

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** authorizing the County Executive to execute a permanent general utility easement in favor of the City of Independence and a temporary construction easement in favor of the R.W. Farmer Construction Company, across a portion of the Little Blue Trace Park, to extend a sewer line and close and remove an existing treatment plant.

**RESOLUTION #17848**, March 12, 2012

**INTRODUCED BY** Fred Arbanas, County Legislator

WHEREAS, Independence Mobile Home Park was granted a permanent easement on Little Blue Trace Park property in 1974 to construct a sewer treatment plant for use by its mobile home park residents; and,

WHEREAS, the City of Independence has agreed to extend a new sewer line in the area which will eliminate the need for the treatment plant; and,

WHEREAS, Independence Mobile Home Park, through R.W. Farmer Construction Company, will close and remove the existing treatment plant as required by the Missouri Department of Natural Resources; and,

WHEREAS, this project will eliminate a source of sewage spills into the Little Blue River and Independence Mobile Home Park will release the original 1974 easements back to the County upon completion of the project; and,

WHEREAS, the Director of Parks and Recreation has recommended that the County execute the attached permanent general utility easement with the City of Independence for the construction, operation, and maintenance of the sewer extension, and the attached temporary construction easement with R.W. Farmer Construction Company for the closure and demolition of the treatment plant; and,

WHEREAS, the County's land transaction fee will be collected on the conveyance but the Director recommends that, in view of the proposed release of the 1974 easement, the easement fee be waived; and,

WHEREAS, the execution of the attached easements is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the attached Temporary Construction Easement and General Utility Easement are hereby approved and that the County Executive is hereby authorized to execute on behalf of the County the Agreements and any other documents necessary to give effect to this Resolution; and,

BE IT FURTHER RESOLVED that the Director of Parks and Recreation be and hereby is authorized to waive the county's per square foot easement fee on this transaction.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Jay D. Holden  
Chief Deputy County Counselor

W. Stephen Nifon  
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17848 of March 12, 2012, was duly passed on March 19, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

~~Excused~~ 1  
~~Absent~~

3.19.12  
Date

Mary Jo Spino  
Mary Jo Spino, Clerk of Legislature

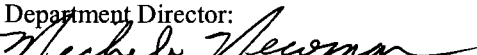
# REQUEST FOR LEGISLATIVE ACTION

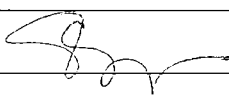
Completed by County Counselor's Office:

Res/Ord No.: 17848

Sponsor(s): Fred Arbanas

Date: March 12, 2012

<p>SUBJECT</p>	<p>Action Requested  <input checked="" type="checkbox"/> Resolution  <input type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Independence Mobile Home Park Sewer Connection and Treatment Plant Closure</u></p>										
<p>BUDGET INFORMATION  <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$0</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$0</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$0</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$0</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT  TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:  Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable):  Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$0	Amount previously authorized this fiscal year:	\$0	Total amount authorized after this legislative action:	\$0	Amount budgeted for this item * (including transfers):	\$0	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT  TO ACCT
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<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): None</p> <p>Prior resolutions and (date): None</p>										
<p>CONTACT INFORMATION</p>	<p>RLA drafted by (name, title, &amp; phone): Bruce Wilke, Landscape Architect, 503-4802</p>										
<p>REQUEST SUMMARY</p>	<p>We are requesting permission for the County Executive to execute the attached easement agreements to allow installation of a sanitary sewer line on Little Blue Trace Park property. Independence Mobile Home Park was granted a permanent easement in 1974 to build and operate a sewer treatment plant on Little Blue Trace park property to service an adjacent mobile homes development. The owner is now proposing to install a new sewer line to eliminate the need for the treatment plant. The owner is requesting a temporary and Permanent easement be granted to The City of Independence for the new sewer line. In exchange the owner will close and remove the existing treatment plant per Dept. of Natural Resources closure guidelines. The owner will then release the original 1974 easement back to the County.</p>										
<p>CLEARANCE</p>	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>										
<p>ATTACHMENTS</p>	<p>Cover letter; Temporary Construction Document; Permanent Easement Document; Sewer Extension Plan Drawings; Treatment Plant Closure Plan Drawings; Aerial photo showing location.</p>										
<p>REVIEW</p>	<p>Department Director:  Date: 2/28/12</p>										

