

FILED

APR 25 2024

BILL NO.: 24-0423 JEANNIE GOFF
COUNTY CLERK, JEFFERSON COUNTY, MO ORDINANCE NO.: 24-0200

INTRODUCED BY: COUNCIL MEMBER(S) Groetexe

1 **AN ORDINANCE TO AUTHORIZE THE COUNTY TO ENTER INTO A**
2 **RIGHT OF ENTRY AGREEMENT AND ACQUIRE A PERMANENT**
3 **DRAINAGE EASEMENT, BY AND BETWEEN JEFFERSON COUNTY,**
4 **MISSOURI, AND LEONARD I. NIEHAUS AND KIMBERLY A. NIEHAUS FOR**
5 **DRAINAGE DITCH BANK RESTORATION REPAIRS ALONG ROBIN LANE,**
6 **LOCATED IN COUNCIL DISTRICT 7.**

7 **WHEREAS,** Jefferson County Public Works (hereafter, “County”) has been
8 approached by Leonard and Kimberly Niehaus, (hereafter, “Owners”) with a request to
9 do maintenance work consisting of erosion and bank destabilization along a public
10 maintained culvert on property at 5201 Robin Lane Hillsboro, Mo 63050; and,

11 **WHEREAS,** the Owners seek for the County to assist in bank restoration past the
12 recorded limits of maintenance, as they believe the County should assist in bank
13 restoration because of erosion issues from the County owned and maintained culvert
14 within the Right of Way on Hillsboro House Springs Road; and,

15 **WHEREAS,** the Owners claim that the erosion of the drainage ditch and the
16 adjoining property was caused by the culvert on Hillsboro House Springs Road; and,

17 **WHEREAS,** the Jefferson County Engineer along with Jefferson County
18 Stormwater Division has inspected and reviewed the complaint for Hillsboro House

1 Springs and the erosion that is occurring along Robin Lane. The unmitigated
2 development prior to Stormwater codes in 2012 has increased the stormwater runoff and
3 erosion and,

4 **WHEREAS**, the Public Works Director recommends that the County should
5 perform drainage ditch bank restoration and bank stabilization to minimize further
6 impacts to the drainage ditch and to private property; and,

7 **WHEREAS**, Jefferson County, Missouri finds it is in the best interest of the
8 County to enter into a Right of Entry Agreement and acquire a permanent drainage
9 easement with the Owners for the required scope of work to be completed. A copy of
10 said Agreement and Permanent Drainage Easement is attached hereto as Exhibit "A".

11 **BE IT ENACTED BY THE JEFFERSON COUNTY, MISSOURI,**
12 **COUNCIL, AS FOLLOWS:**

13 Section 1: The Jefferson County, Missouri, Council authorizes the Public
14 Works Director to execute the Right of Entry Agreement and Permanent Drainage
15 Easement on behalf of Jefferson County. A copy of said Agreement and Permanent
16 Drainage Easement is attached hereto as Exhibit "A" and incorporated by reference.

17 Section 2: A copy of the Agreement shall be maintained by the Department of
18 the County Clerk consistent with the rules and procedures for the maintenance and
19 retention of records as promulgated by the Secretary of State.

20 Section 3: This Ordinance shall be in full force and effect from and after its
21 date of approval. If any part of this Ordinance is invalid for any reason, such invalidity
22 shall not affect the remainder of this Ordinance.

THIS BILL BEING DULY INTRODUCED, THE MEMBERS OF THE JEFFERSON COUNTY, MISSOURI, COUNCIL VOTED AS FOLLOWS:

Council Member District 1, Brian Haskins	<u>yes</u>
Council Member District 2, Gene F. Barbagallo	<u>yes</u>
Council Member District 3, Lori Arons	<u>yes</u>
Council Member District 4, Charles Groeteke	<u>yes</u>
Council Member District 5, Scott Seek	<u>yes</u>
Council Member District 6, Daniel Stallman	<u>yes</u>
Council Member District 7, Bob Tullock	<u>yes</u>

THE ABOVE BILL ON THIS 22 DAY OF April, 2024:

PASSED **FAILED**


Charles Groeteke, County Council Chair


Cherlynn Boyer, Council Executive Assistant

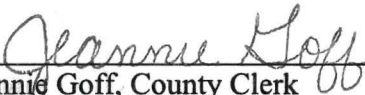
THIS BILL WAS ✓ APPROVED BY THE JEFFERSON COUNTY EXECUTIVE AND ENACTED AS AN ORDINANCE OF JEFFERSON COUNTY, MISSOURI, THIS 24 DAY OF April, 2024.

