

RE: WEST REGIONAL COLLECTION SYSTEM

Background:

As you are aware, the existing Oakmont lift station has exceeded its hydraulic design capacity. On multiply occasions during periods of heavy rainfall the lift station has overflowed due to the excess flows. Because of this the city is currently unable to allow for any additional capacity to flow to the lift station. This is hindering the growth potential for the west and southwest areas of town. A 2016 Wastewater Masterplan identified what improvements were needed to address the deficiencies of the existing Oakmont lift station and accommodate future growth for the area. Utilizing the recommendations in the masterplan, a CIP project was funded in 2022 for the design and construction of a new regional lift station known as the West Regional Collection System.

The engineer for the project identified the location of the regional lift station and In February of this year staff began working with property owners that would be affected by the sewer project. We have had several meetings with the property owners to help address concerns as much as possible while still moving forward with the needed project. Unfortunately, staff has been unable to reach an agreement with three of the property owners to obtain the needed property and easement acquisitions needed to move the project forward.

Analysis:

Staff enlisted the services of an appraiser, National Valuation, to determine the value for the needed property and easements for the project. Staff forwarded the appraisals to the property owners as an initial offer for the needed acquisitions. Staff negotiated in good faith with all property owners affected to not only establish an agreeable dollar amount but to also include any special conditions necessary to gain support from the property owner to execute the easement. In all but three cases staff was successful in reaching an agreement that benefited the property owner while also ensuring that the city was being good stewards with taxpayer monies.

In the case of the three property owners identified in the ordinance for the condemnation request, staff was either unable to gain a commitment for the needed acquisition or the property owners requested compensation that far exceeded the appraised amount for the property. To pay such extraordinary amounts would not be good use of taxpayer money.

Recommendation:

With the majority of the easements necessary for the lift stations relocation obtained and in order to alleviate the existing problems with the Oakmont lift station and to secure future growth for the area staff is recommending approval of the ordinance authorizing condemnation for the needed property and easements.

MEMO PREPARED BY:

Travis Cossey | Asst. Director Nixa Utilities & Public Works

417-725-2353

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA DECLARING THE
 2 NECESSITY OF ACQUIRING BY CONDEMNATION CERTAIN PROPERTY RIGHTS
 3 OVER, UNDER, AND THROUGH CERTAIN REAL ESTATE FOR THE PURPOSE OF
 4 CONSTRUCTING AND MAINTAINING THE WEST REGIONAL COLLECTION
 5 SYSTEM; AND AUTHORIZING CERTAIN CITY OFFICIALS TO DO ALL THINGS
 6 NECESSARY OR CONVENIENT TO CARRY OUT THE TERMS AND INTENT OF THIS
 7 ORDINANCE.

8 _____
 9

10 **WHEREAS** the City’s existing Oakmont lift station has exceeded its hydraulic
 11 design capacity which causes the lift station to overflow during heavy rain events; and
 12

13 **WHEREAS** because of this, the City is unable to allow for any additional sewer
 14 capacity to flow to the lift station resulting in the inability for the City to authorize new
 15 construction in the area served by the Oakmont lift station; and
 16

17 **WHEREAS** the 2016 Wastewater Masterplan identified improvements which could
 18 be made to address the deficiencies of the Oakmont lift station; and
 19

20 **WHEREAS** said Masterplan recommend the construction of a new regional lift
 21 station, referred to as the West Regional Collection System; and
 22

23 **WHEREAS** the City completed engineering for the West Regional Collection
 24 System Project (“Project”) and in February of 2023, City staff began working with property
 25 owners whose property would be affected by the Project; and
 26

27 **WHEREAS** City staff has been unable to reach voluntary agreements with all of
 28 the affected property owners; and
 29

30 **WHEREAS** City staff have negotiated in good faith and have made offers based
 31 on the appraised value of the interest sought for the Project; and
 32

33 **WHEREAS** said Project is necessary to alleviate the demand on the Oakmont lift
 34 station and to maintain the City’s compliance with the Clean Water Act; and
 35

36 **WHEREAS** without the Project, the Oakmont lift station will continue to overflow
 37 during heavy rainfall events, requiring the City to continue to notify the Missouri
 38 Department of Natural Resources of these events; and
 39

40 **WHEREAS** to allow this Project to remain on schedule and because the Project
 41 serves legitimate public purposes, the City Council desires to authorize the use of
 42 condemnation to acquire the remaining property interests for the Project.
 43

44 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
 45 **NIXA, AS FOLLOWS, THAT:**
 46

47 **SECTION 1:** The City Council hereby declares it necessary to condemn the
48 property interest described on “Council Bill Exhibit A,” for the purpose of constructing and
49 maintaining the West Regional Collection System (“Project”). “Council Bill Exhibit A” is
50 attached hereto and is incorporated herein by this reference as though fully set forth
51 herein.

