

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, VACATING A PORTION OF THE RIGHT OF WAY OF OSAGE BEACH ROAD.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS:

Section 1. That the Board of Aldermen of the City of Osage Beach, do hereby find and declare that a petition was filed with the City Planner of the City of Osage Beach from Ahmed Nadimi and Connie Reinders requesting that the portion of the road described as follows be vacated:

All that part of Lot 1 of the Northwest Quarter of Section 6, Township 39 North, Range 15 West of the 5<sup>th</sup> P.M. described as follows: Beginning at the Northwest corner of Block 1 in Osage Beach; thence South 44°43'36" East, 192.49 feet along the West line of said Block 1 in Osage Beach to the Northerly right of way of Osage Beach Parkway; thence South 53°15'00" West, 36.32 feet; thence 38.23 feet along the arc of a curve turning to the right with a radius of 25.00 feet, the chord of which bears North 87°56'17" West, 34.61 feet; thence North 39°07'33" West, 161.02 feet; thence North 45°16'25" East, 41.67 feet to the point of the Beginning.

Section 2. That the Board of Aldermen finds that the City of Osage Beach Planning Commission has fully approved adoption of this Ordinance.

Section 3. That the vacation of the road will not adversely affect adjacent properties or property owners in the immediate vicinity and is of no further use to the City.

Section 4. That the right-of-way described in Section 1 be and the same is hereby vacated.

Section 5. That the City Clerk of Osage Beach, Missouri, be and is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance to be filed for record in the Recorder's Office in Camden County, Missouri.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are, in so much as they conflict with this ordinance, hereby repealed.

Section 7. That this Ordinance shall be in full force and effect from and after its date of passage.

READ FIRST TIME: January 17, 2019 READ SECOND TIME: February 7, 2019

I hereby certify that Ordinance No. 19.01 was duly passed on February 7, 2019, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstentions: 0 Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

2/7/2019  
Date

Tara Berreth  
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker  
Edward B. Rucker, City Attorney

I hereby APPROVE Ordinance No. 19.01.

2/7/2019  
Date

John Olivarri  
John Olivarri, Mayor

ATTEST:

Tara Berreth  
Tara Berreth, City Clerk



ACKNOWLEDGEMENT

STATE OF MISSOURI            )  
COUNTY OF CAMDEN         )

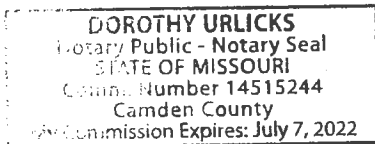
On this 8<sup>th</sup> day of February, 2019, before, the undersigned Notary Public, personally appeared, Tara Berreth, to me known, who being duly sworn, did say that she is the City Clerk of the City of Osage Beach, Missouri, a municipal corporation, and that the seal affixed to the foregoing Ordinance is the municipal seal of the City of Osage Beach,, and that said Ordinance was signed and sealed in behalf of said corporation by authority of its Board of Aldermen, and said Tara Berreth acknowledge said Ordinance to be the free act and deed of said municipality.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Osage Beach, Missouri, the day and year last written above.

Notary Public

  
Dorothy Urlicks

Seal:



**CITY OF OSAGE BEACH**      **Permanent Utility Easement**

Date 1/3/2018

THIS EASEMENT, entered into by: **PBSJ Properties, LLC, herein referred to as GRANTOR**, whose mailing address is: 1701 West Sunshine, Suite Q, Springfield, MO 65807, and **City of Osage Beach, a municipality, GRANTEE**, whose mailing address is: 1000 City Parkway, Osage Beach, MO, 65065. Wherein GRANTOR, in consideration of the sum of ONE and 00/100----- DOLLARS, (\$ 1.00), and other valuable consideration, receipt of which is hereby acknowledged, do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto GRANTEE, its and their respective successors, assigns and licensees, a permanent utility easement to construct, operate, maintain, inspect, replace and remove such municipally owned and operated city utility improvements and all appurtenances thereto, as may be required by Grantee from time to time, upon, over and across a strip, of Grantors' land situated in Camden County, State of Missouri, and described as follows:

A PERMANENT UTILITY EASEMENT, located in All that part of Lot 1 of the Northwest Quarter of Section 6, Township 39 North, Range 15 West of the 5th P.M. described as follows: Beginning at the Northwest corner of Block 1 in Osage Beach; thence South 44°43'36" East, 192.49 feet along the West line of said Block 1 in Osage Beach to the Northerly right of way of Osage Beach Parkway; thence South 53°15'00" West, 36.32 feet; thence 38.23 feet along the arc of a curve turning to the right with a radius of 25.00 feet, the chord of which bears North 87°56'17" West, 34.61 feet; thence North 39°07'33" West, 161.02 feet; thence North 45°16'25" East, 41.67 feet to the Point of Beginning. Said Utility easement shall be more particularly described as follows:

A utility easement situated in Lot 1 of the Northwest Quarter of Section 6, Township 39 North, Range 15 West of the 5th P.M. described as follows: Commencing at the Northwest corner of Block 1 in Osage Beach; thence South 44°43'36" East, 187.49 feet along the West line of said Block 1 in Osage Beach to the Point of Beginning; thence continue South 44°43'36" East, 5.00 feet to the Northerly right of way of Osage Beach Parkway; thence South 53°15'00" West, 36.32 feet; thence 38.23 feet along the arc of a curve turning to the right with a radius of 25.00 feet, the chord of which bears North 87°56'17" West, 34.61 feet; thence North 39°07'33" West, 161.02 feet; thence North 45°16'25" East, 6.00 feet; thence South 41°15'16" East, 108.47 feet; thence South 48°33'11" East, 71.64 feet; thence North 56°56'24" East, 38.25 feet to the Point of Beginning. As shown on Exhibit A.

TO HAVE AND TO HOLD same, with all rights and appurtenances to the same belonging unto Grantee, its successors, assigns and licensees, until the use of the easement is relinquished or abandoned, including the right of ingress and egress to and from the easement by reasonable routes across Grantors' property.

Grantee, its successors, assigns and licensees, shall repair and restore the property and pay for damage to crops and other property following construction and maintenance work. Further, Grantors reserve the right to use and enjoy their interests in the easement area insofar as the exercise thereof does not endanger or interfere with the construction, operation and maintenance of said utility improvements. Grantors warrant that they are the owners of the land here conveyed, and they have the right to make this conveyance and receive the payment therefor, and Grantors covenant that Grantee, its successors, assigns and licensees, may quietly enjoy the premises for the uses herein stated, subject to the aforesaid previously conveyed easement.

**EXECUTION**

(Please use **BLACK** ink only)

Signed and executed this 3 day of Jan, 2019.

X [Signature]

X \_\_\_\_\_

=====

**ACKNOWLEDGEMENT**

(Please use **BLACK** ink only)

STATE OF MISSOURI

COUNTY OF Greene

BEFORE ME, the undersigned authority, on this day personally appeared PBSJ- Arresh Ahmadnia personally known to me to be the person or persons whose name or names are subscribed to the foregoing instrument, and acknowledged to me that he, she, they executed the same for his, her, their uses, purposes and considerations therein expressed as his, her, their free and voluntary act and deed.

Given under my hand and seal of office this the 3 day of January 2019

[Signature]  
Notary Public

My Commission Expires:



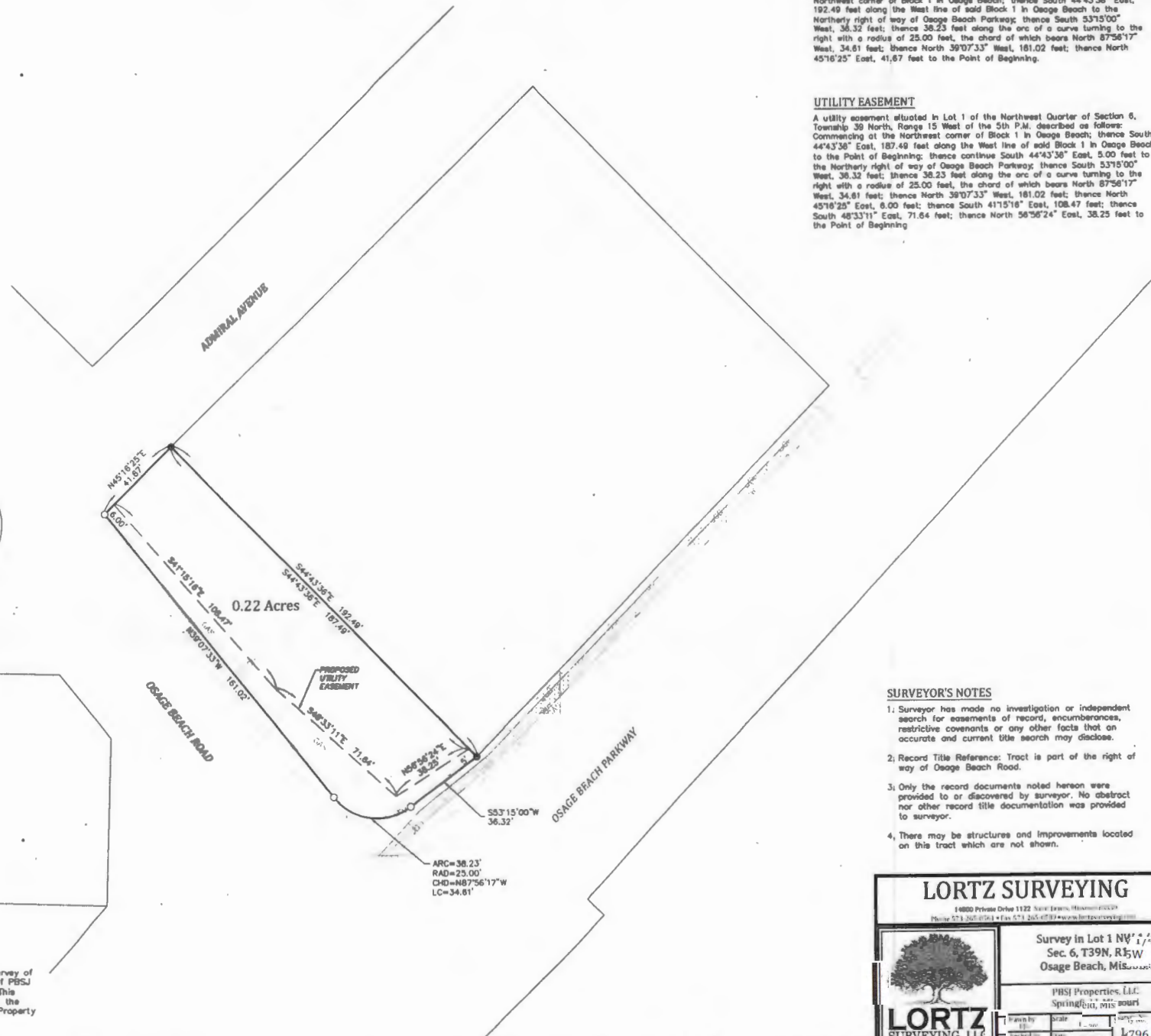
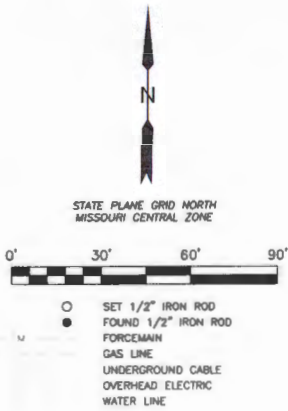
# EXHIBIT A