THIS BILL WAS _____ VETOED AND RETURNED TO THE JEFFERSON COUNTY, MISSOURI, COUNCIL WITH WRITTEN OBJECTIONS BY THE JEFFERSON COUNTY EXECUTIVE, THIS _____ DAY OF _____, 2024.

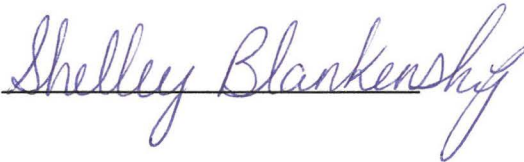


Dennis J. Gannon, County Executive

ATTEST:



Jeannie Goff, County Clerk

BY: 

Reading Date: 04-22-2024



Jefferson County, Missouri

Maple Street Annex
725 Maple Street · PO Box 100
Hillsboro, Missouri 63050

Dennis Gannon
County Executive

DEPARTMENT OF PUBLIC WORKS

Jason Jonas, P.E. – Director
Daniel Naunheim, P.E. – Deputy Director

Telephone: 636-797-5340 · Fax: 636-797-5565
Web Address: www.jeffcomo.org

Cecil Vivrett
Highway Superintendent
636-797-5427

Kurt Wengert, P.E.
Technical Division
636-797-5570

Christina Mareschal
Light Fleet Manager
636-797-5399

Doyl Chilton
Heavy Fleet Manager
636-797-6378

Matt Stinchcomb
Facility Services Manager
636-797-5574

Mike Cook
Stormwater Manager
636-797-6318

PROPOSED BILL MEMORANDUM

To: County Executive, Director of Administration

From: Jason Jonas, Director of Department of Public Works

Date:

Subject Matter of Proposed Bill: Execute a Right of Entry Agreement along Hillsboro House Springs

Council Districts: Affected: 7

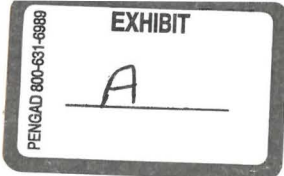
County Department(s) Affected: Public Works

SUMMARY

The County has been approached with a customer complaint along County maintained Hillsboro House Springs. The complainant seeks the County to maintain Hillsboro House Springs, past the recorded limits of maintenance. The County owns and maintains a culvert that goes underneath Hillsboro House Springs Road into Robin Lane which is part of The Sandy Creek Watershed. Jefferson County is looking to repair the drainage ditch and adjoining private property at 5201 Robin Lane that has erosion and other bank stabilization concerns. This work will require us to get a right of entry from the property owner.

The erosion and failing drainage bank at Robin Lane at the end of the existing culvert will require rip rap and velocity control. The rip rap blanket will need medium rock to help prevent further undermining and to break the flow of water to help prevent other erosion around the pipe.

The parcel owner of the property address, 5201 Robin Lane, has been unsuccessfully trying to stabilize and maintain bank stability from volume and velocity from this tributary system and County owned culvert. The County agrees to assist the property owner at 5201 Robin Lane with bank stabilization during Right of Way work on Robin Lane. This Right of Entry Agreement will also allow the County to use the driveway entrance and temporary park equipment located at 5201 Robin Lane as a three-point turnaround location to logistically support general County maintenance operations. The County agrees to maintain the private driveway entrance apron during channel restoration work. When working conditions are completed the county will ensure the driveway is returned to pre-bank restoration work condition.



RIGHT OF ENTRY AGREEMENT

This AGREEMENT is entered into by and between the Jefferson County Public Works Department (hereafter, "Department") and Leonard L. Niehaus & Kimberly A. Niehaus, his wife (hereafter, "Owner(s)") for the exclusive right to enter upon and use the described property for the purpose of correcting erosion issues by stabilizing with riprap on the project noted below.

