

RESOLUTION NO. R-18-21

A RESOLUTION ACCEPTING EASEMENTS FROM CERTAIN PROPERTY OWNERS IN CONJUNCTION WITH THE OLD PIKE ROAD IMPROVEMENTS PROJECT FROM VIVION ROAD TO NORTHWEST ENGLEWOOD ROAD, PROJECT TP1712.

WHEREAS, easements from certain property owners are necessary for the City to construct public improvements in conjunction with the Old Pike Road Improvements Project from Vivion Road to Northwest Englewood Road (TP1712).

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

THAT, the easement from the property owner attached hereto as Exhibits "KK" is hereby accepted. Easement labeling is a continuation of the easements submitted and accepted under resolutions R-17-54, R-17-56, R-18-04, and R-18-15.

Temporary Construction Easements

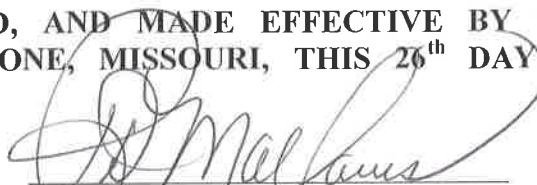
"JJ" – Wayne L. & Nancy J. Lucas

218 NW 53rd Street

FURTHER, 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, the obligations and undertakings set forth in said conveyances; and

FURTHER, THAT, the City Clerk is hereby directed to record said document in the Office of the Recorder of Deeds, Clay County, Missouri.

INTRODUCED, READ, PASSED, SIGNED, AND MADE EFFECTIVE BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 26th DAY OF FEBRUARY, 2018.



R.D. Mallams, Mayor

ATTEST:



Ruth E. Bocchino, City Clerk



Request for Council Action

RES #

BILL # City Clerk Only

ORD # City Clerk Only

Date: 2/20/2018

Department: Public Works

Meeting Date Requested: 2/26/2018

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Old Pike Road Improvements – Vivion Road to NW Englewood Rd. Project #TP1712.

Background: Easements and/or Right-of-Way are needed from twenty-nine (29) properties to complete this project.

Budget Discussion: Funds are budgeted in the amount of \$ 2,000,000.00 from the TST Fund. Ongoing costs are estimated to be \$ N/A annually. Previous years' funding was \$N/A

Public/Board/Staff Input: Staff requests that the temporary easement listed on the attached resolution be submitted to the City Council for acceptance. Easement labeling is a continuation of the easements submitted and accepted under resolutions R-17-54, R-17-56, R-18-04, and R-18-15. With these easements 26 of 29 have been acquired.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Timothy A. Nebergall
Department Director/Administrator

City Attorney

City Manager

Recorded in Clay County, Missouri



Recording Date/Time: 03/08/2018 at 01:06:35 PM

Instr #: 2018006935

Book: 8155 Page: 34

Type: EASE

Pages: 4

Fee: \$33.00 S 20180005850



Kalee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Temporary Construction Easement
2. **Date:** 2/26/18
3. **Grantor (s):** Wayne L. & Nancy J. Lucas, husband and wife
4. **Grantee (s):** City of Gladstone, Missouri
5. **Mailing Address:** 7010 N. Holmes, Gladstone, MO 64118
6. **Legal Description:**

Beginning at the Southeast corner Lot 31 WILLIAMSBURG SECOND PLAT, an addition in and to the City of Gladstone, Clay County, Missouri, said point also being the Southwest corner of Lot 32, of said WILLIAMSBURG SEDOND PLAT, said point also being on the Northerly Right-of-Way line of 53rd Street North as platted, a/k/a N.W. 53rd Street, as now established; thence North 02°00'49" East, along the East line of said Lot 31, and along the West line of said Lot 32, a distance of 25.00 feet; thence South 90°00'00" West, departing the East line of said Lot 31 and the West line of said Lot 32, a distance of 116.51 feet; thence North 19°05'41" West, a distance of 66.26 feet, to a point on the North line of said Lot 31, said point also being on the South line of Lot 30, WILLIAMSBURG – FIRST PLAT, a subdivision in the City of Gladstone, Clay County, Missouri; thence South 84°17'38" West, along the North line of said Lot 31, and along the South line of said Lot 30, a distance of 20.56 feet, to the Northwest corner of said Lot 31, said point also being the Southwest corner of said Lot 30, said point also being on the Easterly Right-of-Way line of Old Pike Road, as now established; thence South 19°05'41" East, along the Westerly line of said Lot 31, and along the Easterly Right-of-Way line of said Old Pike Road, a distance of 108.00 feet, to the Southwest corner of said Lot 31, said point also being the point of intersection of the Easterly Right-of-Way of said Old Pike Road, and the Northerly Right-of-Way line of said N.W.

