

1. CALL TO ORDER

A regular meeting of the Board of Aldermen was convened at 7:00 p.m. on Tuesday, January 7, 2020, at City Hall located at 8880 Clark Avenue, Parkville, Missouri, and was called to order by Mayor Nanette K. Johnston. City Clerk Melissa McChesney called the roll as follows:

Ward 1 Alderman Tina Welch	- present
Ward 1 Alderman Philip Wassmer	- present
Ward 2 Alderman Brian T. Whitley	- present
Ward 2 Alderman Dave Rittman	- present
Ward 3 Alderman Robert Lock	- present
Ward 3 Alderman Douglas Wylie	- present
Ward 4 Alderman Marc Sportsman	- present
Ward 4 Alderman Greg Plumb	- present

A quorum of the Board of Aldermen was present.

The following staff was also present: Joe Parente, City Administrator
Kevin Chrisman, Police Chief
Stephen Lachky, Community Development Director
Alysen Abel, Public Works Director
Matthew Chapman, Finance/Human Resources Director
Anna Mitchell, Assistant to the City Administrator
Chris Williams, City Attorney

Mayor Johnston led the Board in the Pledge of Allegiance to the Flag of the United States of America.

Mayor Johnston said that staff requested that item 4H be added to the agenda to address a time-sensitive item regarding payment and acceptance of right-of-way and easements in order for Missouri American Water to continue relocating water lines for the Route 9 Improvements Project.

2. CITIZEN INPUT

3. CONSENT AGENDA

- A. Approve the minutes for the December 17, 2019, regular meeting
- B. Receive and file the November 2019 sewer report
- C. Accept right-of-way and easements from Thompson Place LLC (QuikTrip) associated with the Route 9 Improvements from Highway 45 to Lakeview Drive
- D. Approve accounts payable from December 13, 2019, to January 2, 2020

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO APPROVE THE CONSENT AGENDA AND RECOMMENDED MOTION FOR EACH ITEM, AS PRESENTED. ALL AYES; MOTION PASSED 8-0.

4. ACTION AGENDA

A. Approve first reading of an ordinance to upgrade the City's enrollment in the Missouri Local Government Employees Retirement System from tier L-7 to tier L-12

Finance/Human Resources Director Matthew Chapman stated that the City joined the Missouri Local Government Employees Retirement System (LAGERS) in 2009 at the lowest benefit level. In 2014, the City began gradually upgrading to higher benefit levels. The budget impact for the upgrade to tier L-12 was \$59,479. Chapman noted that the actual valuation report needed to be public for 45 calendar days before the Board could take final action. The maximum allowed for the City was two percent because 2.5 percent was only available to entities who did not pay social security.

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO RECEIVE AND FILE THE ACTUAL VALUATION REPORT FOR PUBLIC INSPECTION AND TO APPROVE BILL NO. 3078, AN ORDINANCE ADOPTING A CHANGE IN THE BENEFIT PROGRAM OF COVERED EMPLOYEES UNDER THE MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM TO BENEFIT PROGRAM L-12, ON FIRST READING AND POSTPONE THE SECOND READING TO MARCH 3, 2020. ALL AYES; MOTION PASSED 8-0.

B. Approve the first reading of an ordinance to amend Ordinance No. 2977 to amend the 2019 Operating Budget and the 2019-2024 Capital Improvement Program for the Debt Service Fund and General Fund

Finance/Human Resources Director Matthew Chapman said that since the 2019 budget was adopted there had been unforeseen circumstances that required an amendment. He provided an overview of the amendments and noted that the Finance Committee recommended approval on December 9, 2019.

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO APPROVE BILL NO. 3079, AN ORDINANCE AMENDING ORDINANCE NO. 2977 AMENDING THE 2019 OPERATING BUDGET FOR THE DEBT SERVICE FUND AND GENERAL FUND AND THE 2019-2024 CAPITAL IMPROVEMENT PROGRAM, ON FIRST READING AND POSTPONE THE SECOND READING TO JANUARY 21, 2020. ALL AYES; MOTION PASSED 8-0.

C. Approve the second reading of an ordinance with the Missouri Highways and Transportation Commission for the widening of Route 9 from Highway 45 to Lakeview Drive

Mayor Johnston said that the first reading was presented on December 17. No additional information was presented.

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO APPROVE BILL NO. 3077, AN ORDINANCE APPROVING A MAINTENANCE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION OF THE DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF ROUTE 9 FROM ROUTE 45 TO LAKEVIEW DRIVE, ON SECOND READING TO BECOME ORDINANCE NO. 3026. ALL AYES BY ROLL CALL VOTE: PLUMB, WYLIE, WHITLEY, WASSMER, WELCH, RITTMAN, LOCK AND SPORTSMAN. MOTION PASSED 8-0.

D. Approve a purchase order with Thoroughbred Ford for a Ford F-350 4x4 Super Duty truck for the Public Works Department

Public Works Director Alysen Abel stated that every year the Public Works Department purchased one new truck equipped with snow equipment and one old truck was auctioned. Four bids were received and the lowest bid was from Shawnee Mission Ford. Abel noted that the City's purchasing policy allowed a local preference factor for Parkville businesses at three percent, Platte County businesses at two percent and metropolitan Kansas City businesses at one percent. The purchase of the truck was time-sensitive because it would take several weeks to be built and several more weeks to be equipped with snow equipment. She said that the second lowest bid was well within the factor allowed by the policy.