WHEREAS, the Owner(s) grant an exclusive right of entry upon the following described parcel of land:

Parcel ID: 12-5.0-22.0-0-000-040.08 Project: Robin Lane

Address: 5201 Robin Lane

Hillsboro, MO 63050

NOW, THEREFORE, in consideration of the promises, covenants and representations in this Agreement, the parties agree as follows:

(1) CONSIDERATION: In exchange for the Right of Entry, the County agrees to only perform the necessary described work and return any other disturbed private property to the original condition. The mutual exchange of the stated services for the Right of Entry will constitute fair, adequate, good and valuable consideration.

(2) NO KNOWLEDGE OF HAZARDOUS OR TOXIC SUBSTANCES ON PROPERTY: In order to minimize health risks to persons entering the property, the Owner(s) represents that to the best of their knowledge and belief, there is no generation, transportation, storage, treatment, disposal, release, leakage, spillage or emission of any hazardous or toxic substance or material or any aboveground or underground petroleum product contamination on the subject property during the Owner's ownership or during previous ownerships at least insofar as the Owner(s) have observed or have been informed. In the alternative, if the Owner(s) have knowledge of any of such events occurring on the subject property, that information shall be written below:



ORDINANCE NO. 24-0200

(3) PROPERTY DESCRIPTION: Attached hereto are photographs, maps, plats, parcel ID's or other physical descriptions of the property to be maintained or improved. Both parties agree that the physical description will be the only actual or immediate adjacent areas subject to the Right of Entry.

(4) DURATION OF OCCUPANCY: The Department agrees that upon completion of the previously described work on the above-noted route or property and projects, all Right of Entry granted to the Department shall cease and be no longer in effect. The specific duration of the Right of Entry shall be from May 1, 2024 (date) to October 1, 2024 (date)

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date written below.

Executed by the Owner(s) this 3 day of April, 2024

Executed by the Department this 3 day of April, 2024

SIGNATURES OF OWNER(S)

ADDRESS

PHONE NO.

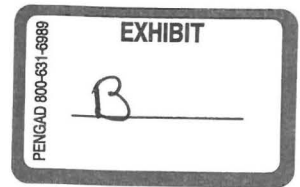
Leonard L. Nicholas 5201 Robin Ln Hillsboro MO 314-488-4355

Prosper Nicholas 5201 Robin Ln; Hillsboro, MO 63050 314-488-6810

JEFFERSON COUNTY PUBLIC WORKS DEPARTMENT

BY: Michael Cook

TITLE: STORM WATER MANAGER



Road Name-Robin Lane
Project Number: *
Jefferson County, Missouri
Parcel 1

PERMANENT DRAINAGE EASEMENT

TO WHOM IT MAY CONCERN:

KNOW ALL PERSONS BY THESE PRESENTS that the undersigned owner, **Leonard L. Niehaus and Kimberly A. Niehaus, husband and wife of 5201 Robin Lane, Hillsboro, MO 63050 ("Grantor")**, for and in consideration of **ONE HUNDRED FIFTY AND 00/100 (\$150.00)** and other valuable considerations in hand, the receipt of which is hereby acknowledged, does hereby give, grant, extend, and convey unto **Jefferson County, Missouri, a County existing under the Laws of the State of Missouri, having a mailing address of 725 Maple Street, Hillsboro, MO 63050 ("Grantee")** its successors and assigns a perpetual drainage easement upon, over, under, and across a portion of the real property at **5201 Robin Lane, Hillsboro, MO 63050** ("the Easement Area") which are more particularly described in **Exhibit A** attached hereto and made a part hereof, together with the right to erect, construct, repair and maintain drainage structures in and upon the Easement Areas with the right of ingress and egress thereto.

Grantor for itself and its successor and assigns, does hereby warrant and covenant to Grantee that it is the owner of the real property at **5201 Robin Lane, Hillsboro, MO 63050** and has full right and valid authority to grant this easement and that Grantee may quietly enjoy the Easement Areas for the purposes stated herein.

