

BILL NO. 22-019

ORDINANCE NO. 21904

EMERGENCY READING: 07.05.2022

AN ORDINANCE OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR HIGHWAY PURPOSES TO THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE HIGHWAY 79 OVERPASS

WHEREAS, the City of Hannibal has been requested by the Missouri Highways and Transportation Commission to grant an easement for the reconstruction of a portion of State Highway 79, specifically the overpass crossing Warren Barrett Drive and Bear Creek, a copy of which is attached hereto, and

WHEREAS, the City Council has had the proposed easement reviewed by legal counsel, has sought input from the public, and upon review believes that granting the easement is in the best interests of the city of Hannibal.

NOW THEREFORE, Be it Ordained by the City Council of the City of Hannibal:

SECTION ONE: That the Mayor is authorized execute the easement to the Missouri Highways and Transportation Commission attached hereto.

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its adoption and approval.



James R. Hark

James R. Hark, Mayor

July 5, 2022

Attest:

Angelica N. Zerbonia, MRCC, CMO

Angelica N. Zerbonia, MRCC, CMO - City Clerk

Missouri Department of Transportation

1711 Highway 61 S
Hannibal, Missouri 63401
573.248.2490
Fax: 573.248.2467
1.888.ASK MODOT (275.6636)

Re: Acquisition of Right of Way
County: Marion
Route: 79
Project: J2P3357
Parcel: 03

March 18, 2022

The Honorable James R. Hark
City of Hannibal
320 Broadway
Hannibal, MO 63401

Dear Mayor Hark:

The Missouri Department of Transportation is pleased to inform you of an improvement planned for your area. Engineering drawings which describe the proposed project are attached.

We do want to inform you of your right to receive compensation for the land and/or property rights in question, as determined by an appraisal of the rights to be acquired from your property.

We are hopeful that, because of the benefits to be derived from the project, we can reach an agreement with you to donate the required land and/or property rights to accomplish the proposed construction. Should you choose to donate, we would appreciate your signing this letter, waiving your right to compensation and pro rata tax adjustment and returning it to us. To comply with regulations, we will also need your signature later on a formal conveyance document.

An acquisition brochure is furnished with this letter. Its purpose is to explain the process which must be followed to acquire right of way.



Our mission is to provide a world-class transportation system that is safe, innovative, reliable and dedicated to a prosperous Missouri.

www.modot.org

We look forward to the completion of this improvement project and appreciate your cooperation.

Respectfully,

Missouri Department of Transportation by: Paula Gough
Paula Gough
District Engineer

ACCEPTED BY: City of Hannibal

Paul C. Hall
Signature

AMES R. HORN 7-5-22
Print Name Date

2022R002242

FILED AND RECORDED ON:

07/07/2022 08:00:04 AM

REC FEE: 39.00

MARION COUNTY

HARLA FRIESZ

RECORDER OF DEEDS

PAGES: 6

CCO FORM: RW23
Approved: 06/96 (RMH)
Revised: 06/21 (BDG)
Modified:

COUNTY: Marion
ROUTE: 79
PROJECT: J2P3357
PARCEL: 03

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
EASEMENT FOR HIGHWAY PURPOSES**

THIS INDENTURE, made this 5th day of July, 2022, by and between City of Hannibal, of the County of Marion and State of Missouri, 320 Broadway, Hannibal, MO 63401, (grantor), and the State of Missouri, acting by and through the Missouri Highways and Transportation Commission, 105 W. Capitol Avenue, Jefferson City, MO 65102, (grantee).

WITNESSETH, that the said grantor, in consideration of the sum of One and no/100ths (\$1.00) dollars, to it paid by the said grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain and sell, convey and confirm unto said grantee, its successors and assigns, the following described permanent easement and interests in real estate in the County of Marion, State of Missouri, to wit:


Description of a Permanent Roadway Access Easement being a part of the West Half of Section 28, T. 57 N., R. 4 W. of the 5th P.M., City of Hannibal, Marion County, Missouri, and lying on the left or easterly side of and lying on the right or westerly side of the hereinafter described existing Rte. 79 centerline and being more particularly described as follows in Exhibit A:

The permanent easement conveyed herein as constructed, will include an overpass which will cross a city street, said street currently known and designated as Warren Barrett Drive. The parties agree that this permanent easement shall not operate to prevent or restrict the City of Hannibal from continuing to provide said roadway for use

by the public. Further, as constructed the overpass will leave a clearance height of no less than fifteen (15) feet between the lowest surface of the overpass and the surface of said Warren Barrett Drive. Grantee has full rights to use the area under the clearance for maintenance purposes.

TO HAVE AND TO HOLD the same, with all rights, privileges, appurtenances, and immunities thereto belonging or in anywise appertaining, unto said grantee, its successors and assigns; the said grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises from which permanent easement is herein conveyed; that it has good right to convey the same.

IN WITNESS WHEREOF, the said grantor has executed the above the day and year first above written.

By: 
Signature

James R. Stark
Print Name

320 Broadway
Hannibal, MO 63401
573-221-0111

ACKNOWLEDGMENT BY CITY

STATE OF MISSOURI)
))
COUNTY OF MARON))

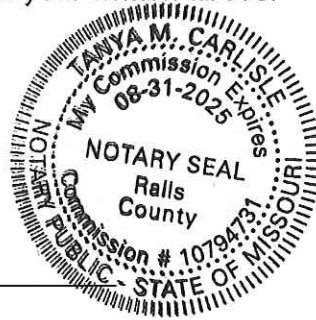
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On this 5th day of July, 2022, before me appeared James Hark, personally known to me, who being by me duly sworn, did say that he is the Mayor of the City of Hannibal and that the foregoing instrument was signed and sealed on behalf of the City of Hannibal and that he acknowledged said instrument to be the free act and deed of the City of Hannibal 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: 8/31/25

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION EXHIBIT A -PROPERTY DESCRIPTION

Title (name or identification of project) J2P3357 – Route 79	County Marion	
	City (if applicable) Hannibal	State MO
Licensee Name (sole proprietor, partnership, corporation, LLC, or government)	Date Prepared	Sheet
		of
	Professional Surveyor Name (print) Homer C. Busse	
	Discipline Professional Land Surveyor	
	License or Certificate of Authority No. MO # PLS-2410	
Professional Surveyor (Signature) <i>Homer Busse</i>	Date 3-31-22	

STATE OF MISSOURI
HOMER C.
BUSSE
NUMBER
PLS-2410
PROFESSIONAL LAND SURVEYOR

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

Description of a Permanent Roadway Access Easement being a part of the West Half of Section 28, T. 57 N., R. 4 W. of the 5th P.M., City of Hannibal, Marion County, Missouri, and lying on the left or easterly side of and lying on the right or westerly side of the hereinafter described existing Rte. 79 centerline and being more particularly described as follows:

Beginning at a point being 30.66' left of and at right angle to the existing Rte. 79 centerline station 18+70.38; Thence S28°10'02"E 262.62' to a point being 30.45' left of and at right angle to existing Rte. 79 centerline station 21+33.01; Thence S28°35'57"E 60.00' to a point being 30.85' left of and at right angle to existing Rte. 79 centerline station 21+93.01; Thence S28°19'10"E 785.98' to a point being 32.31' left of and at right angle to existing Rte. 79 centerline station 29+78.98; Thence S44°12'26"E 47.87' to a point being 45.50' left of and at right angle to existing Rte. 79 centerline station 30+25; Thence S71°07'37"W 77.02' to a point being 30.50' right of and at right angle to existing Rte. 79 centerline station 30+12.50; Thence S31°18'34"W 3.63' to a point being 33.62' right of and at right angle to existing Rte. 79 centerline station 30+14.34; Thence N28°19'10"W 821.93' to a point being 35.15' right of and at right angle to existing Rte. 79 centerline station 21+92.41; Thence N28°35'43"W 60.00' to a point being 35.55' right of and at right angle to existing Rte. 79 centerline station 21+32.41; Thence N28°10'03"W 262.26' to a point being 35.34' right of and at right angle to existing Rte. 79 centerline station 18+70.14; Thence N61°59'45"E 66.00' to the beginning point and containing 1.74 acres of Permanent Roadway Easement.

The Existing Rte. 79 Centerline is described as follows:

Commencing at a found chiseled cross marking the northeast corner of Block 14 of the Original Town of Hannibal; Thence S64°20'00"W 331.54' to a point on the existing centerline of Rte. 79, said point being at existing Rte. 79 centerline station 18+56.75 and being the Point of Beginning of the existing Rte. 79 centerline herein described; Thence S28°12'47"E 1230.05' to existing Rte. 79 centerline P.C. station 30+86.80; Thence along a 8°30'00" curve to the left, said curve having a Delta of 29°31'14", an arc length of 347.30', a radius of 674.07' and a chord which bears S42°58'24"E 343.47' to existing Rte. 79 centerline Equation P.T. station 34+34.10 (BK.) = Station 34+33.52 (AHD.) and from said centerline station end a found pin marking the southwest corner of Lot 12 of Block 115 of South Hannibal bears S73°17'29"E 112.12'.