52
53 **SECTION 2:** The City Council hereby declares it necessary to condemn the
54 property interest described on “Council Bill Exhibit B,” for the purpose of constructing and
55 maintaining the Project. “Council Bill Exhibit B” is attached hereto and is incorporated
56 herein by this reference as though fully set forth herein.

57
58 **SECTION 3:** The City Council hereby declares it necessary to condemn the
59 property interest described on “Council Bill Exhibit C,” for the purpose of constructing and
60 maintaining the Project. “Council Bill Exhibit C” is attached hereto and is incorporated
61 herein by this reference as though fully set forth herein.

62
63 **SECTION 4:** The City Council hereby declares it necessary to condemn the
64 property interest described on “Council Bill Exhibit D,” for the purpose of constructing and
65 maintaining the Project. “Council Bill Exhibit D” is attached hereto and is incorporated
66 herein by this reference as though fully set forth herein.

67
68 **SECTION 5:** The City Council hereby finds and declares that the Project serves
69 legitimate public purposes for the reasons stated in this Ordinance and City staff’s
70 accompanying memo.

71
72 **SECTION 6:** The City Attorney, or designee, is hereby authorized to proceed with
73 condemnation proceedings against the properties described herein as authorized by law.
74 The Officers of the City are further authorized to exercise all powers necessary or
75 convenient to carry out the terms and intent of this Ordinance.

76
77 **SECTION 7:** This Ordinance shall be in full force and effect from and after its final
78 passage by the City Council and after its approval by the Mayor, subject to the provisions
79 of section 3.11(g) of the City Charter.

80
81
82 **[Remainder of Page Intentionally Left Blank. Signature Page Follows.]**

83
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93 ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2023.

94

95

ATTEST:

96

97

PRESIDING OFFICER

CITY CLERK

99

100

101 APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2023.

102

103

104

105

106 _____
MAYOR

CITY CLERK

107

108

109 APPROVED AS TO FORM:

110

111

112 _____
CITY ATTORNEY

COUNCIL BILL EXHIBIT A

Title of Document: **PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY
EASEMENT AND DRAINAGE EASEMENT**

Date of Document: _____

Grantor(s): ADRIEL SCHMITT
 KELLEE SCHMITT

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

**PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY
EASEMENT AND DRAINAGE EASEMENT**

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **ADRIEL SCHMITT AND KELLEE SCHMITT**, husband and wife (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY EASEMENT AND DRAINAGE EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace the access road, sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements, and storm water drainage improvements as deemed necessary by Grantee in, on, thru, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY EASEMENT AND DRAINAGE EASEMENT, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

Together with the right, privilege; and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the access road, City of Nixa utilities improvements, and storm water drainage improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, thru, over, or across the easement, without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20____.

Adriel Schmitt

Kellee Schmitt

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, ADRIEL SCHMITT AND KELLEE SCHMITT, husband and wife, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires the _____ day of _____, 20____.

EXHIBIT A

A PERPETUAL INGRESS-EGRESS AND UTILITY AND DRAINAGE EASEMENT OF VARIABLE WIDTH, BEING A PART OF TRACT OF LAND DESCRIBED IN BOOK 2020 AT PAGE 13287 AND BOOK 2022 AT PAGE 13907 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 21, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY MISSOURI, SAID INGRESS-EGRESS AND UTILITY AND DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2427" AT THE SOUTHEAST CORNER OF SAID SE1/4 OF THE NE1/4; THENCE N01°42'54"E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, ALSO BEING THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 222 AT PAGE 385 IN SAID RECORDER'S OFFICE, A DISTANCE OF 265.39 FEET FOR A POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE, NORTHERLY ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 75.00 FEET, A DELTA ANGLE OF 06°21'36", A CHORD BEARING N17°45'37"W, A CHORD DISTANCE OF 8.32 FEET, AND AN ARC LENGTH OF 8.33 FEET; THENCE N20°56'25"W, A DISTANCE OF 22.99 FEET; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 125.00 FEET, A DELTA ANGLE OF 23°04'03", A CHORD BEARING N09°24'23"W, A CHORD DISTANCE OF 49.99 FEET, AND AN ARC LENGTH OF 50.33 FEET; THENCE N02°07'39"E, A DISTANCE OF 20.19 FEET; THENCE N02°03'49"E, A DISTANCE OF 297.52 FEET; THENCE N02°08'48"E, A DISTANCE OF 22.85 FEET; THENCE S88°17'06"E, A DISTANCE OF 19.14 FEET TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4, ALSO BEING THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2012 AT PAGE 2459 IN SAID RECORDER'S OFFICE; THENCE S01°42'54"W, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 17.63 FEET TO AN EXISTING IRON PIN CAPPED "LS 2122" AT THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2012 AT PAGE 2459, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 222 AT PAGE 385; THENCE CONTINUING S01°42'54"W, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 401.03 FEET TO THE POINT OF BEGINNING. SAID INGRESS-EGRESS AND UTILITY AND DRAINAGE EASEMENT CONTAINS 7,938 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

