

BILL NO. 11

ORDINANCE NO. 24-11

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF FREDERICKTOWN, MISSOURI, TO ATTEST TO THE CITY'S ACCEPTANCE OF CERTAIN PROPERTY DEDICATED TO THE CITY OF FREDERICKTOWN BY FREDERICKTOWN R-1 SCHOOL DISTRICT, WHICH SAID PROPERTY IS PARTICULARLY SET FORTH IN THE ATTACHED EASEMENT DEED.

WHEREAS, the residents are in need of sidewalks along North Chambers Drive and Garrett Street.

WHEREAS, the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, have heretofore reviewed the deed marked Exhibit "A", attached hereto, and incorporated herein as if fully set forth; and

WHEREAS, the Mayor and Board of Aldermen of the City of Fredericktown, Missouri, deem it advisable to accept the real estate interest represented by said deed;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI, AS FOLLOWS:

Section 1. The Mayor and Board of Aldermen of the City of Fredericktown, Missouri, do hereby accept the Easement Deed from Fredericktown R-1 School District which is attached hereto, marked Exhibit A and incorporated herein by reference, subject to all of the terms and conditions therein expressed.

Section 2. The Mayor and City Clerk of the City of Fredericktown, Missouri, be, and they are, hereby authorized to do all acts and execute all instruments appropriate or necessary to accept and consent to the recordation of the Easement Deed conveying an interest in, or easement upon, real property to the City.

Section 3. The City Clerk is hereby directed to file a copy of the Easement Deed with the Recorder of Deeds of Madison County, Missouri.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This ordinance shall take effect and be in force from and after its passage and approval by the Board of Aldermen and after its approval and execution by the Mayor.

THIS ORDINANCE having been read by title only this 8th day of April, 2024, the Board of Aldermen voted as follows:

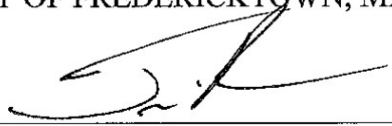
Long	<u>aye</u>	Brown	<u>aye</u>
Polete	<u>aye</u>	Reese	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

THIS ORDINANCE having been read by title only the second time on this 8th day of April, 2024 the Board of Aldermen voted as follows:

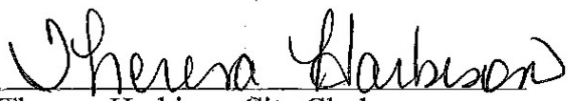
Long	<u>aye</u>	Brown	<u>aye</u>
Polete	<u>aye</u>	Reese	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

PASSED AND APPROVED this 8th day of April, 2024, by 6 ayes, 0 nays, abstentions and 0 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By: 
Travis Parker, Mayor

ATTEST:


Theresa Harbison, City Clerk

Instrument #:2024000258
Office of County Recorder, Madison County, Missouri
I hereby certify this instrument was recorded on
2/23/2024 at 9:18:37 AM
Total Fees: \$54.00
Book: 562 Page: 393
Pages: 11



Sandra Ivison
Madison County Recorder

EASEMENT DEED

THIS DEED, made and entered into this 22 day of February, 2024, by and between, **FREDERICKTOWN R-1 SCHOOL DISTRICT**, of the County of Madison, State of Missouri, Grantor, and **CITY OF FREDERICKTOWN, MISSOURI**, a municipal corporation, of the County of Madison, State of Missouri, Grantee.

Grantee's Mailing Address: P. O. Box 549, Fredericktown, Missouri 63645.

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar and Other Good and Valuable Consideration paid by the said Grantee, the receipt of which is hereby acknowledged, do by these presents **GRANT AND CONVEY** unto the said Grantee, AN **EASEMENT** for the following purposes:

To construct, reconstruct, maintain, repair, replace, remove and operate on or above the surface, or underground, sidewalks and general utilities (including, but not limited to, water, electric, gas, sanitary sewer, storm sewer, telephone, cable and any additional utilities as may be required) and services of whatsoever kind and necessary appurtenances thereto including storm water piping structures and appurtenances over, upon, across, under, in and through the following described real estate, situated in the County of Madison and State of Missouri, to-wit:

