Bill No. 4851

Requested by: Ryan Graham
Sponsored by: Joe Brazil

Ordinance No. ______

AN ORDINANCE GRANTING AN EASEMENT FOR AN ELECTRIC LINE TO UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI AT KLONDIKE PARK TO REPLACE AGING ELECTRIC SERVICE LINES

WHEREAS, the St. Charles County Charter, Article II, Section 2.502 authorizes the County Council to exercise any and all non-legislative powers under applicable law; and

WHEREAS, the St. Charles County Charter, Article II, Section 2.518 and Chapter 49.280 RSMo. grants the Council power to dispose of any real estate belonging to the County; and

WHEREAS, St. Charles County is currently operating Klondike Park in Augusta, Missouri; and

WHEREAS, Union Electric Company d/b/a Ameren Missouri provides electric service in Klondike Park and it has requested an easement to replace the main power lines feeding the park, and in doing so, desires to run new lines over a more direct route into the park from the Katy Trail corridor; and

WHEREAS, Ameren has described the work to take place at Klondike Park to be part of an area-wide upgrade which will result in the park being less susceptible to power outages; and

WHEREAS, the planned work will result in the removal of a power line that currently runs above the roof of one of the park’s maintenance buildings; and
WHEREAS, Union Electric Company d/b/a Ameren Missouri has specifically requested an Easement (Electric Line) to survey, stake, construct, reconstruct, replace, use, operate, maintain, inspect, protect, repair, modify, add to the number of and remove an electric and communication line or lines consisting of poles, guys, anchors, wires, cables, conduits, fixtures, and other appurtenances thereto, including transformers, cabinets, and pedestals, together with the authority to extend to any other party the right to use, pursuant to the provisions hereof, upon, over, and across the land, all as more fully described and depicted in the proposed Easement deed (Electric Line) attached hereto as EXHIBIT A; and

WHEREAS, the terms of the easement provide for adequate protection of certain features of the park; and

WHEREAS, granting this easement will benefit residents of St. Charles County and will serve a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County Council hereby approves the grant to Union Electric Company d/b/a Ameren Missouri of an easement on property in substantially the same form as shown in the Easement deed (Electric Line) attached hereto as EXHIBIT A.

Section 2. The County Executive is hereby authorized to execute any documents needed to complete the grant of the easement and to record the Easement deed (Electric Line) with the St. Charles County Recorder of Deeds.
Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR
EASEMENT
(Electric Line)

Parcels ID: 1-0951-1721-00-0002.0000003532
Lat: 38.57870 Long: -90.84199
3532 S HWY 94, AUGUSTA
Wentzville District, NEMO Division

KNOW ALL MEN BY THESE PRESENTS, this _______ day of _____________________, 20_____, that ST. CHARLES COUNTY, MISSOURI, a Missouri charter county and political subdivision of the State of Missouri, its successors, and assigns, whether one or more and whether an individual, individuals, a corporation, or other legal entity (hereinafter “Grantor”), for and in consideration of the sum of One and No/100ths Dollars ($1.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, does hereby grant unto UNION ELECTRIC COMPANY D/B/A AMEREN MISSOURI, its successors and assigns (hereinafter “Grantee”), subject to the restrictions stated below, a perpetual Easement with the right, privilege, and authority of Grantee, its agents, contractors, and subcontractors to survey, stake, construct, reconstruct, replace, use, operate, maintain, inspect, protect, repair, modify, add to the number of and remove an electric and communication line or lines consisting of poles, guys, wires, cables, conduits, fixtures, and other appurtenances thereto, including transformers, cabinets, and pedestals, together with the authority to extend to any other party the right to use, pursuant to the provisions hereof, upon, over, and across the following described land, in Fractional Section 7 and US Survey 1722, Township 44 North, Range 2 East, 5th P.M., St Charles County, Missouri, to-wit;:

Part of said US Survey 1722 and part of the southeast quarter of said fractional Section 7; being also part of the land described as Parcel 1 in the deed recorded in Book 2336 Page 2005 of the St Charles County Recorder, that part being a twenty foot wide strip, centered on the longitudinal centerline of Grantee's facilities AS ACTUALLY INSTALLED, beginning at a point at or near Station 3389+00 of the northwest right of way line of the KATY Trail (formerly MKT railroad) and extending northwardly approximately 450 feet to Grantee's existing utility pole, as generally shown on the sketch labeled Exhibit A, attached hereto and incorporated herein.

