

RESOLUTION NO. R-20-45

A RESOLUTION ACCEPTING EASEMENTS FROM CERTAIN PROPERTY OWNERS IN CONJUNCTION WITH THE NORTHEAST 76TH STREET AND NORTH TRACY AVENUE STORM DRAINAGE IMPROVEMENTS PROJECT CP2131.

WHEREAS, easements from certain property owners are necessary for the City to construct public improvements in conjunction with the Northeast 76th Street and North Tracy Avenue Storm Drainage Improvements Project (CP2131).

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

THAT, the easements from the property owners attached hereto as Exhibits "L" through "M" are hereby accepted. Easement labeling is a continuation of the easements submitted and accepted under resolution R-20-44.

Temporary Construction Easement

"L" – Ashley K. Scanlon

7528 N. Tracy Avenue

Permanent Easement

"M" – Ashley K. Scanlon

7528 N. Tracy Avenue

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 28TH DAY OF SEPTEMBER, 2020.



Jean B. Moore, Mayor

ATTEST:



Ruth E. Bocchino, City Clerk



Request for Council Action

RES # 20-45

BILL # City Clerk Only

ORD # City Clerk Only

Date: 9/23/2020

Department: Public Works

Meeting Date Requested: 9/28/2020

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

Subject: NE 76th and North Tracy Avenue Storm Drainage #CP2131

Background: Easements are needed from seven (7) property owners to complete this project.

Budget Discussion: Funds are budgeted in the amount of \$ 150,000 from the CIST Fund. Ongoing costs are estimated to be \$ 500 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. This represents all of the necessary easements to complete this project.

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

Timothy A. Nebergall
Department Director/Administrator

JM
City Attorney

SW
City Manager



Recording Date/Time: 10/01/2020 at 02:20:58 PM

Instr #: 2020036668

Book: 8819 Page: 127

Type: EASE

Pages: 6

Fee: \$39.00 S 20200032989



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Temporary Construction Easement

2. **Date:** 9/28/2020

3. **Grantor (s):** Ashley K. Scanlon

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

R-20-45

6

GRANTORS' ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF Clay ss.

On this 15th day of Sept, 2020, before me, the undersigned Notary Public, personally appeared Ashley K. Scanlon to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed. And the said Ashley K. Scanlon 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.

My commission expires March 25, 2024

Janice L Sprink
Notary Public Within Said County and State
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: Mar. 25, 2024
Commission #12319212

GRANTEE'S ACKNOWLEDGMENT

On this 3 day of Sept, 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.

My Commission expires 11-11-22

Rebecca Jarrett
Notary Public Within Said County and State
REBECCA JARRETT
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: November 11, 2022
Commission #14392947

EAST THOMAS HEIGHTS

LOT 13

EXHIBIT A

DRAINAGE EASEMENT

POINT OF BEGINNING
 SW COR LOT 2
 DRAINAGE EASEMENT
 POINT OF COMMENCEMENT
 TEMPORARY CONSTRUCTION EASEMENT

N 00°26'27" E 78.97'

NW COR LOT 2

5' U/E

10' D/E

N 88°05'09" W 25.01'

N 88°05'09" W 25.01'

POINT OF BEGINNING
 TEMPORARY CONSTRUCTION EASEMENT

S 00°26'27" W 78.97'

N 88°05'09" W 15.00'

N 88°05'09" W 15.00'



LOT 3

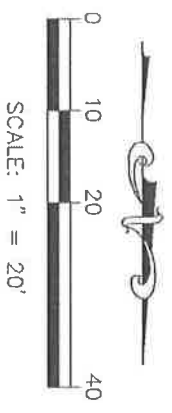
LOT 2

LOT 1

PARK TOWER NORTH

P.I.N.: 13611000601200
 PROP. OWN.: ASHLEY K. SCANLON
 PROP. ADD.: 7528
 N. TRACY AVE

LEGEND	
	DRAINAGE EASEMENT = 1,974 SQ. FT.
	TEMPORARY CONSTRUCTION EASEMENT = 1,185 SQ. FT.



