

BILL NO. 12

ORDINANCE NO. 24-12

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 SWINFORD PROPERTIES, LLC, 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 Swinford Properties, LLC 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  
Theresa Harbison, City Clerk

Instrument #: 2024000257  
Office of County Recorder, Madison County, Missouri  
I hereby certify this instrument was recorded on  
2/23/2024 at 9:10:53 AM  
Total Fees: \$54.00  
Book: 562 Page: 382  
Pages: 11



Sandra Ivison  
Madison County Recorder

**EASEMENT DEED**

**THIS DEED**, made and entered into this 21<sup>st</sup> day of February, 2024, by and between, **SWINFORD PROPERTIES, LLC**, a Missouri Limited Liability Company, 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:

**PERMANENT EASEMENT**

A part of a tract of land as recorded in Deed Book 460, Page 538 of the Madison County Records, and being part of United States Survey 3323, Township 33 North, Range 7 East, of the 5<sup>th</sup> 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 book 275, page 38 of the Madison County Records; thence S43°36'52"W 1,255.93 feet to a point in the existing north right-of-way of Garrett Street (50 feet wide); said point being the point of beginning of the tract of land

herein described; thence leaving said existing north right-of-way N08°19'11"W 8.53 feet; thence N81°40'49"E 21.27 feet to the east property line of a tract of land as described in book 460, page 538 of the Madison County Records; thence along said east property line S09°26'38"E 8.63 feet to the existing north right-of-way of Garrett Street; thence with said existing north right-of-way S81°57'03"W 21.44 feet to the point of beginning containing 183 square feet, the location of which is shown graphically on the attached Exhibit "B".

**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.

Swinford Properties, LLC

By *[Signature]*  
Gabriel T. Swinford, Member

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF MADISON )

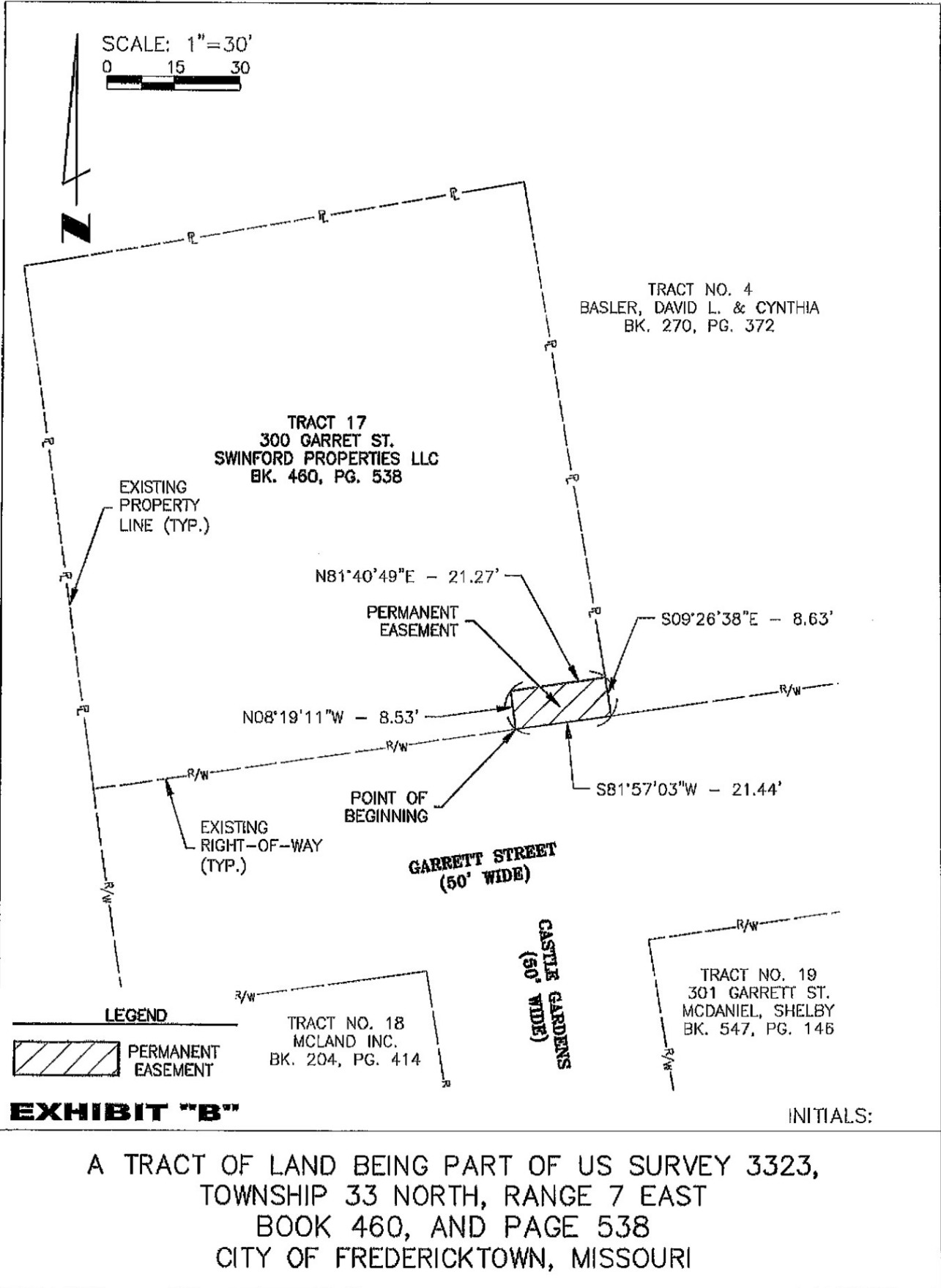
On this 21<sup>st</sup> day of February, 2024, before me, the undersigned notary, personally appeared Gabriel T. Swinford,  
X personally known to me  
proved to me through identification documents, which were \_\_\_\_\_

