

RESOLUTION NO. R-20-15

A RESOLUTION ACCEPTING EASEMENTS FROM CERTAIN PROPERTY OWNERS IN CONJUNCTION WITH THE NORTHEAST 76TH STREET IMPROVEMENTS PROJECT FROM NORTH OAK TRAFFICWAY TO NORTH BROOKLYN, PROJECT TP1818.

WHEREAS, easements from certain property owners are necessary for the City to construct public improvements in conjunction with the Northeast 76th Street Improvements Project from North Oak Trafficway to North Brooklyn (TP1818).

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

THAT, the easements and quit-claim deed from the property owners attached hereto as Exhibits "PP" through "RR" are hereby accepted. Easement labeling is a continuation of the easements submitted and accepted under resolutions R-19-35, R-19-36, R-19-44, 19-55, R-20-02, R-20-07, and R-20-10.

Temporary Construction Easement

"PP" – Barbara J. Weber	1207 NE 76 th Street
"QQ" – Amanda & Fernando Esquivel	7601 N. Troost Avenue

Quit-Claim Deed

"RR" – Amanda & Fernando Esquivel	7601 N. Troost Avenue
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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 documents in the Office of the Recorder of Deeds, Clay County, Missouri.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI THIS 13TH DAY OF APRIL, 2020.



Mayor Carol J. Suter

ATTEST:



Ruth E. Bocchino, City Clerk



Request for Council Action

RES # R-20-15

BILL # City Clerk Only

ORD # City Clerk Only

Date: 4/8/2020

Department: Public Works

Meeting Date Requested: 4/13/2020

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

Subject: NE 76th Street Improvements – N. Oak Trafficway to N. Brooklyn #TP1818

Background: Easements and/or Right-of-Way are needed from forty-two (42) properties to complete this project.

Budget Discussion: Funds are budgeted in the amount of \$ 2.4 M 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 easements 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-19-35, R-19-36, R-19-44, R-19-55, R-20-02, R-20-07, and R-20-10. There are (2) easements remaining in order to construct this project.

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

Timothy A. Nebergall
Department Director/Administrator

City Attorney

SW
City Manager

Recorded in Clay County, Missouri



Recording Date/Time: 04/20/2020 at 08:31:49 AM

Instr #: 2020011857

Book: 8654 Page: 4

Type: EASE

Pages: 6

Fee: \$39.00 S 20200010716



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Temporary Construction Easement

2. **Date:** 4-13-2020

3. **Grantor (s):** Amanda & Fernando Esquivel, husband and wife

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

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

6. **Legal Description:**

See Exhibit(s) A and B attached hereto and incorporated herein

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

RL- City of Gladstone
7010 N Holmes
Gladstone MO 64118

R-20-15

(6)
39-

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Amanda & Fernando Esquivel
(Names)

7601 N. Troost Avenue, 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:

See Exhibit(s) A and B attached hereto and incorporated herein

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 15 day of April, 2020

CITY OF GLADSTONE
By Scott Wingerson
Scott Wingerson, City Manager

GRANTORS:
A. Esquivel
Amanda Esquivel

Attest: Ruth C Bocchino
Ruth Bocchino, City Clerk

Fernando E.
Fernando Esquivel

GRANTORS' ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF Clay ss.

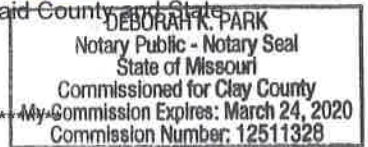
On this 13th day of March, 2020, before me, the undersigned Notary Public, personally appeared Amanda & Fernando Esquivel to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed. And the said Amanda & Fernando Esquivel 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.

Deborah K. Park

Notary Public Within Said County and State

My commission expires 03-24, 2020



GRANTEE'S ACKNOWLEDGMENT

On this 15 day of April, 2020, 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 J. [Signature]

Notary Public Within Said County and State

My Commission expires 11-11-22

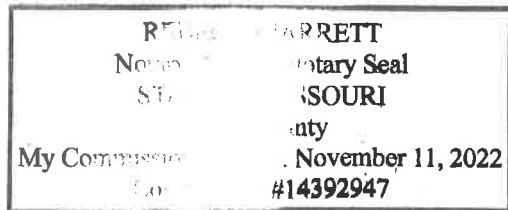


Exhibit "A"
(Page 1 of 2)

