

IN THE CITY OF HOLTS SUMMIT, MISSOURI

BILL NO. 2023-27

ORDINANCE NO. 2836

AN ORDINANCE AMENDING ORDINANCE NUMBER 1053, ACCEPTING THE CONVEYANCE OF PERMANENT SEWER LINE EASEMENT AND TEMPORARY CONSTRUCTION, BY AUTHORIZING THE MAYOR TO ACCEPT THE ABANDONMENT OF EASEMENT FOR THE CITY OF HOLTS SUMMIT, MISSOURI.

WHEREAS, the Board of Aldermen passed Bill Number 98-73 becoming Ordinance Number 1053, Conveyance of Permanent Sewer Line Easement and Temporary Construction Easements for the City of Holts Summit on December 14th, 1998; and


WHEREAS, the said easement is no longer needed for the property as detailed in Exhibit A, attached and incorporated herein by reference for all purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLTS SUMMIT, MISSOURI, AS FOLLOWS:


Section 1. The Board of Aldermen of the City of Holts Summit, Missouri, hereby authorize the Mayor to accept the Abandonment of Easement as detailed in Exhibit A, attached and incorporated herein by reference for all purposes. The Board of Aldermen hereby accepts said easement and directs the City Clerk to cause the same to be recorded with the Callaway County Recorder of Deeds.

Section 2. The Board of Aldermen declares passage of this ordinance by conducting two readings during the same meeting to be necessary. This ordinance shall be in full force and effect immediately upon final passage and approval.

FIRST READING, SECOND READING AND FINAL PASSAGE HELD THIS 14TH DAY OF NOVEMBER 2023.


Landon Oxley, Mayor

ATTEST:


Rachel Anderson, City Clerk



Recorded In Callaway County, Missouri



Recording Date/Time: 11/15/2023 at 01:21:30 PM

Instr #: 202305814

Book: 510 Page: 153

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Pages: 7

Fee: \$42.00 S 20230005403



Christine Kleindienst
Recorder of Deeds

AMANDA STODDARD REAL ESTATE LL

(Space Above This Line For Recording Data)

Title(s) of Document: ORDINANCE

Date of Document: 11/15/23

Grantor(s): TC PROPERTY INVESTMENTS, LLC

Grantor's Address: 10765 county Rd 499
Holts Summit Mo 65243

Grantee(s): City of Holts Summit

Grantee's Address: 213 S Summit Dr
Holts Summit Mo 65243

Full Legal Description is located on Page: 54

Reference Book(s) and Page(s), if required:

ABANDONMENT OF EASEMENT

This document is executed and entered into this 15th day of November, 2023, by and between TC Property Investment LLC, herein referred to as "Grantor", and the City of Holts Summit, Missouri, a political subdivision, hereinafter referred to as "Grantee".

WHEREAS, on the 8th day of December, 1998, Grantor's predecessor in title and Grantee entered into a document entitled "Sewer Line Easement". That document was then recorded at Book 486, Page 699, Cole County Recorder of Deeds Office; and

WHEREAS, said Sewer Line Easement gave Grantee right to place a sewer line on property described in Exhibit A hereto; and

WHEREAS, Grantee no longer requires the sewer line to be located and situate on said property, and accordingly there is no need for said easement and disruption of Grantor's property as contemplated in the Sewer Line Easement recorded at Book 346, Page 205, Callaway County Recorder of Deeds' Office;

NOW THEREFORE, Grantee does hereby waive, abandon, and terminate their rights under said Sewer Line Easement.


GRANTOR DOES HEREBY waive, abandon, forego and forgive Grantee from any and all requirements, obligations and duties that Grantee undertook or may have undertaken as a result of entry into the document titled "Sewer Line Easement" said document being recorded at Book 346, Page 205.

THE UNDERSIGNED HEREBY agree and acknowledge that the waiver, abandonment and termination of the easement and mutual obligations contained therein are sufficient consideration for entry into this document and agreement, and each forever waives and foregoes any rights that they may have to pursue compensation or strict performance as a result of the terms of said document, the entry by the parties thereto, or the abandonment of the parties thereof.


IN WITNESS WHEREOF, the parties have set their hands and seals on the date first above written.

Grantor


TC Property Investments LLC
Tyler Crocker, Member

Grantee


Landon Oxley, Mayor
City of Holts Summit, MO

Attest:


Rachel Anderson, City Clerk
City of Holts Summit, MO

ATTACHMENT A

Part of the Southwest Quarter of Section Nineteen (19), Township Forty-five (45) North, Range Ten (10) West, in Callaway County, Missouri, being more particularly described as follows:

From the south quarter corner of Section 19, Township 45 North, Range 10 West; thence south 85 degrees 53' 02" West, 3925.05 feet to the southwest corner of said Section 19, Township 45 North, Range 10 West; Thence North 85 degrees 53' 02" East, 602.25 feet to the POINT OF BEGINNING; Thence continuing North 85 degrees 53' 02" East, 121.5 feet; thence North 4 degrees 30' 00" West, 358.5 feet; thence South 85 degrees 53' 02" East, 121.5 feet; thence South 4 degrees 30' 00" East, 358.5 feet to the POINT OF BEGINNING. Subject to easements and restrictions of record, if any.

STATE OF MISSOURI)
) ss
COUNTY OF CALLAWAY)

On this 15th day of November, 2023, before me personally appeared TC Property Investments LLC, Tyler Crocker, Member, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

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

Dianne L. Wolfmeier
Notary Public

My commission expires: 2-14-2025

DIANNE L WOLFMEIER
Notary Public, Notary Seal
State of Missouri
Callaway County
Commission # 17652183
My Commission Expires 02-14-2025



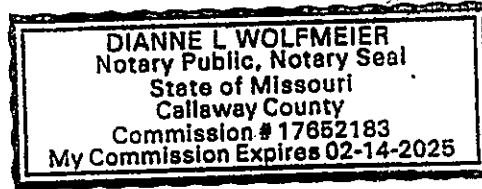
STATE OF MISSOURI)
) ss
COUNTY OF CALLAWAY)

On this 15th day of November, 2023 before me personally appeared Landon Oxley, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed and further that he had authority to bind Grantee, the City of Holts Summit, by his attested signature hereto.

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

Dianne L. Wolfmeier
Notary Public

My Commission Expires: 2-14-2025



STATE OF MISSOURI)
) ss
COUNTY OF CALLAWAY)

On this 15th day of November, 2023 before me personally appeared Rachel Anderson, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

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

Dianne L. Wolfmeier

Notary Public

My Commission Expires: 2-14-2025

