

## **RE: REQUEST TO TRANSFER CITY RIGHTS OF WAY TO THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A ROUNDABOUT AT MAIN ST AND HIGHWAY CC.**

### **Background:**

The Missouri Department of Transportation is currently in the process of acquiring the needed right of ways and easements for the proposed roundabout at Main Street and State Highway CC. These acquisitions include City of Nixa right of ways.

### **Analysis:**

Because of the expanded footprint of this type of intersection, Mo-Dot's design has encroached upon what is currently City of Nixa right of way. A corridor south of Cedar St, along the west side of Main St. and, the south side of State Highway CC along the Mainstreet Corners development are needed to accomplish this roundabout project.

After several conversations between city staff, city attorney Nick Woodman and Mo-Dot Senior Right of Way Specialist Albezza Tshire, a Quit Claim Deed transfer would accomplish the conveyance.

### **Recommendation:**

Due to the benefits of the intersection improvements and the collaboration needed to combine this project with the city's Main St project, staff recommends approval of this requested Resolution authorizing the City Administrator to transfer these right of ways to the Missouri Department of Transportation.

### **MEMO PREPARED BY:**

**Jeff Roussell** | Street Superintendent

jroussell@nixa.com | 417-725-2353

**RESOLUTION NO. 2024-50**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AUTHORIZING THE CITY ADMINISTRATOR TO TRANSFER CERTAIN CITY RIGHTS-OF-WAY TO THE MISSOURI DEPARTMENT OF TRANSPORTATION TO FACILITATE IMPROVEMENTS AT THE INTERSECTION OF MAIN STREET AND HIGHWAY CC.**

**WHEREAS** the Missouri Department of Transportation (“MoDOT”) is currently in the process of acquiring right-of-way and easements for improvements at the intersection of Main Street and Highway CC; and

**WHEREAS** to assist with these improvements, MoDOT has requested that the City transfer certain City right-of-way to MoDOT via quit claim deeds; and

**WHEREAS** City Council desires to authorize the City Administrator to execute the quit claim deeds attached hereto as “Resolution Exhibit A” and “Resolution Exhibit B.”

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:**

**SECTION 1:** The City Council hereby authorizes the City Administrator, or designee, to execute the quit claim deeds attached hereto and incorporated herein by this reference as “Resolution Exhibit A” and “Resolution Exhibit B.” The City Administrator and the officers of the City are hereby authorized to do all things necessary or convenient to carry out the terms and intent of this Resolution.

**SECTION 2:** This Resolution shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

**ADOPTED BY THE COUNCIL THIS 27<sup>th</sup> DAY OF AUGUST 2024.**

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

**APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF AUGUST 2024.**

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

CCO FORM: RW02  
 Approved: 06/93 (TLP)  
 Revised: 03/23 (JDS)  
 Modified:

COUNTY: Christian  
 ROUTE: CC/Main  
 PROJECT: J8S0736F  
 FED. PROJECT: \_\_\_\_\_  
 PARCEL: City of Nixa

### QUITCLAIM DEED

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between **City of Nixa, Missouri** of the County of Christian, State of Missouri, (hereinafter, "Grantor(s)"), and the **STATE OF MISSOURI**, acting by and through the **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**, (hereinafter, "Grantee").

Grantor(s)' Address: P.O. Box 395, Nixa, Missouri 65714

Grantee's Address: 105 W.Capitol Avenue, Jefferson City, MO 65102

WITNESSETH:

The said Grantor(s), in consideration of the sum of \$1.00 DOLLARS, to it paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents remise, release, and forever QUITCLAIM unto said Grantee, its successors and assigns, the real estate and interests in real estate in the County of Christian, State of Missouri, and described as follows:

An existing right-of-way known as Cedar Street being part of the 30 foot wide Right-of-Way shown on the Plat of Majestic Oaks subdivision, a subdivision of land, as Recorded at the Christian County Records, and being located in part of the Southwest Quarter of the Northwest Quarter and in part of the Northwest Quarter of the Southwest Quarter of Section 1, Township 27 North, Range 22 West, in the City of Nixa, Christian County, Missouri, containing 10,088 sf (0.23 acres) more or less particularly described in **Exhibit A**.