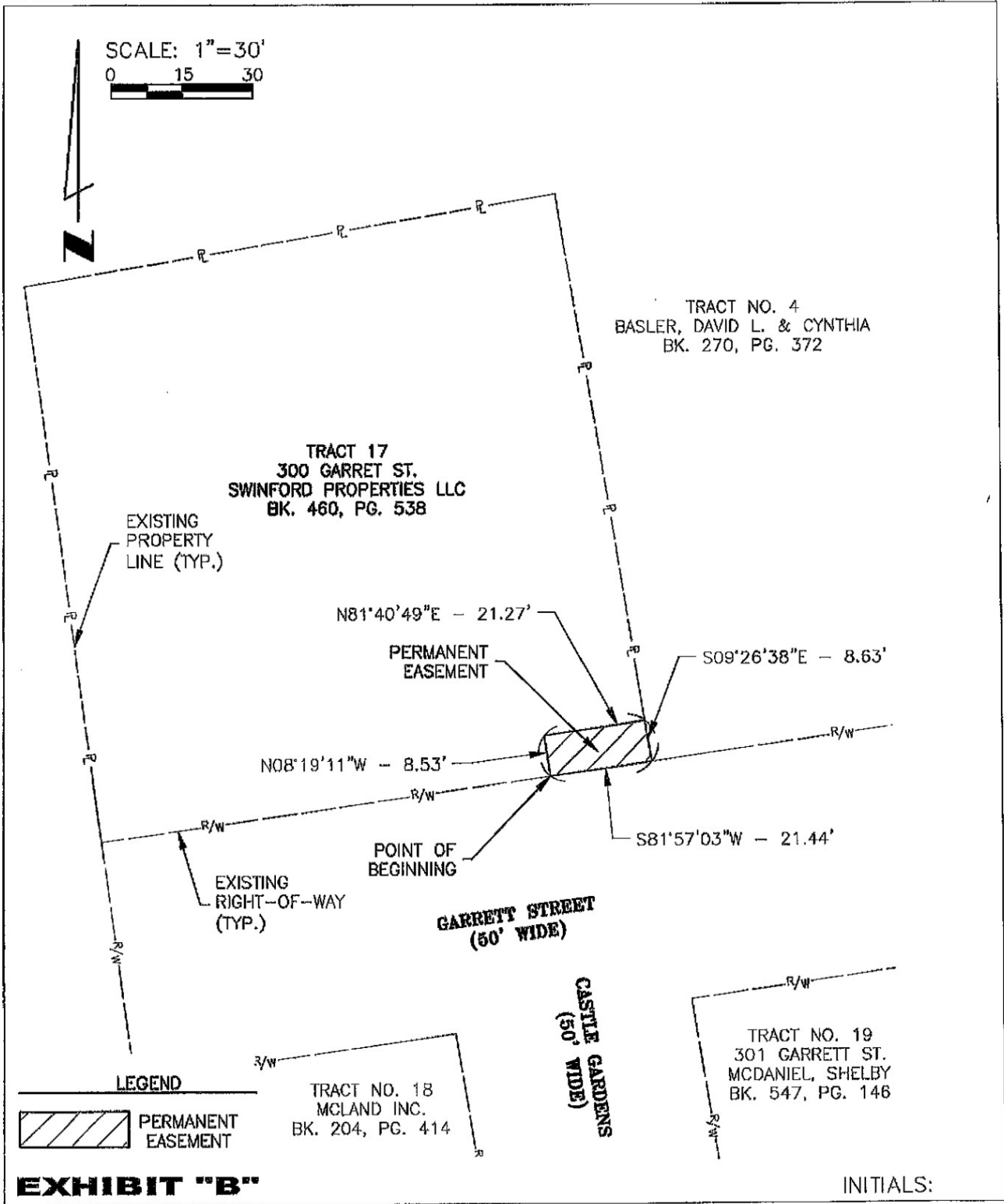
to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as a Member of Swinford Properties, LLC, a limited liability company of the State of Missouri, in behalf of said limited liability company by authority of its Members in accordance with its Operating Agreement.

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.



