

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 363-12

AN ORDINANCE

vacating a portion of a storm sewer easement on Lot 1 within College & Walnut Subdivision located west of College Avenue, between Walnut Street and Ash Street; directing the City Clerk to have a copy of this ordinance recorded; accepting conveyances for sewer purposes; directing the City Clerk to have the conveyances 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 portion of a certain storm sewer easement on Lot 1 within College & Walnut Subdivision located west of College Avenue, between Walnut Street and Ash Street, more particularly described as follows:

A PORTION OF LAND BEING A PART OF DEED RECORDED IN BOOK 3722 PAGE 62 OF THE BOONE COUNTY RECORDS, ALSO BEING A PART OF SECTION 7, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF COLLEGE & WALNUT SUBDIVISION RECORDED IN PLAT BOOK 45, PAGE 16 OF THE BOONE COUNTY RECORDS; THENCE ALONG SOUTH LINE OF SAID LOT 1 S88°06'00"E, A DISTANCE OF 25.14 FEET TO THE POINT OF BEGINNING.

THENCE LEAVING THE SOUTH LINE OF SAID LOT 1 N07°42'50"W, A DISTANCE OF 174.88 FEET; THENCE N57°26'10"W, A DISTANCE OF 2.16 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1 N03°15'40"W, A DISTANCE OF 18.12 FEET; THENCE LEAVING THE WEST LINE OF SAID LOT 1 S86°44'20"E, A DISTANCE OF 14.47 FEET; THENCE S07°42'50"E, A DISTANCE OF 194.02 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1 RECORDED IN PLAT BOOK 45, PAGE 16; THENCE

ALONG SOUTH LINE OF SAID LOT 1 N88°06'00"W, A DISTANCE OF 16.23 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 3,107 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR NOT OF RECORD, IF ANY.

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 conveyances to the City of Columbia, Missouri, a municipal corporation, more particularly described as follows:

Grant of easement for sewer purposes from College and Walnut LLC, dated December 4, 2012, more particularly described in Exhibit "A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

Grant of easement for sewer purposes from College and Walnut LLC, dated December 4, 2012, more particularly described in Exhibit "B" attached hereto and made a part hereof as fully as if set forth herein verbatim.

are hereby accepted.

SECTION 4 The City Clerk is hereby authorized and directed to have the conveyances 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 SEWER PURPOSES

THIS INDENTURE, made on the 4th day of December, 20 12, by and between **COLLEGE & WALNUT LLC**, of the County of Boone in the State of Missouri, Grantor, and the City of Columbia, a municipal corporation, Grantee; Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205; ~~+~~ and

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the City of Columbia, Missouri, Grantee, mailing address Post Office Box 6015, Columbia, MO 65205, a municipal corporation, the receipt of which is hereby acknowledged, do hereby grant unto said City, its successors and assigns, a perpetual easement for access to storm water facilities over the following described real estate owned by the Grantor, situated in the County of Boone, State of Missouri, to wit:

STORM SEWER EASEMENT

A PORTION OF LAND BEING A PART OF DEED RECORDED IN BOOK 3722 PAGE 62 OF THE BOONE COUNTY RECORDS, ALSO BEING A PART OF SECTION 7, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF COLLEGE & WALNUT SUBDIVISION RECORDED IN PLAT BOOK 45, PAGE 16 OF THE BOONE COUNTY RECORDS;

THENCE ALONG THE NORTH LINE OF SAID LOT 1 S89°18'00"E, A DISTANCE OF 5.00 FEET;
 THENCE LEAVING SAID NORTH LINE S00°11'00"E, A DISTANCE OF 170.68 FEET;
 THENCE S89°49'00"W, A DISTANCE OF 5.00 FEET TO THE INTERSECTION WITH THE WEST LINE OF LOT 1;
 THENCE ALONG THE WEST LINE OF SAID LOT 1 N00°11'00"W, A DISTANCE OF 170.76 FEET TO THE POINT OF BEGINNING.

EXCLUDING ANY PART WITHIN CONFINES OF EXISITING BUILDING (BUILDING TO BE PROTECTED DURING CONSTRUCTION)

THE ABOVE TRACT OF LAND CONTAINS 854 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR NOT OF RECORD, IF ANY.

Said easement being the right to construct, operate, replace, repair and maintain sewer and pipes under or across said easement and right of access thereto over the above-described tract of land across the Grantor's adjacent property.

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; 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-referenced land and has the right and authority to make and execute this Grant of Easement on behalf of said limited liability company.

IN WITNESS WHEREOF, the said **COLLEGE AND WALNUT, LLC.** has caused these presents to be signed by its authorized member(s) the day and year first written above

NAME OF LLC: **College and Walnut, LLC.**

BY:

JON ODLE, Member

STATE OF MISSOURI

COUNTY OF BOONE

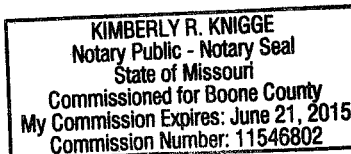
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On this 4th day of December, 20 12, before me, a Notary Public in and for said state, personally appeared Jon Odle known to me to be the person(s) described in and who executed the foregoing instrument, who being by me duly sworn, acknowledged that they executed the same as a free act and deed for the purposes therein stated.