TO HAVE AND TO HOLD THE SAME, with all and singular rights, immunities, privileges, and appurtenances thereunto belonging, unto the said Grantee, its heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor(s) have hereunto set its hand and seal the day and year first written above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type

\_\_\_\_\_  
Title

ATTEST:

\_\_\_\_\_

**ACKNOWLEDGMENT BY CITY**

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me appeared \_\_\_\_\_ personally known to me, who being by me duly sworn, did say that he/she is the \_\_\_\_\_ of the City of \_\_\_\_\_ and that the foregoing instrument was signed and sealed on behalf of the City of \_\_\_\_\_ and that he/she acknowledged said instrument to be the free act and deed of the City of \_\_\_\_\_ and that it was executed for the consideration stated therein and no other.

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.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

CEDAR STREET - AN EXISTING RIGHT-OF-WAY


BEARINGS ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.


AN EXISTING RIGHT-OF-WAY KNOWN AS CEDAR STREET BEING PART OF THE 30 FOOT WIDE RIGHT-OF-WAY SHOWN ON THE PLAT OF MAJESTIC OAKS SUBDIVISION, A SUBDIVISION OF LAND, AS RECORDED AT THE CHRISTIAN COUNTY RECORDS, AND BEING LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND IN PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 1, THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SOUTH 89°23'24" EAST, 968.96 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 00°42'27" WEST, 6.39 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY FOR SAID CEDAR STREET, AS NOW ESTABLISHED, BEING A POINT 19.73 FEET RIGHT OF NEW CEDAR STREET CENTERLINE STATION 2+00.00, THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, LEAVING SAID SOUTH RIGHT-OF-WAY LINE, CROSSING THE CENTERLINE OF SAID NEW CEDAR STREET, CONTINUING NORTH 00°42'27" WEST, 30.07 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID CEDAR STREET, BEING A POINT 10.34 FEET LEFT OF NEW CEDAR STREET CENTERLINE STATION 2+00.00; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 86°56'01" EAST, 336.84 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ROUTE CC (FORMERLY KNOWN AS SUPPLEMENTARY ROAD SB), AS NOW ESTABLISHED, BEING 35.89 FEET LEFT OF NEW CEDAR STREET CENTERLINE STATION 5+32.42; THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 01°27'23" WEST, 30.01 FEET, TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE, BEING A POINT 6.41 FEET LEFT OF NEW ROUTE CC CENTERLINE STATION 5+38.03; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, CROSSING THE CENTERLINE OF SAID NEW CEDAR STREET, NORTH 86°56'01" WEST, 335.70 FEET, TO THE POINT OF BEGINNING AND CONTAINS 10,088 SQUARE FEET, MORE OR LESS.

NEW CENTERLINE OF CEDAR STREET:

Title (name or identification of project)	County		
J8S0736F - ROUTE CC	CHRISTIAN		
	City (if applicable)	State	
	N/A	MO	
	Date Prepared	Sheet	
Licensee Name (sole proprietor, partnership, corporation, LLC, or government)	12/08/2023	1	of 2
POWELL CWM, INC. 3200 S. STATE ROUTE 291, BUILDING 1 INDEPENDENCE, MO 64057 816.373.4800 MO CERTIFICATE OF AUTHORITY NO: 123	Professional Surveyor Name (print) NICHOLAS R. MILLER		
	Discipline Professional Land Surveyor		
	License or Certificate of Authority No. MO # 2016000167		
Professional Surveyor (Signature)	Date		
	12/21/23		




Only the following property description contained in this "EXHIBIT" is authenticated by this seal.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SOUTH 89°23'24" EAST, 1336.31 FEET, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 87°08'57" EAST, 47.76 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 02°51'03" WEST, 28.88 FEET, TO A POINT ON SAID CENTERLINE, AT STATION 6+19.69, THE POINT OF BEGINNING.

THENCE, FROM THE POINT OF BEGINNING, NORTH 77°45'55" WEST, 182.86 FEET, TO CENTERLINE STATION 4+36.83; THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET, AN ARC LENGTH OF 225.88 FEET, A CHORD BEARING OF NORTH 84°14'11" WEST, AND A CHORD LENGTH OF 225.40 FEET, TO CENTERLINE STATION 2+10.95; THENCE SOUTH 89°17'33" WEST, 210.95 FEET, TO CENTERLINE STATION 0+00, THE END OF SAID CENTERLINE.

