

RESOLUTION NO. R-17-16

A RESOLUTION VACATING A TEMPORARY CONSTRUCTION EASEMENT ACROSS PROPERTY LOCATED AT 7302 NORTH OAK TRAFFICWAY.

WHEREAS, a temporary construction easement was granted to the City of Gladstone as part of the 1998 Street Maintenance Program – Project No. 9901; and

WHEREAS, acquisition of the temporary construction easement was approved by Resolution 98-46 and was recorded with the Clay County Recorder of Deeds on June 24, 1998 as Document N-97487 in Book 2847 at Page 141; and

WHEREAS, the current owner of the property has requested that the City of Gladstone vacate the aforementioned temporary construction easement; and

WHEREAS, the City of Gladstone has completed the project and no longer needs the temporary construction easement.


NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

THAT, the above described temporary construction easement is hereby vacated by the City of Gladstone, Missouri; and

THAT, the City Manager of the City of Gladstone is hereby authorized to execute, and undertake and perform on behalf of the City of Gladstone, Missouri, all those things necessary to vacate the temporary construction easement; and

FURTHER THAT, the City Clerk is hereby directed to provide a Certified Copy of this Resolution to the Law Office of Keleher and Eastman, 403 Northwest Englewood Road, Gladstone, Missouri, 64118.

INTRODUCED, READ, PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 24TH DAY OF APRIL 2017.


R.D. Mallams, Mayor

ATTEST:


Ruth E. Bocchino, City Clerk



***Department of Public Works
Memorandum***

DATE: April 18, 2017
TO: Scott Wingerson, City Manager
FROM: Timothy A. Nebergall, Director of Public Works *TAN*
RE: 7302 N. Oak Trafficway Temporary Construction Easement Vacation

The owner of 7302 N. Oak Trafficway recently contacted the City requesting vacation of a temporary construction easement across the property. Acquisition of the easement was approved by Resolution 98-46 and was recorded with the Clay County Recorder of Deeds on June 24, 1998 as Document N-97487 in Book 2847 at Page 141.

City staff has determined that the easement was acquired as part of the 1998 Street Maintenance program and is no longer needed. Staff recommends vacation of the easement.

If you have any questions, please contact me at your convenience.

Recorded in Clay County, Missouri



Recording Date/Time: 05/11/2017 at 02:36:08 PM

Instr #: 2017015407

Book: 7961 Page: 117

Type: MISC

Pages: 4

Fee: \$33.00 S 20170012086



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Temporary Construction Easement Vacation
2. **Date:** *april 24, 2017*
3. **Grantor:** City of Gladstone, Missouri
4. **Grantee (s):** None
5. **Mailing Address:** 7010 North Holmes, Gladstone, MO 64118
6. **Legal Description:** The south 20.0 feet of Lot 4, Linden Plaza Corrected Plat, a subdivision of land in Gladstone, Clay County, Missouri.
7. **Reference Book & Page:** Recorded on June 24, 1998 as Document N-97487 in Book 2847 at Page 141

TEMPORARY CONSTRUCTION EASEMENT VACATION

WHEREAS, a temporary construction easement was granted to the City of Gladstone as part of the 1998 Street Maintenance Program – Project No. 9901; and

WHEREAS, acquisition of the temporary construction easement was approved by Resolution 98-46 and was recorded with the Clay County Recorder of Deeds on June 24, 1998 as Document N-97487 in Book 2847 at Page 141; and

WHEREAS, the current owner of the property has requested that the City of Gladstone vacate the aforementioned temporary construction easement; and


WHEREAS, the City of Gladstone has completed the project and no longer needs the temporary construction easement; and

WHEREAS, on April 24, 2016, the City Manager of the City of Gladstone was authorized to execute, and undertake and perform on behalf of the City of Gladstone, Missouri, all those things necessary to vacate the easement pursuant to Resolution R-17-16.

NOW, THEREFORE, the City of Gladstone does release and vacate said temporary construction easement.

CITY OF GLADSTONE

By: 
Scott Wingerson, City Manager

Attest: 
Ruth Bocchino, City Clerk

STATE OF MISSOURI
COUNTY OF Clay ss.

On this 28 day of April, 20 17, before me, the undersigned Notary Public, personally appeared Scott Wingerson, known to be the person described in and who executed the foregoing instrument for and on behalf of Gladstone, Missouri, a City of the Third Class; and said Scott Wingerson acknowledged said instrument to be the free act and deed of said municipality.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal at my office in Clay County, Missouri, the day and year last above written.

Rebecca Jarrett
Notary Public Within Said County and State

My commission expires Nov 11, 18.

REBECCA JARRETT
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: November 11, 2018
Commission #14392947

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TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Drexel D. & Rosa Lee Bateman, husband & wife
(Names)
7413 N. Wyandotte (302 NE 73rd Street) Gladstone, Mo. 64118
(Address)

of Clay County, Missouri, hereinafter called the GRANTORS, for and in consideration of One Dollar (\$1.00) and the advantages to be gained from the construction on and adjacent to the lands hereafter described, the receipt of which is hereby acknowledged, do hereby grant, sell, convey and confirm unto the CITY OF GLADSTONE, a municipal corporation of the State of Missouri, hereafter called GRANTEE, as temporary easement to construct, grade, regrade, or perform any and all other related necessary work on or across the following described land:

The south 20.0 feet of Lot 4, Linden Plaza Corrected Plat, a subdivision of land in Gladstone, Clay County, Missouri.

GRANTEE will repair or replace any fences, pavement, and/or other appurtenances damaged or removed during construction. Upon completion of said construction and improvement, GRANTORS shall have full free and uninterrupted use and possession of said temporary construction easement and the easement rights therein shall cease and no longer be in effect.

GRANTORS make no warranties, expressed or implied to GRANTEE.

IN WITNESS WHEREOF the parties have hereunto set their names to the foregoing, this 3 day of APRIL 1998.

CITY OF GLADSTONE



By [Signature]
City Manager
By [Signature]
City Clerk

GRANTORS:

[Signature]
Drexel D. Bateman
[Signature]
Rosa Lee Bateman

GRANTORS' ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF CLAY ss.

On this 3 day of APRIL, 1998, before me, the undersigned Notary Public, personally appeared Drexel D. & Rosa Lee Bateman, husband & 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. And the said Drexel D. & Rosa Lee Bateman further declared themselves to be married.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal at my office in Clay County, Missouri, the day and year last above written.

[Signature]
Notary Public Within Said County and State

My commission expires Notary Seal
T SCOTT BRANDOM
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires March 7 2001

GRANTEE'S ACKNOWLEDGMENT

On this 28th day of May, 1998, before me, this undersigned Notary Public, personally appeared Kirk L. Davis to me personally known, who being by me duly sworn, did say that he is the City Manager of the City of Gladstone, Missouri, a municipal corporation, and that the seal affixed to the foregoing instrument is the corporate seal of the said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its City Council, and said City Manager acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal at my office in Clay County, Missouri, the day and year last above written.

[Signature]
Notary Public Within Said County and State

My Commission expires July 1, 192000

MARILYN F. AHNEFELD
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires July 1, 2000

STATE OF MISSOURI
CLAY COUNTY
RECORDS & INSTRUMENTS
98 JUN 24 P 1:56
KATEE PORTER
RECORDER OF DEEDS