** member of College and Walnut, LLC*

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

Kimberly R. Knigge
Notary Public



GRANT OF EASEMENT FOR SEWER PURPOSES

THIS INDENTURE, made on the 4th day of December, 20 12, by and between **COLLEGE & WALNUT LLC**, of the County of Boone in the State of Missouri, Grantor, and the City of Columbia, a municipal corporation, Grantee; Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205; *+ and*

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the City of Columbia, Missouri, Grantee, mailing address Post Office Box 6015, Columbia, MO 65205, a municipal corporation, the receipt of which is hereby acknowledged, do hereby grant unto said City, its successors and assigns, a perpetual easement for access to storm water facilities over the following described real estate owned by the Grantor, situated in the County of Boone, State of Missouri, to wit:

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A PORTION OF LAND BEING A PART OF DEED RECORDED IN BOOK 3722 PAGE 62 OF THE BOONE COUNTY RECORDS, ALSO BEING A PART OF SECTION 7, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF COLLEGE & WALNUT SUBDIVISION RECORDED IN PLAT BOOK 45, PAGE 16 OF THE BOONE COUNTY RECORDS; THENCE ALONG SOUTH LINE OF SAID LOT 1 S88°06'00"E, A DISTANCE OF 28.34 FEET TO THE POINT OF BEGINNING.

THENCE LEAVING THE SOUTH LINE OF SAID LOT 1 N06°47'40"W, A DISTANCE OF 170.44 FEET;
THENCE N57°26'10"W, A DISTANCE OF 9.89 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID LOT 1;
THENCE ALONG THE WEST LINE OF SAID LOT 1 N03°15'40"E, A DISTANCE OF 26.94 FEET;
THENCE N89°12'00"E, A DISTANCE OF 34.75 FEET;
THENCE S33°05'40"W, A DISTANCE OF 24.35 FEET;
THENCE S06°47'40"E, A DISTANCE OF 183.37 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1 RECORDED IN PLAT BOOK 45, PAGE 16;
THENCE ALONG SOUTH LINE OF SAID LOT 1 N88°06'00"W, A DISTANCE OF 16.19 FEET TO THE POINT OF BEGINNING.

EXCLUDING ANY PART WITHIN CONFINES OF EXISITING BUILDING (BUILDING TO BE PROTECTED DURING CONSTRUCTION)

THE ABOVE TRACT OF LAND CONTAINS 3,576 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR NOT OF RECORD, IF ANY.

Said easement being the right to construct, operate, replace, repair and maintain sewer and pipes under or across said easement and right of access thereto over the above-described tract of land across the Grantor's adjacent property.

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; 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-referenced land and has the right and authority to make and execute this Grant of Easement on behalf of said limited liability company.

IN WITNESS WHEREOF, the said **COLLEGE AND WALNUT, LLC.** has caused these presents to be signed by its authorized member(s) the day and year first written above

NAME OF LLC: College and Walnut, LLC.

BY:

JON ODLE, Member

STATE OF MISSOURI

COUNTY OF BOONE

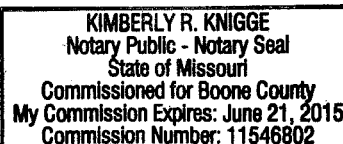
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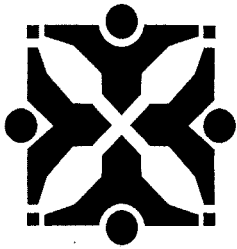
On this 4th day of December, 2012, before me, a Notary Public in and for said state, personally appeared Jon Odle known to me to be the person(s) described in and who executed the foregoing instrument, who being by me duly sworn, acknowledged that they executed the same as a free act and deed for the purposes therein stated.

* member of College and Walnut, LLC

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

Kimberly R. Knigge
Notary Public





Source: Community Development - Planning ^{TT}

Agenda Item No:

To: City Council

From: City Manager and Staff *MM*

Council Meeting Date: Dec 17, 2012

Re: Request for easement vacation and dedications within College & Walnut Plat 1-A (Case 12-190)

EXECUTIVE SUMMARY:

A request by College and Walnut, LLC to vacate a storm water drainage easement and dedicate replacement easements located generally west of College Avenue, between Walnut and Ash Streets. (Case 12-190)

DISCUSSION:

The applicant is requesting to vacate a storm water drainage easement, and grant replacement easements to accommodate a storm sewer extension from Walnut to Ash Street.

This request has been reviewed by affected City departments and outside agencies, and complies with applicable City regulations. Locator maps and legal descriptions of the easements are attached.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Approval of the proposed easement vacation and dedication of new easements

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/Expands 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



*To be
Vacated*



MICHAEL M. HALL
MO# E-20044
Expires 12-31-13

THHinc
Consulting Engineers
THARLE, HADGEN &
HINDMAN, INC.