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO APPROVE A PURCHASE ORDER WITH THOROUGHbred FORD (KANSAS CITY, MO) FOR A FORD F-350 4X4 SUPER DUTY TRUCK IN THE AMOUNT OF \$30,463.52; AND, ONCE THE TRUCK IS FULLY EQUIPPED, DECLARE ONE OF

THE FORD TRUCKS AND ASSOCIATED EQUIPMENT AS SURPLUS PROPERTY FOR AUCTION. ALL AYES; MOTION PASSED 8-0.

- E. **Approve the second reading of an ordinance to adopt the 2018 International Family of Building Codes and designated appendices, as amended, by repealing and replacing Parkville Municipal Code Section 500.010, Subsection A, and Section 500.040**

Mayor Johnston said that the first reading was presented on October 1. No additional information was presented.

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO APPROVE BILL NO. 3060, AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL FAMILY OF BUILDING CODES AND DESIGNATED APPENDICES, AS AMENDED, BY REPEALING AND REPLACING PARKVILLE MUNICIPAL CODE SECTION 500.010, SUBSECTION A, AND SECTION 500.040, ON SECOND READING TO BECOME ORDINANCE NO. 3027. ALL AYES BY ROLL CALL VOTE: PLUMB, WYLIE, WHITLEY, WASSMER, WELCH, RITTMAN, LOCK AND SPORTSMAN. MOTION PASSED 8-0.

- F. **Approve the first reading of an ordinance to amend Parkville Municipal Code sections 402.010, 405.020 and 405.040 to create provisions for medical marijuana facilities – Case No. PZ19-10**

Brian Whitley recused himself because his employer.

Community Development Director Stephen Lachky provided an overview of the State law that was adopted in 2019. On June 4, the Missouri Department of Health and Human Services began accepting applications for cultivation facilities, manufacturing facilities for marijuana products, dispensaries, certified facilities for testing and transportation/distribution of products. He noted the City could not prohibit the facilities, but could regulate the time, place and manner as long as it was not unduly burdensome. State law stated that the facilities could not be located in a permanent building within 1,000 feet of an elementary or secondary school, daycare or church.

The Planning and Zoning Commission held a special workshop in August and a public hearing in October. In October, the Commission requested additional time for staff to research what other cities had adopted and get feedback from the Main Street Parkville Association because the Old Town District allowed pharmacy uses. Lachky said that if the State approved recreational marijuana then MSPA would want to be more involved. Another public hearing was held in November.

Lachky provided an overview of the proposed amendments to the Municipal Code. He noted that three public hearings were held and no public comments were received.

Discussion focused on the distance from daycares, how distance is measured and security requirements for outdoor cultivation facilities.

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO APPROVE BILL NO. 3080, AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE SECTIONS 402.010, 405.020 AND 405.040 TO CREATE PROVISIONS FOR MEDICAL MARIJUANA FACILITIES, ON FIRST READING AND POSTPONE THE SECOND READING TO JANUARY 21, 2020. ALL AYES; MOTION PASSED 7-0.

Alderman Whitley rejoined the meeting at 8:00 p.m.

- G. **Approve the first reading of an ordinance to amend Parkville Municipal Code sections 402.010, 405.020 and 405.040 to create provisions and guidelines for short-term residential dwelling rentals – Case No. PZ19-12**

Community Development Director Stephen Lachky said that third-party short-term rentals were increasing in popularity, but no Missouri regulations had been adopted. The Planning and Zoning Commission held a work session and two public hearings and recommended approval of the amendments in December. The Municipal Code allowed inns in commercial districts and bed and breakfasts. Lachky provided an overview of the proposed text amendments.

Discussion focused on concerns about rental timeframes and limitations, conditional use permits that required a public hearing and notifications sent to properties within 185 feet of the property, enforcement and requirements in the Municipal Code that would be checked prior to approval of conditional use permits.

Further discussion focused on pulling a conditional use permit before it expired if problems with rentals arose. The consensus of the Board was to not take action until feedback was received from residents.

Elaine Kellerman, 5243 NW Bluffs Circle, spoke in opposition and shared her concerns about transient guests. She said that during the public hearings there was not any discussion about not allowing short-term rentals in Parkville.

Christopher Whelan, 14820 NW 66th Terrace, recommended that the City look at enforcement options and share the homeowners' association policies about short-term rentals with the public.

No action was taken.

H. Approve payment to and accept from Don Julian Builders, Inc. right-of-way and easements associated with the Route 9 improvements from Highway 45 to Lakeview Drive

City Attorney Chris Williams confirmed that per the Sunshine Law, an item could be added to an agenda with less than 24 hours' notice as long as the urgency was justified and the reason why the notice requirement was not met was explained.

Public Works Director Alysén Abel said that Missouri American Water hired a contractor to relocate the water lines for the Route 9 Improvements Project; documents attached as Exhibit A. The work was completed at Lakeview Drive and was moving north to in front of the Walnut Grove Cemetery. The next property that required easements to be recorded before the work could continue further north was owned by Don Julian Builders. If the contractor had to wait two weeks until the following Board of Aldermen meeting, they would have had pay more to remobilize.

