

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE appropriating \$2,510.00 from the undesignated fund balance of the 2016 Park Fund in acceptance of easement and processing fees received from Sharon K. Edwards, and authorizing the County Executive to execute a Permanent Storm Drainage Easement in favor of Sharon K. Edwards of Independence, Missouri.

ORDINANCE NO. 4929, November 7, 2016

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, the Parks + Rec Department received a request from Sharon K. Edwards, of Independence, MO, for a permanent storm drainage easement across a portion of Little Blue Trace Park property; and,

WHEREAS, Ms. Edwards is in need of this storm drainage line to discharge standing water from her property; and,

WHEREAS, the requested permanent easement of 1,275 square feet of County park land adjacent to Little Blue Trace Park and 39th Street in Independence, MO, is not accessible to the public and will have no impact on park usage; and,

WHEREAS, the Director of Parks + Rec has recommended that the County execute the attached Permanent Easement in favor of Sharon K. Edwards, for this improvement project; and,

WHEREAS, Ms. Edwards has agreed to pay the County easement and processing fees

required by the County Code, totaling \$2,510.00; and,

WHEREAS, these funds are to be used for property acquisition and/or construction for an extension of the Little Blue Trace Trail; and,

WHEREAS, an appropriation is needed to place the funds in the appropriate spending account; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation from the undesignated fund balance of the 2016 Park Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Park Fund Construction Services			
003-9999	47020 – Sale of Fixed Assets	\$2,510	
003-2810	Undesignated Fund Balance		\$2,510
003-2810	Undesignated Fund Balance	\$2,510	
003-1608	58060 – Other Improvements		\$2,510

BE IT FURTHER ORDAINED by the County Legislature of Jackson County, Missouri, that the attached Permanent Easement is hereby approved and that the County Executive is hereby authorized to execute on behalf of the County the Agreement and any other documents necessary to give effect to this Ordinance.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

[Signature]
Chief Deputy County Counselor

[Signature]
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4929, of November 7, 2016, was duly passed on November 14, 2016 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absents 0

Excused 1



This Ordinance is hereby transmitted to the County Executive for his signature.

11.14.16
Date

[Signature]
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4929 .

11/16/2016
Date

[Signature]
Frank White, Jr., County Executive

Funds sufficient for this appropriation are available from the source indicated below.

ACCOUNT NUMBER: 003 2810
ACCOUNT TITLE: Park Fund
Undesignated Fund Balance
NOT TO EXCEED: \$2,510.00

November 1, 2016
Date

[Signature]
Chief Financial Officer

PERMANENT STORM DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT, made and entered into this ___ day of _____, 20___ is by and between Jackson County, Missouri, a County organized and existing under the laws of the State of MISSOURI, hereinafter called GRANTOR, for and in consideration of the sum of One and no/100's Dollars (\$1.00), and other good and valuable considerations, the receipt and sufficiency of which hereby acknowledged, does hereby grant, bargain, sell, convey, and confirm unto Sharon K. Edwards (20800 E 37th Terrace Ct S. Independence, Missouri, 64057), a Municipal Corporation of the State of Missouri, hereinafter called GRANTEE, a Permanent Easement for use in the establishment, building and repair of storm sewer lines, on, over, under, and across the following described land in the County of Jackson, and the State of Missouri, to-wit:

DESCRIPTION: PERMANENT SANITARY SEWER EASEMENT (PSE)

A strip of land located in the Northeast Quarter of Section 21, Township 49, Range 31, in the City of Independence, Jackson County, Missouri, said strip being 15 feet wide, lying 7.5 feet each side of the following described centerline:

COMMENCING at the Northeast corner of Lot 25, SADDLE RIDGE VILLAS, P.U.D. – 2nd PLAT, a subdivision in said City and State; Thence North 88° 03' 38" West, along the North line of said Lot 25, a distance of 15.00 feet to the Point of Beginning; Thence North 19° 37' 00" East, a distance of 85.00 feet to the Point of Termination of said centerline, containing 1,275 square feet, more or less. See attached **"Exhibit A"**.

For and in consideration of \$0.40 cents per square foot of Permanent Easement to be paid by GRANTEE, see attached **Exhibit 'B'** for calculations, and the promises hereinafter made by GRANTEE, County hereby permits GRANTEE to use the land described in Exhibit 'A' for the assembling, constructing, erecting, owning, operating, patrolling, inspecting, maintaining, repairing, replacing, removing and reconstructing of the Project and, at or below ground appurtenances thereto;

GRANTEE, its employees and duly authorized agents, its contractors and their employees shall have the right to enter upon above described land at any and all times to construct, build, repair, survey; operate and store machinery and equipment; establish, alter and change grade and contour of the land; remove trees, brush, shrubbery, bushes, permanent structures and personal property including fences; and to use land for all reasonable purposes during the construction period of the project.