Title (name or identification of project)	County		
J8S0736F - ROUTE CC	CHRISTIAN		
	City (if applicable)	State	
	N/A	MO	
	Date Prepared	Sheet	
Licensee Name (sole proprietor, partnership, corporation, LLC, or government)	12/08/2023	2	of 2
POWELL CWM, INC. 3200 S. STATE ROUTE 291, BUILDING 1 INDEPENDENCE, MO 64057 816.373.4800 MO CERTIFICATE OF AUTHORITY NO: 123	Professional Surveyor Name (print) NICHOLAS R. MILLER		
	Discipline Professional Land Surveyor		
	License or Certificate of Authority No. MO # 2016000167		
Professional Surveyor (Signature)	Date		
<i>Nicholas R. Miller</i>	12/21/23		



Only the following property description contained in this "EXHIBIT" is authenticated by this seal.



CCO FORM: RW02  
 Approved: 06/93 (TLP)  
 Revised: 03/23 (JDS)  
 Modified:

COUNTY: Christian  
 ROUTE: CC/Main  
 PROJECT: J8S0736F  
 FED. PROJECT: \_\_\_\_\_  
 PARCEL: City of Nixa

### QUITCLAIM DEED

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between **City of Nixa, Missouri** of the County of Christian, State of Missouri, (hereinafter, "Grantor(s)"), and the **STATE OF MISSOURI**, acting by and through the **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**, (hereinafter, "Grantee").

Grantor(s)' Address: P.O. Box 395, Nixa, Missouri 65714

Grantee's Address: 105 W.Capitol Avenue, Jefferson City, MO 65102

WITNESSETH:

The said Grantor(s), in consideration of the sum of \$1.00 DOLLARS, to it paid by the said Grantee, the receipt of which is hereby acknowledged, does by these presents remise, release, and forever QUITCLAIM unto said Grantee, its successors and assigns, the real estate and interests in real estate in the County of Christian, State of Missouri, and described as follows:

An existing right-of-way known as Route CC, being part of the additional right-of-way area shown on Mainstreet corners, a subdivision of land, Mainstreet Corners Phase III, a subdivision of land and right-of-way deed recorded in Book 347, Page 3152, all being recorded at the Christian County records, and being located in part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 27 North, Range 22 West, in the City of Nixa, Christian County, Missouri, containing 15,874 sf (0.36 acres) more or less particularly described in **Exhibit A**.



TO HAVE AND TO HOLD THE SAME, with all and singular rights, immunities, privileges, and appurtenances thereunto belonging, unto the said Grantee, its heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor(s) have hereunto set its hand and seal the day and year first written above.

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Signature

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Print or Type

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Title

ATTEST:

**ACKNOWLEDGMENT BY CITY**

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )      ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me appeared \_\_\_\_\_ personally known to me, who being by me duly sworn, did say that he/she is the \_\_\_\_\_ of the City of \_\_\_\_\_ and that the foregoing instrument was signed and sealed on behalf of the City of \_\_\_\_\_ and that he/she acknowledged said instrument to be the free act and deed of the City of \_\_\_\_\_ and that it was executed for the consideration stated therein and no other.

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.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_




## ROUTE CC - AN EXISTING RIGHT-OF-WAY

BEARINGS ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

AN EXISTING RIGHT-OF-WAY KNOWN AS ROUTE CC, BEING PART OF THE ADDITIONAL RIGHT-OF-WAY AREA SHOWN ON MAINSTREET CORNERS, A SUBDIVISION OF LAND, MAINSTREET CORNERS PHASE III, A SUBDIVISION OF LAND AND RIGHT-OF-WAY DEED RECORDED IN BOOK 347, PAGE 3152, ALL BEING RECORDED AT THE CHRISTIAN COUNTY RECORDS, AND BEING LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 1, THENCE ALONG THE QUARTER SECTION LINE, NORTH 87°08'57" WEST, 2,998.34 FEET; THENCE LEAVING SAID QUARTER SECTION LINE, SOUTH 02°51'03" WEST, 32.26 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MISSOURI DEPARTMENT OF TRANSPORTATIONS RIGHT-OF-WAY FOR ROUTE CC, AS NOW ESTABLISHED, SAID POINT BEING 28.25 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 9+99.99, THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, SOUTH 79°58'48" WEST, 42.22 FEET, TO A POINT 37.67 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 9+58.84; THENCE SOUTH 84°46'05" WEST, 115.24 FEET, TO A POINT ON THE NORTH LINE OF LOT 2 OF SAID MAINSTREET CORNERS PHASE III, BEING 53.09 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 8+43.98; THENCE ALONG SAID NORTH LINE, NORTH 87°11'09" WEST, 375.70 FEET, TO THE NORTHWEST CORNER OF SAID LOT 2, A POINT ON THE EAST RIGHT-OF-WAY LINE OF ROSEWOOD LANE, AS NOW ESTABLISHED, AND BEING A POINT 42.61 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 4+67.50; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ROSEWOOD LANE, SOUTH 46°59'39" WEST, 6.84 FEET, TO A POINT 47.37 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 4+62.58; THENCE; CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 01°42'58" WEST, 22.63 FEET, TO A POINT 70.00 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 4+62.30; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, NORTH 88°58'48" WEST, 60.00 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID ROSEWOOD LANE, BEING ON THE EAST LINE OF LOT 2 OF SAID MAINSTREET CORNERS, AND BEING A POINT 70.00 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 4+02.30; THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 01°42'58" EAST, 27.01 FEET, TO A POINT 42.99