Tract 1:
PERMANENT EASEMENT

A part of a tract of land as recorded in Deed Book 134, Page 288 of the Madison County Records, and being part of United States Survey 3323, Township 33 North, Range 7 East of the 5th P.M., and being more particularly described as follows:

Commencing at a 1/2" found iron rod at the Northeast corner of a tract of land described in Deed Book 275, page 38 of Madison County Records; thence S19°13'51"E 643.90 feet to a point in the existing east right-of-way of Garrett Street, said point being the point of beginning of the tract of land herein described; thence with said existing east right-of-way N00°10'10"E 12.12 feet; thence leaving said existing east right-of-way along the

west property line of a tract of land as described in Deed Book 134, Page 461 of the Madison County Records N00°18'04"W 3.03 feet; thence leaving said west property line the following courses: N81°57'03"E 140.99 feet; along a curve deflecting to the left having a radius of 45.00 feet, an arc length of 68.75 feet, and a chord course of N38°10'52"E 62.26 feet; N05°35'19"W 83.11 feet; N89°16'03"E 59.02 feet; N11°32'10"E 95.25 feet; S78°27'50"E 20.00 feet; S11°32'10"W 111.37 feet; S89°16'03"W 58.39 feet; S05°35'19"E 61.76 feet; along a curve deflecting to the right having a radius of 60 feet, an arch length of 91.67 feet, and a chord course of S38°10'52"W 83.01 feet; S81°57'03"W 143.13 feet to the point of beginning containing 7,661 square feet, the location of which is shown graphically on the attached Exhibit "B".

subject to any and all easements, restrictions, conditions, etc. of record.

Tract 2:

TEMPORARY CONSTRUCTION EASEMENT #1

A part of a tract of land as recorded in Deed Book 134, Page 288 of the Madison County Records, and being part of United States Survey 3323, Township 33 North, Range 7 East of the 5th P.M., and being more particularly described as follows:

Commencing at a 1/2" found iron rod at the Northeast corner of a tract of land described in Deed Book 275, page 38 of Madison County Records; S19°13'51"E 643.90 feet to a point in the existing east right-of-way of Garrett Street; said point being the point of beginning of the tract of land herein described; thence leaving said existing east right-of-way N81°57'03"E 143.13; thence along a curve deflecting to the left having a radius of 60.00 feet, an arc length of 91.67 feet, and a chord course of N38°10'52"E 83.01 feet; thence N05°35'19"W 61.76 feet; thence N89°16'03"E 35.13 feet; thence S05°35'19"E 58.79 feet; thence along a curve deflecting to the right having a radius of 95.00 feet, an arc length of 145.15 feet, and a chord course of S38°10'52"W 131.43 feet; thence S81°57'03"W 148.19 feet to the existing east right-of-way of Garrett Street; thence with said existing east right-of-way N00°10'10"E 35.36 feet to the point of beginning containing 11,352 square feet, the location of which is shown graphically on the attached Exhibit "B".

TEMPORARY CONSTRUCTION EASEMENT #2

A part of a tract of land as recorded in Deed Book 134, Page 288 of the Madison County Records, and being part of United States Survey 3323, Township 33 North, Range 7 East of the 5th P.M., and being more particularly described as follows:

Commencing at a 1/2" found iron rod at the Northeast corner of a tract of land described in Deed Book 275, Page 38 of the Madison County Records; thence S52°57'12"E 576.54 feet to the point of beginning of the tract of land herein described; thence S11°32'10"W 95.25 feet; thence S89°16'03"W 44.02 feet; thence N04°11'10"E 64.66 feet; thence S88°22'23"E 57.38 feet to the point of beginning containing 4,840 square feet, the location of which is shown graphically on the attached Exhibit "B".

The total area encompassed by the above-described tracts of land (temporary construction easement #1 and temporary construction easement #2) is 16,192 square feet.

The grantee's interest in this temporary construction easement will be extinguished immediately at the completion of the Federal Project No. TAP-9900(093).

TO HAVE AND TO HOLD the said **EASEMENT**, together with all rights and appurtenances to the same belonging, unto the said Grantee, and to its successors, heirs and assigns forever.

IN CONSIDERATION OF THE FOREGOING, the parties mutually agree as follows:

1. The Grantee agrees that the use hereby granted shall be limited exclusively to sidewalks, utility facilities and uses incidental thereto.

