE FEET

DISPLAY OF PROPOSED HOMINY TRAIL EASEMENTS

Boone County, Missouri
Unofficial Document

Recorded in Boone County, Missouri

Date and Time 01/11/2012 at 10:25:49 AM

Instrument # 2012000636 Book 3902 Page 174

Grantor OVERTON, DORIS J

Grantee COLUMBIA CITY OF MISSOURI

Instrument Type ESMT

Recording Fee \$30.00 S

No of Pages 3

Bettie Johnson, Recorder of Deeds



SCENIC CONSERVATION BIKEWAY/WALKWAY EASEMENT

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WITNESSETH:

That Grantor, for good and valuable consideration, which includes its desire to preserve for posterity the natural beauty and character of the following described property, does hereby grant unto the City of Columbia, Missouri, an exclusive perpetual easement in, over, under, across and through the following described real property for all the following purposes: (1) all conservation purposes (including but not limited to storm water and erosion control), (2) preservation as open green space and/or woodland, (3) for the construction, installation, reconstruction, replacement, removal, repair, maintenance, and operation of a bikeway/walkway-path/trail, not to exceed ten (10) feet in width, and appurtenances thereto:

Project: Hominy Creek Trail Phase II
Ordinance: 020854

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 12 WEST COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF REBEL HILLS MOBILE HOME PARK, RECORDED IN PLAT BOOK 10, PAGE 50 AND PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 638, PAGE 79 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Grantor and Grantee, as further consideration for the easement granted herein, do hereby agree that the following terms, conditions, restrictions and limitations shall be effective and binding upon the parties and their respective successors and assigns.

Boone County, Missouri
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BOONE COUNTY MO JAN 11 2012

Grantor reserves the right to cross the creek with a pick up truck or other similarly sized or smaller maintenance equipment at a low water crossing located on the property granted herein for trail purposes.

The easement herein granted shall run with the land in perpetuity and it is the intent and purpose of both parties to this easement to restrict and forbid any activity or use which would, as a natural consequence of such, impede or make more difficult use of the easement for its intended purposes and accomplishment of scenic, erosion control, and conservation objectives.

It is the intent of this easement that no private encroachment shall be permitted and the Grantor shall not cause to be constructed or allow to be constructed in, over, under, across, through, or upon the described easement any buildings, structures, swimming pools, signs, billboards, utility lines or pipes, power transmission lines, roadway or any other improvements not provided for herein.

Grantor accepts no liability for accidents or damages resulting from such public use of the easement as may be invited by the Grantee's construction of the bikeway/walkway, or as otherwise may result from the Grantee's ownership of the easement granted herein.

The Grantee agrees to keep said easement clear of debris and trash and to repair and maintain any Grantee improvements in a good and safe condition, free of nuisance.

Subject to the conditions, restrictions, and limitations contained herein, this conservation easement is not intended to interfere with the use of the easement area by the Grantor and its successors and assigns for all purposes which are not inconsistent with or antagonistic to this grant.

The Grantor shall not cause or allow any of the following to be done on the described easement:

- a. excavation
- b. change of topography
- c. mining, drilling, removal of top soil, sand, gravel, rocks or minerals
- d. spraying of herbicides or pesticides
- e. dumping or burning
- f. hunting or trapping
- g. commercial lumbering
- h. storage or placement of any trailers, house trailers, signs, billboards, advertisements, equipment, machinery, cars, trucks, garbage, trash, unsightly materials or items of any nature whatsoever

Except for dead or diseased plant life, which condition may be determined only by the City of Columbia, no plants, shrubs, ground cover or trees shall be removed. However, the City of Columbia may remove plants, shrubs, ground cover and trees necessary for the construction, installation, maintenance, repair, etc., of the bikeway/walkway, and for conservation, scenic, and erosion purposes or for reasons of public safety, as determined by the City of Columbia.

Grantor's duties, obligations, and liabilities, relating to natural drainage courses shall not be affected by the easement granted here.

The only vehicular access granted by the easement shall be for purposes of maintenance of Grantee's facilities on the easement or for access by emergency vehicles and the case of the occurrence of an emergency within the easement.

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Witness my hand the day and year first written above.

Doris J. Overton
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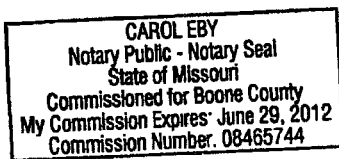
STATE OF Missouri

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COUNTY OF Boone

On this 10 day of Jan In the year 2012, before me, a Notary Public in and for said state, personally appeared, Doris J. Overton, who being by me duly sworn, acknowledged that she executed the same as a free act and deed for the purposes therein stated. The said Doris J. Overton further declares herself to be single and unmarried.

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



Carol Eby
Notary Public
CAROL EBY