*Theresa Harbison*  
\_\_\_\_\_, Notary Public  
State of Missouri  
County of Madison  
Commission No. 17703466  
My Term Expires: April 16, 2026

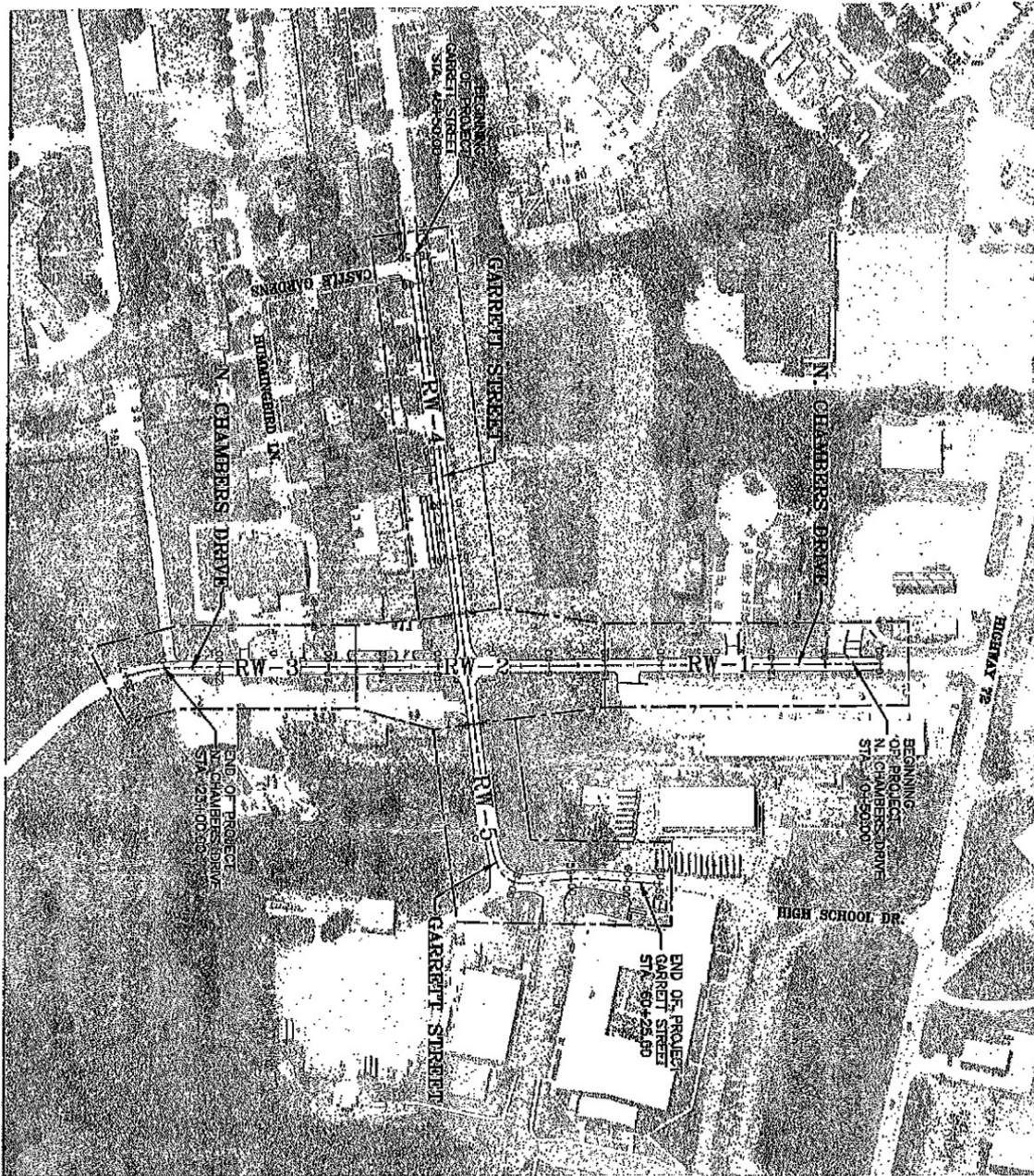




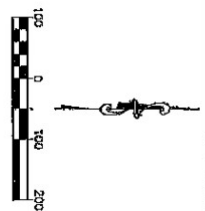
**EXHIBIT "B"**

INITIALS:

A TRACT OF LAND BEING PART OF US SURVEY 3323,  
TOWNSHIP 33 NORTH, RANGE 7 EAST  
BOOK 460, AND PAGE 538  
CITY OF FREDERICKTOWN, MISSOURI



RIGHT-OF-WAY PLAN INDEX SHEET



RIGHT-OF-WAY PLAN INDEX SHEET

DATE	REVISION
06-06-2007	1 - 31-24
06-06-2007	2 - 24
06-06-2007	3 - 1211

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



737 RIDGER ROAD  
 FREDERICKTOWN, MISSOURI 64500  
**OCHRAN**  
 ENGINEERING & SURVEYING  
 LICENSED PROFESSIONAL ENGINEER - 200200017  
 LICENSED SURVEYOR OF MISSOURI - 200200018

- Civil Engineering
- Surveying
- Architecture
- Site Development
- Master Planning
- General Contracting

