

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 5081

Sponsor(s): Tony Miller

Date: March 5, 2018

SUBJECT	<p>Action Requested <input checked="" type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Permanent Easement for Spire Inc. along M-78 Highway through Little Blue Trace parkland and appropriation of \$7,809.00 easement fees to account 003-1608-58060.</u></p>																		
<p>BUDGET INFORMATION</p> <p><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>\$ 7,809.00</td></tr> <tr> <td>Amount previously authorized this fiscal year:</td><td>\$</td></tr> <tr> <td>Total amount authorized after this legislative action:</td><td>\$ 7,809.00</td></tr> <tr> <td>Amount budgeted for this item * (including transfers):</td><td>\$</td></tr> <tr> <td>Source of funding (name of fund) and account code number;</td><td></td></tr> <tr> <td>FROM : 003-9999-47020 Park Fund – Sale of Fixed Assets</td><td>\$ 7,809.00</td></tr> <tr> <td>TO : 003-2810 Park Fund – Undesignated Fund Balance</td><td>\$7,809.00</td></tr> <tr> <td>FROM : 003-2810 Park Fund – Undesignated Fund Balance</td><td>\$7,809.00</td></tr> <tr> <td>TO : 1608-58060 - Park Fund – Maintenance & Operations and other improvements</td><td>\$7,809.00</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 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:	\$ 7,809.00	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$ 7,809.00	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number;		FROM : 003-9999-47020 Park Fund – Sale of Fixed Assets	\$ 7,809.00	TO : 003-2810 Park Fund – Undesignated Fund Balance	\$7,809.00	FROM : 003-2810 Park Fund – Undesignated Fund Balance	\$7,809.00	TO : 1608-58060 - Park Fund – Maintenance & Operations and other improvements	\$7,809.00
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PRIOR LEGISLATION	<p>Prior ordinances and (date): None Prior resolutions and (date): None</p>																		
CONTACT INFORMATION	<p>RLA drafted by (name, title, & phone): Bruce Wilke, Landscape Architect 503-4802</p>																		
REQUEST SUMMARY	<p>We are requesting that the County Executive be authorized to execute the attached Easement to allow Spire Inc. to install a new 12" natural gas main under Little Blue Trace park property along the south side of M-78 Highway. The new line is to upgrade service for future development. The new line under the park will be directionally drilled underground thereby causing no disturbance above ground on park property. It will have no impact on park usage. Park staff therefore have no objection to granting the easements. Spire has agreed to pay the \$0.40/square foot easement fee, (\$5,809.00) and the \$2,000.00 easement processing fee. We further request the fees from this action be accepted and appropriated into account 003-1608-58060.</p>																		
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>																		
ATTACHMENTS	<p>Easement Request letter, Easement drawings, Easement Documents, Location Map</p>																		
REVIEW	<p>Department Director: Date:</p>																		

Finance (Budget Approval): <i>If applicable</i>	Date: <i>2/22/18</i>
Division Manager: <i>Michael Jordan</i>	Date: <i>2-22-18</i>
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:
<i>2810</i>	<i>Undesignated Fund Balance</i>	<i>\$7,809.00</i>

- ☐ 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.

EASEMENT

Jackson County, Missouri

_____, 2018

JACKSON COUNTY, ("**GRANTORS**"), 415 E 12th Street, Kansas City, Missouri 64106, owners of a tract of land described as follows: Part of Fractional Section 35, Township 50 North, Range 31 West, and further described in Book 574, page 1673 as described in Instrument # I203348 of the Jackson County, Missouri Records for and in consideration of the sum of ONE AND NO/100 Dollars (\$1.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, does hereby grant unto SPIRE MISSOURI INC., a Missouri corporation, ("**GRANTEE**"), whose address is: 700 Market St., St. Louis, MO 63101, its successors, assigns, lessees and tenants forever, the right and easement to construct, operate and maintain a gas distribution system consisting of mains, piping, valves, service connections, appurtenances and above ground structures along with the right to construct, maintain, alter, inspect, repair, replace, protect, relocate, change the size of, operate and remove a cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances for the production of cathodic protection currents therein, in, under and across the following part of the aforesaid land, namely:

A variable width wide strip of land in the above parcel as shown on Gas Line Easements Exhibit, together with the rights to use additional space adjacent to the above described easement as may be required during construction and the right of ingress to and egress from the above described land and contiguous land owned by **Grantor**. In exercising its rights of access **Grantee** shall whenever practical, use existing roads or lanes.