53rd Street; thence North 70°54'19" East, along the Southerly line of said Lot 31, and along the Northerly Right-of-Way line of said N.W. 53rd Street, a distance of 20.00 feet, to a point of curvature; thence Northeasterly, and Easterly, continuing along the Southerly line of said Lot 31, and along the Northerly Right-of-Way line of said N.W. 53rd Street, and along a curve to the right, having a radius of 221.15 feet, and a central angle of 07°01'27", a distance of 105.00 feet, to the Point of Beginning, containing 5,005.71 square feet or 0.1149 acres, more or less.

7. Reference Book & Page: N/A

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Wayne L. & Nancy J. Lucas
(Names)

218 Northwest 53rd Street, Gladstone, MO
(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 acknowledge, 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:

Beginning at the Southeast corner Lot 31 WILLIAMSBURG SECOND PLAT, an addition in and to the City of Gladstone, Clay County, Missouri, said point also being the Southwest corner of Lot 32, of said WILLIAMSBURG SEDOND PLAT, said point also being on the Northerly Right-of-Way line of 53rd Street North as platted, a/k/a N.W. 53rd Street, as now established; thence North 02°00'49" East, along the East line of said Lot 31, and along the West line of said Lot 32, a distance of 25.00 feet; thence South 90°00'00" West, departing the East line of said Lot 31 and the West line of said Lot 32, a distance of 116.51 feet; thence North 19°05'41" West, a distance of 66.26 feet, to a point on the North line of said Lot 31, said point also being on the South line of Lot 30, WILLIAMSBURG – FIRST PLAT, a subdivision in the City of Gladstone, Clay County, Missouri; thence South 84°17'38" West, along the North line of said Lot 31, and along the South line of said Lot 30, a distance of 20.56 feet, to the Northwest corner of said Lot 31, said point also being the Southwest corner of said Lot 30, said point also being on the Easterly Right-of-Way line of Old Pike Road, as now established; thence South 19°05'41" East, along the Westerly line of said Lot 31, and along the Easterly Right-of-Way line of said Old Pike Road, a distance of 108.00 feet, to the Southwest corner of said Lot 31, said point also being the point of intersection of the Easterly Right-of-Way of said Old Pike Road, and the Northerly Right-of-Way line of said N.W. 53rd Street; thence North 70°54'19" East, along the Southerly line of said Lot 31, and along the Northerly Right-of-Way line of said N.W. 53rd Street, a distance of 20.00 feet, to a point of curvature; thence Northeasterly, and Easterly, continuing along the Southerly line of said Lot 31, and along the Northerly Right-of-Way line of said N.W. 53rd Street, and along a curve to the right, having a radius of 221.15 feet, and a central angle of 07°01'27", a distance of 105.00 feet, to the Point of Beginning, containing 5,005.71 square feet or 0.1149 acres, more or less.

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 26 day of February, 2018

CITY OF GLADSTONE
By Scott Wingerson
Scott Wingerson, City Manager

GRANTORS:
Wayne L. Lucas
Wayne L. Lucas

Attest: Ruth Bocchino
Ruth Bocchino, City Clerk

Nancy J. Lucas
Nancy J. Lucas

GRANTORS' ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF Clay ss.

JENNIFER A. STAFFORD
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: March 18, 2019
Commission #15395199

On this 16th day of February, 2018, before me, the undersigned Notary Public, personally appeared Wayne L. & Nancy J. Lucas 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 Wayne L. & Nancy J. Lucas further declared themselves to be married.

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

Jennifer A. Stafford
Notary Public Within Said County and State

My commission expires March 18, 2019

GRANTEE'S ACKNOWLEDGMENT

On this 26 day of February, 2018, before me, this undersigned Notary Public, personally appeared Scott Wingerson, 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.

Rebecca Jarrett
Notary Public Within Said County and State

My Commission expires 11-11, 2018

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