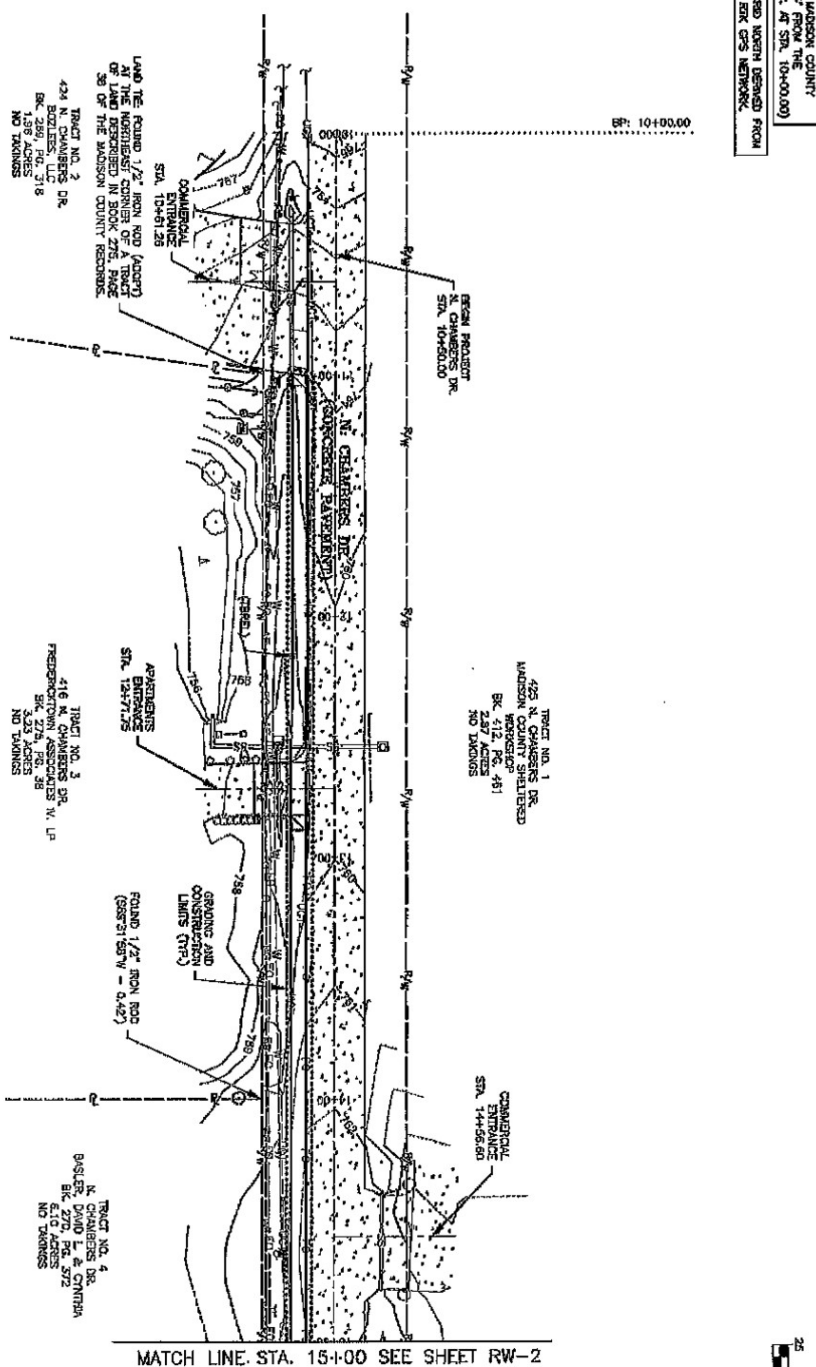
314-633-4233 (Mo.)  
 314-633-2822 (Ia.)  
 www.ochrans.com



Project name: CHAMBERS DRIVE SIDEWALK IMPROVEMENTS FEDERAL PROJECT NO. TAP-9900(093) 100% PLAN 10-21-24 - 1211

# RIGHT-OF-WAY PLAN

THIS SHEET HAS BEEN U.S. 3323, 1324, F2E  
 LAND THE FOUND 1/2" IRON ROD (COUNT AT THE  
 IN BOOK 275, PAGE 38 OF THE MADISON COUNTY  
 RECORDS (S7E1818'W - 10+24' FROM THE  
 CENTRALINE OF N. CHAMBERS DR. AT STA. 10+00.00)  
 THIS PROJECT IS OBSERVED TO BE IN ACCORDANCE WITH  
 THE OBSERVATIONS OF MODOT'S FOR GPS NETWORK.



PROPERTY LINE

EXISTING UTILITY POLE	—○—
EXISTING SANDWICH SIGN	—S—
EXISTING WATER MAIN	—W—
EXISTING GAS MAIN	—G—
EXISTING FIRE HYDRANT	—FH—
EXISTING SIGN	—S—
EXISTING DRIVE	—D—
EXISTING LIGHT	—L—
EXISTING TREE	—T—
EXISTING DRIVE (DIMENSIONS UNKNOWN)	—DK—
EXISTING TRAILBLAZE	—TB—
EXISTING AND CONSTRUCTION LARNS	—CL—
CONCRETE PAVEMENT JOINT	—CJ—