Grantee, its successors and assigns, will have the right to use and control a line or lines of natural gas pipe for the circulation and distribution of natural gas for public or private use through the above described property for all proper purposes connected with the installation, use, maintenance, and replacement of the line(s) of natural gas pipe, and with the attachment thereto of the service lines of its customers. Furthermore, **Grantee**, its successors and assigns, will have the right to use and control a cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances for the production of cathodic protection currents therein through the above described property for all proper purposes connected with the installation, use, maintenance, and replacement of the cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances for the production of cathodic protection currents therein. **Grantee** has the right and privilege of removing at any time, any or all the cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances to produce cathodic protection currents therein without surrendering its easement rights stated herein. **Grantee** has the right and privilege of removing at any time, any or all the line of natural gas improvements without surrendering its easement rights stated herein. If the natural gas pipe to which the service line connection(s) of the undersigned is abandoned, the service line (s) and the connection(s) may be relocated to another natural gas pipe as directed by **Grantee**.

Grantors shall have the right to use and enjoy the above described lands, except as to the rights herein conveyed. **Grantor** agrees not to obstruct or interfere with the normal use or maintenance of such pipe line or lines and any connections to the same along with cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances to produce cathodic protection currents therein. The undersigned also agrees not to erect or cause to be erected any building or structure on said easement and not place fill in excess of five (5) feet on pipeline(s) or cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances for the production of cathodic protection currents therein, or remove overburden (cover) such that pipeline or cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances for the production of cathodic protection currents therein, does not have at least three (3) feet of remaining cover. **Grantee** shall also have the right to clear and keep clear brush, trees, shrubbery, roots and other obstructions which, in **Grantee's** judgment, may interfere with the safe, proper and expeditious laying, construction, maintenance, alteration, inspection, repair, replacement, protection, relocation, operation and removal of said pipe line(s), lines and facilities, cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances for the production of cathodic protection currents therein or any part thereof, within or upon the above described land.

Grantor further reserves the right to make other improvements it desires on, over, in or near the Easement Area and should **Grantor's** improvements plan so require, **Grantee** will remove its gas distribution system components, cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances for the production of cathodic protection currents therein, from the referenced Easement Area; provided however, that **Grantor** agrees to provide to **Grantee** written notice no less than 120 days before commencing work in connection with any such improvements. In connection with any such improvement, **Grantor** agrees to provide detailed information regarding such improvements to **Grantee** and to cooperate with **Grantee** to identify an alternate Easement Area owned or controlled by **Grantor** and agreeable to both parties with respect to which **Grantee** would be accorded rights substantially similar to those contemplated herein. In any such instance, the cost of removing and relocating the gas distribution system components, cathodic protection rectifier or rectifiers, anodes and cables thereto, and appurtenances to produce cathodic protection currents therein, shall be paid by the **Grantor** if the removal and relocation is made necessary by the actions of **Grantor**.

Grantor warrants and will defend the title to said easement during its existence with the **Grantee** for its use and benefit against all parties whatsoever.

Grantee accepts this easement with the understanding and on the condition, that whenever it shall make any excavations in the above-described property the **Grantee** will properly backfill all excavations and shall restore the ground as nearly as practicable to its former condition.

IN WITNESS WHEREOF, said Jackson County, Missouri, has caused these presents to be signed
by its _____ (if applicable) the day and year first above written.

JACKSON COUNTY

APPROVED AS TO FORM:
MISSOURI

JACKSON COUNTY,

By: _____
W. Stephen Nixon, County Counselor
Executive

Frank White, Jr., County

ATTEST:

By: _____
Mary Jo Spino, Clerk of the County Legislature

COUNTY ACKNOWLEDGMENT

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Frank White Jr., to me personally known, who, being by me duly sworn, did say that he is the County Executive of Jackson County, Missouri, and that he 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.

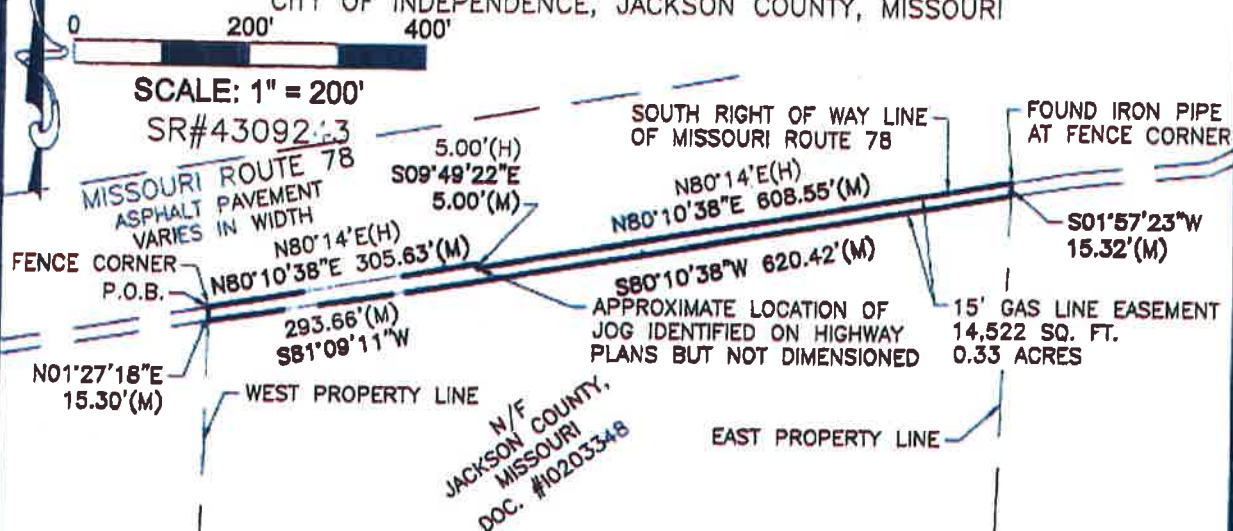
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires: _____