Abel said that negotiations with Don Julian began with an offer letter in September. Mr. Julian offered to donate portions of the easements if the City would either put in sidewalks or complete additional grading. Staff was checking with the negotiator to determine if a sidewalk could be constructed in lieu of the payment. Abel said that because additional grading was not part of the original project, staff did not want to affect the federal grant. Because the negotiations occurred since the original offer letter, it took time to evaluate the options.

Abel noted that the easements and right-of-way would have to be accepted before they could be recorded and the contractor could continue relocating the water lines.

IT WAS MOVED BY ALDERMAN SPORTSMAN AND SECONDED BY ALDERMAN RITTMAN TO APPROVE PAYMENT TO AND ACCEPT FROM DON JULIAN BUILDERS, INC. FOR RIGHT-OF-WAY AND EASEMENTS FOR THE ROUTE 9 IMPROVEMENTS FROM HIGHWAY 45 TO LAKEVIEW DRIVE IN AN AMOUNT NOT TO EXCEED \$54,200. ALL AYES; MOTION PASSED 8-0.

5. STAFF UPDATES ON ACTIVITIES

A. Administration

1. City Hall Closed January 20 – Martin Luther King, Jr. Day

Finance/Human Resources Director Matthew Chapman said that City Hall would be closed January 20 for Martin Luther King, Jr. Day.

B. Community Development

1. Communities for All Ages Bronze Level

Community Development Director Stephen Lachky said that the City achieved the Bronze Level Designation for the Communities for All Ages Program and would be recognized at an event on January 17.

6. MAYOR, BOARD OF ALDERMEN & COMMITTEE REPORTS & MISCELLANEOUS ITEMS

Alderman Plumb said that Tom Thomas, former Platte County Sheriff, had passed away.

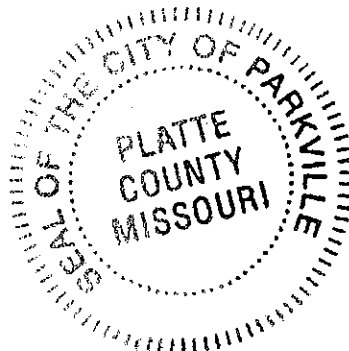
7. ADJOURN

Mayor Johnston declared the meeting adjourned at 9:18 p.m.

The minutes for Tuesday, January 7, 2020, having been read and considered by the Board of Aldermen, and having been found to be correct as written, were approved on this the twenty-first day of January 2020.

Submitted by:


City Clerk Melissa McChesney





CITY OF PARKVILLE • 8980 Clark Avenue • Parkville, MO 64152 • (816) 741-7676 • FAX (816) 741-0013

September 13, 2019

Mr. Donald W. Julian
15521 W. 110th Street
Lenexa, Kansas 66219

RE: Route 9 Improvements

Dear Mr. Julian,

The City of Parkville has approved a program for the construction and improvement of Route 9. It will be necessary to acquire certain real property and rights to accomplish the proposed improvement as indicated on the engineering plans and more particularly described in the attached Warranty Deed, Permanent Utility Easement, and Temporary Construction Easement documents presented to you for consideration.

I am authorized by the City of Parkville to offer on its behalf to all interested parties who may have an interest in the real estate to be acquired the sum of \$54,200.00, which has been estimated to be just compensation for such property and rights based upon the fair market value of the property. A summary of the amount set out above as just compensation is as follows:

<u>Permanent Right-of-Way</u>	
4,113.70 sf @ \$4.00/sf	\$ 16,455.00
<u>Permanent Utility Easement</u>	
9,066.73 sf @ \$ 2.00/sf	\$ 18,133.00
<u>Temporary Construction Easement</u>	
30,389.32 sf @ \$ 0.6416/sf	\$ 19,498.00
<u>Sign Relocation</u>	\$ 150.00
Total	\$ 54,200.00 (rounded)

This estimate of just compensation has been arrived at after giving consideration to the sales prices of other properties in the area which are similar to your property, in accordance with the procedures explained in the attached brochure "Pathways for Progress".

It is requested that you, within a reasonable time, advise the City of Parkville's representative or the undersigned of your acceptance or rejection of this offer.

Sincerely,

Alys M. Abel, P.E.
Public Works Director

CC: Greg Nitschke, Bliss Associates
Robin Marx, Bliss Associates
Padraic Corcoran, Williams Campo

Title of Document: General Warranty Deed

Date of Document: _____, 2020

Grantor: Don Julian Builders, Inc.