KAW VALLEY ENGINEERING

8040 N. OAK TRAFFICWAY
 KANSAS CITY, MISSOURI 64118
 PH. (816) 468-5858 | FAX (816) 468-6651
 kc@kveng.com | www.kveng.com



7/16/2020
 3778EXB

Exhibit B

KVE PN. B19_ 3778

GLADSTONE STORM SEWER IMPROVEMENTS

PERMANENT DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

LOT 2, PARK TOWER NORTH

PERMANENT DRAINAGE EASEMENT

A tract of land for a Permanent Drainage Easement across part of Lot 2, PARK TOWER NORTH, a subdivision of land in the City of Gladstone, Clay County, Missouri, filed for record June 2, 1959, in Book 5, at Page 129, in office of the Clay County Recorder of Deeds; and more particularly described by Phillip James Schnitz, PLS 2014020715, on July 17, 2020, as follows:

(Basis of Bearings: North 00° 26' 27" East along the West line of Lots 1, 2, 3, and 4, PARK TOWER NORTH, as measured by Global Positioning System (GPS) on the Missouri Department of Transportation VRS network and referenced to Missouri State Plane Coordinate System, West Zone, based on the North America Datum of 1983(NAD83) with ellipsoid update 12A.)

Beginning at the Southwest corner of Lot 2, PARK TOWER NORTH, a subdivision of land in the City of Gladstone, Clay County, Missouri, filed for record June 2, 1959, in book 5, at Page 129, in office of the Clay County Recorder of Deeds;

Thence North 0° 26' 27" East, a distance of 78.97 feet, on the West line of said Lot 2, being the East line of Lot 13, EAST THOMAS HEIGHTS, a subdivision of land in the City of Gladstone, Clay County, Missouri, filed for record April 1, 1952, in book 8, at Page 72, in office of the Clay County Recorder of Deeds, to the Northwest corner of said Lot 2;

Thence South 88° 05' 09" East, a distance of 25.01 feet, on the North line of said Lot 2, being the South line of Lot 1, PARK TOWER NORTH;

Thence South 0° 26' 27" West, a distance of 78.97 feet, on a line 25.00 feet East of and parallel with the West line of said Lot 2, to the South line of said Lot 2, being the North line of Lot 3, PARK TOWER NORTH;

Thence North 88° 05' 09" West, a distance of 25.01 feet, on the South line of said Lot 2, and the North line of Lot 3, PARK TOWER NORTH, to the Southwest corner of said Lot 2, being the Northwest corner of said Lot 3, and the Point of Beginning;

Said tract of land contains 1,974 square feet or 0.0453 acres more or less.

Also

TEMPORARY CONSTRUCTION EASEMENT

A tract of land for a Temporary Construction Easement across part of Lot 2, PARK TOWER NORTH, a subdivision of land in the City of Gladstone, Clay County, Missouri, filed for record June 2, 1959, in Book

5, at Page 129, in office of the Clay County Recorder of Deeds; and more particularly described by Phillip James Schnitz, PLS 2014020715, on July 17, 2020, as follows:

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Thence South 88° 05'09" East, a distance of 25.01 feet, on the South line of said Lot 2, being the North line of Lot 3, PARK TOWER NORTH, to the Point of Beginning;

Thence North 0° 26'27" East, a distance of 78.97 feet, on a line 25.00 feet East of and parallel with the West line of said Lot 2, to the North line of said Lot 2, being the South line of Lot 1, PARK TOWER NORTH;

Thence South 88° 05'09" East, a distance of 15.00 feet, on the North line of said Lot 2 and the South line of said Lot 1;

Thence South 0° 26'27" West, a distance of 78.97 feet, on a line 40.00 feet East of and parallel with the West line of said Lot 2, to the South line of said Lot 2, and the North line of said Lot 3;

Thence North 88° 05'09" West, a distance of 15.00 feet, on the South line of said Lot 2, and the North line of said Lot 3, to the Point of Beginning;

Said strip of land contain 1,185 square feet or 0.0272 acres more or less.