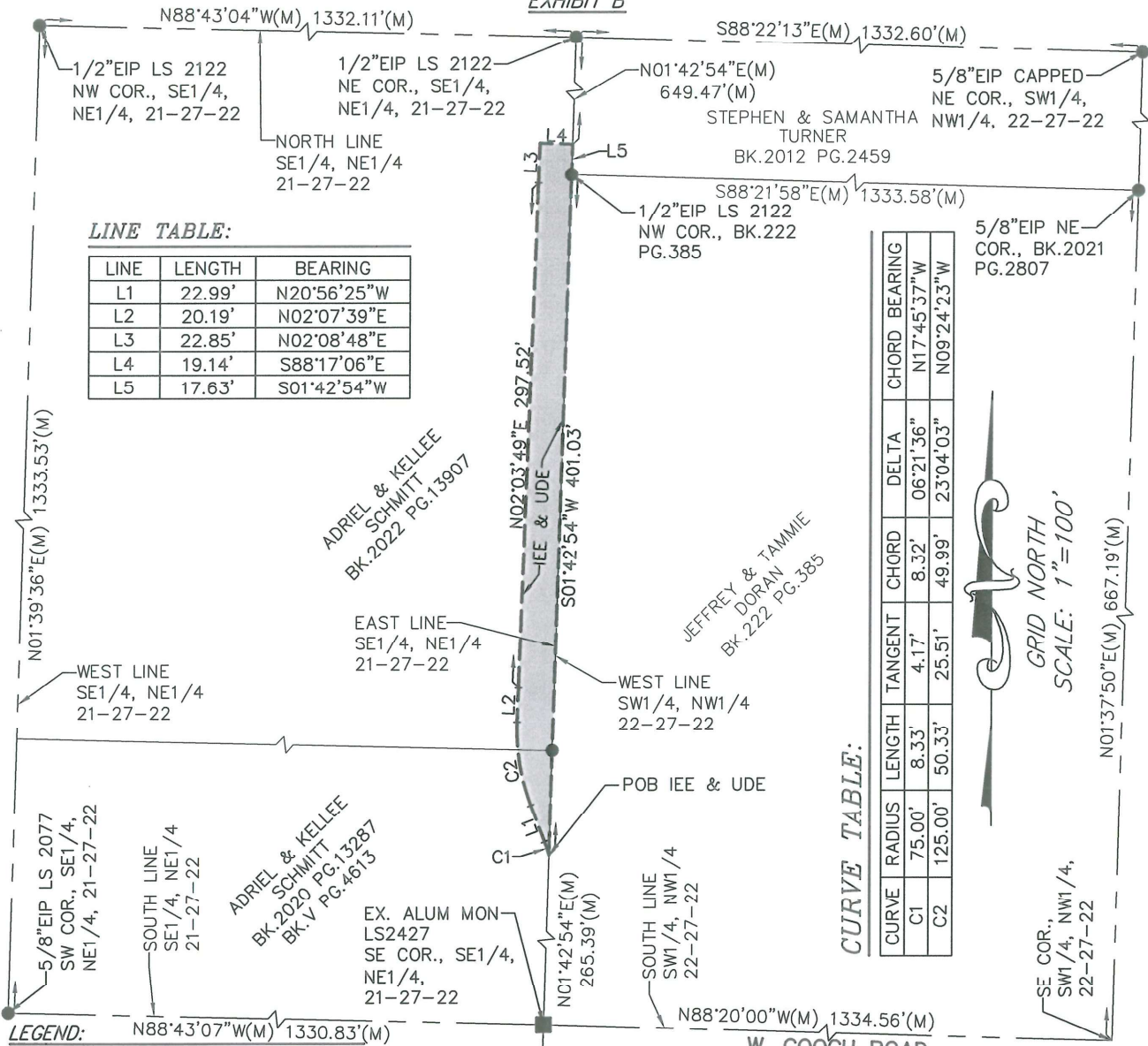
(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE)



07/18/2023

THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING
L1	22.99'	N20°56'25"W
L2	20.19'	N02°07'39"E
L3	22.85'	N02°08'48"E
L4	19.14'	S88°17'06"E
L5	17.63'	S01°42'54"W

CURVE TABLE:

CURVE	RADIUS	LENGTH	TANGENT	CHORD	DELTA	CHORD BEARING
C1	75.00'	8.33'	4.17'	8.32'	06°21'36"	N17°45'37"W
C2	125.00'	50.33'	25.51'	49.99'	23°04'03"	N09°24'23"W



LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- IEE = INGRESS-EGRESS EASEMENT
- UDE = UTILITY & DRAINAGE EASEMENT
- ESMT. = EASEMENT

AREA:

INGRESS-EGRESS & UTILITY AND DRAINAGE EASEMENT: 7,938 SQ. FT±
PREPARED FOR:

ADRIEL & KELLEE SCHMITT
BOOK 2020 PAGE 13287
BOOK 2022 PAGE 13907

SHAFFER & HINES, inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222004 DATE: 07-18-2023

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

07/18/2023
DATE

COUNCIL BILL EXHIBIT B

Title of Document: **PERPETUAL UTILITY EASEMENT**

Date of Document: _____

Grantor(s): ADRIEL SCHMITT
 KELLEE SCHMITT

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

PERPETUAL UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **ADRIEL SCHMITT** and **KELLEE SCHMITT**, Husband and Wife (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL UTILITY EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements as deemed necessary by Grantee in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL UTILITY EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the City of Nixa Utilities improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, through, over, or across the easement without

Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20_____.

Adriel Schmitt

Kellee Schmitt

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20_____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, ADRIEL SCHMITT and KELLEEE SCHMITT, Husband and Wife, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

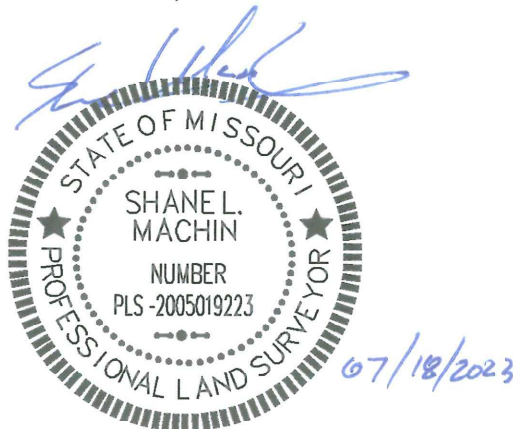
My Commission Expires the _____ day of _____, 20__.

EXHIBIT A

A 50.00 FEET WIDE PERPETUAL UTILITY EASEMENT BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 13907 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 21, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, SAID PERPETUAL UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