LEGEND

EXISTING UTILITY POLE	—○—
EXISTING SANDWICH SIGN	—S—
EXISTING WATER MAIN	—W—
EXISTING GAS MAIN	—G—
EXISTING FIRE HYDRANT	—FH—
EXISTING SIGN	—S—
EXISTING DRIVE	—D—
EXISTING LIGHT	—L—
EXISTING TREE	—T—
EXISTING DRIVE (DIMENSIONS UNKNOWN)	—DK—
EXISTING TRAILBLAZE	—TB—
EXISTING AND CONSTRUCTION LARNS	—CL—
CONCRETE PAVEMENT JOINT	—CJ—
TRAILBLAZE CONSTRUCTION DISPERSED	—TD—
PERMANENT EASEMENT	—PE—
NEW SIDEWALK	—NS—
NEW CONCRETE APPROACH	—NC—
NEW STORM SEWER	—NSW—
DO NOT DISTURB	—ND—
TO BE RELOCATED	—TR—
EXISTING TRAILBLAZE	—TB—
EXISTING AND CONSTRUCTION LARNS	—CL—
CONCRETE PAVEMENT JOINT	—CJ—

MATCH LINE. STA. 15+00 SEE SHEET RW-2



RIGHT-OF-WAY PLAN

DATE	DESCRIPTION
10-21-24	100% PLAN
10-21-24	100% PLAN
10-21-24	100% PLAN
10-21-24	100% PLAN
10-21-24	100% PLAN
10-21-24	100% PLAN

RM-1

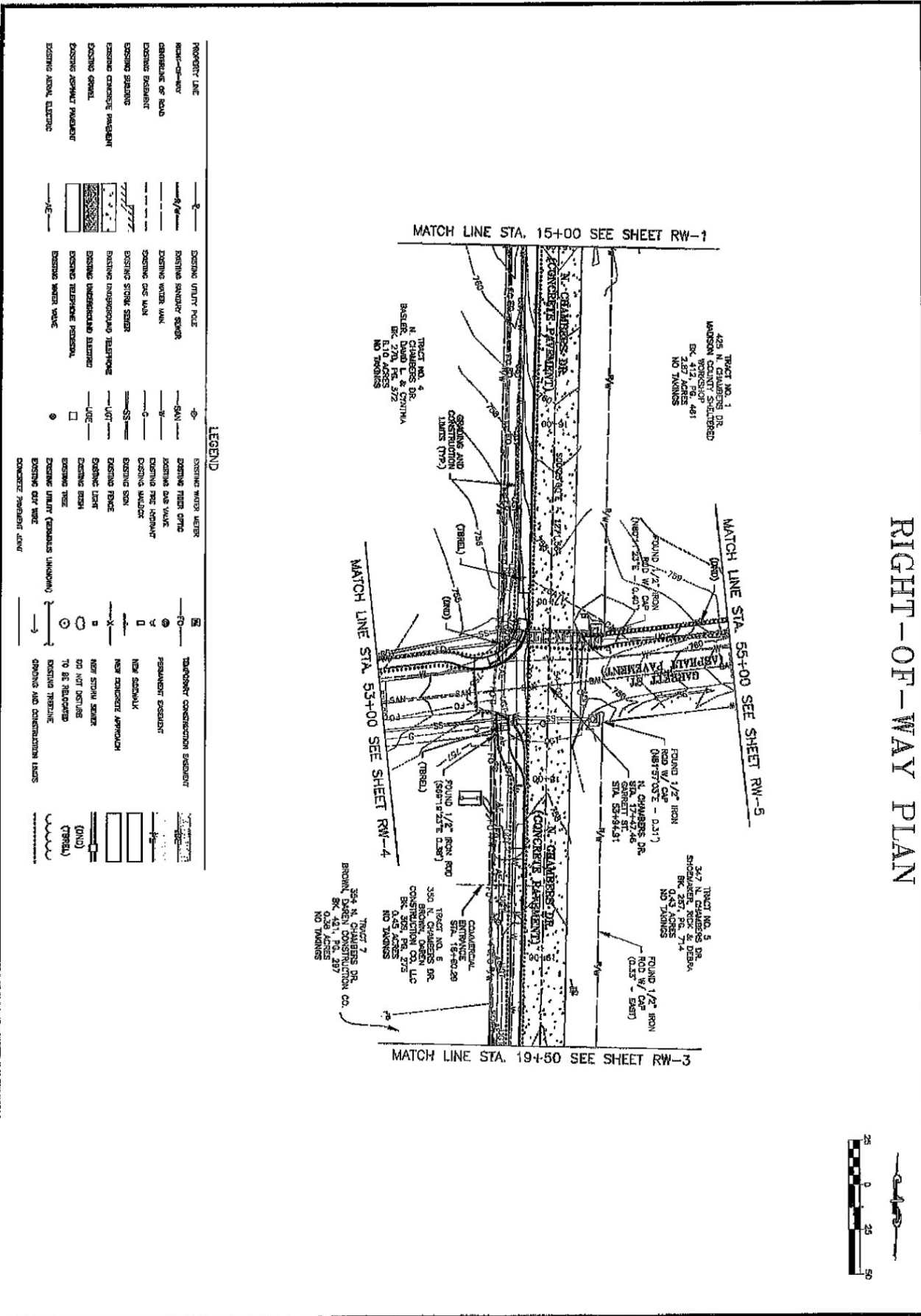
N. CHAMBERS DR. AND GARRETT ST.  
 SIDEWALK IMPROVEMENTS  
 FEDERAL PROJECT NO. TAP-9900(093)  
 CITY OF FREDERICKTOWN, MISSOURI