Grantee: Parkville, Missouri

Mailing Address (Grantee): 8800 Clark Avenue
Parkville, MO 64152

Legal description:

Permanent Right-of-Way over part of a tract of land in the Northeast and Southeast Quarters of Section 26, Township 51 North, Range 34 West of the 5th P.M., in the City of Parkville, Platte County, Missouri, being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 1, LAKE POINTE PROFESSIONAL CENTRE, a subdivision of land in said City, County and State, said point also being on the Easterly Right-of-Way line of Route 9, as now established; thence South 05°23'27" East, along said Easterly Right-of-Way line, a distance of 213.85 feet, to the POINT OF BEGINNING; thence South 10°26'20" East, departing said Easterly Right-of-Way line, a distance of 80.33 feet, to a point on a non-tangent curve; thence Southeasterly and Southerly, along a curve to the right, whose initial tangent bearing is South 05°15'36" East, having a radius of 5,766.00 feet, and a central angle of 05°03'02", a distance of 508.26 feet; thence South 05°04'47" West, a distance of 81.67 feet, to a point on said Easterly Right-of-Way line; thence North 00°22'43" East, along said Easterly Right-of-Way line, a distance of 44.21 feet, to a point on a non-tangent curve; thence Northerly and Northwesterly, continuing along said Easterly Right-of-Way line and along a curve to the left, whose initial tangent bearing is North 00°09'28" East, having a radius of 5,735.84 feet, and a central angle of 05°32'55", a distance of 555.48 feet; thence North 05°23'27" West, continuing along said Easterly Right-of-Way line, a distance of 69.28 feet, to the POINT OF BEGINNING, containing 4,113.70 square feet or 0.09 acres, more or less.

GENERAL WARRANTY DEED

THIS AGREEMENT, made this _____, 2020, by and between, Don Julian Builders, Inc., having an address of 15521 W. 110th Street, Lenexa, Kansas 66219, owner of the property herein described, hereinafter known as the Grantor and party of the first part, and Parkville, Missouri, a political subdivision of the state of Missouri, hereinafter known as the Grantee and party of the second part.

GRANTEE'S ADDRESS: 8800 Clark Avenue, Parkville, Missouri 64152

WITNESSETH: Grantor, in consideration of the sum of ONE AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION (\$1.00 & O.V.C.), to be paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm fee simple title to the following described real estate and interests in real estate in the County of Platte, State of Missouri, as legally described in Exhibit A which is attached hereto and incorporated herein, to the City of Parkville, Missouri, to-wit:

PERMANENT RIGHT-OF-WAY DESCRIPTION:

See attached Exhibits A and B

Grantee shall obtain all rights, privileges, appurtenances and immunities belonging to Grantor, their successors and assigns forever.

Grantor hereby covenants that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed. Grantor covenants that it has good right to convey the property. Grantor covenants that the said premises are free and clear of any encumbrances done or suffered by it or those under whom it claims; and that it will warrant and defend the title to said premises unto the City of Parkville and unto its successors and assigns, forever, against the lawful claims and demands of all persons whomsoever.

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

Donald W. Julian

ACKNOWLEDGMENT BY CORPORATION

STATE OF MISSOURI)
)SS
COUNTY OF PLATTE)

On this ___ day of _____, 2020, appeared Donald W. Julian, President of Don Julian Builders, Inc., who was by me duly sworn and who is personally known to me to be the person who executed the foregoing instrument and that he executed the same as his free act and deed.

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: _____

Exhibit A

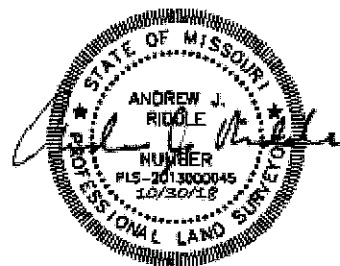
Legal Description of Permanent Right-Of-Way

EXHIBIT "A"
LEGAL DESCRIPTION

PERMANENT RIGHT-OF-WAY:

Permanent Right-of-Way over part of a tract of land in the Northeast and Southeast Quarters of Section 26, Township 51 North, Range 34 West of the 5th P.M., in the City of Parkville, Platte County, Missouri, being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 1, LAKE POINTE PROFESSIONAL CENTRE, a subdivision of land in said City, County and State, said point also being on the Easterly Right-of-Way line of Route 9, as now established; thence South 05°23'27" East, along said Easterly Right-of-Way line, a distance of 213.85 feet, to the POINT OF BEGINNING; thence South 10°26'20" East, departing said Easterly Right-of-Way line, a distance of 80.33 feet, to a point on a non-tangent curve; thence Southeasterly and Southerly, along a curve to the right, whose initial tangent bearing is South 05°15'36" East, having a radius of 5,766.00 feet, and a central angle of 05°03'02", a distance of 508.26 feet; thence South 05°04'47" West, a distance of 81.67 feet, to a point on said Easterly Right-of-Way line; thence North 00°22'43" East, along said Easterly Right-of-Way line, a distance of 44.21 feet, to a point on a non-tangent curve; thence Northerly and Northwesterly, continuing along said Easterly Right-of-Way line and along a curve to the left, whose initial tangent bearing is North 00°09'28" East, having a radius of 5,735.84 feet, and a central angle of 05°32'55", a distance of 555.48 feet; thence North 05°23'27" West, continuing along said Easterly Right-of-Way line, a distance of 69.28 feet, to the POINT OF BEGINNING, containing 4,113.70 square feet or 0.09 acres, more or less.