together with all rights and privileges for the exercise and enjoyment of said Easement rights.
Grantor also conveys the right of ingress and egress to and over the above-described Easement area and premises of Grantor adjoining the same, for all purposes herein stated, together with the right to trim, control the growth, cut and remove, or cause to be removed, at any time and by any means, any and all brush, bushes, saplings, trees, roots, undergrowth, rock, over-hanging branches, and other obstructions upon, over, and under the surface of said Easement area and of the premises of Grantor adjoining the same deemed by Grantee to interfere with the exercise and enjoyment of Grantee’s rights hereunder, endanger the safety of said facilities, or in order for Grantee to maintain compliance with the minimum clearance requirements of the National Electric Safety Code.

Notwithstanding any other provision of this deed, Grantee shall have no right to excavate, alter, or otherwise disturb any footings, foundations, or other archaeological remains of structures previously constructed on the real property described herein. In the event such items are located within said real property, Grantee shall utilize the utmost care to avoid disturbing the ground at such location and shall only have the right to place overhead lines in said area. Grantor shall have the sole discretion to determine whether any items located within said real property are within the scope of the protections provided by this provision.

Grantee shall be responsible for actual damages (except the cutting and trimming of trees and other vegetation) occurring on the herein described property as a result of the construction, operation, maintenance, or repair of Grantee’s facilities and shall reimburse the owner thereof for such loss or damages.

Grantor, for itself, its successors, and assigns, does hereby warrant and covenant unto Grantee, (1) that Grantor is the owner of the above-described land and has the full right and authority to grant this Easement, (2) that Grantee may quietly enjoy the premises for the purposes herein stated, and (3) that Grantor will not create or permit any building or other obstruction or condition of any kind or character upon Grantor’s premises that will interfere with the Grantee’s exercise and enjoyment of the Easement rights hereinabove conveyed.

This Easement shall be governed by the laws of the State of Missouri. IN WITNESS WHEREOF, the said Grantor has hereunto caused this Easement to be signed this ______ day of _______________________________, 20_________.

By: ________________________________
Signature

Name: STEVE EHLMANN
Title: COUNTY EXECUTIVE
EXHIBIT 'A'

ALL PURPOSE ACKNOWLEDGMENT

STATE OF MISSOURI

COUNTY OF ST CHARLES) ss:

On this ______ day of ______________________, AD. 20______, before me, the undersigned, a Notary Public in and for said State, personally appeared.

STEVE EHLMAN

☐ to me personally known

or

☐ provided to me on the basis of satisfactory evidence

to be the persons(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL ________________________________

(Sign in Ink)

__________________________________________

(Print/type name)

Notary Public in and for the State of ________________

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL

☐ CORPORATE

Title(s) of Corporate Officers(s):

☐ PARTNER(s)

☐ Limited Partnership

☐ General Partnership

☐ ATTORNEY-IN-FACT

☐ EXECUTOR(s),

☐ ADMINISTRATOR(s),

☐ or TRUSTEE(s):

☐ LLC

Member/Manager

☐ GUARDIAN(s)

☐ or CONSERVATOR(s)

☑ OTHER

COUNTY EXECUTIVE

__________________________________________

Prepared by:  Ameren Missouri

Return to:  200 N Callahan Rd, Wentzville MO 63385
MEMORANDUM

TO: St. Charles County Council

FROM: Ryan Graham, Director of Parks

RE: Ordinance Granting an Easement to Ameren Missouri

DATE: 4/14/2020

For your consideration is an Ordinance to grant an electrical easement through Klondike Park to Ameren Missouri to replace aging electrical service lines. Ameren Missouri has requested an easement to replace main power lines feeding the park and in doing so will run lines over a more direct route into the park from the Katy Trail. Currently, electrical service comes from an indirect route into the park which causes accessibility issues for Ameren Missouri and requires the lines to run directly over the maintenance facility. The new route is advantageous to the park operations, will be easier to maintain for Ameren Missouri and will remove the overhead lines above the maintenance facility.

Please let me know if you have any questions, concerns or would like to discuss further.

Thank you,

[Signature]

Ryan Graham
Director of Parks