## DESCRIPTION

All that part of Lot 1 of the Northwest Quarter of Section 6, Township 39 North, Range 15 West of the 5th P.M. described as follows: Beginning at the Northwest corner of Block 1 in Osage Beach; thence South 44°43'36" East, 192.49 feet along the West line of said Block 1 in Osage Beach to the Northernly right of way of Osage Beach Parkway; thence South 53°15'00" West, 36.32 feet; thence 36.23 feet along the arc of a curve turning to the right with a radius of 25.00 feet, the chord of which bears North 87°56'17" West, 34.61 feet; thence North 39°07'33" West, 181.02 feet; thence North 45°16'25" East, 41.67 feet to the Point of Beginning.

## UTILITY EASEMENT

A utility easement situated in Lot 1 of the Northwest Quarter of Section 6, Township 39 North, Range 15 West of the 5th P.M. described as follows: Commencing at the Northwest corner of Block 1 in Osage Beach; thence South 44°43'36" East, 187.49 feet along the West line of said Block 1 in Osage Beach to the Point of Beginning; thence continue South 44°43'36" East, 5.00 feet to the Northernly right of way of Osage Beach Parkway; thence South 53°15'00" West, 36.32 feet; thence 36.23 feet along the arc of a curve turning to the right with a radius of 25.00 feet, the chord of which bears North 87°56'17" West, 34.61 feet; thence North 39°07'33" West, 181.02 feet; thence North 45°16'25" East, 8.00 feet; thence South 41°15'16" East, 108.47 feet; thence South 48°33'11" East, 71.64 feet; thence North 56°56'24" East, 38.25 feet to the Point of Beginning.



## SURVEYOR'S NOTES

1. Surveyor has made no investigation or independent search for assessments of record, encumbrances, restrictive covenants or any other facts that an accurate and current title search may disclose.
2. Record Title Reference: Tract is part of the right of way of Osage Beach Road.
3. Only the record documents noted herein were provided to or discovered by surveyor. No abstract nor other record title documentation was provided to surveyor.
4. There may be structures and improvements located on this tract which are not shown.



**SURVEYOR'S DECLARATION**  
 I, Jason Lortz, did perform an original survey of the tract shown hereon at the request of PBSJ Properties, LLC on September 14, 2018. This survey was completed in accordance with the Current Missouri Minimum Standards for Property Boundary Surveys for Urban Property.

**LORTZ SURVEYING**

14800 Private Drive 1122 Saint Louis, Missouri 63139  
 Phone 671.365.0761 • Fax 671.365.0769 • www.lortzsurveying.com

Survey in Lot 1 N<sup>1/4</sup> 1/4  
 Sec. 6, T39N, R15W  
 Osage Beach, Missouri

PBSJ Properties, LLC  
 Springfield, Missouri

Drawn by: [ ] Scale: 1" = 40'  
 Prepared by: [ ] Date: 11/1/2018  
 L796