



Board of Aldermen Request for Action

MEETING DATE: 6/20/2023

DEPARTMENT: Public Works

AGENDA ITEM: Resolution 1233, Accepting a Permanent Sewer Easement from Central Trust Bank

REQUESTED BOARD ACTION:

A motion to approve Resolution 1233, accepting a permanent sewer easement from Central Trust Bank.

SUMMARY:

Accepting the permanent sewer easement allows Fairview Crossing North access to the pump station.

BACKGROUND:

On March 7th, 2023 the Board accepted the Final Plat for Fairview Crossing North. The plat showed an easement for the public sewer on the bank property however the Bank was not a part of the plat. Accepting the easement from the bank will allow the development to have access to the pump station.

PREVIOUS ACTION:

The Board approved Fairview Crossing North Conceptual Plan (Ord. 2977-23) and the Final Plat (Resolution 1194) at its' March 7, 2023 meeting.

POLICY ISSUE:

Infrastructure

FINANCIAL CONSIDERATIONS:

n/a

ATTACHMENTS:

☐ Ordinance

☒ Resolution

☐ Staff Report

☒ Other: easement

☐ Contract

☒ Plans

☐ Minutes

RESOLUTION 1233

A RESOLUTION ACCEPTING AN EASEMENT FROM CENTRAL TRUST BANK

WHEREAS, the Board of Aldermen approved a conceptual plan and Final Plat for Fairview Crossing North on March 7, 2023; and

WHEREAS, the Final Plat included six commercial lots, with easements located along the property lines of the lots; and

WHEREAS, the Final Plat identified a public sewer easement on the Bank property however the Bank was not a property included in the Final Plat of Fairview Crossing North; and

WHEREAS, by acceptance of the easement from Central Trust Bank allows Fairview Crossing North access to the pump station.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:

THAT the City accepts the Permanent Sanitary Sewer Easement from Central Trust Bank for public use.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 20th day of June, 2023.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

Permanent Sanitary Sewer Easement

THIS PERMANENT SANITARY SEWER EASEMENT is made on MAY 26, 2023, by and between:

1. The Central Trust Bank, a banking corporation and trust company ("Bank") d/b/a "Central Bank" and "Central Bank of the Midwest", as successor by merger to Platte Valley Bank of Missouri Grantor, and in favor of,
2. The City of Smithville, a Municipal Corporation, of Clay County, Missouri, whose address is 107 W. Main Street, Smithville, Missouri 64089, Grantee.

Legal Description: **Page 3**

WITNESSETH, That the **Grantor**, in consideration of the sum of One Dollar (\$1.00) to it paid by the **Grantee**, the receipt and sufficiency of which is hereby acknowledged, does by these presents grant, bargain and sell, convey and confirm unto said **Grantee**, its successors and assigns, a Permanent Easement for Sanitary Sewer over the tract of land described in Exhibit A attached hereto, lying, being and situated in the City of Smithville, Clay County, Missouri.

Said Easement is for the passage and accommodation of public sanitary sewer service within the City, and the construction, operation, use, maintenance, inspection, repair, alteration, and replacement of the sanitary sewer improvements within the boundaries of the easement, and for all other purposes for which such public utility is commonly used, including installing, repairing, maintaining, altering, replacing, relocating and operating such public utility in, into, upon, over, across, and under said the above described premises.

The said **Grantor**, its successors, legal representatives and assigns, to fully use and enjoy the said premises except for the purposes hereinbefore granted to said **Grantee**, and, further, except said **Grantor**, its successors, legal representatives and assigns, covenant and agree not to build any type of improvement upon said easement without first securing written permission of the **Grantee**.

Grantor covenants that it is lawfully seized and possessed of said lands, and has a good and lawful right and power to sell and convey same, and that **Grantor** will forever warrant and defend title to said easement and the quiet possession thereof.

This grant and easement shall at all times be deemed to be, and shall be, a continuing covenant running with the land and shall be binding upon the heirs, legal representatives and assigns of **Grantor**.

IN WITNESS WHEREOF, the said **Grantor** has caused these presents to be signed on MAY 26, 2023.

The Central Trust Bank

By: [Signature]
Steve M. Sulzer,
Executive Vice President

Missouri Acknowledgment-Bank
(No Seal)

State of Missouri)
County of JACKSON)

On MAY 26, 2023, before me, the undersigned, a Notary Public, personally appeared Steve M. Sulzer, to me known, who, being by me duly sworn, did say that he/she is the duly authorized agent and Executive Vice President of The Central Trust Bank, a banking and trust corporation organized under the laws of the State of Missouri, and that said instrument was signed in behalf of said corporation in accordance with its Articles of Incorporation, Bylaws and all other governing documents, and the said person last named acknowledged that he/she executed the same as the free act and deed of such corporation, and states that said corporation has no corporate seal.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state, the day and year last above written.