GAS LINE EASEMENT EXHIBIT

PART OF SECTION 35, TOWNSHIP 50 NORTH, RANGE 31 WEST OF THE 5TH P.M.,
CITY OF INDEPENDENCE, JACKSON COUNTY, MISSOURI



DESCRIPTION: Jackson County, Missouri Document #10203348

A tract of land being part of Section 35, Township 50 North, Range 31 West of the 5th P.M., City of Independence, Jackson County, Missouri to wit:

Beginning at the intersection the west line of property described in Document #10203348 and the south right of way line of Missouri Route 78; thence along said south right of way line N80°-10'-38"E 305.63 ft. to a point, thence S09°-49'-22"E 5.00 ft. to a point, thence N80°-10'-38"E 608.55 ft. to the intersection of the east line of said property and the south right of way line; thence leaving said south right of way line along said east property line S01°-57'-23"W 15.32 ft. to a point; thence leaving said property S80°-10'-38"W 620.42 ft. to a point, thence S81°-09'-11"W 293.66 ft. to the said west property line; thence N01°-27'-18"E 15.30 ft. to the point of beginning.

Notes:

1. Bearing referenced to Grid North of the Missouri Coordinate System 1983, West Zone per GPS observations utilizing the MoDOT VRS RTK Network.
2. M = Measured outboundary information as per field data obtained on January 10, 2018 and GIS information.
3. H = Outboundary information as per Missouri Route 78 highway plans.
4. Outboundary show hereon as per Report of Commissioners recorded on February 4, 1975 as Document No. 10203348 in Book 574, Page 1673 of the Jackson County Recorder of Deeds.
5. Centerline distance = 914.12'



Mark R. Frankenberg, PLS #2365
State of Missouri
Registered Land Surveyor for
Buescher Frankenberg Associates, Inc
Corporate # 00096

E-Mail: mail@bfaeng.com

PHONE: (636) 239-4751

BFA

CONSULTANTS-ENGINEERS-SURVEYORS
www.bfaeng.com

DRAWN BY DATE Project No.
C.R.H. 01-15-18 3712

103 ELM STREET

WASHINGTON, MISSOURI 63090

Route 78 River Crossing Little Blue River Independence, MO

Please Contact Environmental Compliance At the Numbers
Below, At Least 2 Weeks Before the Crew Mobilizes.

