

2023R-018547

05/16/2023 12:47:40 PM

\$ 54.00

PAGES: 13

CERTIFIED-FILED FOR RECORD

MARY E. DEMPSEY

RECORDER OF DEEDS

ST. CHARLES COUNTY, MISSOURI

BY: LMCCRAY

TRUE CERTIFIED COPY

**Recorder of Deeds Certificate
St. Charles County Missouri**

EXEMPT DOCUMENT

This document has been recorded under exempt status pursuant to RSMo 59.310.4.
This is the first page of your document - DO NOT REMOVE.



Mary E. Dempsey
Recorder of Deeds
201 North Second Street, Suite 338
St. Charles, MO 63301



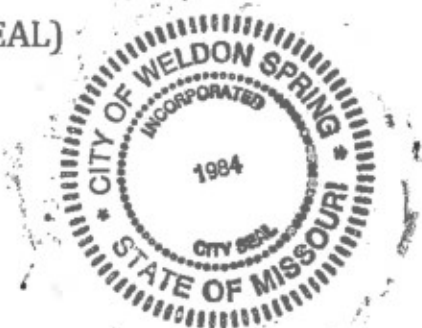
CITY OF WELDON SPRING
State of Missouri

State of Missouri)
) SS
County of St. Charles)

I, William C. Hanks, City Clerk within and for the City of Weldon Spring, Missouri, a Fourth-Class City in the County of St. Charles, Missouri, do hereby certify that the document attached hereto is true and original copy of Ordinance 23-07, an Ordinance for the vacation of a stormwater sewer easement as recorded in Book 6859 Pages 2100-2103 at the St. Charles County Recorder of Deeds as approved by the Board of Aldermen on May 11, 2023, and approved by the Mayor on May 11, 2023, and as fully as the same appears and remains on record in my office in City Hall.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the City of Weldon Spring, Missouri, at my office in said City this 16th day of May 2023.

(SEAL)



William C. Hanks
City Clerk - Custodian of Records
City of Weldon Spring, Missouri

AN ORDINANCE PROVIDING FOR THE VACATION OF A STORMWATER
SEWER EASEMENT AS RECORDED IN BOOK 6859 PAGES 2100-2103 AT
THE ST. CHARLES COUNTY RECORDER OF DEEDS ON LOT B OF THE
RESUBDIVISION OF LOT 8 AND THE NORTH 50 FEET OF LOT 9 OF JOHN
LINN SUBDIVISION AS RECORDED IN PLAT BOOK 37 PAGE 125

WHEREAS, a stormwater sewer easement has previously been recorded in Book 6859 Pages 2100-2103 at the St. Charles County Recorder's Office; and

WHEREAS, Christopher Bruhy applicant and property owner, has petitioned the City of Weldon Spring to vacate its rights, interests, and/or title in and to an existing easement on the subject property as detailed on the attached easement plat (labeled as Exhibit "A", attached hereto and made a part hereof; and,

WHEREAS, the applicant has submitted to the City a request letter for the Vacation of Easement Plat (labeled as Exhibit "B", attached hereto and made a part hereof); and,

WHEREAS, the City of Weldon Spring has not utilized said easement as shown cross-hatched on Exhibit "C", which is attached hereto; and

WHEREAS, said easement is no longer required by the City of Weldon Spring.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, AS FOLLOWS:

SECTION 1: That said easement, as shown cross-hatched on Exhibit "C", in substantially the form attached hereto and incorporated by reference herein.

SECTION 2: That the Mayor of the City of Weldon Spring is hereby authorized to sign and execute a Release of Easement Rights, in substantially the form attached hereto, marked as Exhibit "D", and incorporated by reference herein.

SECTION 3: Savings Clause. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 4: Severability Clause. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer

invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION 5: The City Clerk is hereby directed to provide a copy of this Ordinance to the St. Charles County Recorder's Office.