COCHRAN

237 E. MAIN ST. FREDERICKTOWN, MISSOURI 64501  
 514-510-4823 FAX 514-510-2857  
 (502) 510-4823 FAX 502-510-2857  
 CIVIL ENGINEERING  
 ARCHITECTURE  
 SURVEYING  
 PLANNING  
 CONSTRUCTION MANAGEMENT

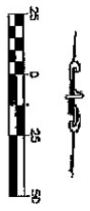
ENGINEER CERTIFICATE OF AUTHORITY NUMBER 2000000159  
 SURVEYOR CERTIFICATE OF AUTHORITY NUMBER 2000000159

RIGHT-OF-WAY PLAN



**LEGEND**

PROPERTY LINE	EXISTING UTILITY POLE	EXISTING WATER METER	TEMPORARY CONSTRUCTION EASEMENT
RIGHT-OF-WAY	EXISTING SIDEWALK	EXISTING TRIP POLE	PERMANENT EASEMENT
CONCRETE PAVEMENT	EXISTING WATER MAIN	EXISTING GAS VALVE	NEW SIDEWALK
EXISTING EASEMENT	EXISTING GAS MAIN	EXISTING FIRE HYDRANT	DO NOT DISTURB TO BE RELOCATED
EXISTING SIDEWALK	EXISTING STORM SEWER	EXISTING SIGN	EXISTING TREE
EXISTING CONCRET E PAVEMENT	EXISTING UNDERGROUND TELEPHONE	EXISTING FENCE	EXISTING TRAILING
EXISTING DRIVEWAY	EXISTING UNDERGROUND ELECTRIC	EXISTING LIGHT	CONCRETE PAVEMENT LINE
EXISTING ASPHALT PAVEMENT	EXISTING TELEPHONE PAVEMENT	EXISTING SIGN	
EXISTING ASPHALT ELECTRIC	EXISTING WATER VALVE	EXISTING TREE	
		EXISTING TRAILING	
		CONCRETE PAVEMENT LINE	



**RIGHT-OF-WAY PLAN**

DATE	REVISION
11-11-11	
02-07-14	

RW-2

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



**OCHRAN**  
 CONSULTING ENGINEERS & ARCHITECTS  
 750 NUMBER ROAD  
 FREDERICKTOWN, MISSOURI 63502  
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 514-612-5200

Drawn by: [unreadable] Date: [unreadable] Title: [unreadable]

RIGHT-OF-WAY PLAN

- PROPOSED LINE
- RIGHT-OF-WAY
- CENTERLINE OF ROAD
- EXISTING EASEMENT
- EXISTING BUILDING
- EXISTING CONCRETE PAVEMENT
- EXISTING ASPHALT PAVEMENT
- EXISTING ASPHALT DRIVE
- EXISTING UTILITY POLE
- EXISTING SANDWICH SIGN
- EXISTING WATER MAIN
- EXISTING GAS MAIN
- EXISTING STORM SEWER
- EXISTING UNDERGROUND TELEPHONE
- EXISTING UNDERGROUND CABLE
- EXISTING TELEPHONE TOWER
- EXISTING WATER VALVE

- EXISTING UTILITY POLE
- EXISTING SANDWICH SIGN
- EXISTING WATER MAIN
- EXISTING GAS MAIN
- EXISTING STORM SEWER
- EXISTING UNDERGROUND TELEPHONE
- EXISTING UNDERGROUND CABLE
- EXISTING TELEPHONE TOWER
- EXISTING WATER VALVE

- EXISTING WATER MAIN
- EXISTING FIBER OPTIC
- EXISTING GAS VALVE
- EXISTING FIRE HYDRANT
- EXISTING MAILBOX
- EXISTING SIGN
- EXISTING TRAIL
- EXISTING LIGHT
- EXISTING BUSH
- EXISTING TREE
- EXISTING UTILITY (UNKNOWN)
- EXISTING TIE LINE
- EXISTING AND CONSTRUCTION LINES

- TRANSFER CONSTRUCTION EASEMENT
- PERMANENT EASEMENT
- NEW EASEMENT
- NEW CONCRETE APPROACH
- NEW STORM SEWER
- TO NOT DISTURB
- EXISTING TIE LINE
- EXISTING AND CONSTRUCTION LINES