By: Andrew J. Riddle
Title: Professional Land Surveyor



8801 Kennar Boulevard
Lenexa, Kansas 66219
913.492.0400
www.gbateam.com
ariddle@gbateam.com

© Geographical Associates, Inc. 2018 Professional Land Surveyor 002098

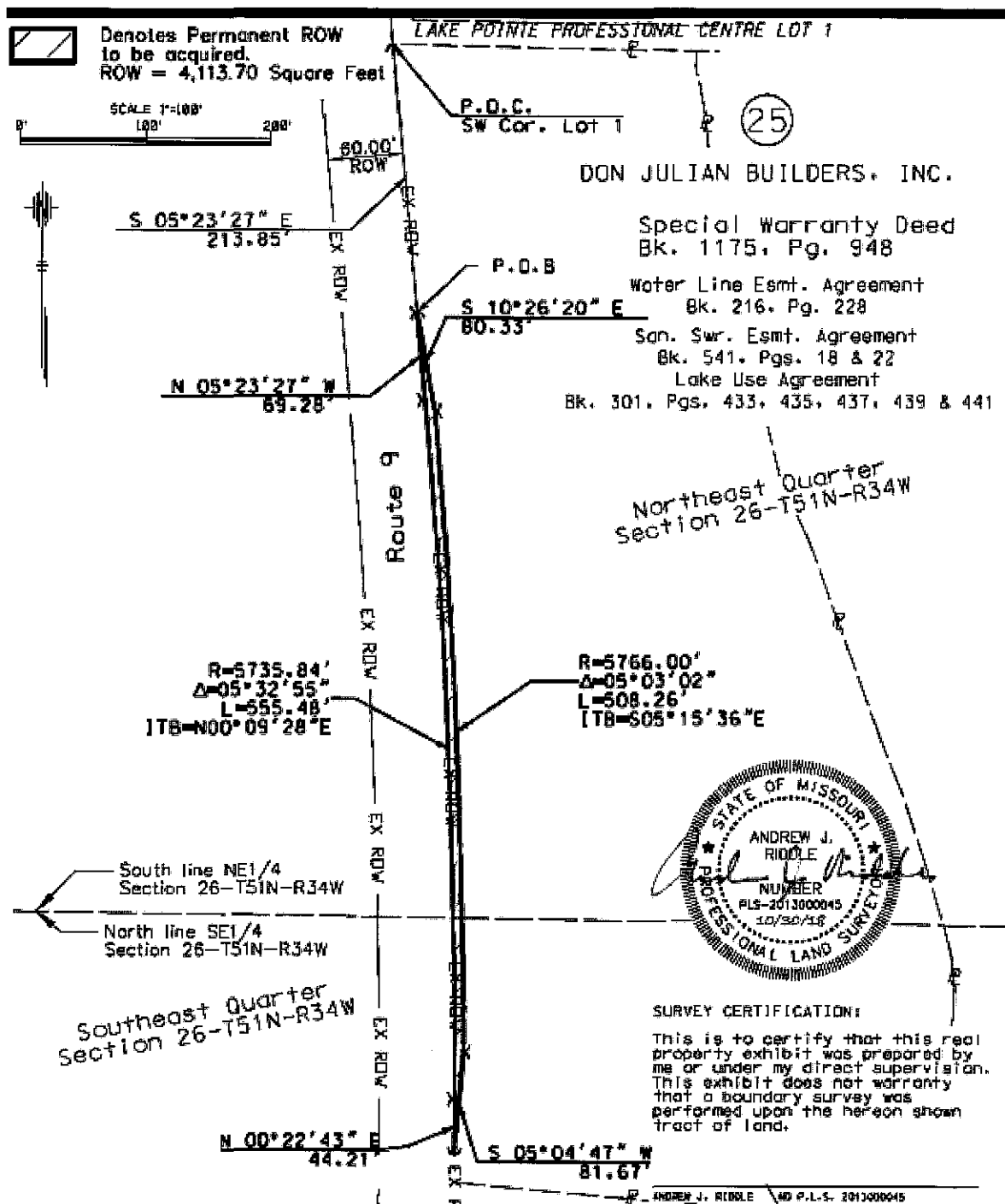
PROJECT NUMBER
13813.00
DATE
10/24/2018

Route 9 Improvements
Legal Description Exhibit "A"
Parkville, Platte Co., Missouri

SHEET NUMBER
1 OF 2
Tract 25

Exhibit B

Map of Permanent Right-Of-Way



GBA architects engineers 9801 Renner Boulevard Lenexa, Kansas 66219 913.492.0400 www.gbateam.com ariddle@gbateam.com © George Buder Associates, Inc. 2018 Professional Land Surveyor 000006	PROJECT NUMBER 13813.00	Route 9 Improvements Exhibit "A" Permanent Right-of-Way Parkville, Platte Co., Missouri	SHEET NUMBER 2 OF 2 Tract 25
	DATE 10/24/2018		

Title of Document: Temporary Construction Easement

Date of Document: _____, 2020

Grantor: Don Julian Builders, Inc.