2. The Grantor hereby reserves the right to use the easement premises in any manner that will not prevent or interfere with the exercise by the Grantee of the rights granted hereunder; provided, however, that the Grantor shall not obstruct, or permit to be obstructed, the easement premises at any time whatsoever without the express prior written consent of the Grantee.

3. The Grantor agrees that the Grantee may assign the rights granted to it hereunder to any assignee who demonstrates sufficient competence and gives adequate assurances that any work to be performed pursuant to such assignment shall be conducted in a skillful manner, and that the owners' interest in the easement premises shall be protected to the same extent as hereunder.

4. Grantee agrees to restore the surface of the ground to the same condition in which it was before the start of the improvement or any future maintenance work, as near as practicable.

5. The Grantor agrees that the Grantee has the perpetual right to enter in and upon all streets, roads, highways and access roads abutting or upon said land for access to the above strip of land.

6. The Grantor agrees that the Grantee has the perpetual right to cut, trim, or otherwise control the growth of trees and/or brush located within or adjacent to the above strip of land which may interfere with or threaten to endanger the above described facilities, and/or the operation and maintenance thereof, to clear and keep cleared all structures, buildings, improvements and fire hazards located within the above described easement (said hazards or obstructions shall not be interpreted to include fences or cultivated crops other than growing trees, hedges, etc., that might reach such heights as to become a hazard to the City's facilities thereon).

IN WITNESS WHEREOF, the said Grantor has executed these presents the day and year first above written.

Fredericktown R-1 School District

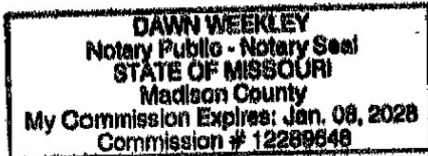
By Chadd Starkey
Its: Superintendent

STATE OF MISSOURI)

COUNTY OF MADISON) SS.

On this 22 day of February, 2024, before me personally appeared Chadd Starkey, the Superintendent of Fredericktown R-1 School District, known to me to be the person who executed the foregoing instrument in behalf of said school district organized under the laws of Missouri, and acknowledged to me that s/he executed the same for the purposes therein stated.

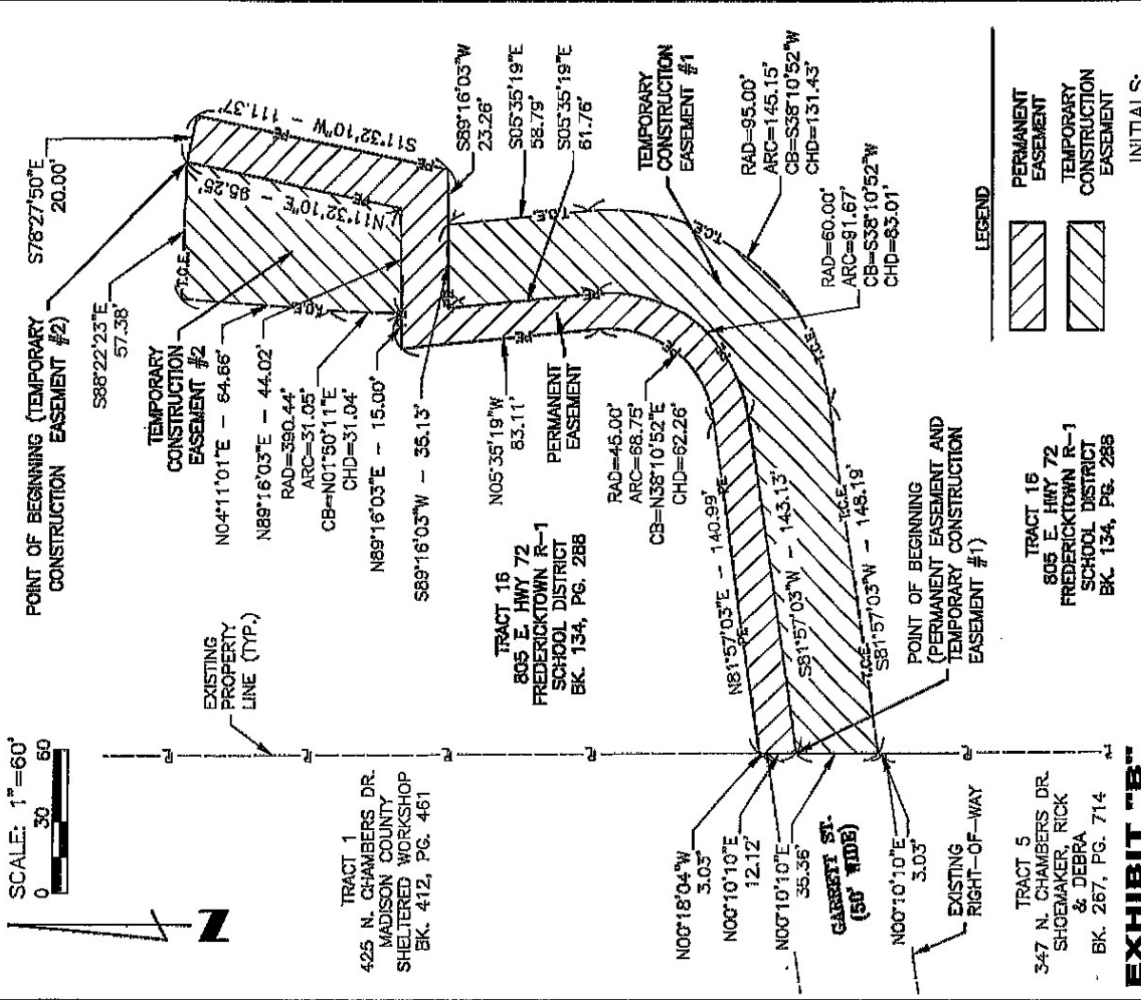
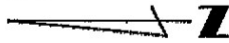
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year first above written.