PROJECT NO. 018-1193 - TRACT NO. 1

DATE: 05/25/19

OWNER: AMANDA ESQUIVEL

TEMPORARY CONSTRUCTION EASEMENT - 7601 NORTH TROOST

PROJECT: NE 76TH STREET ROAD IMPROVEMENTS - GLADSTONE, MISSOURI

PARCEL I.D. NO. 13607000901200

TEMPORARY CONSTRUCTION EASEMENT

A strip of land over a part of Lot 1, Terrace Gardens, a subdivision in the City of Gladstone, Clay County, Missouri, according to the recorded plat thereof, said strip being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 1, said point being the intersection of the East right-of-way line of North Troost Avenue and the North right-of-way line of NE 76th Street, as both streets are now established;

thence North 00 degrees 26 minutes 54 seconds East, along said East right-of-way line, a distance of 10.00 feet, to the POINT OF BEGINNING;

thence continuing North 00 degrees 26 minutes 54 seconds East, along said East right-of-way line, a distance of 8.97 feet;

thence South 43 degrees 54 minutes 09 seconds East, departing said East right-of-way line, a distance of 8.54 feet;

thence South 88 degrees 15 minutes 11 seconds East, along a line 13.00 feet North of and parallel with said North right-of-way line, a distance of 109.88 feet;

thence North 01 degrees 44 minutes 49 seconds East, along a line perpendicular to said North right-of-way line, a distance of 15.00 feet;

thence South 88 degrees 15 minutes 11 seconds East, along a line 28.00 feet North of and parallel with said North right-of-way line, a distance of 26.00 feet;

thence South 01 degrees 44 minutes 49 seconds West, along a line perpendicular to said North right-of-way line, a distance of 15.00 feet;

thence South 88 degrees 15 minutes 11 seconds East, along a line 13.00 feet North of and parallel with said North right-of-way line, a distance of 57.97 feet, to a point on the East line of said Lot 1;

thence South 00 degrees 26 minutes 54 seconds West, along said East line, a distance of 12.00 feet;

thence North 88 degrees 15 minutes 11 seconds West, along a line 1.00 feet North of and parallel with said North right-of-way line, a distance of 190.83 feet;

thence North 43 degrees 54 minutes 09 seconds West, a distance of 12.87 feet, to the POINT OF BEGINNING, containing 2,765 square feet or 0.0635 acres, more or less.

(As depicted on Exhibit "B", attached and incorporated herein).



Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, KS 66213
(913) 381-1170

Recorded in Clay County, Missouri



Recording Date/Time: 04/20/2020 at 08:31:49 AM

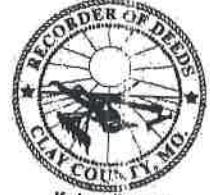
Instr #: 2020011858

Book: 8654 Page: 5

Type: EASE

Pages: 5

Fee: \$36.00 S 20200010716



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Temporary Construction Easement
2. **Date:** 4-13-2020
3. **Grantor (s):** Barbara J. Weber
4. **Grantee (s):** City of Gladstone, Missouri
5. **Mailing Address:** 7010 N. Holmes, Gladstone, MO 64118
6. **Legal Description:**
See Exhibit(s) A and B attached hereto and incorporated herein
7. **Reference Book & Page:** N/A

Same

R-20-15

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36

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Barbara J. Weber
(Names)

1207 Northeast 76th 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:

See Exhibit(s) A and B attached hereto and incorporated herein

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 15 day of April, 2020

CITY OF GLADSTONE
By Scott Wingerson
Scott Wingerson, City Manager

GRANTORS:
Barbara J. Weber
Barbara J. Weber

Attest: Ruth Bocchino
Ruth Bocchino, City Clerk

GRANTORS' ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF Clay ss.

On this 23rd day of September, 2019, before me, the undersigned Notary Public, personally appeared Barbara J. Weber to me known to be the persons described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed. And the said Barbara J. Weber further declared herself to be unmarried.

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.

Tammy J. Vassar
Notary Public Within Said County and State

My commission expires 8/15/20

GRANTEE'S ACKNOWLEDGMENT

On this 15 day of April, 2020, 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 11-11-22

REBECCA JARRETT
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: November 11, 2022
Commission #14392947

Tammy J. Vassar
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: August 15, 2020
Commission #16104366

Exhibit "A"
(Page 1 of 1)

PROJECT NO. 018-1193 – TRACT NO. 43

DATE: 06/05/19

OWNER: BARBARA J. WEBER

TEMPORARY CONSTRUCTION EASEMENT – 1207 NE 76TH STREET

PROJECT: NE 76TH STREET ROAD IMPROVEMENTS - GLADSTONE, MISSOURI

PARCEL I.D. NO. 13611000501900

20.00' WIDE TEMPORARY CONSTRUCTION EASEMENT

The North 20.00 feet of Lot 68, Park Tower North, a subdivision in the City of Gladstone, Clay County, Missouri, according to the recorded plat thereof, containing 1,500 square feet or 0.0344 acres, more or less.

(As depicted on Exhibit "B", attached and incorporated herein).



**Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, KS 66213
(913) 381-1170**

Total Property Area: ±10,125 sq. ft.

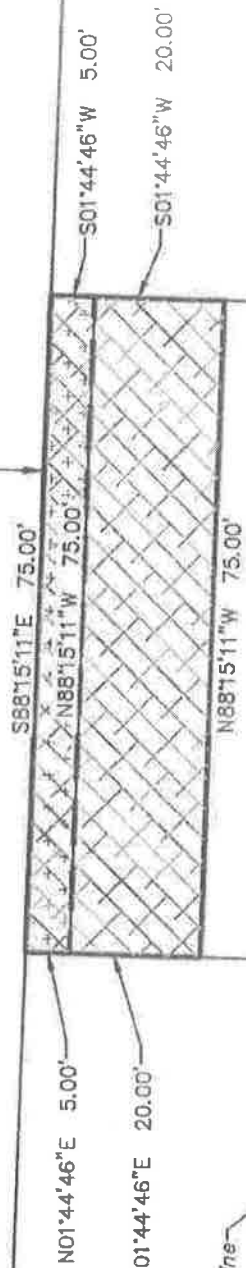
Temporary Construction =
1,500 S.F. or 0.0344 Ac., ±
Utility Easement = 375 S.F.
or 0.0086 Ac., ±
Property Line
Right-of-Way



R/W

NE 76th Street
(50' Public R/W)

50' R/W



30' Bldg. Line

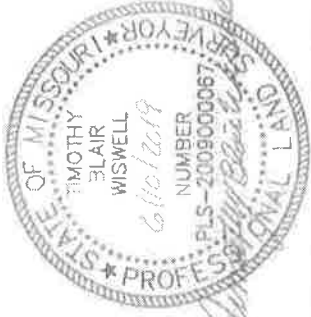
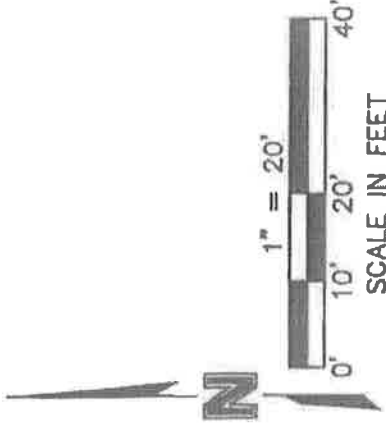
69

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TRACT 43
BARBARA J. WEBER
1207 NE 76TH STREET

Tower North
park

51



PROJECT NO: 018-1193
DRAWN BY: TMV
DATE: 06/05/19 REVISED:

TRACT NO. 43 - PERMANENT UTILITY EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT
1207 NE 76TH STREET, GLADSTONE MISSOURI



7301 West 133rd Street
Suite 200
Overland Park, KS 66212-4750
TEL 313.391.1170

EXHIBIT

B

DWG: C:\Temp\publish_24756\XEXH1_81193.dwg
USER: tvlentine
DATE: Jun 10, 2019 1:30pm
XREFS:

Recorded in Clay County, Missouri



Recording Date/Time: 04/20/2020 at 08:31:49 AM

Instr #: 2020011859

Book: 8654 Page: 6

Type: QC

Pages: 6

Fee: \$39.00 \$ 20200010716



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Quit-Claim Deed
2. **Date:** 4-13-2020
3. **Grantor (s):** Amanda Esquivel & Fernando Esquivel, husband and wife
4. **Grantee (s):** City of Gladstone, Missouri
5. **Mailing Address:** 7010 North Holmes, Gladstone, MO 64118
6. **Legal Description:**
See Exhibit(s) A and B attached hereto and incorporated herein
7. **Reference Book & Page:** N/A

R-20-15

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Same

Quit-Claim Deed

This Indenture,
made on this march 13th **day of 2020, by and between**

Amanda & Fernando Esquivel
7601 North Troost Avenue
Gladstone, Missouri

County of Clay, State of Missouri, party of the first part, and

City of Gladstone

of the County of Clay, State of Missouri, party of the second part,
(Mailing address of the first named grantee is 7010 N. Holmes, Gladstone, Missouri 64118)

WITNESSETH, THAT THE SAID PARTY OF THE FIRST PART, in consideration of the sum ofOne (\$1.00)..... dollar and other good and valuable considerations, to it in hand paid by the party of the second part, the receipt for which is hereby acknowledged, does by these presents, REMISE, RELEASE and FOREEVER CONVEY RIGHT-OF-WAY unto the said party of the second part, the following described lots, tracts or parcels of land lying, being and situated in the County of CLAY, and State of Missouri to-wit:

See Exhibit(s) A and B attached hereto and incorporated herein

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances, thereto belonging unto the said party of the second part and unto its heirs and assigns forever; so that neither party of the first part, nor any other person or persons, for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hands the day and year above written.

(Attest:)

A. Esquivel
Amanda Esquivel

Fernando E.
Fernando Esquivel

ACKNOWLEDGMENT

STATE OF MO
COUNTY OF Clay }} ss

On this 13th day of March, 2020
Before me, the undersigned Notary Public, personally appeared, Amanda & Fernando Esquivel,
to me known to be the person(s) described herein and who executed the foregoing instrument and
acknowledged that they executed same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my
office in Gladstone, MO, 03-13-2020 the day and year
last above written.

Deborah K. Park
Notary Public within said County/St.

My commission expires 03-24-2020.

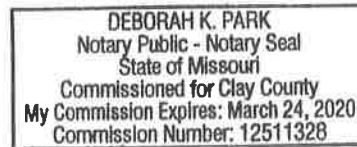


Exhibit "A"
(Page 1 of 2)

PROJECT NO. 018-1193 - TRACT NO. 1

DATE: 05/25/19

OWNER: AMANDA ESQUIVEL

PERMANENT ROAD RIGHT-OF-WAY - 7601 NORTH TROOST

PROJECT: NE 76TH STREET ROAD IMPROVEMENTS - GLADSTONE, MISSOURI

PARCEL I.D. NO. 13607000901200

PERMANENT ROAD RIGHT-OF-WAY

A strip of land over a part of Lot 1, Terrace Gardens, a subdivision in the City of Gladstone, Clay County, Missouri, according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 1, said point being the intersection of the East right-of-way line of North Troost Avenue and the North right-of-way line of NE 76th Street, as both streets are now established;

thence North 00 degrees 26 minutes 54 seconds East, along said East right-of-way line, a distance of 10.00 feet;

thence South 43 degrees 54 minutes 09 seconds East, departing said East right-of-way line, a distance of 12.87 feet;

thence South 88 degrees 15 minutes 11 seconds East, along a line 1.00 feet North of and parallel with said North right-of-way line, a distance of 190.83 feet, to a point on the East line of said Lot 1;

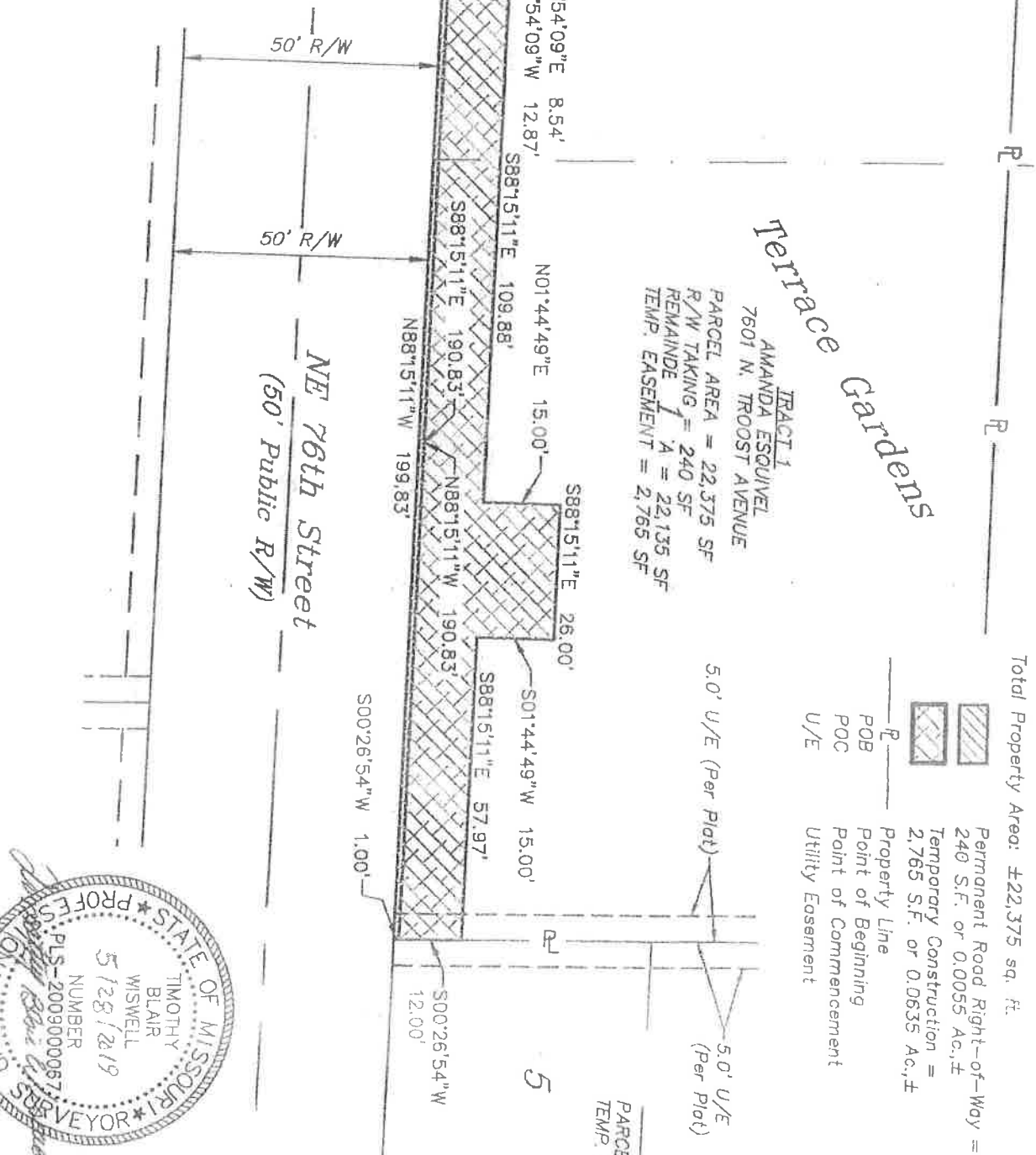
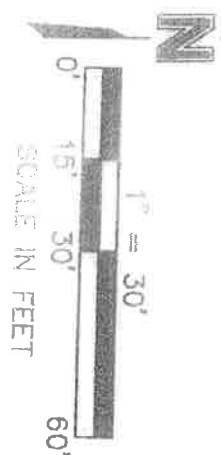
thence South 00 degrees 26 minutes 54 seconds West, along said East line, a distance of 1.00 feet, to a point on said North right-of-way line;

thence North 88 degrees 15 minutes 11 seconds West, along said North right-of-way line, a distance of 199.83 feet, to the POINT OF BEGINNING, containing 240 square feet or 0.0055 acres, more or less.

(As depicted on Exhibit "B", attached and incorporated herein).



Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, KS 66213
(913) 381-1170



Terrace Gardens
TRACT 1
AMANDA ESQUIVEL
7601 N. TROOST AVENUE
 PARCEL AREA = 22,375 SF
 R/W TAKING = 240 SF
 REMAINDER = 22,135 SF
 TEMP. EASEMENT = 2,765 SF

Total Property Area: ±22,375 sq. ft.
 Permanent Road Right-of-Way = 240 S.F. or 0.0055 Ac., ±
 Temporary Construction = 2,765 S.F. or 0.0635 Ac., ±

- Property Line
- Point of Beginning
- Point of Commencement
- Utility Easement



PROJECT NO: 018-1193
 DRAWN BY: TMV
 DATE: 05/24/19 REVISED:

TRACT NO. 1 - PERMANENT ROAD RIGHT-OF-WAY &
 TEMPORARY CONSTRUCTION EASEMENT
 7601 NORTH TROOST AVENUE, GLADSTONE MISSOURI



7301 West 133rd Street
 Suite 200
 Overland Park, KS 66213-4790
 TEL 913.381.1170

EXHIBIT
B