

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING AND RESTATING ORDINANCE NUMBER 13-77 WHICH VACATED A PORTION OF JEFFRIES ROAD TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION FOR THE PARCEL VACATED TO LAKELAND PROPERTIES

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

Section I. The Board of Aldermen of the City of Osage Beach, Missouri, do hereby find and declare that a petition was filed with the City Planner of the City of Osage Beach from Peter W. and Debbie Ickes and Lakeland Properties, requesting that the portions of Jefferies road be vacated to them, and that such petition was approved in Ordinance 13.77, but that said ordinance contained a clerical error in the legal description of the parcel to be transferred to Lakeland Properties and that such legal description should have read and is hereby amended to read as follows:

To Lakeland Properties:

All that part of JEFFRIES ROAD, a 40.0 ft. right-of-way in the northwest quarter of the southeast quarter of Section 11, Township 39 North, Range 16 West, Camden County, Missouri, lying north of U.S. Highway No. 54 and south of the new Missouri Route 54, more particularly described as follows: Beginning at the southeasterly corner of Lot 1, "LAKEVIEW SUBDIVISION", a subdivision of Camden County, Missouri, adjacent to the westerly line of Jeffries Road, and the northerly line of U.S. Highway No, 54, thence N 58⁰03' E, 21.08 ft., to the centerline the following courses: thence N 50⁰23' 45" W, 156.32 ft., to the true point of beginning, thence leaving said centerline S 39⁰36' 15" W, 20.0 ft. to the westerly right-of-way of said Jeffries Road; thence N 50⁰23 '45" W, along said westerly right-of-way 58.22 ft., to the northeasterly corner of Lot 2, "LAKEVIEW SUBDIVISION", a subdivision of Camden County, Missouri; thence leaving said westerly right-of-way N 68⁰02' 40" E, 45.49 ft., to the easterly right-of-way of Jeffries Road; thence S 50⁰23' 47" E, along said right-of-way 26.46 ft.; thence leaving said right-of-way 20.0 ft., to the true point of beginning.

Section 2. That the Board of Aldermen finds that all legal requirements for this road vacation were properly approved and completed as recited in Ordinance 13.77 including that the City of Osage Beach Planning Commission has fully approved the vacations of Jeffries road as described in section I above.

Section 3. That the right-of-way portion described in Section 1 be and the same are hereby vacated to Lakeland Properties, the adjoining landowners as described in Section 1.

Section 5. That the City Clerk of Osage Beach, Missouri, is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and may, if necessary to

effect the vacations of the roadway as described in Section I above, cause this ordinance to be filed for record in the Recorder's Office in Camden County, Missouri.

Section 6. That the Mayor is authorized to execute on behalf of the City a Quit Claim Deed, reflecting the vacations in Section I above and the City Clerk is authorized to deliver the deed to the proper party or their agent.

Section 7. The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 8. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 9. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: December 17, 2020 READ SECOND TIME: December 17, 2020

I hereby certify that Ordinance No.20.85 was duly passed on December 17, 2020 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6

Nays: 0

Abstentions: 0

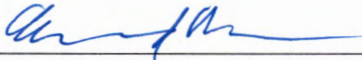
Absent: 0

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

Dec. 17, 2020
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

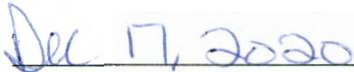


Edward B. Rucker, City Attorney

I hereby approve Ordinance No.20.85.



John Olivarri, Mayor



Date



Tara Berreth, City Clerk

QUIT CLAIM DEED


This Deed, made and entered into this 4th day of January, 2021, by and between THE CITY OF OSAGE BEACH, MISSOURI, a Municipal corporation, of the County of Camden, State of Missouri, Grantor, and LAKELAND PROPERTIES, LTD, A MISSOURI GENERAL PARTNERSHIP of the County of St. Louis, State of Missouri, Grantee. The mailing address of the Grantee is 309 N Bemiston Ave, Clayton, MO 63105.

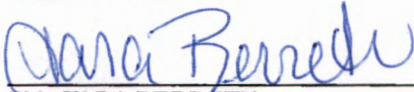
WITNESSETH, THAT THE SAID GRANTOR, in consideration of the sum of ONE DOLLAR (\$1.00) & OTHER VALUABLE CONSIDERATION DOLLARS, to it paid by the said GRANTEE (the receipt of which is hereby acknowledged) does by these presents REMISE, RELEASE and FOREVER QUIT CLAIM unto the GRANTEE, its successors and assigns, the following described lots, tracts or parcels of land lying, being and situate in the County of Camden and State of Missouri, to-wit:

All that part of JEFFRIES ROAD, a 40.0 ft. right-of-way in the northwest quarter of the southeast quarter of Section 11, Township 39 North, Range 16 West, Camden County, Missouri, lying north of U.S. Highway No. 54 and south of the new Missouri Route 54, more particularly described as follows: Beginning at the southeasterly corner of Lot 1, "LAKEVIEW SUBDIVISION", a subdivision of Camden County, Missouri, adjacent to the westerly line of Jeffries Road, and the northerly line of U.S. Highway No, 54, thence N58° 03' E, 21.08 ft., to the centerline the following courses: thence N50°23'45"W, 156.32 ft., to the true point of beginning, thence leaving said centerline S39°36'15"W, 20.0 ft. to the westerly right-of-way of said Jeffries Road; thence N50°23'45"W, along said westerly right-of-way 58.22 ft., to the northeasterly corner of Lot 2, "LAKEVIEW SUBDIVISION", a subdivision of Camden County, Missouri; thence leaving said westerly right-of-way N68°02'40"E, 45.49 ft., to the easterly right-of-way of Jeffries Road; thence S50°23'47"E, along said right-of-way 26.46 ft.; thence leaving said right-of-way 20.0 ft., to the true point of beginning. to all restrictions and reservations, conditions and easements of record.

TO HAVE AND TO HOLD THE SAME, with all and singular the rights, privileges, appurtenances and immunities thereto belonging unto the said Grantee and unto its successors and assigns forever; so that neither the said Grantor nor its successors or assigns nor any other person or persons, for them or in their name or behalf, shall or will hereinafter claim or demand any right or title to the aforesaid property or any part hereof, but it and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its mayor and city clerk, the day and year first above written.

CITY OF OSAGE BEACH, MISSOURI

BY: JOHN OLIVARRI
MAYOR

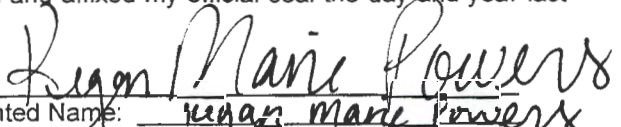

BY: TARA BERRETH
CITY CLERK

State of Missouri)
County of Camden)

On this the 4th day of January, 2021, before me, a notary public appeared JOHN OLIVARRI, MAYOR, AND TARA BERRETH, CITY CLERK, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk of the City of Osage Beach, Missouri, a municipal corporation; that said JOHN OLIVARRI, MAYOR, AND TARA BERRETH, CITY CLERK have executed said instrument by authority of said city, and said JOHN OLIVARRI, MAYOR, AND TARA BERRETH, CITY CLERK, acknowledged said instrument to be the free act and deed of said city.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.

(Seal)


Printed Name: Kegan Marie Powers
Notary Public in and for said State

My commission expires: 01.26.2024

KEGAN MARIE POWERS
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 16876824
Camden County
My Commission Expires: Jan. 26, 2024