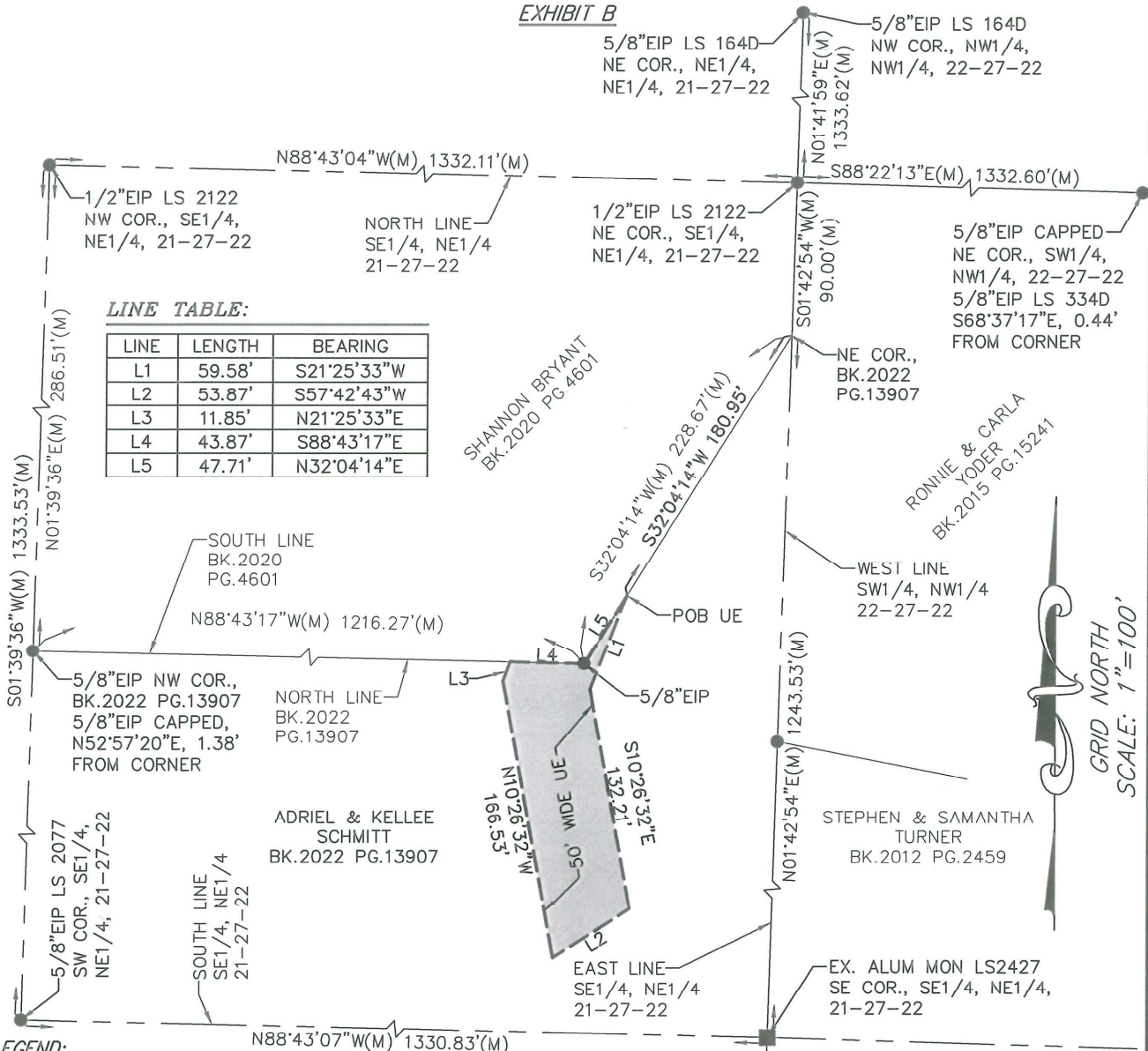
COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2427" AT THE SOUTHEAST CORNER OF SAID SE1/4 OF THE NE1/4; THENCE N01°42'54"W, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 1243.53 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 13907, SAID POINT BEING S01°42'54"W, A DISTANCE OF 90.00 FEET FROM AN EXISTING IRON PIN CAPPED "LS 2122" AT THE NORTHEAST CORNER OF SAID SE1/4 OF THE NE1/4; THENCE S32°04'14"W, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 13907, A DISTANCE OF 180.95 FEET FOR A POINT OF BEGINNING; THENCE S21°25'33"W, LEAVING SAID NORTH LINE, A DISTANCE OF 59.58 FEET; THENCE S10°26'32"E, A DISTANCE OF 132.21 FEET; THENCE S57°42'43"W, A DISTANCE OF 53.87 FEET; THENCE N10°26'32"W, A DISTANCE OF 166.53 FEET; THENCE N21°25'33"E, A DISTANCE OF 11.85 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 13907; THENCE S88°43'17"E, ALONG SAID NORTH LINE, A DISTANCE OF 43.87 FEET TO AN EXISTING IRON PIN; THENCE N32°04'14"E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 47.71 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL UTILITY EASEMENT CONTAINS 8,355 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING
L1	59.58'	S21°25'33\"W
L2	53.87'	S57°42'43\"W
L3	11.85'	N21°25'33\"E
L4	43.87'	S88°43'17\"E
L5	47.71'	N32°04'14\"E

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- UE = UTILITY EASEMENT
- ESMT. = EASEMENT

AREA:

UTILITY EASEMENT: 8,355 SQ. FT±

PREPARED FOR:

ADRIEL & KELLE SCHMITT
BOOK 2022 PAGE 13907

SHAFFER & HINES, inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222004 DATE: 07-18-2023

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

07/18/2023
DATE

GRID NORTH
SCALE: 1"=100'

COUNCIL BILL EXHIBIT C



Title of Document: **PERPETUAL UTILITY EASEMENT**

Date of Document: _____

Grantor(s): SHANNON BRYANT

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714



PERPETUAL UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **SHANNON BRYANT** (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL UTILITY EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements as deemed necessary by Grantee in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL UTILITY EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the City of Nixa Utilities improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, through, over, or across the easement without

Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20____.

Shannon Bryant

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, SHANNON BRYANT, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

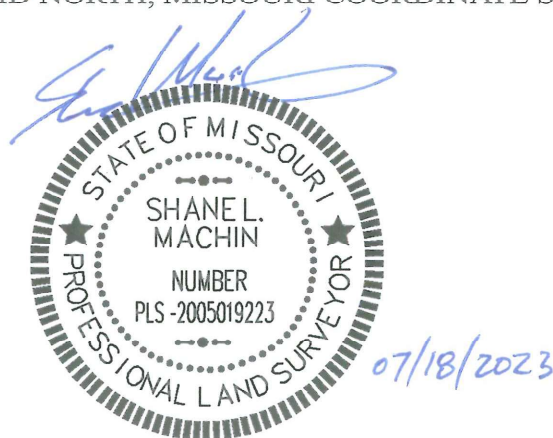
My Commission Expires the _____ day of _____, 20____.