My Commission Expires:

8/28/24

[Signature]
Andrea Jao Farmer
Notary Public

ANDREA JAO FARMER
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES AUGUST 28, 2026
JACKSON COUNTY
COMMISSION #22540303

Exhibit A
(Legal Description of Sanitary Sewer Easement)

EXHIBIT
PROPOSED 15.0'
SANITARY EASEMENT

DESCRIPTION:

A STRIP OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 53 NORTH, RANGE 33 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, LOCATED IN THE CITY OF SMITHVILLE, COUNTY OF CLAY, STATE OF MISSOURI, SAID STRIP OF LAND BEING 15 FEET WIDE AND LYING 7.5 FEET EACH SIDE OF THE CENTERLINE DESCRIBED BY PHILLIP JAMES SCHNITZ, PLS 2014020715 ON OCTOBER 28, 2022, AS FOLLOWS:

BASIS OF BEARINGS IS SOUTH 00°57'10" WEST ALONG THE WEST LINE OF "HILLS OF SHANNON" AS DETERMINED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS USING MODOT VRS, 2018 GEOID, AND REFERENCED TO THE MISSOURI STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD83)

COMMENCING AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF SECTION 35;

THENCE SOUTH 1° 03' 09" WEST, 602.32 FEET;

THENCE SOUTH 88° 56' 51" EAST, 301.02 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE HEREIN DESCRIBED;

THENCE SOUTH 86° 35' 34" EAST, 146.11 FEET, TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN INSTRUMENT P 13158, IN BOOK 2893, AT PAGE 219, RECORDED SEPTEMBER 29, 1998, IN THE OFFICE OF THE CLAY COUNTY RECORDER OF DEEDS OFFICE, AND THE POINT OF TERMINATION.

THE SIDELINES OF THE ABOVE-DESCRIBED STRIP OF LAND MUST BE EXTENDED AND SHORTENED TO TERMINATE AT SAID EAST PROPERTY LINE.

CONTAINS 2,192 SQ.FT. / 0.05 ACRES, MORE OR LESS.



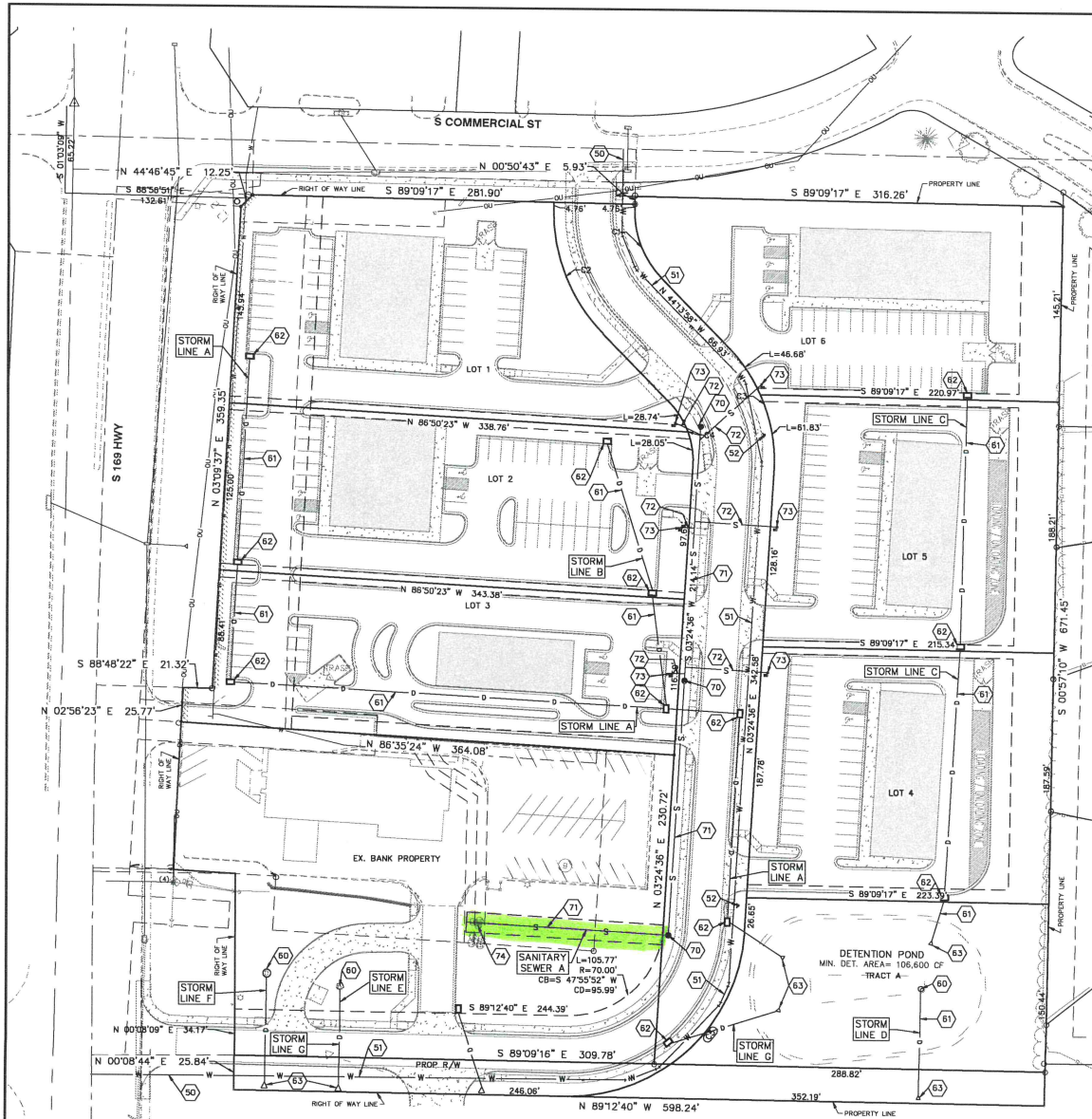
PHILLIP JAMES SCHNITZ
PLS-2014020715
schnitz@kveng.com