Grantee: Parkville, Missouri

Mailing Address (Grantee): 8880 Clark Avenue, Parkville, Missouri

Legal description:

Temporary Construction Easement over part of a tract of land in the Northeast and Southeast Quarters of Section 26, Township 51 North, Range 34 West of the 5th P.M., in the City of Parkville, Platte County, Missouri, being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 1, LAKE POINTE PROFESSIONAL CENTRE, a subdivision of land in said City, County and State, said point also being on the Easterly Right-of-Way line of Route 9, as now established; thence South 88°44'22" East, along the South line of said Lot 1, a distance of 65.44 feet; thence South 05°23'27" East, departing said South line, a distance of 54.69 feet; thence South 18°44'07" West, a distance of 97.86 feet; thence South 05°23'27" East, a distance of 182.58 feet; thence South 85°07'00" West, a distance of 10.23 feet; thence South 04°11'34" East, a distance of 286.06 feet; thence South 39°53'13" East, a distance of 101.15 feet; thence South 01°07'22" West, a distance of 110.46 feet; thence South 28°51'46" West, a distance of 114.62 feet, to a point on the South line of a tract of land recorded in a deed in book 1175 at page 948; thence North 84°48'26" West, along said South line, a distance of 23.09 feet, to a point on said Easterly Right-of-Way line; thence North 00°42'35" East, along said Easterly Right-of-Way line, a distance of 22.08 feet; thence North 05°04'47" East, departing said Easterly Right-of-Way line, a distance of 81.67 feet, to a point on a non-tangent curve; thence Northerly and Northwesterly along a curve to the left, whose initial tangent bearing is North 00°12'34" West, having a radius of 5,766.00 feet, and a central angle of 05°03'02", a distance of 508.26 feet; thence North 10°26'20" West, a distance of 80.33 feet, to a point on said Easterly Right-of-Way line; thence North 05°23'27" West, along said Easterly Right-of-Way line, a distance of 213.85 feet, to the POINT OF BEGINNING, containing 30,389.32 square feet or 0.70 acres, more or less.

TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT, made this ___ day of _____, 2020, by and between Don Julian Builders, Inc., having an address of 15521 W. 110th Street, Lenexa, Kansas 66219, owner of the property herein described, hereinafter known as the Grantor and party of the first part, and Parkville, Missouri, a political subdivision of the state of Missouri, hereinafter known as the Grantee and party of the second part.

GRANTEE'S ADDRESS: 8800 Clark Avenue, Parkville, Missouri 64152

WITNESSETH: Grantor, in consideration of the sum of **ONE AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION (\$1.00 & O.V.C.)**, to be paid by the City of Parkville, the receipt of which is hereby acknowledged, does by these presents convey, remise, release and quitclaim unto said party of the second part, the following described temporary construction easement in real estate in the County of Platte, State of Missouri, to wit:

Temporary Construction Easement:

See attached Exhibits A and B

Grantor agrees not to obstruct or interfere with Grantee's use and enjoyment of the easement area granted hereunder by any means, including, without limitation, obstructing or interfering with the operation, maintenance or access to the street, roadway, thoroughfare, storm sewers, underground pipe, manholes, catch basins, concrete drainage ways, open water ways, and all necessary appurtenances thereto, by erecting, or causing or allowing to be erected, any building or structure on said easement.

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

Said right of entrance, occupation, construction, improvement and use of this easement area shall continue during construction and for six (6) months after completion and acceptance of the project but in no event shall this grant exceed a period of three (3) years from the start of construction.

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

Printed Name: Donald W. Julian

ACKNOWLEDGMENT BY CORPORATION

STATE OF MISSOURI)
)SS
COUNTY OF PLATTE)

On this ___ day of _____, 2020, appeared Donald W. Julian, President of Don Julian Builders, Inc., personally known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