1801 Pennsylvania St.
Columbia, MO 65202
Phone (314) 874-1382
Fax (314) 874-1328

MO Eng. Corp. No. 28149
Exp. 12/31/2012
MO Survey Corp. No. 281229428
Exp. 12/31/2011

TRITTENBACH, LLC
COLLEGE & WALNUT
Site Plan/Paving Plan

Client Proj # 0009
THHinc Proj # 5707
Engineer: MHR
Designer: KGS
Checker: CHD
Plotter: 33002572

DWG: C101
SHT: 3 of 10

To be Vacated

COLLEGE & WALNUT LLC.
PARCEL: 17-117-00-41-001.00 01

Exhibit A:

16' STORM SEWER EASEMENT

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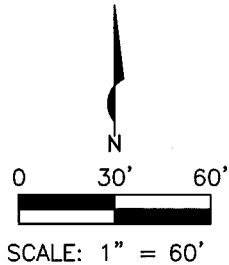
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EXHIBIT B

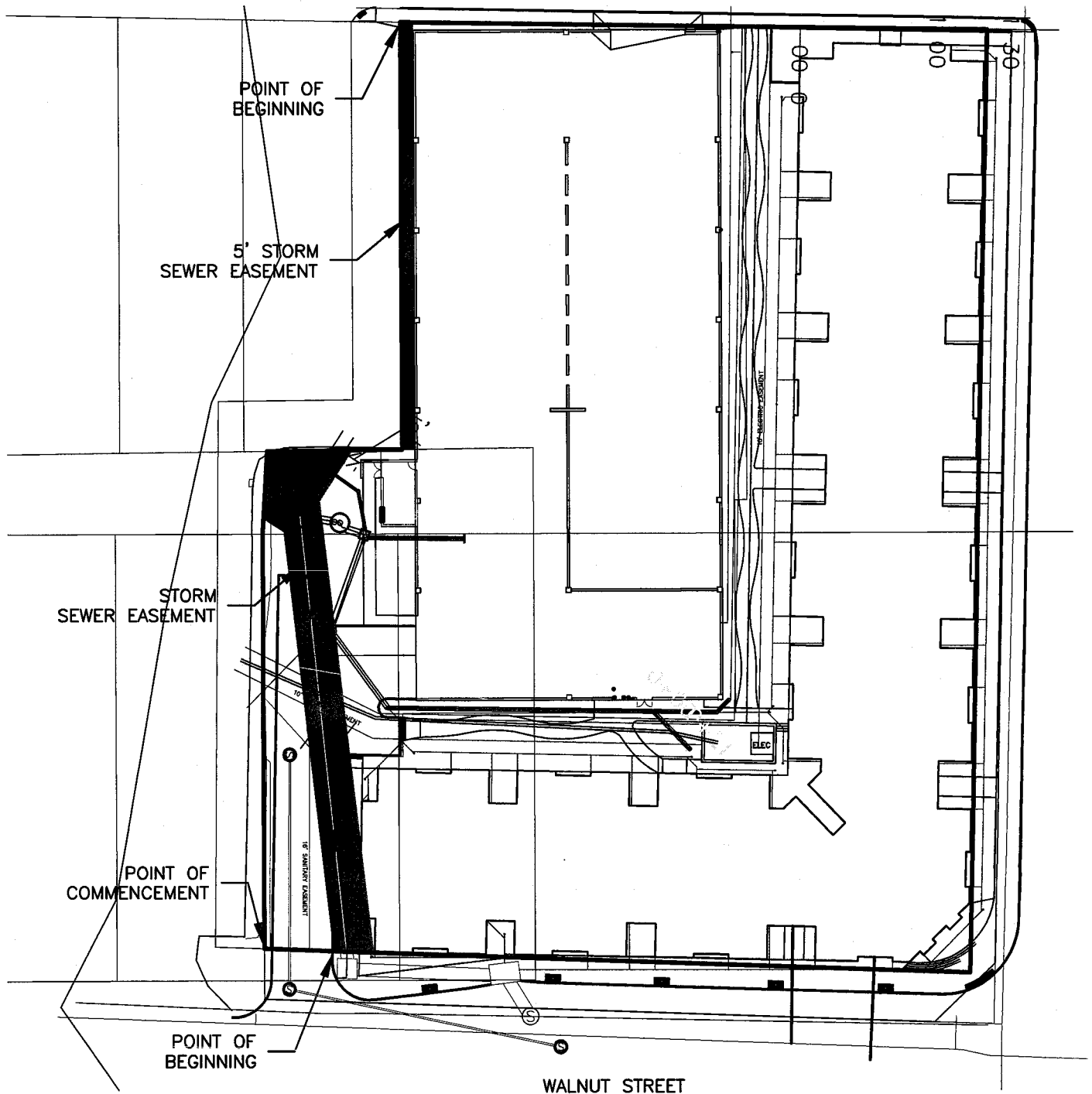
To be dedicated

TRABUE, HANSEN & HINSHAW, INC.
CONSULTING ENGINEERS

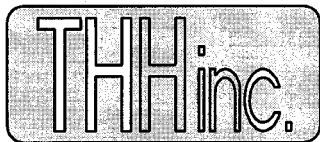


SCALE: 1" = 60'

ASH STREET



WALNUT STREET



COLLEGE & WALNUT

STORM SEWER EASEMENTS