

RESOLUTION NO. R-18-33

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 easements from the property owner attached hereto as Exhibits "LL" through "MM" are hereby accepted. Easement labeling is a continuation of the easements submitted and accepted under resolutions R-17-54, R-17-56, R-18-04, R-18-15, R-18-21, and R-18-24.

Temporary Construction Easements

"LL" – Dennis L. & Liliana Canady 5308 NW Old Pike Road

Permanent Construction Easements

"MM" – Dennis L. & Liliana Canady 5308 NW Old Pike Road

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 23rd DAY OF APRIL, 2018.



Mayor Bill Garnos

ATTEST:



Ruth E. Bocchino, City Clerk



Request for Council Action

RES #

BILL # City Clerk Only

ORD # City Clerk Only

Date: 4/12/2018

Department: Public Works

Meeting Date Requested: 4/23/2018

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, R-18-15, R-18-21, and R-18-24. Easements for this project have been acquired by 28 of 29 property owners.

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

Timothy A. Nebergall
Department Director/Administrator

PC
City Attorney

SW
City Manager

Recorded in Clay County, Missouri



Recording Date/Time: 05/11/2018 at 02:43:56 PM

Instr #: 2018015049

Book: 8196 Page: 46

Type: EASE

Pages: 3

Fee: \$30.00 S 20180012213



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Temporary Construction Easement

2. **Date:**

4/23/18

3. **Grantor (s):** Dennis L. & Liliana Canady, husband and wife

4. **Grantee (s):** City of Gladstone, Missouri

5. **Mailing Address:** 7010 N. Holmes, Gladstone, MO 64118

6. **Legal Description:**

All of the Easterly 35.00 feet of Lot 2, ELM WOODS, a subdivision in Gladstone, Clay County, Missouri; containing 4,550.44 square feet or 0.1045 acres, more or less.

7. **Reference Book & Page:** N/A

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Dennis L. & Liliana Canady
(Names)

5308 Northwest Old Pike Road, 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:

All of the Easterly 35.00 feet of Lot 2, ELM WOODS, a subdivision in Gladstone, Clay County, Missouri; containing 4,550.44 square feet or 0.1045 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 12 day of April, 2018.

CITY OF GLADSTONE
By Scott Wingerson
Scott Wingerson, City Manager

Attest: Ruth E Bocchino
Ruth Bocchino, City Clerk

GRANTORS:
Dennis L. Canady
Liliana Canady

GRANTORS' ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF Clay ss.

On this 12th day of April, 2018, before me, the undersigned Notary Public, personally appeared Dennis L. & Liliana Canady 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 Dennis L. & Liliana Canady 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.

My commission expires March 18, 2019.

Jennifer A. Stafford
Notary Public Within Sale County and State
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: March 18, 2019
Commission #15395199

GRANTEE'S ACKNOWLEDGMENT

On this 3 day of May, 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.

My Commission expires 11-11, 18.

Rebecca Jarrett
Notary Public Within Said County and State



Recorded in Clay County, Missouri



Recording Date/Time: 05/11/2018 at 02:43:56 PM

Instr #: 2018015050

Book: 8196 Page: 47

Type: EASE

Pages: 3

Fee: \$30.00 S 20180012213



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Sidewalk & Utility Easement

2. **Date:**

4/23/18

3. **Grantor (s):** Dennis L. & Liliana Canady, h&w

4. **Grantee (s):** City of Gladstone, Missouri

5. **Mailing Address:** 7010 N. Holmes; Gladstone, MO 64118

6. **Legal Description:**

All of the Easterly 7.50 feet of Lot 2, ELM WOODS, a subdivision in Gladstone, Clay County, Missouri containing 975.00 square feet or 0.0224 acres, more or less.

SIDEWALK AND UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Dennis L. and Liliana Canady, h&w
(NAME OR NAMES)
5308 NW Old Pike Road
(ADDRESS)

hereinafter called the **GRANTOR**, for and in consideration of One Dollar (\$1.00) and the advantages to be gained from the existence of the facilities and appurtenances through the lands hereafter described, the receipt of which is hereby acknowledged, does hereby grant, sell and convey unto the CITY OF GLADSTONE, a municipal corporation of the State of Missouri, hereafter called **GRANTEE**, an easement for the location, construction, reconstruction, maintenance, removal, operation and repair of a public sidewalk, utility, or municipal facility and any and all appurtenances incidental thereto over, under and through the following described tract of land lying, being and situated in the City of Gladstone, Clay County, Missouri, to-wit

All of the Easterly 7.50 feet of Lot 2, ELM WOODS, a subdivision in Gladstone, Clay County, Missouri containing 975.00 square feet or 0.0224 acres, more or less.

TO HAVE AND TO HOLD to same for the aforesaid use with all rights, privileges, appurtenances, and immunities thereto belonging unto the **GRANTEE**, its successors and assigns for so long as said use shall continue, the **GRANTOR** hereby covenanting for their heirs and successors and assigns unto the **GRANTEE**, its successors and assigns the following:

1. Said easement will be kept free from buildings and any other structures or obstructions (except sidewalks, roadways, pavement, or curbs) which will interfere with the **GRANTEE** in maintenance of said improvements. By granting this easement, same shall not be considered or construed as prohibiting the **GRANTOR** in the developing of any adjoining property from the laying out, establishing and the constructing of pavement surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof.
2. The right of **GRANTEE**, its agents, servants, employees, or independent contractor to go upon said land for the purpose of operating and maintaining said facilities and all appurtenances incidental thereto.
3. That Dennis L. and Liliana Canady, h&w are lawfully seized and possessed of the real estate above described, that they have a good and lawful right to convey the same; that it is free from all encumbrances done or suffered by them which would interfere with the rights granted hereunder; and that they forever warrant and defend the title thereto against the lawful claims of all affecting the right and easement granted hereunder.

IN WITNESS WHEREOF, said Grantor does hereunto set their hand and subscribed their name to the foregoing, this 12 day of April, 2018

CITY OF GLADSTONE, MO
BY Scott Wingerson
Scott Wingerson, City Manager

GRANTORS:
[Signature]
Dennis L. Canady
[Signature]
Liliana Canady

ATTEST: Ruth E Bocchino
Ruth Bocchino, City Clerk

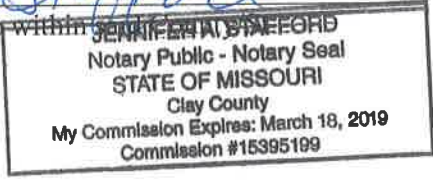
GRANTOR'S ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF Clay)

On this 12th day of April, 2019, before me, the undersigned Notary Public, personally appeared Dennis L. Canady, to me known to be the person described herein and who executed the foregoing instrument on behalf of Builders & Fixers, LLC and acknowledged that _____ executed the same as the free act and deed of the company.

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 Clay County, Missouri



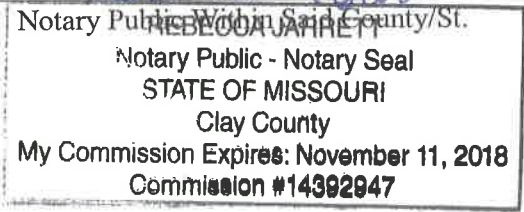
My commission expires March 18, 2019.

GRANTEE'S ACKNOWLEDGMENT

On this 3rd day of May, 2018, before me, this undersigned Notary Public, personally appeared Scott Wingerson, to me personally known, who being by me duly sworn, did say that (s)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 it 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/St.



My commission expires: 11-11-18.