SECTION 6: That this ordinance shall be in full force and effect upon its enactment and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, THIS 11th DAY OF May 2023.



Attest:



Donald D. Licklider, Mayor



William C. Hanks, City Clerk

To approve Bill #

Motioned: Conley

Seconded: Clutter

	<u>Aye</u>	<u>Nay</u>	<u>Abstention</u>
Baker	<u>X</u>	<u>---</u>	<u>---</u>
Clutter	<u>X</u>	<u>---</u>	<u>---</u>
Conley	<u>X</u>	<u>---</u>	<u>---</u>
Kolb	<u>X</u>	<u>---</u>	<u>---</u>
Martiszus	<u>---</u>	<u>---</u>	<u>---</u>
Yeager	<u>X</u>	<u>---</u>	<u>---</u>
Lickliger	<u>---</u>	<u>---</u>	<u>---</u>

Absent: Martiszus

EXHIBIT "D"
RELEASE OF EASEMENT RIGHTS

THIS INSTRUMENT, made this 11th day of May, 2023.

WITNESSETH THAT:

WHEREAS, an easement for utility purposes has previously been granted to the City of Weldon Spring, Missouri, pursuant to the document on file in Plat Book 6859 Pages 2100-2103 at the St. Charles County Missouri Recorder's Office; and

WHEREAS, it is the purpose and intent of the City of Weldon Spring, Missouri, to release said stormwater sewer easement rights of the aforementioned easement, as shown cross-hatched on Exhibit "C", which is attached hereto and made a part hereof;

NOW, THEREFORE, the City of Weldon Spring, Missouri, does hereby remise and release the herein above described premises from all easement rights and interests acquired by the City of Weldon Spring pursuant to the aforementioned document;

IN WITNESS WHEREOF, the said City of Weldon Spring, Missouri, has caused these presents to be executed the day and year first above written.

CITY OF WELDON SPRING, MISSOURI


Donald Licklider, Mayor

Attest: 
William C. Hanks, City Clerk

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this 11th day of May in the year 2023 before me, Laura Brown, A Notary Public in and for said state, personally appeared Donald Licklider, Mayor, known to me to be the person who executed the within Release of Easement Rights, in behalf of the City of Weldon Spring and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

Notary 
My Commission Expires:

LAURA A. BROWN
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires: December 16, 2023
Commission #11534151

EXHIBIT "A"
EASEMENT PLAT

4
L-1
S-2
E-4



20171208080808 1001
St. Charles, Mo. 63308
12/08/2017 10:08:08 AM 1001
CERTIFIED-FILED FOR RECORD
Debra J. Bell
Recorder of Deeds
St. Charles County, Missouri
ST. CHARLES 63308

1-INCH AREA ABOVE - LEAVE BLANK (FOR RECORDERS OFFICE USE ONLY)

DOCUMENT TYPE: EASEMENT PLAT
DATE OF DOCUMENT:
GRANTOR: KEVIN BARDEN
721 JOHN-LINN PLACE
WELDON SPRING, MO 63304
GRANTEE: CITY OF WELDON SPRING
5401 INDEPENDENCE RD.
WELDON SPRING, MO 63304
PROPERTY ADDRESS: 721 JOHN-LINN PLACE
WELDON SPRING, MO 63304
COUNTY LOCATOR #: 1-0112-8551-04-800B.000000
CITY/MUNICIPALITY: CITY OF WELDON SPRING, MISSOURI
LEGAL DESCRIPTION: A TRACT OF LAND BEING LOT 8 OF "RESUBDIVISION OF
LOT 8 AND THE NORTH 50 FEET OF LOT 9, JOHN-LINN
SUBDIVISION" P.B. 37, PAGE 125 IN U.S. SURVEY 948,
TOWNSHIP 46 NORTH - RANGE 3 EAST, CITY OF WELDON
SPRING, ST. CHARLES COUNTY, MISSOURI