EXHIBIT A

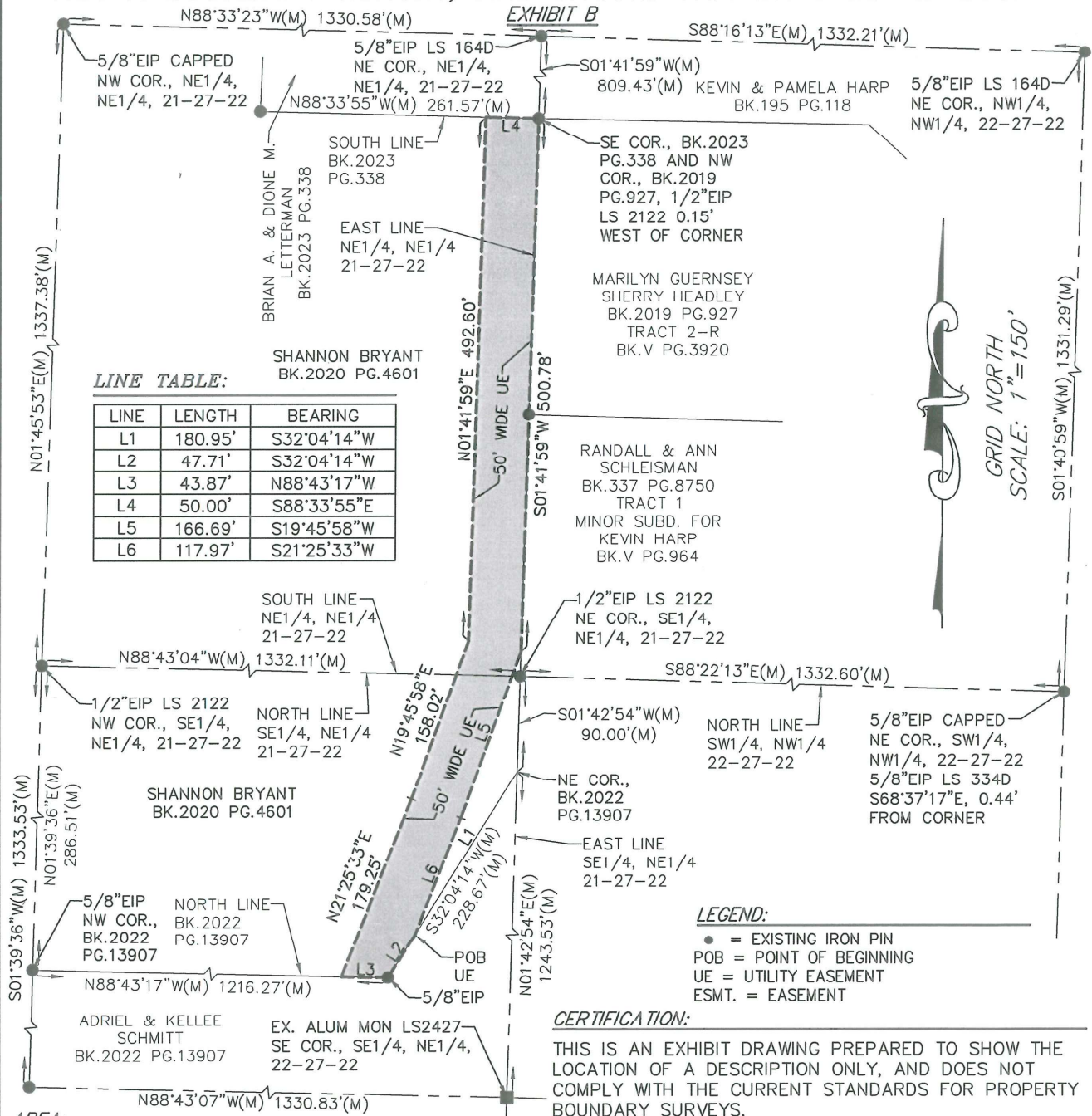
A 50.00 FEET WIDE PERPETUAL UTILITY EASEMENT BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2020 AT PAGE 4601 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) AND PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 21, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, SAID PERPETUAL UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN CAPPED "LS 2122" AT THE NORTHEAST CORNER OF SAID SE1/4 OF THE NE1/4; THENCE S01°42'54"W, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 90.00 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 13907 IN SAID RECORDER'S OFFICE; THENCE S32°04'14"W, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 13907, A DISTANCE OF 180.95 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING S32°04'14"W, ALONG SAID NORTH LINE, A DISTANCE OF 47.71 FEET TO AN EXISTING IRON PIN; THENCE N88°43'17"W, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 43.87 FEET; THENCE N21°25'33"E, LEAVING SAID NORTH LINE, A DISTANCE OF 179.25 FEET; THENCE N19°45'58"E, A DISTANCE OF 158.02 FEET; THENCE N01°41'59"E, A DISTANCE OF 492.60 FEET TO A POINT ON THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2023 AT PAGE 338 IN SAID RECORDER'S OFFICE; THENCE S88°33'55"E, ALONG SAID SOUTH LINE, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT OF DESCRIBED IN BOOK 2023 AT PAGE 338 ON THE EAST LINE OF SAID NE1/4 OF THE NE1/4, SAID POINT BEING S01°41'59"W, A DISTANCE OF 809.43 FEET FROM AN EXISTING IRON PIN CAPPED "LS 164D" AT THE NORTHEAST CORNER OF SAID NE1/4 OF THE NE1/4; THENCE S01°41'59"W, ALONG THE EAST LINE OF SAID NE1/4 OF THE NE1/4, ALSO BEING THE WEST LINE OF TRACT OF LAND DESCRIBED IN BOOK 2019 AT PAGE 927 AND A TRACT OF LAND DESCRIBED IN BOOK 337 AT PAGE 8750 IN SAID RECORDER'S OFFICE, A DISTANCE OF 500.78 FEET; THENCE S19°45'58"W, LEAVING SAID EAST LINE OF THE NE1/4 OF THE NE1/4, A DISTANCE OF 166.69 FEET; THENCE S21°25'33"W, A DISTANCE OF 117.97 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL UTILITY EASEMENT CONTAINS 41,282 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.