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KAW VALLEY ENGINEERING

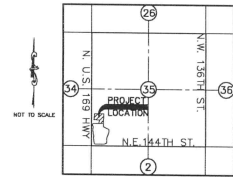
SHEET 2 OF 2
10/28/2022
4001EXB-BANK SAN



PLANNED DEVELOPMENT OVERLAY PLAT
FAIRVIEW CROSSING NORTH
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 35,
TOWNSHIP 53 NORTH, RANGE 33 WEST, CLAY COUNTY, MISSOURI

DEVELOPER
KANSAS CITY PROPERTIES & INVESTMENTS, LLC
13530 MOUNT OLIVET ROAD
SMITHVILLE, MO 64089
CONTACT: SHANE GREEK
PHONE: 816-719-9327
E-MAIL: SHANE@KCSINC.COM

PREPARED BY
KAW VALLEY ENGINEERING
8040 N. OAK TRAFFICWAY
CONTACT: PHILIP SCHNITZ
PHONE: 816-468-5858
E-MAIL: SCHNITZ@KVEG.COM



LOCATION MAP
SECTION 35 - TOWNSHIP 53 NORTH - RANGE 33 WEST
CITY OF SMITHVILLE, MISSOURI

- LEGEND
- E UNDERGROUND ELECTRIC LINE
 - OU OVERHEAD UTILITY LINE
 - T TELEPHONE LINE
 - FOC FIBER OPTIC LINE
 - FM FORCE MAIN
 - S SANITARY SEWER LINE
 - D STORM DRAINAGE LINE
 - W WATER LINE
 - 17 FIRE HYDRANT
 - 50 SANITARY SEWER MANHOLE
 - 50' SANITARY SEWER STUB-OUT
 - CURB INLET

- NOTES
- 50. POINT OF CONNECTION - WATER LINE
 - 51. 8" PVC WATER MAIN LINE
 - 52. FIRE HYDRANT
 - 60. STORM SEWER MANHOLE
 - 61. STORM SEWER PIPE
 - 62. CURB INLET
 - 63. FLARED END SECTION
 - 70. SANITARY SEWER MANHOLE
 - 71. 8" SANITARY SEWER MAIN LINE
 - 72. 4" SANITARY SEWER SERVICE LINE
 - 73. SANITARY SEWER STUB-OUT
 - 74. EXISTING SANITARY SEWER PUMP STATION

FAIRVIEW CROSSING NORTH
1601 N. 168 HWY
SMITHVILLE, MO 64089
PLANNED OVERLAY DEVELOPMENT PLAN
UTILITY PLAN

PROJ. NO.	8200-4001
DESIGNER	MTA
CITY	4001DEV-UP
SHEET	REV
P03	0

8040 N. OAK TRAFFICWAY
KANSAS CITY, MISSOURI 64118
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SERVICES TO PROVIDE THE HIGHEST QUALITY OF SERVICE
EXPIRES 12/31/23



REV	DATE	DESCRIPTION
0	12/12/23	INITIAL SUBMITTAL

DSN	DWN	CHK