SEAL ROOM
OFFICE OF THE RECORDER
1001 N. MAIN ST. ST. CHARLES, MO 63301

EXHIBIT "A"
EASEMENT PLAT



EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Kevin Barker

Kevin Barker known as Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other value to be identified as to be land owned by the City of Wildon Spring, Missouri, the receipt of which is hereby acknowledged, does hereby give, grant, confer, and convey to the City of Wildon Spring, Missouri, hereinafter known as Grantee, (Grantee's mailing address is 80401 Independence Road, Wildon Spring, Missouri 65759), the exclusive right to hold and maintain storm water conveyed on the site or sites of ground described as shown hereon on the attached Easement Plat marked Exhibit "A" and make a part hereof, with the City of Grantee and agree to hold over to above subject premises for the purposes herein stated, and to use such additional space adjacent to the easement so granted as may be required for working or during the construction, reconstruction, repair, or repair of the aforementioned project. The Grantee may from time to time enter upon said premises to construct, reconstruct, maintain, or any of the aforementioned water conveyance system. The easement hereby granted is irrevocable and shall continue forever. Grantor does hereby warrant and represent unto the Grantee that Grantor is the owner of the property herein described and has full legal authority to grant the aforesaid easement for all lawful purposes.

IN WITNESS WHEREOF, the said

has caused these presents to be signed by his hand on this 27 day of December, 2012.

Kevin Barker
(Signature)

Kevin Barker
(Print Full Name and Title)

EXHIBIT "A"
EASEMENT PLAT



STATE OF MISSOURI)
COUNTY OF ST. CHARLES)
) SS.
)

On this 27 day of December, 2011 before me appeared Kevin Ender, to me personally known to be the person described in and who executed the foregoing instrument and whose legal status as the person to execute the same is not put in issue.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written, in the County and State first above written.

My Commission Expires December 1, 2014
Notary Public: Chadler, Travis
Print Name: TRAVIS CHADLER