- CONCRETE PROPOSED SIGN

LEGEND

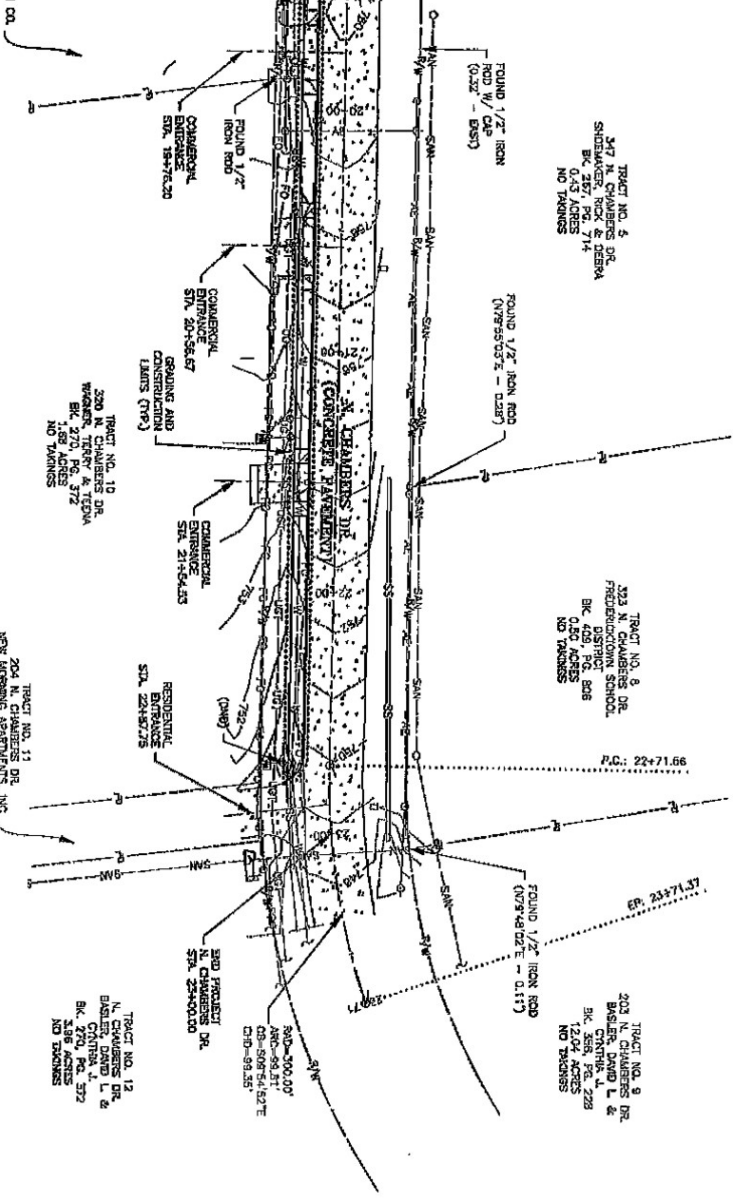
TRACT 7  
254 N. CHAMBERS DR.  
BROWN, DORSEY CONSTRUCTION CO.  
0.261 ACRES  
NO TAXES

TRACT NO. 10  
320 N. CHAMBERS DR.  
WAGNER, TERRY A. TEDVA  
BK. 270, PG. 372  
NO TAXES

TRACT NO. 11  
204 N. CHAMBERS DR.  
NEW MONROE APARTMENTS, INC.  
BK. 288, PG. 57  
1.351 ACRES  
NO TAXES

TRACT NO. 12  
N. CHAMBERS DR.  
BASLER, DAVID L. &  
GARY L.  
BK. 270, PG. 372  
1.358 ACRES  
NO TAXES

MATCH LINE STA. 19+50 SEE SHEET RW-2



TRACT NO. 4  
347 N. CHAMBERS DR.  
SHIMAWER, ROCK & DEBRA  
BK. 207, PG. 74  
0.213 ACRES  
NO TAXES

TRACT NO. 8  
323 N. CHAMBERS DR.  
FREDERICKTOWN SCHOOL  
DISTRICT  
BK. 429, PG. 808  
0.214 ACRES  
NO TAXES

TRACT NO. 9  
203 N. CHAMBERS DR.  
BASLER, DAVID L. &  
GARY L.  
BK. 270, PG. 372  
1.358 ACRES  
NO TAXES



RIGHT-OF-WAY PLAN

NO.	DATE	BY	REVISION
1	1-31-24	[unreadable]	[unreadable]
2	1-31-24	[unreadable]	[unreadable]
3	3-21-24	[unreadable]	[unreadable]