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: _____

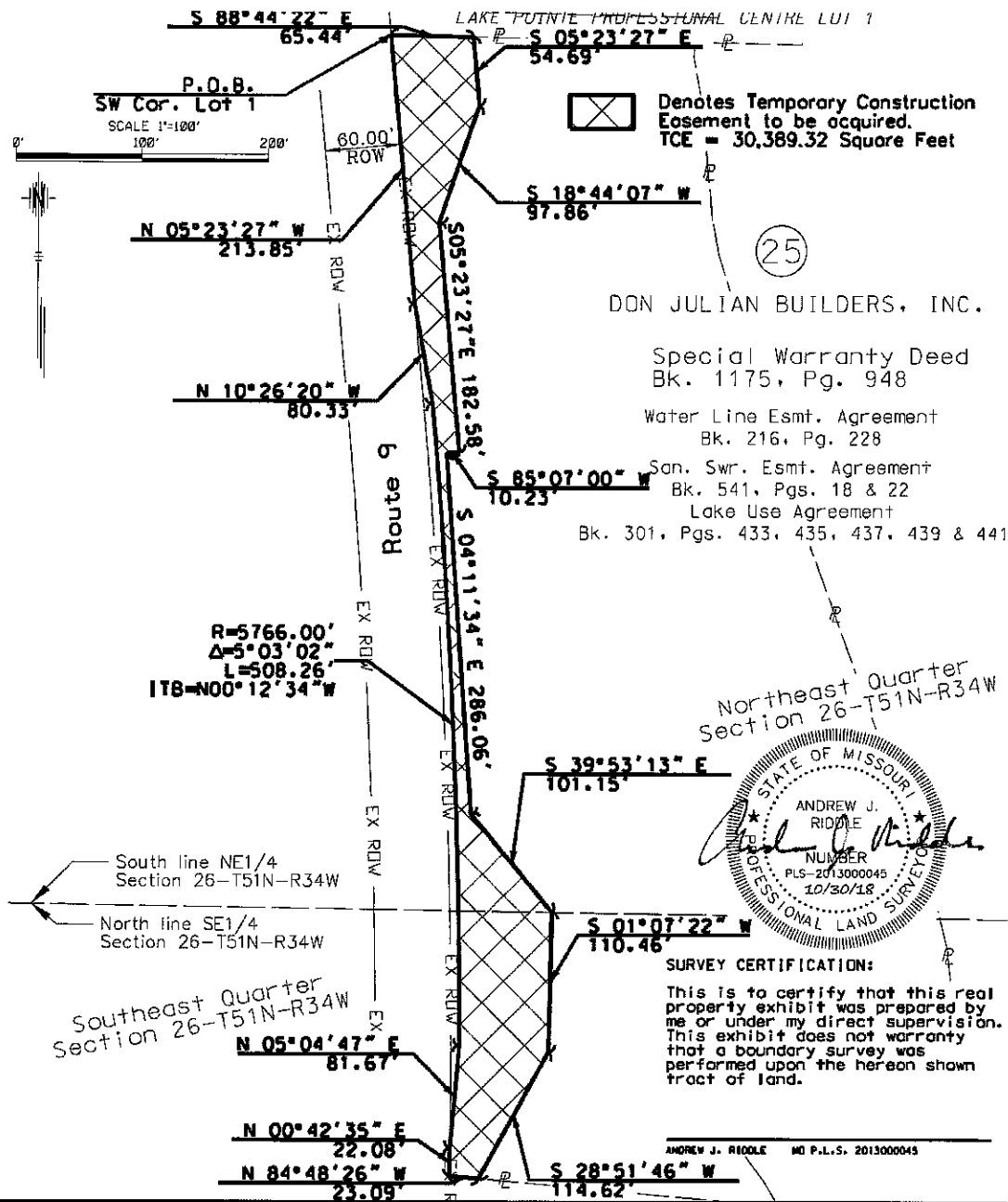
Exhibit A

Legal Description of Temporary Construction Easement

Temporary Construction Easement over part of a tract of land in the Northeast and Southeast Quarters of Section 26, Township 51 North, Range 34 West of the 5th P.M., in the City of Parkville, Platte County, Missouri, being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 1, LAKE POINTE PROFESSIONAL CENTRE, a subdivision of land in said City, County and State, said point also being on the Easterly Right-of-Way line of Route 9, as now established; thence South $88^{\circ}44'22''$ East, along the South line of said Lot 1, a distance of 65.44 feet; thence South $05^{\circ}23'27''$ East, departing said South line, a distance of 54.69 feet; thence South $18^{\circ}44'07''$ West, a distance of 97.86 feet; thence South $05^{\circ}23'27''$ East, a distance of 182.58 feet; thence South $85^{\circ}07'00''$ West, a distance of 10.23 feet; thence South $04^{\circ}11'34''$ East, a distance of 286.06 feet; thence South $39^{\circ}53'13''$ East, a distance of 101.15 feet; thence South $01^{\circ}07'22''$ West, a distance of 110.46 feet; thence South $28^{\circ}51'46''$ West, a distance of 114.62 feet, to a point on the South line of a tract of land recorded in a deed in book 1175 at page 948; thence North $84^{\circ}48'26''$ West, along said South line, a distance of 23.09 feet, to a point on said Easterly Right-of-Way line; thence North $00^{\circ}42'35''$ East, along said Easterly Right-of-Way line, a distance of 22.08 feet; thence North $05^{\circ}04'47''$ East, departing said Easterly Right-of-Way line, a distance of 81.67 feet, to a point on a non-tangent curve; thence Northerly and Northwesterly along a curve to the left, whose initial tangent bearing is North $00^{\circ}12'34''$ West, having a radius of 5,766.00 feet, and a central angle of $05^{\circ}03'02''$, a distance of 508.26 feet; thence North $10^{\circ}26'20''$ West, a distance of 80.33 feet, to a point on said Easterly Right-of-Way line; thence North $05^{\circ}23'27''$ West, along said Easterly Right-of-Way line, a distance of 213.85 feet, to the POINT OF BEGINNING, containing 30,389.32 square feet or 0.70 acres, more or less.

Exhibit B Map of Temporary Construction Easement



GBA architects engineers 9801 Renner Boulevard Lenexa, Kansas 66219 913.492.0400 www.gbateam.com ariddle@gbateam.com <small>© George Butler Associates, Inc. 2018 Professional Land Surveyor 000059</small>	PROJECT NUMBER 13813.00	Route 9 Improvements <i>Exhibit "A"</i> Temporary Construction Easement Parkville, Platte Co., Missouri	SHEET NUMBER 2 OF 2 Tract 25
	DATE 10/24/2018		

Title of Document: Permanent Utility Easement

Date of Document: _____, 2020

Grantors: Don Julian Builders, Inc.