314-575-3861 or 314-575-5077



0 200 400 800 Feet
1 inch = 200 feet

NOTE: THE WETLAND AREA IDENTIFIED WILL NOT BE DISTURBED.
PIPE WILL BE BORED 10 FEET BELOW THE WETLAND

Proposed 12" ST FP Main
Laid in Proposed
15 ft Easement

78 HWY

8" ST IP Main to
be Abandoned

78 HWY

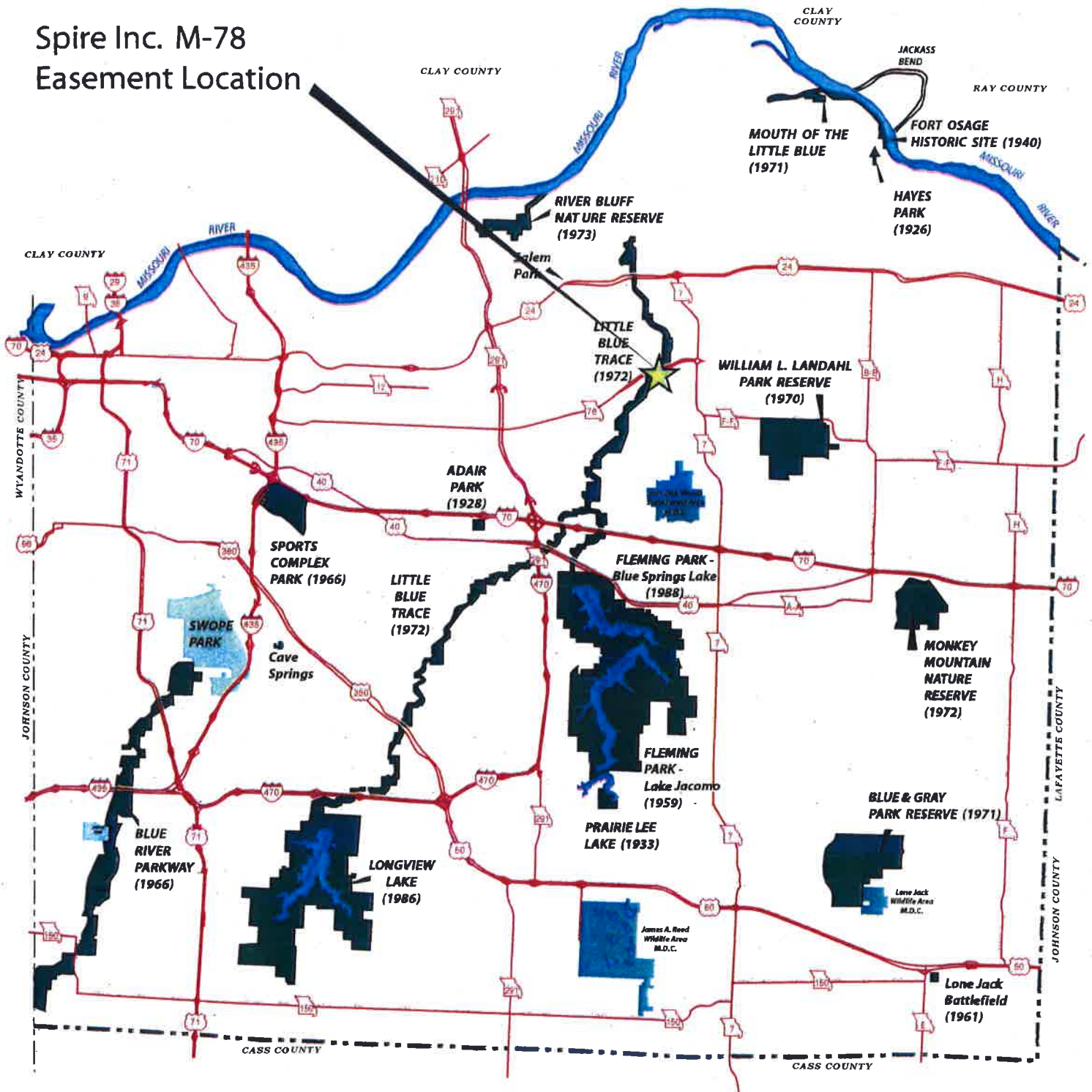
Little Blue River

PAGE 6 OF 6
Maximo WO# 15701565



Jackson County Park System

Spire Inc. M-78 Easement Location



Jackson County, Missouri

Supplemental Appropriation Request

Jackson County, Missouri

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

Date: February 23, 2018

ORD # 5081

Department / Division	Character/Description	From	To
Park Fund - 003			
9999	47020 - Sale of Fixed Assets	\$ 7,809	\$ -
2810	Undesignated Fund Balance		7,809
2810	Undesignated Fund Balance	7,809	
1608 - Construction Services	58060 - Other Improvements		7,809
		\$ 7,809	\$ 7,809

 2/23/18
County Auditor / Budget Officer



formerly The Laclede Group

Spire Inc.
7500 E. 35th Terrace
Kansas City, MO 64129

February 16th, 2018

Michelle Newman
Director, Jackson County Parks + Rec
22807 Woods Chapel Road
Blue Springs, Missouri 64015

Ms. Newman,

Spire Missouri, Inc. is currently working on a project to install approximately 158,00 feet of 12" Gas Main. From the intersection of Truman Road and the south side of MO-78 Hwy east to the east side of MO-7 Hwy. In order to complete this project, we are requesting an easement along the south side of MO-78 Hwy on property which is owned by Jackson County, Missouri.

Attached you will find:

- Engineered scaled drawings of proposed overall scope of the project in Plan-view,
- Engineered scaled drawings of requested easement in Profile view.
- Legal descriptions of the proposed easement.
- Permanent Easement documents with County signature format.
- River bore profile.
- W-9

As stated in your easement policy in Ord. 3710, we will compensate you \$7809.00 (14,522 sq. ft. X \$.40 (\$5,809.00) + \$2,000.00 easement fee). This fee will be payable to Jackson County Parks + Recreations.

We look forward to the continuation of our project. If you have any further questions or concerns, please let me know.

Sincerely,

David Brice
Right of Way Agent
Spire Missouri, Inc.