LINE TABLE:

LINE	LENGTH	BEARING
L1	180.95'	S32°04'14\"W
L2	47.71'	S32°04'14\"W
L3	43.87'	N88°43'17\"W
L4	50.00'	S88°33'55\"E
L5	166.69'	S19°45'58\"W
L6	117.97'	S21°25'33\"W

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- UE = UTILITY EASEMENT
- ESMT. = EASEMENT

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

AREA:

UTILITY EASEMENT: 41,282 SQ. FT±

PREPARED FOR:

SHANNON BRYANT
BOOK 2020 PAGE 4601

SHAFFER & HINES, inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222004 DATE: 07-18-2023



SHANE L. MACHIN P.L.S. 2005019223

07/18/2023
DATE

COUNCIL BILL EXHIBIT D

Title of Document: **PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY
EASEMENT AND DRAINAGE EASEMENT**

Date of Document: _____

Grantor(s): STEPHEN ALEX TURNER
 SAMANTHA TURNER

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

**PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY
EASEMENT AND DRAINAGE EASEMENT**

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **STEPHEN ALEX TURNER AND SAMANTHA TURNER**, husband and wife (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY EASEMENT AND DRAINAGE EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace the access road, sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements, and storm water drainage improvements as deemed necessary by Grantee in, on, thru, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A PERPETUAL INGRESS-EGRESS EASEMENT AND UTILITY EASEMENT AND DRAINAGE EASEMENT, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

Together with the right, privilege; and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the access road, City of Nixa utilities improvements, and storm water drainage improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, thru, over, or across the easement, without Grantcc's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20_____.

Stephen Alex Turner

Samantha Turner

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20_____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, STEPHEN ALEX TURNER AND SAMANTHA TURNER, husband and wife, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires the _____ day of _____, 20____.

EXHIBIT A

A PERPETUAL INGRESS-EGRESS AND UTILITY AND DRAINAGE EASEMENT OF VARIABLE WIDTH, BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2012 AT PAGE 2459 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 22, TOWNSHIP 27 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI, SAID INGRESS-EGRESS AND UTILITY AND DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