Dawn Weekley
Dawn Weekley Notary Public
State of Missouri
County of Madison
Commission No. 12289648
Commission Expires: 1-8-2028

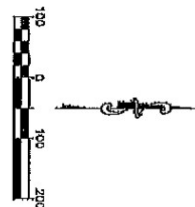
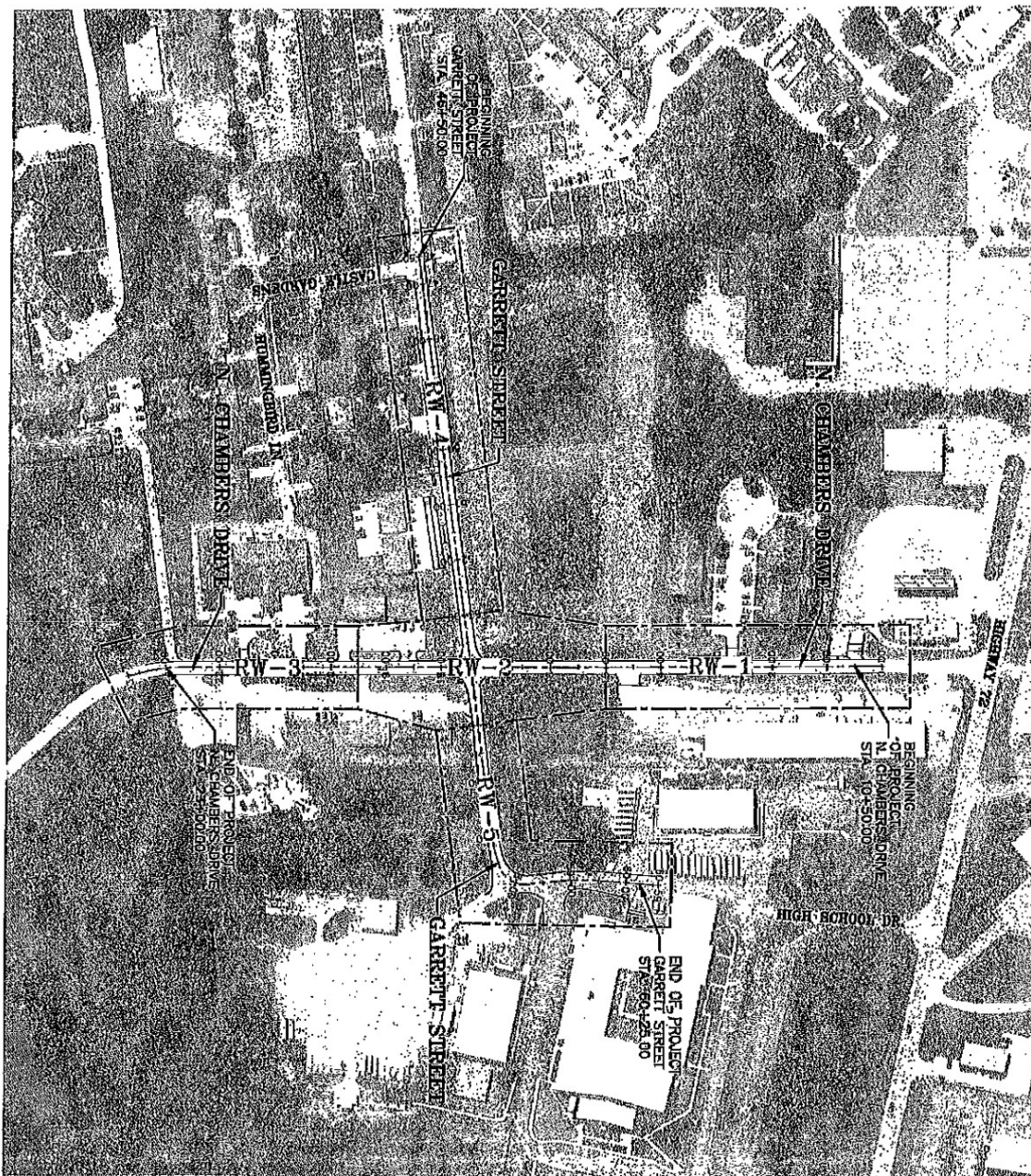
TRACT 16