GRANTEE, agrees that it will restore, replace, relocate, and repair all existing permanent improvements located within the easement area, which are damaged or temporarily removed during the course of construction. Such replacements shall include driveways, sidewalks, steps, fences, and utility installations, and **GRANTEE** shall grade, seed or sod, and restore areas damaged by said construction work. Such restoration and replacement shall be at the sole expense of the **GRANTEE**, and shall be of substantially equal value to existing improvements.

GRANTEE, agrees that it will adequately protect the public from all hazards caused by any/all construction activities performed by the **GRANTEE** or contractors hired by the **GRANTEE** for the duration of this agreement. A system of hazard warning signs, barricades, construction fencing, markers and control signs shall be used and maintained by the **GRANTEE** to alert and protect the public from potential dangers.

GRANTOR herewith acknowledges receipt of good and sufficient consideration to compensate for any and all damage suffered or to be suffered or sustained by them as a result of removal of trees, shrubs and other permanent improvements on the easement herein described, other than those to be replaced, if any, as herein provided, together with any and all damages suffered or to be suffered or sustained by **GRANTOR** as a result of the relocation, construction, or maintenance of the facilities to be built by **GRANTEE** and any and all other damage suffered or to be suffered or sustained by **GRANTOR** as a result of the use of this easement by **GRANTEE** or its contractors, employees and agents.

IN WITNESS WHEREOF, the said **GRANTOR**, Jackson County, has caused these presents to be signed by its County Executive and attested by its Clerk of the County Legislature, and its County Seal to be hereunto affixed this ____ day of _____, 20__.

JACKSON COUNTY

ATTEST:

Frank White Jr., County Executive

Mary Jo Spino, County Clerk

APPROVED AS TO FORM:

W. Stephen Nixon, County Counselor

ATTEST:

COUNTY ACKNOWLEDGMENT

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

On this _____ day of _____, 20__, before me, a Notary Public, personally appeared Michael D. Sanders, to me personally known, who, being by me duly sworn, did say that she is the County Executive of Jackson County, Missouri, and that she executed the above and foregoing instrument on behalf of said Jackson County, Missouri, and acknowledged the execution of same as the free and voluntary act and deed of Jackson County, Missouri.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires: _____

EXHIBIT 'A'

WEISKIRCH & PARKS ENGINEERS, INC.

MO. CERTIFICATE OF AUTHORITY

No. 001060

111 NORTH MAIN, SUITE #10

INDEPENDENCE, MISSOURI 64050

(816)254-5000 FAX: (816)252-9712

WPKC@WPEKC.COM

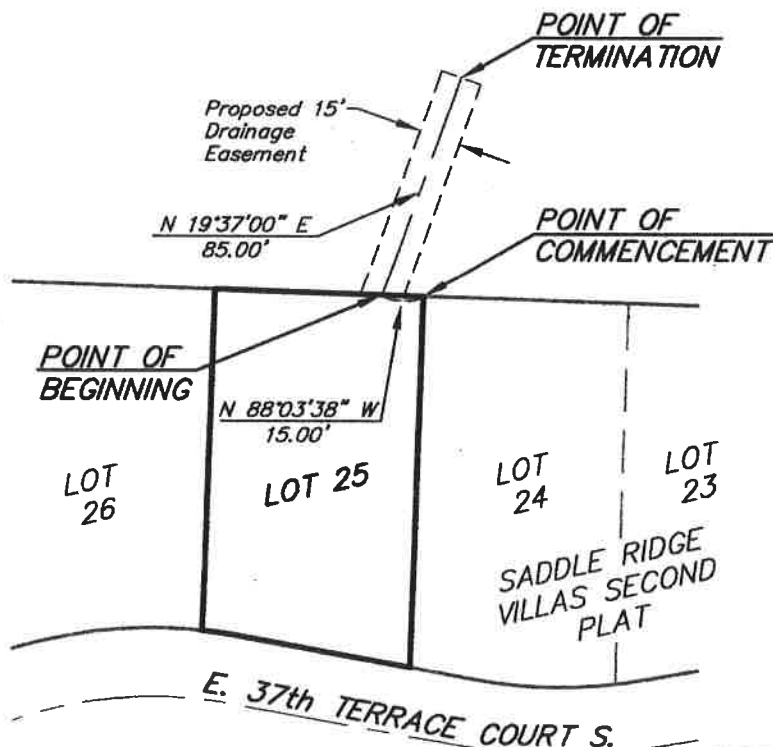


EASEMENT LOCATION SKETCH

SCALE: 1"=50'



LITTLE BLUE
TRACE NATURE
PRESERVE



Drawn By: T.K.O.

(4140) Easement Sketch

EXHIBIT 'B'

PERMANENT EASEMENT COSTS:

Easement Processing Fee	=	\$2,000.00
1,275 square feet Times \$0.40 per square foot	=	\$ 510.00
Total	=	\$ 2,510.00