Grantors:

Leonard L. Niehaus
Leonard L. Niehaus

Kimberly A. Niehaus
Kimberly A. Niehaus

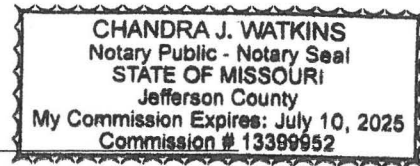
ACKNOWLEDGEMENT

STATE OF MISSOURI)
) SS
COUNTY OF JEFFERSON)

On this 3rd day of April, 2024, before me appeared **Leonard L. Niehaus and Kimberly A. Niehaus** personally known to me to be the person(s) who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.

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

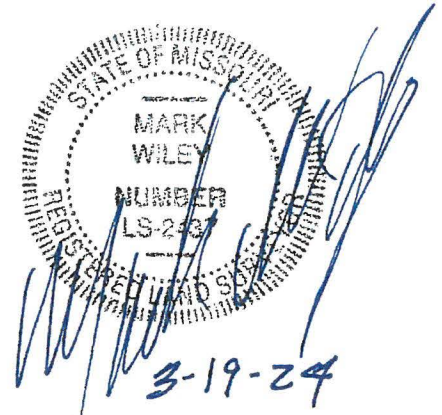
Chandra J. Watkins Notary Public



My commission expires _____



15' by 15' Stormwater Easement
Lot 8, Chapman Estates
Plat Book 142, Page 8
Jefferson County Land Records
Jefferson County, Missouri



A tract of land being part of Lot 8, Chapman Estates a subdivision filed for record in Plat Book 142 page 8 of the Jefferson County land Records being a part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 41 North, Range 4 East of Jefferson County, Missouri and being described as follows:

Commencing at the corner common to Lot 7 and 8 of said Chapman Estates, said point being in the center of Hillsboro House Springs Road as widened; thence North 33 degrees 31 minutes 47 seconds East along the center of said Hillsboro House Springs Road a distance of 94.30 feet to a point; thence North 51 degrees 18 minutes 47 seconds East a distance of 81.54 feet to a point; thence North 65 degrees 26 minutes 01 seconds East a distance of 71.37 feet to a point; thence North 76 degrees 25 minutes 53 seconds East a distance of 53.78 feet to a point; thence leaving said enter line South 11 degrees 43 minutes 24 seconds East a distance of 30.02 feet to the point of beginning of the tract being described, said point being on the Southern line of said Hillsboro House Springs Road as dedicated by the plat of said Chatman Estates; thence North 76 degrees 25 minutes 53 seconds East along said Hillsboro House Springs Road a distance of 7.50 feet to a point; thence leaving said road South 11 degrees 43 minutes 24 seconds East a distance of 15.00 feet to a point; thence South 76 degrees 25 minutes 53 seconds West a distance of 15.00 feet to a point; thence North 11 degrees 43 minutes 24 seconds West 15.00 feet to a point on the south line of said Hillsboro House Springs road as previously mentioned; thence North 76 degrees 25 minutes 53 seconds East along said road a distance of 7.50 feet to the point of beginning and containing 225 feet more or less.

Subject to Easements, Restrictions and Covenants of Record if any.

CL HILLSBORO HOUSE SPRINGS ROAD

N76°25'53"E 146.74' 92.96'

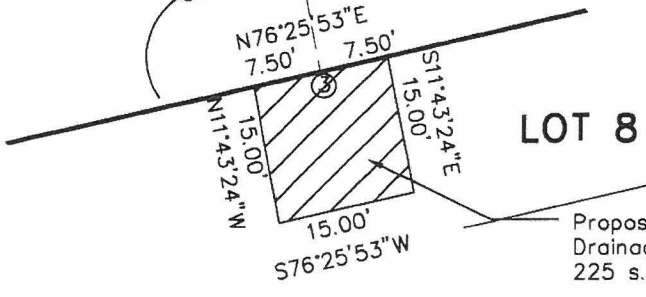
53.78'

S11°43'24"E 30.02'

STATE PLANE COORDINATE VALUES				
PNT	Desc	Northing	Easting	Elevation
1	Pipe	886320.5000	800372.4720	723.58
2	Pipe	886289.3450	800378.6610	723.03
3	POB	886275.7240	800381.3141	