N. CHAMBERS AND GARRETT ST.



A TRACT OF LAND BEING PART OF US SURVEY 3323,
TOWNSHIP 33 NORTH, RANGE 7 EAST
BOOK 134, AND PAGE 288
CITY OF FREDERICKTOWN, MISSOURI

RIGHT-OF-WAY PLAN INDEX SHEET



RIGHT-OF-WAY PLAN INDEX SHEET

DATE	REVISION
1-31-24	
2-28-	
3-23-12-11	

RW-IND

N. CHAMBERS DR. AND GARRETT ST.
 SIDEWALK IMPROVEMENTS
 FEDERAL PROJECT NO. TAP-9900(093)
 CITY OF FREDERICKTOWN, MISSOURI



COCHRAN

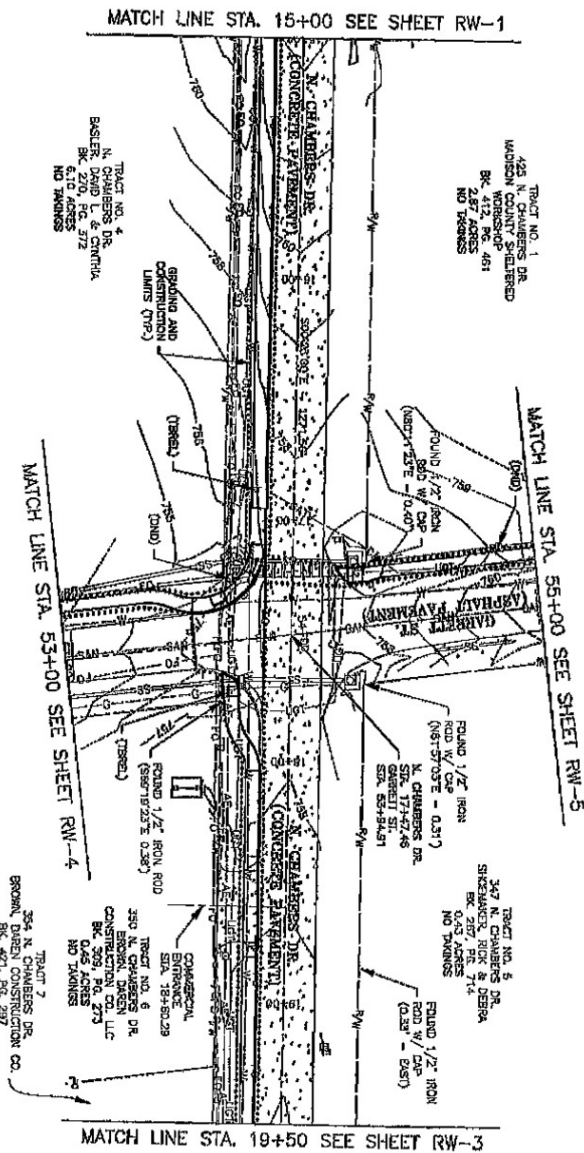
214-812-8333 (toll free)
 214-812-8337 (local)
 www.cochraninc.com