Notary Public
Chadler, Travis
Notary Public
Commission #00000000

**EXHIBIT "A"
EASEMENT PLAT**

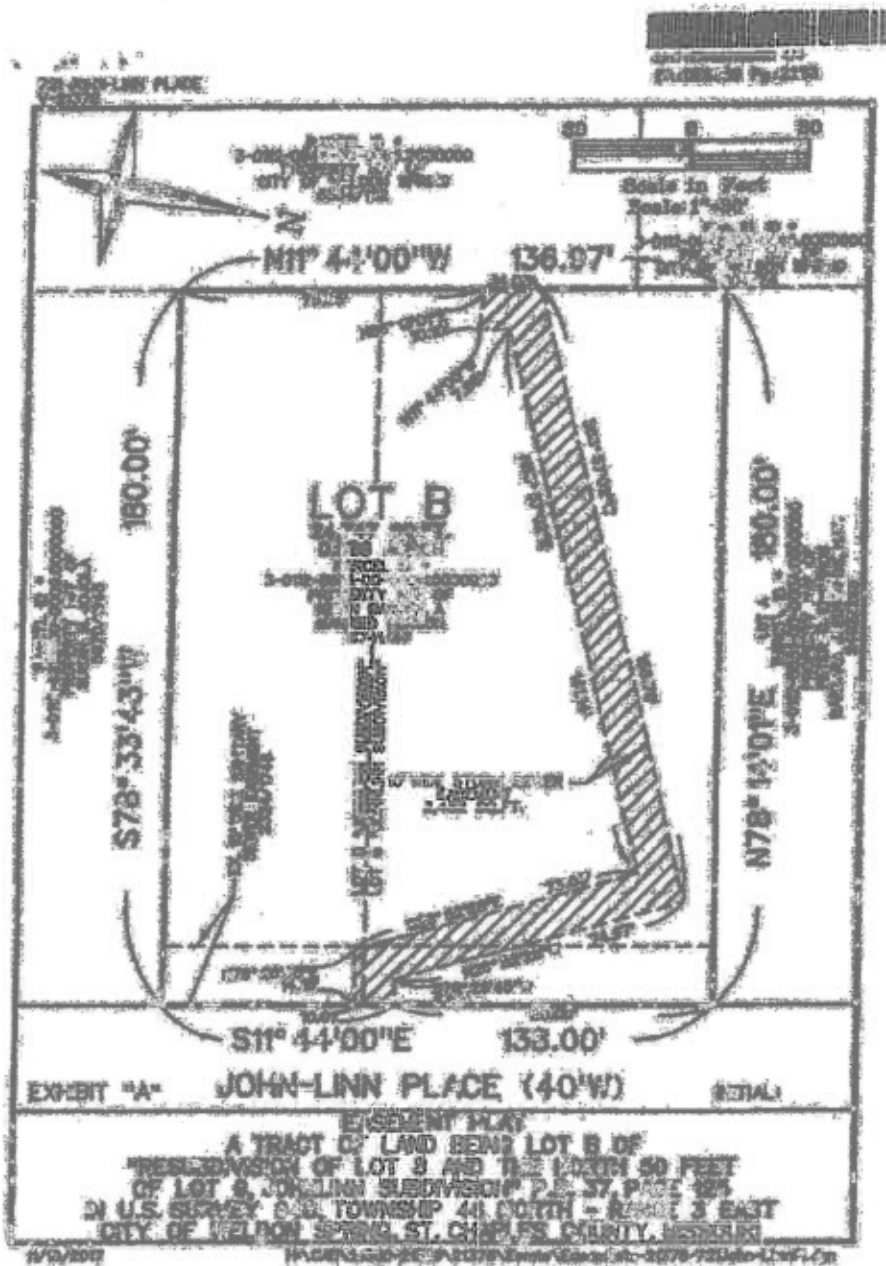


EXHIBIT "B"
REQUEST LETTER

Christopher Michael Bruhy
304 View Point Lane
Lake Saint Louis, MO 63367

City of Weldon Spring
5401 Independence Road
Weldon Spring, MO 63304

April 25, 2023

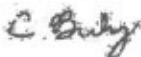
To Whom It May Concern,

Regarding the easement found in Book DE6859, Page 2100 to 2103, filed on, or about, (11/28/2017 with the Saint Charles Court, MO; Recorder of Deeds, and as owner of the land to which it is located, I would like to formally request a vacate of this easement.

This easement defines a space where a storm water sewer was to be installed by a previous prospective builder in 2017 at the address of 721 John-Linn Place, Weldon Spring, MO 63304. There never was, still is not and never will be a storm water sewer installed at this location as a swale was engineered in another location to transfer the water across the property.

Noting this same plot is also referred to as 719 John-Linn Place. Both 719 and 721 are one and the same property.