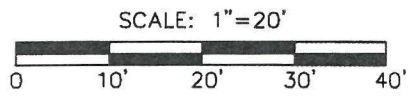
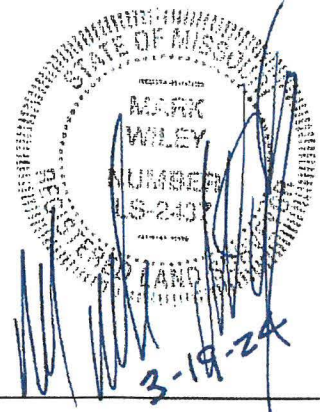


30' W strip to Jefferson County

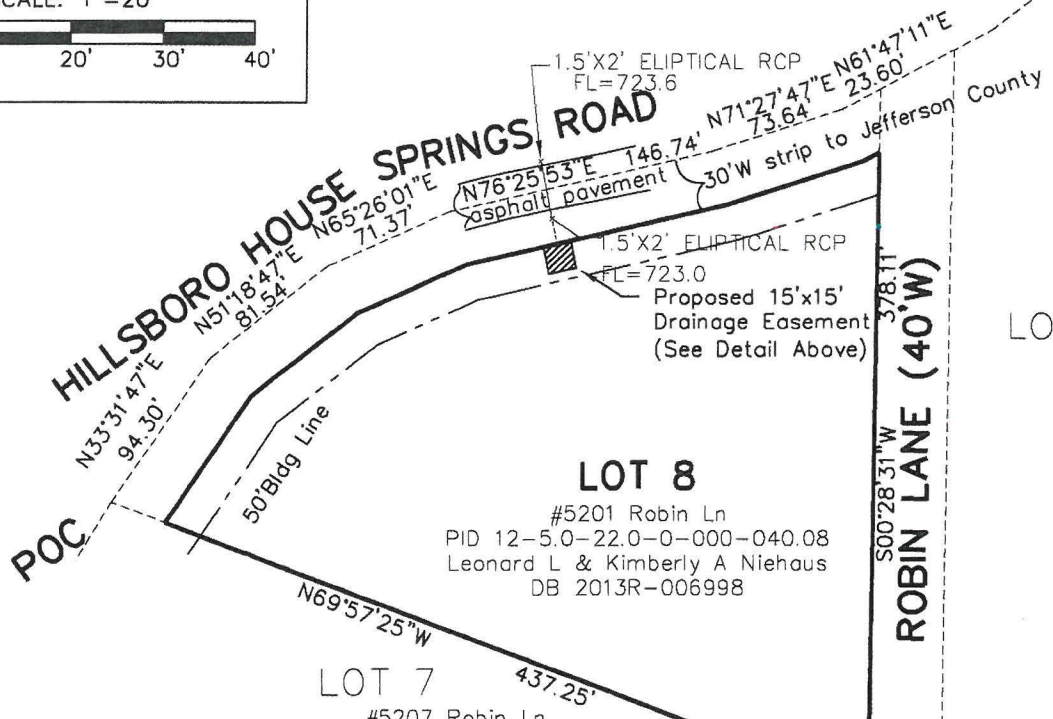


LOT 8

Proposed 15'x15'
Drainage Easement
225 s.f.



SCALE: 1"=20'

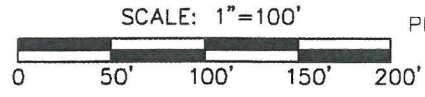


#5201 Robin Ln
PID 12-5.0-22.0-0-000-040.08
Leonard L & Kimberly A Niehaus
DB 2013R-006998

#5207 Robin Ln
PID 12-5.0-22.0-0-000-040.07
Joshua A Sabourin
DB 2019R-032028

ROBIN LANE (40' W)

LOT 1



SCALE: 1"=100'

Professional Land Surveying Corporation Certificate/License No. 2020010770



7722 Big Bend Blvd.
St. Louis, MO 63119
t. 314.644.5700

15' X 15' DRAINAGE EASEMENT LOT 8
CHAPMAN ESTATES PB.142 pg 8

Located in SW $\frac{1}{4}$ of the SW $\frac{1}{4}$
Section 22, Township 41 North, Range 4 East
Jefferson County, Missouri

Date:	03-18-2024
Project No.:	21710.04.001