RW-3

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



214-643-0033 (fax)  
214-643-0037 (cell)  
www.ochran.com

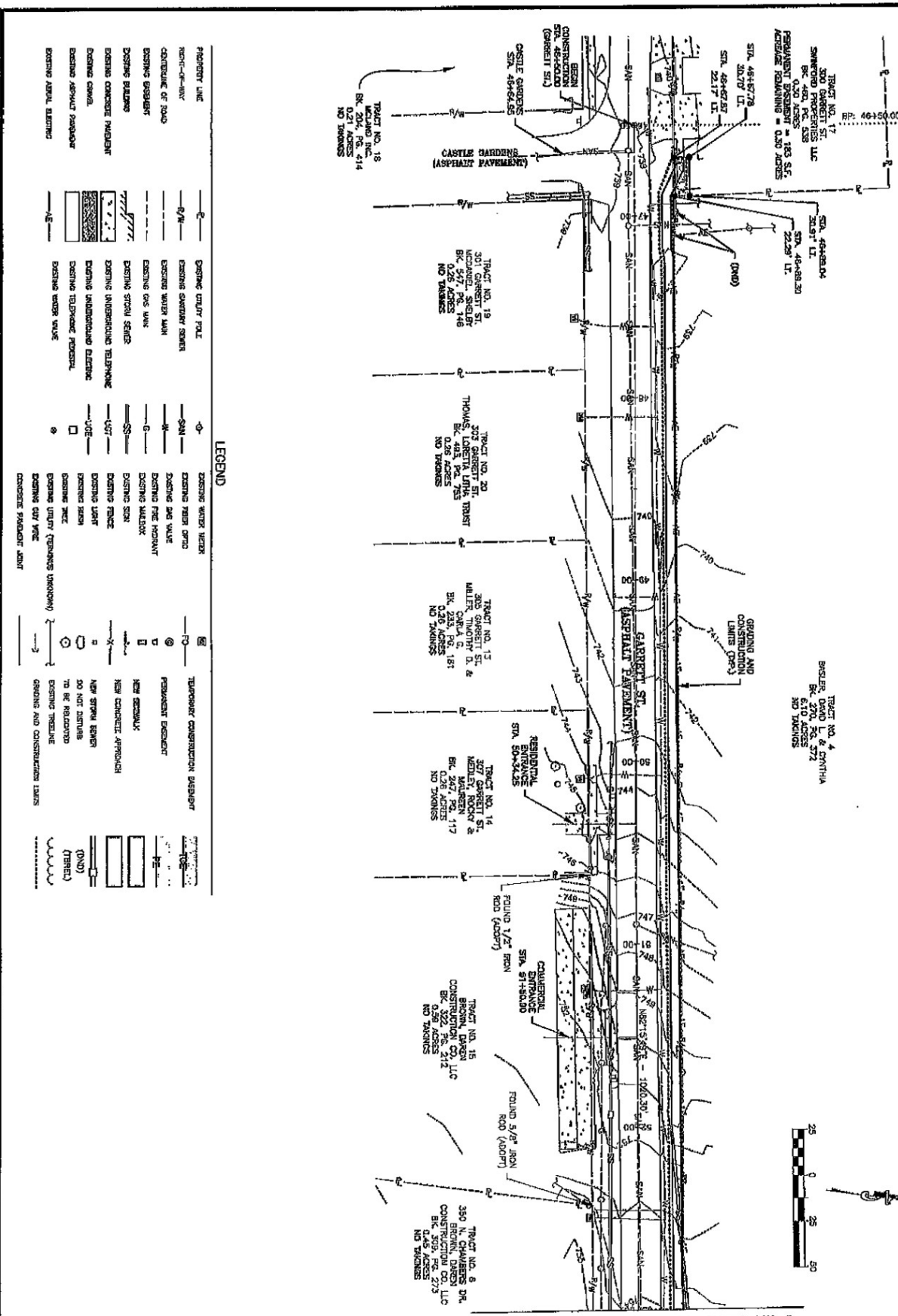
**OC HRAN**

- Civil Engineering
- Land Surveying
- Professional Landscaping
- Site Remediation
- Utility Engineering
- Water Resources

REGISTERED PROFESSIONAL ENGINEER - 10000  
LICENSED PROFESSIONAL LAND SURVEYOR - 10000

Drawing name: G:\Projects\1271\1271.dwg Plot Date: 06/21/2011 10:00 AM

RIGHT-OF-WAY PLAN

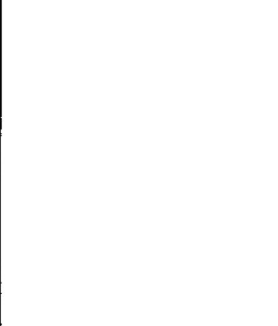


- PROPOSED LINE**
- RIGHT-OF-WAY
  - CONTINUING OF ROAD
  - EXISTING ASPHALT
  - EXISTING PAVEMENT
  - EXISTING CONCRET PAVEMENT
  - EXISTING CURB
  - EXISTING ASPHALT PAVEMENT
  - EXISTING ASPHALT

- EXISTING UTILITY**
- EXISTING UTILITY POLE
  - EXISTING SANDWY SINKER
  - EXISTING WATER MAIN
  - EXISTING GAS MAIN
  - EXISTING STORM SEWER
  - EXISTING UNDERGROUND TELEPHONE
  - EXISTING UNDERGROUND ELECTRIC
  - EXISTING TELEPHONE POLE
  - EXISTING WATER VALVE

- EXISTING WATER**
- EXISTING WATER HEAD
  - EXISTING PUMP STATION
  - EXISTING PIG VALVE
  - EXISTING FIRE HYDRANT
  - EXISTING MANHOLE
  - EXISTING SIGN
  - EXISTING FENCE
  - EXISTING LIGHT
  - EXISTING SIGN
  - EXISTING TREE
  - EXISTING UTILITY (TYPING UNKNOWN)
  - EXISTING CITY POLE
  - EXISTING PROPOSED ADJUT

- TEMPORARY CONSTRUCTION**
- TEMPORARY CONSTRUCTION BARRIER
  - PERMANENT EMBANKMENT
  - NEW SIDEWALK
  - NEW CONCRETE APPROACH
  - NEW STORM SEWER
  - DO NOT DISTURB TO BE RELOCATED
  - EXISTING TREE
  - GRADING AND CONSTRUCTION LIMITS



MATCH LINE STA. 53+00 SEE SHEET RW-2

**RIGHT-OF-WAY PLAN**

DATE	REVISION
06/21/2011	1
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06/21/2011	100

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



**COCHRAN**

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