Title (name or identification of project) J8S0736F - ROUTE CC	County CHRISTIAN		 <p>Only the following property description contained in this "EXHIBIT" is authenticated by this seal.</p>									
Licensee Name (sole proprietor, partnership, corporation, LLC, or government) POWELL CWM, INC. 3200 S. STATE ROUTE 291, BUILDING 1 INDEPENDENCE, MO 64057 816.373.4800 MO CERTIFICATE OF AUTHORITY NO: 123	City (if applicable) NIXA	State MO			<table border="1"> <tr> <td data-bbox="732 1547 906 1579">Date Prepared</td> <td colspan="2" data-bbox="911 1547 1094 1579">Sheet</td> </tr> <tr> <td data-bbox="732 1585 906 1621">12/03/2023</td> <td data-bbox="911 1585 997 1621">1</td> <td data-bbox="1002 1585 1094 1621">of 2</td> </tr> </table>		Date Prepared	Sheet		12/03/2023	1	of 2
Date Prepared	Sheet											
12/03/2023	1	of 2										
Professional Surveyor Name (print) NICHOLAS R. MILLER	Discipline Professional Land Surveyor	License or Certificate of Authority No. MO # 2016000167										
Professional Surveyor (Signature)	Date											
												

FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 4+02.62; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 42°15'56" WEST, 43.17 FEET, TO A POINT ON THE SOUTH LINE OF SAID MISSOURI DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY, AND BEING A POINT 11.57 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 3+73.02; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 86°14'49" EAST, 126.16 FEET, TO A POINT 17.58 FEET RIGHT OF NEW ROUTE CC CENTERLINE STATION 4+99.04; THENCE SOUTH 87°07'44" EAST, 500.23 FEET, TO THE POINT OF BEGINNING AND CONTAINS 15,847 SQUARE FEET, MORE OR LESS.

NEW CENTERLINE OF ROUTE CC EAST:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SOUTH 89°23'24" EAST, 1336.31 FEET, TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 87°08'57" EAST, 47.76 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 02°51'03" WEST, 28.88 FEET, TO A POINT ON SAID CENTERLINE, AT STATION 0+49.34, THE POINT OF BEGINNING.

THENCE, FROM THE POINT OF BEGINNING, SOUTH 88°58'48" EAST, 651.03 FEET, TO CENTERLINE STATION 7+00.37; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 8000.00 FEET, AN ARC LENGTH OF 258.46 FEET, A CHORD BEARING OF SOUTH 88°03'16" EAST, AND A CHORD LENGTH OF 258.45 FEET, TO CENTERLINE STATION 9+58.84; THENCE SOUTH 87°07'44" EAST, 66.16 FEET, TO CENTERLINE STATION 10+25.00, THE END OF SAID CENTERLINE.

Title (name or identification of project) J8S0736F - ROUTE CC	County CHRISTIAN City (if applicable) NIXA State MO	
Licensee Name (sole proprietor, partnership, corporation, LLC, or government)	Date Prepared 12/03/2023	
POWELL CWM, INC. 3200 S. STATE ROUTE 291, BUILDING 1 INDEPENDENCE, MO 64057 816.373.4800 MO CERTIFICATE OF AUTHORITY NO: 123	Sheet 2 of 2 Professional Surveyor Name (print) NICHOLAS R. MILLER Discipline Professional Land Surveyor License or Certificate of Authority No. MO # 2016000167	
Professional Surveyor (Signature) 	Date 12/21/23	
Only the following property description contained in this "EXHIBIT" is authenticated by this seal.		