Sincerely,



Christopher Michael Bruhy

**EXHIBIT "C"
EASEMENT DRAWING**

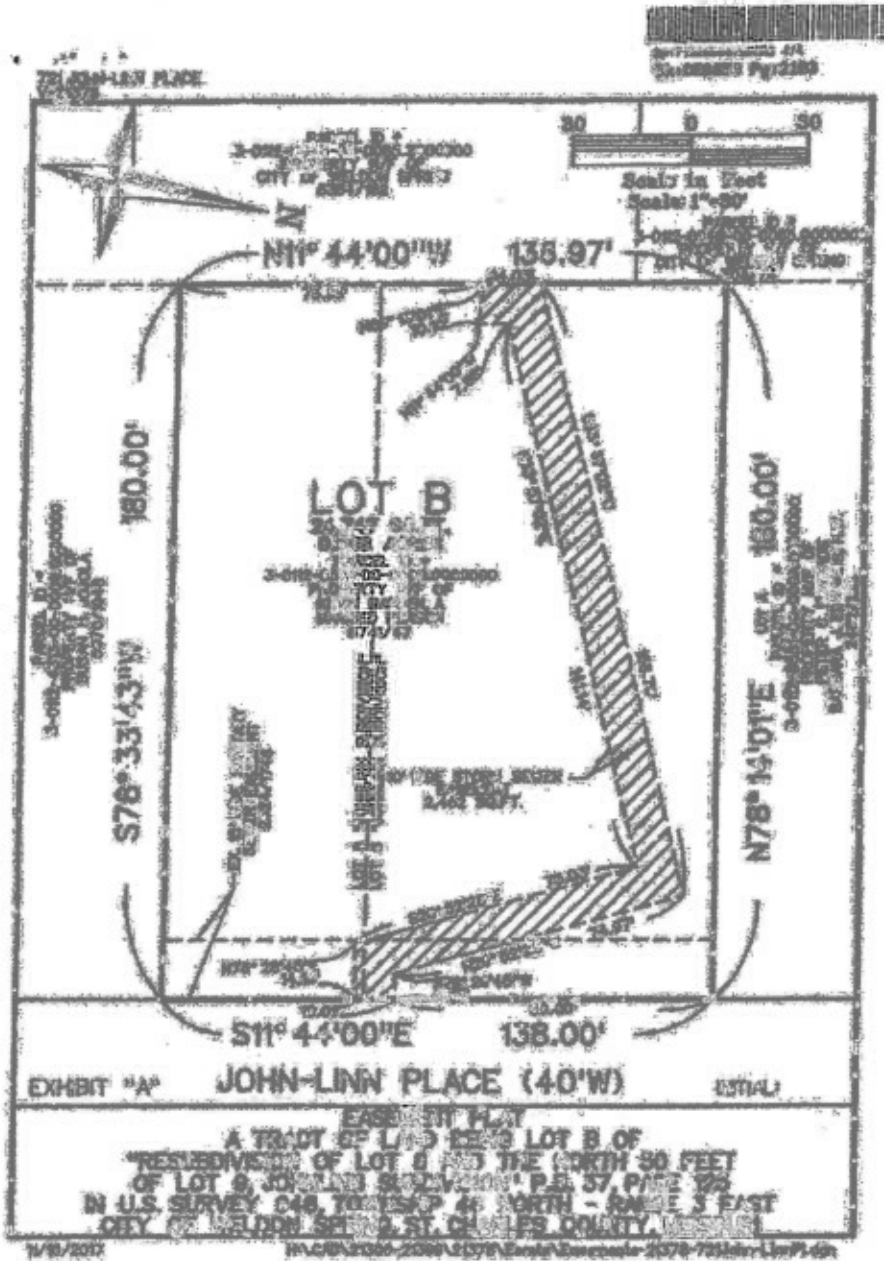


EXHIBIT "D"
RELEASE OF EASEMENT RIGHTS

THIS INSTRUMENT, made this ____ day of _____, 2023.

WITNESSETH THAT:

WHEREAS, an easement for utility purposes has previously been granted to the City of Weldon Spring, Missouri, pursuant to the document on file in Plat Book 6859 Pages 2100-2103 at the St. Charles County Missouri Recorder's Office; and

WHEREAS, it is the purpose and intent of the City of Weldon Spring, Missouri, to release said stormwater sewer easement rights of the aforementioned easement, as shown cross-hatched on Exhibit "C", which is attached hereto and made a part hereof;

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IN WITNESS WHEREOF, the said City of Weldon Spring, Missouri, has caused these presents to be executed the day and year first above written.

CITY OF WELDON SPRING, MISSOURI

Donald Lickliger, Mayor

Attest: _____
William C. Hanks, City Clerk

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this _____ day of May in the year 2023 before me, Laura Brown, A Notary Public in and for said state, personally appeared Donald Lickliger, Mayor, known to me to be the person who executed the within Release of Easement Rights, in behalf of the City of Weldon Spring and acknowledged to me that he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

Notary _____
My Commission Expires: