RESOLUTION 2018-12

AGENDA ITEM

TO: Mayor and City Council

FROM: Drew Bontrager, Public Works Director

DATE: March 19, 2018

SUBJECT: Beavers Park Land Transfer

PURPOSE

The attached resolutions would authorize the Mayor to execute a quit claim deed in favor of Johnny and Donna Feighert and to accept a quit claim deed from Johnny and Donna Feighert for City park property.

BACKGROUND

Last season the Park Board began construction of a new Dog Park at Beavers Park. As part of the design process, we conducted a boundary survey. During the survey we discovered the existing woven wire fence line, running along the west side of the park, was not the 'true' property line. In this area there was a deed overlap of about seventeen feet with the adjoining property owner, Johnny & Donna Feighert. We believe this was an existing issue before the property was donated to the City for a park.

The Feighert's agreed to work with the city to establish a new boundary line. So, city crews removed all of the old woven wire fence, underbrush and dead trees. Once this was complete a new chain link fence was installed and Midland Surveying was hired to complete a new survey and legal description matching the new fence and occupied property line as the true property line.

DISCUSSION

Our City Attorney has recommend for the City to quit claim deed all of the overlap property, Tract 1 and Tract 2, to the Feigherts. Then have the Feigherts deed Tract 1 to the City.

RECOMMENDATION

We recommend the Council pass the resolutions authorizing the Mayor to execute a quit claim deed in favor of Johnny and Donna Feighert, and to accept a quit claim deed from Johnny and Donna Feighert as City park property.

Resolution 2018-12

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CAMERON, CLINTON, DeKALB AND CALDWELL COUNTIES, MISSOURI TO EXECUTE A QUIT CLAIM DEED IN FAVOR OF JOHNNY AND DONNA FEIGHERT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON, DeKALB AND CALDWELL COUNTIES, MISSOURI AS FOLLOWS:

THAT the City Council of the City of Cameron, Missouri ("Council") hereby authorizes the Mayor to execute a quit claim deed, in substantially the form attached hereto, in favor of Johnny and Donna Feighert; and

FURTHER THAT the City Clerk, or her designee, is hereby authorized and directed to file a fully executed copy of the quit claim deed with the Recorder of Deeds in Clinton County; and

FURTHER THAT the Mayor, the City Manager, the City Attorney and other appropriate City officials are hereby authorized to take any and all actions as may be deemed necessary or convenient to carry out and comply with the intent of this Resolution and to execute and deliver for and on behalf of the City all certificates, instruments, agreements and other documents, as may be necessary or convenient to perform all matters herein authorized.

Passed and approved this 19th day of March, 2018.

_____

Mayor Darlene Breckenridge

ATTEST:

_____

Shellie Blades, City Clerk

RECORDING COVER SHEET

Title of Document:	Quit Claim Deed
Date of Document:	_____ ___, 2018
Grantor:	City of Cameron, Missouri
Grantee:	Johnny R. Feighert and Donna B. Feighert
Grantee's Mailing Address:	311 S Orange Cameron, Missouri 64429
Legal Description:	See the attached Quitclaim Deed

QUIT CLAIM DEED

THIS DEED, made this _____ day of _____, 2018, between the City of Cameron, Missouri, a Missouri municipal corporation, 205 North Main Street, Cameron, Missouri 64429, Grantor, and Johnny R. and Donna B. Feighert, Husband and Wife, Grantee.

WITNESSETH: In consideration of the payment of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION ($10.00 & O.V.C.), the receipt of which is hereby acknowledged, Grantors do hereby REMISE, RELEASE, AND FOREVER QUITCLAIM to Grantee, any right, title or interest the Grantor may have in a tract of land, lying situated and being in the County of Clinton, State of Missouri, to wit:

Tract 1
Commencing at the Southeast Corner of Lot 141 of Missouri Land Association Outlots in the City of Cameron, Clinton County, Missouri; thence with the South line of said Lot 141, South 89 degrees 11 minutes 51 seconds West, 141.60 feet to the Point of Beginning; thence continuing along said line, South 89 degrees 11 minutes 51 seconds West, 5.87 feet; thence departing from said line, North 00 degrees 17 minutes 37 seconds East, 430.39 feet to the South line of a tract of land recorded in Book 2016 of Page 2239 in the Office of Register of Deeds for Clinton County; thence along said line, North 89 degrees 43 minute 42 seconds East, 0.50 feet; thence departing from said line, South 00 degrees 25 minutes 18 seconds East, 430.31 feet to the Point of Beginning.

Tract 2
Commencing at the Southeast Corner of Lot 141 of Missouri Land Association Outlots in the City of Cameron, Clinton County, Missouri; thence with the South line of said Lot 141, South 89 degrees 11 minutes 51 seconds West, 147.48 feet to the Point of Beginning; thence continuing along said line, South 89 degrees 11 minutes 51 seconds West, 20.17 feet to the West line of the East half of Lot 141; thence along the West line of the East half of Lots 140 and 141, North 00 degrees 27 minutes 11 seconds West, 430.55 feet to the South line of a tract of land recorded in Book 2016 at Page 2239 in the Office of Register of Deeds for Clinton County; thence along said line, North 89 degrees 43 minutes 42 seconds East, 25.77 feet; thence departing from said line, South 00 degrees 17 minutes 37 seconds West, 430.39 feet to the point of beginning.

TO HAVE AND TO HOLD THE SAME, with all and singular rights, immunities, privileges and appurtenances thereunto belonging, unto Grantee, its successors and assigns forever, so that neither Grantor nor their heirs, nor any other person or persons, for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforementioned premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the parties have caused these presents to be signed on the day and year first written above.

GRANTOR:

By:_____
Mayor Darlene Breckenridge

ATTEST:

_____
Shellie Blades, City Clerk

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss:
COUNTY OF CLINTON)

ON THIS ____ day of _____, 2018 before me, personally appeared the honorable Darlene Breckenridge to me personally known, who being by me duly sworn, did say that she is the Mayor of the City of Cameron, Missouri, a Missouri municipality, and that said instrument was signed on behalf of said City of Cameron, Missouri by authority of its City Council, and Mayor Breckenridge acknowledged said instrument to be the free act and deed of said City of Cameron, Missouri.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in _____ County, the day and year last above written.

(SEAL)

_____
Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My Commission Expires: _____

ACCEPTED BY JOHNNY AND DONNA FEIGHERT (GRANTEE)

_____
JOHNNY FEIGHERT

_____
DONNA FEIGHERT

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss:
COUNTY OF CLINTON)

ON THIS ____ day of _____, 2018 before me, personally appeared JOHNNY R. FEIGHERT and DONNA B. FEIGHERT to me personally known as the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed, and JOHNNY R. FEIGHERT and DONNA B. FEIGHERT further declared themselves to be married.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in _____ County, the day and year last above written.

(SEAL)

_____
Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My Commission Expires: _____