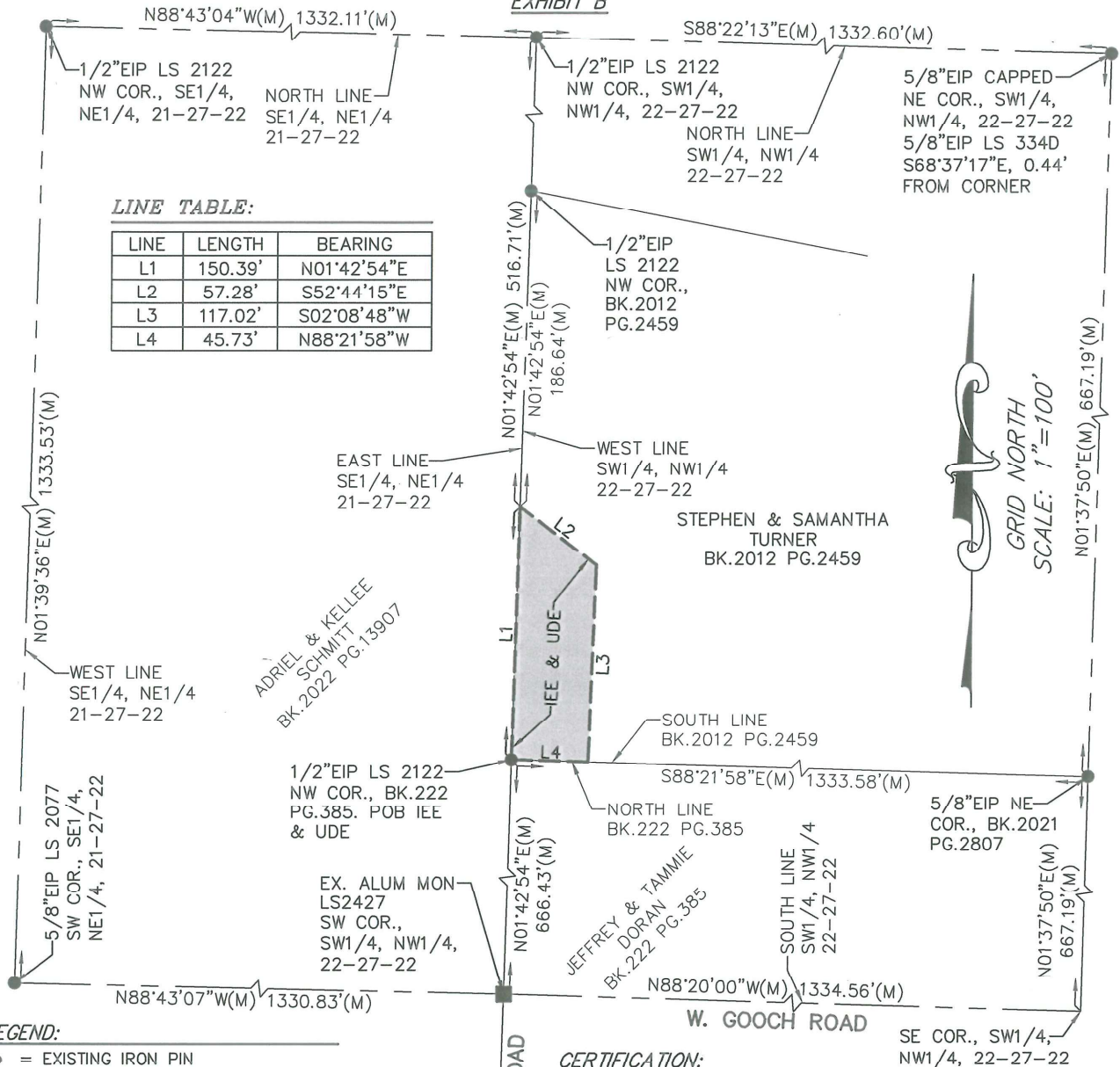
COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2427" AT THE SOUTHWEST CORNER OF SAID SW1/4 OF THE NW1/4; THENCE N01°42'54"E, ALONG THE WEST LINE OF SAID SW1/4 OF THE NW1/4, ALSO BEING THE WEST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 222 AT PAGE 385 IN SAID RECORDER'S OFFICE, A DISTANCE OF 666.43 FEET TO AN EXISTING IRON PIN CAPPED "LS 2122" AT THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 222 AT PAGE 385, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2012 AT PAGE 2459 FOR A POINT OF BEGINNING; THENCE CONTINUING N01°42'54"E ALONG THE WEST LINE OF SAID SW1/4 OF THE NW1/4, ALSO BEING THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2012 AT PAGE 2459, A DISTANCE OF 150.39 FEET; THENCE S52°44'15"E, LEAVING SAID WEST LINE, A DISTANCE OF 57.28 FEET; THENCE S02°08'48"W, A DISTANCE OF 117.02 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2012 AT PAGE 2459, ALSO BEING THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 222 AT PAGE 385; THENCE N88°21'58"W, ALONG SAID SOUTH LINE, A DISTANCE OF 45.73 FEET TO THE POINT OF BEGINNING. SAID INGRESS-EGRESS AND UTILITY AND DRAINAGE EASEMENT CONTAINS 6,180 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING
L1	150.39'	N01°42'54"E
L2	57.28'	S52°44'15"E
L3	117.02'	S02°08'48"W
L4	45.73'	N88°21'58"W

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- IEE = INGRESS-EGRESS EASEMENT
- UDE = UTILITY & DRAINAGE EASEMENT
- ESMT. = EASEMENT

AREA:

INGRESS-EGRESS & UTILITY AND DRAINAGE EASEMENT: 6,180 SQ. FT±

PREPARED FOR:
STEPHEN & SAMANTHA TURNER
BOOK 2012 PAGE 2459

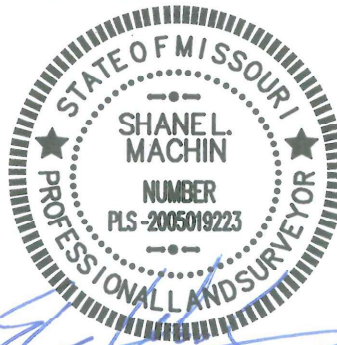
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PROJECT NO.: 222004 DATE: 07-18-2023

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

07/18/2023
DATE