Finance (Budget Approval): <i>If applicable</i>	Date:
Division Manager: 	Date: 3/7/12
County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

# Memorandum

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Date: February 28, 2012

To: Legislative Committee

From: Michele Newman, Director of Parks & Recreation

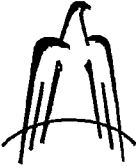
Sub: Independence Mobil Home Park Temporary and Permanent Easements for removal of an existing sewer treatment plant.

Independence Mobil Home Park is requesting passage of a Resolution approving a Temporary and Permanent Easement to extend a sewer line connection to the mobile home park and for removal of an existing sewer treatment plant on the Little Blue Trace Park property at U. S. 40 Hwy. and Valley View Road.

## Background:

- Independence Mobile Home Park was granted Permanent Easements on Little Blue Trace Park property in 1974 to construct a sewer treatment plant for their mobile home park.
- Independence Mobile Home Park is seeking to extend a new sewer line to eliminate the need for the treatment plant. The sewer line and Permanent Easement will be owned and maintained by The City of Independence.
- Independence Mobile Home Park will close and remove the existing treatment plant as required by the Missouri Dept. of Natural Resources under their jurisdiction.
- Independence Mobile Home Park is willing to release the original 1974 easements upon completion of the project.
- This project benefits the County by eliminating a source of sewage spills into the Little Blue River and removal of an aging sewage treatment plant on County property.
- The \$2,000.00 easement processing fee will be collected, however, staff suggests that the \$0.40/square foot easement fee, (\$660.00), should be waived if the original 1974 easement on County property is released.

Please let me know if any additional information is required. I would be most happy to meet with you prior to the next Committee meeting to answer any remaining questions.



# PHOENIX ENGINEERING & SURVEYING, LLC

CIVIL ENGINEERS SURVEYORS PLANNERS

February 17, 2012

Jackson County Parks & Recreation  
22807 Woods Chapel Road  
Blue Springs, MO 64015

RE: Request for Permanent and Temporary Easements

Dear Ms. Newman:

Phoenix Engineering and Surveying, LLC is representing R.W. Farmer Construction Company in their efforts to retire the sewage treatment plant serving the Independence Mobile Home Park. This treatment plant is located in Independence, Missouri, just North of the intersection of Highway 40 and Valley View Road.

In order to move forward with this project, R.W. Farmer Construction Company must acquire a permanent easement for the sewer main extension allowing the treatment plant to be retired, as well as a temporary construction easement for the closure and demolition of the treatment plant. The permanent easement would be granted to the City of Independence, Missouri for the construction, operation, and maintenance of the sewer extension, and the temporary construction easement would be granted to R.W. Farmer Construction Company to allow them and their contractors access to the treatment plant to perform the closure and demolition work. R.W. Farmer Construction Company currently has construction drawings under review with the City of Independence and is in the process of acquiring the necessary permits through the Missouri Department of Natural Resources. We have included a copy of the drawings showing the proposed work for your information.

We believe that this work will provide substantial benefit to the County, as the treatment plant is located on Parks & Recreation Department property and is operated under the easement agreement between L&K Realty Company and R.W. Farmer Construction Company recorded as Document No. I-180935 in Book I-516, Page 808 on April 26, 1974 and amended by the easement agreement recorded as Document No. I-194026 in Book I-549, Page 390 on September 13, 1974. R.W. Farmer Construction Company agrees to release these easement agreements upon completion of this project.

We therefore are formally requesting that Jackson County grant the permanent and temporary easements necessary to allow this project to proceed. Thank you for your consideration.

Sincerely,  
Phoenix Engineering & Surveying, LLC

Matthew D. Oetting, P.E.