- Civil Engineering
- Land Acquisition
- Land Development
- Utility Planning
- General Contracting

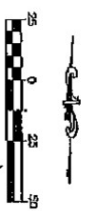
LAND SURVEYING CERTIFICATE OF AUTHORITY NUMBER - 200204578

Project name: C:\Users\j... \AppData\Local\Temp\AutoCAD\2012\2012-07-14\1414.dwg Title: RW-2 Plot Date: Jul 24, 2014 8:58am Plotted by: j...

RIGHT-OF-WAY PLAN



LEGEND	
	RIGHT-OF-WAY LINE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT
	EXISTING UTILITY POLE
	EXISTING WATER METER
	EXISTING WATER MAIN
	EXISTING GAS MAIN
	EXISTING STORM SEWER
	EXISTING INTERCEPTOR TELEPHONE
	EXISTING INTERCEPTOR ELECTRICAL
	EXISTING TELEPHONE POLE
	EXISTING WATER VALVE
	EXISTING FIRE HYDRANT
	EXISTING FIRE CABINET
	EXISTING SIGN
	EXISTING FENCE
	EXISTING LIGHT
	EXISTING BUSH
	EXISTING TREE
	EXISTING UTILITY (OVERHEAD UNDERGROUND)
	EXISTING CURB
	CONCRETE PAVED JOINT
	TEMPORARY CONSTRUCTION EASEMENT
	PERMANENT EASEMENT
	NEW SIDEWALK
	NEW CONCRETE APPROACH
	NEW STORM SEWER
	DO NOT RELOCATE
	TO BE RELOCATED
	EXISTING TREE LINE
	GRADING AND CONSTRUCTION LIMITS



RIGHT-OF-WAY PLAN	
DATE	7/14/14
SCALE	1" = 30'
PROJECT NO.	TAP-9900(093)
DATE	7/14/14
BY	J...
CHECKED BY	J...
DATE	7/14/14
PROJECT	N. CHAMBERS DR. AND GARRETT ST. SIDEWALK IMPROVEMENTS
PROJECT NO.	TAP-9900(093)
CITY	FREDERICKTOWN, MISSOURI

N. CHAMBERS DR. AND GARRETT ST.
SIDEWALK IMPROVEMENTS
FEDERAL PROJECT NO. TAP-9900(093)
CITY OF FREDERICKTOWN, MISSOURI



COCHRAN
ENGINEERING CONSULTANTS OF FREDERICKTOWN, MISSOURI
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6000 PARKWAY, FREDERICKTOWN, MISSOURI 64501
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FAX: 573-682-1112
WWW.COCHRAN-ENGINEERS.COM

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 Environmental Ethics
 Environmental Education
 Environmental Advocacy
 Environmental Research
 Environmental Science
 Environmental Technology
 Environmental Innovation
 Environmental Leadership
 Environmental Excellence
 Environmental Sustainability
 Environmental Resilience
 Environmental Adaptability
 Environmental Flexibility
 Environmental Responsiveness
 Environmental Inclusivity
 Environmental Transparency
 Environmental Accountability
 Environmental Integrity
 Environmental Honesty
 Environmental Fairness
 Environmental Justice
 Environmental Equity
 Environmental Access
 Environmental Participation
 Environmental Collaboration
 Environmental Partnership
 Environmental Cooperation
 Environmental Synergy
 Environmental Integration
 Environmental Interconnection
 Environmental Interdependence
 Environmental Interrelatedness
 Environmental Interconnectedness
 Environmental Interdependence
 Environmental Interrelatedness
 Environmental Interconnectedness