Recorded in Clay County, Missouri



Recording Date/Time: 10/01/2020 at 02:20:58 PM

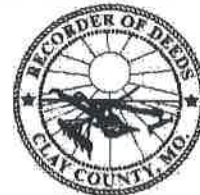
Instr #: 2020036667

Book: 8819 Page: 126

Type: EASE

Pages: 7

Fee: \$42.00 S 2020032989



Katee Porter
Recorder of Deeds

(Space above reserved for Recorder of Deeds certification)

1. **Title:** Drainage Easement

2. **Date:** 9/28/2020

3. **Grantors:** Ashley K. Scanlon

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

R-20-45

DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, Ashley K. Scanlon
(Names)

7528 North Tracy Avenue, Gladstone, MO
(Address)
(ADDRESS)

of Gladstone, Clay County, MO 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 or right of way for the location, construction, reconstruction, maintenance, removal, operation and repair of any open drainageway, storm drainage structure, 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:

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

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 her 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 excavating upon said land for the purpose of laying, constructing, reconstructing, operating, repairing, and maintaining said facilities and appurtenances; and no excavation or fill shall be made and no other operations of any kind or nature shall be performed or authorized by the **GRANTOR** to be performed which will reduce or increase the earth coverage in such manner and to such extent so as to interfere with, or jeopardize or threaten the normal and proper operation and maintenance of said facilities and appurtenances, said facilities at all times to be laid and constructed at a proper depth below any pavement or street surfacing laid out or established at any time along, upon, or over said easement or any portion thereof, and the **GRANTEE** will repair any damage to fences, pavement, curb or sod in any way arising in connection with the laying, constructing, and repairing of said facilities and appurtenances. 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, and so much of the **GRANTOR'S** adjoining land as may be reasonably necessary, at any time to excavate or perform other operations for the purpose of laying, constructing, reconstructing, operating, removing, replacing, repairing, or maintaining said facilities and all appurtenances incidental thereto.

3. That Ashley K. Scanlon are lawfully seized and possessed of the real estate above described, that she has 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 she forever warrant

and defend the title thereto against the lawful claims of all affecting the right and easement granted hereunder.

IN WITNESS WHEREOF, said Grantors do hereunto set her hand and subscribed her name to the foregoing, this 15 day of September, 2020.

CITY OF GLADSTONE, MO

GRANTOR:

BY Scott
Scott Wingerson, City Manager

Ashley K. Scanlon
Ashley K. Scanlon

ATTEST: Ruth E Bocchino
Ruth Bocchino, City Clerk

GRANTOR'S ACKNOWLEDGMENT

STATE OF MISSOURI)
COUNTY OF Clay) ss.

On this 15th day of Sept, 2020, before me, the undersigned Notary Public, personally appeared Ashley K. Scanlon, to me known to be the persons described herein and who executed the foregoing instrument and acknowledged that she executed the same as their free act and deed. And the said Ashley K. Scanlon further declared herself to be unmarried.

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.

Jennifer L. Sprink
Notary Public within said County/St.

My commission expires March 25, 2020.

JENNIFER L. SPRINK
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: Mar. 25, 2024
Commission #12319212

EAST THOMAS HEIGHTS

EXHIBIT A

LOT 13

POINT OF BEGINNING

SW COR LOT 2

DRAINAGE EASEMENT

POINT OF COMMENCEMENT

TEMPORARY CONSTRUCTION EASEMENT

N 00°26'27" E 78.97'

DRAINAGE EASEMENT

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5' U/E

W. LINE LOT 2

25.0' DRAINAGE EASEMENT

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LOT 3

S 00°26'27" W 78.97'

15.0' TEMPORARY CONSTRUCTION EASEMENT

S 00°26'27" W 78.97'

LOT 2

LOT 1

PARK TOWER NORTH

P.I.N.: 13611000601200

PROP. OWN.: ASHLEY K. SCANLON

PROP. ADD.: 7528

N. TRACY AVE



SCALE: 1" = 20'

LEGEND



DRAINAGE EASEMENT
= 1,974 SQ. FT.



TEMPORARY CONSTRUCTION EASEMENT
= 1,185 SQ. FT.




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KAW VALLEY ENGINEERING

7/16/2020
3778EXB

Exhibit B

KVE PN. B19_3778

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Thence South $0^{\circ} 26' 27''$ West, a distance of 78.97 feet, on a line 25.00 feet East of and parallel with the West line of said Lot 2, to the South line of said Lot 2, being the North line of Lot 3, PARK TOWER NORTH;

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Thence North $88^{\circ} 05' 09''$ West, a distance of 15.00 feet, on the South line of said Lot 2, and the North line of said Lot 3, to the Point of Beginning;

Said strip of land contain 1,185 square feet or 0.0272 acres more or less.