Grantee: Parkville, Missouri

Mailing Address (Grantee): 8800 Clark Avenue
Parkville, MO 64152

Legal description:

Permanent Utility Easement over part of a tract of land in the Northeast and Southeast Quarters of Section 26, Township 51 North, Range 34 West of the 5th P.M., in the City of Parkville, Platte County, Missouri, being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 1, LAKE POINTE PROFESSIONAL CENTRE, a subdivision of land in said City, County and State, said point also being on the Easterly Right-of-Way line of Route 9, as now established; thence South 88°44'22" East, along the South line of said Lot 1, a distance of 10.07 feet; thence South 05°23'27" East, departing said South line, a distance of 212.24 feet; thence South 10°26'20" East, a distance of 80.34 feet, to a point on a non-tangent curve; thence Southeasterly and Southerly, along a curve to the right, whose initial tangent bearing is South 05°15'52" East, having a radius of 5,776.00 feet, and a central angle of 05°03'43", a distance of 510.31 feet; thence South 05°05'45" West, a distance of 81.49 feet; thence South 00°42'56" West, a distance of 22.49 feet, to a point on the South line of a tract of land recorded in a deed in book 1175 at page 948; thence North 84°48'26" West, along said South line, a distance of 10.03 feet, to a point on said Easterly Right-of-Way line; thence North 00°42'35" East, along said Easterly Right-of-Way line, a distance of 22.08 feet; thence North 05°04'47" East, departing said Easterly Right-of-Way line, a distance of 81.67 feet, to a point on a non-tangent curve; thence Northerly and Northwesterly, along a curve to the left, whose initial tangent bearing is North 00°12'34" West, having a radius of 5,766.00 feet, and a central angle of 05°03'02", a distance of 508.26 feet; thence North 10°26'20" West, a distance of 80.33 feet, to a point on said Easterly Right-of-Way line; thence North 05°23'27" West, along said Easterly Right-of-Way line, a distance of 213.85 feet, to the POINT OF BEGINNING, containing 9,066.73 square feet or 0.21 acres, more or less.

PERMANENT UTILITY EASEMENT

THIS AGREEMENT, made this ____ day of _____, 2020, by and between Don Julian Builders, Inc., having an address of 15521 W. 110th Street, Lenexa, Kansas 66219, owner of the property herein described, hereinafter known as the Grantor and party of the first part, and Parkville, Missouri, a political subdivision of the state of Missouri, hereinafter known as the Grantee and party of the second part.

GRANTEE'S ADDRESS: 8800 Clark Avenue, Parkville, Missouri 64152

WITNESSETH: Grantor, in consideration of the sum of ONE AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION (\$1.00 & O.V.C.), to be paid by the City of Parkville, Missouri, the receipt of which is hereby acknowledged, does by these presents remise, release and quitclaim unto said party of the second part, the following described permanent utility easement in real estate in the County of Platte, State of Missouri, to wit:

A perpetual and permanent utility easement for the construction, improvement, reconstruction and maintenance of utilities, including but not limited to, the use of conduits, water, gas, sewer pipes, poles, wires, surface drainage facilities, ducts, cables on, over, along, across, and under the lots, tracts, or parcels of land lying, being and situated in the County of Platte, and the State of Missouri, as legally described in **Exhibit A** which is attached hereto and incorporated herein; and

Grantor agrees not to obstruct or interfere with **Grantee's** use and enjoyment of the Easement areas granted hereunder by any means, including, without limitation, obstructing or interfering with the operation, maintenance or access to the street, roadway, thoroughfare, storm sewers, underground pipe, manholes, catch basins, concrete drainage ways, open water ways, and all necessary appurtenances thereto, by erecting, or causing or allowing to be erected, any building or structure on said Easement.

It is expressly agreed to by the **Grantor** that the **Grantee** may, in the **Grantee's** absolute discretion, and without prior notification to the **Grantor**, assign or transfer any and all of its rights under this Easement. Such assignment or transfer shall not otherwise affect any rights granted by the **Grantor** pursuant to this Easement.

Grantor further states that it is lawfully seized of title to the land through which said Easement is granted and that it has good and lawful right to convey said easements to the **Grantee** herein.

THIS GRANT shall, at all times be deemed to be and shall be, a continuing covenant running with the land and shall be binding upon the successors and assigns of the **Grantor**.

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

IN WITNESS WHEREOF, the said Grantor executed the above on _____, 2020.

Printed Name: Donald W. Julian

ACKNOWLEDGMENT BY CORPORATION

STATE OF MISSOURI)
)SS
COUNTY OF PLATTE)

On this ____ day of _____, 2020, appeared Donald W. Julian, President of Don Julian Builders, Inc., personally known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.

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: _____

EXHIBIT A

Legal Description of Permanent Utility Easement

PERMANENT UTILITY EASEMENT:

Permanent Utility Easement over part of a tract of land in the Northeast and Southeast Quarters of Section 26, Township 51 North, Range 34 West of the 5th P.M., in the City of Parkville, Platte County, Missouri, being more particularly described as follows:

BEGINNING at the Southwest corner of Lot 1, LAKE POINTE PROFESSIONAL CENTRE, a subdivision of land in said City, County and State, said point also being on the Easterly Right-of-Way line of Route 9, as now established; thence South 88°44'22" East, along the South line of said Lot 1, a distance of 10.07 feet; thence South 05°23'27" East, departing said South line, a distance of 212.24 feet; thence South 10°26'20" East, a distance of 80.34 feet, to a point on a non-tangent curve; thence Southeasterly and Southerly, along a curve to the right, whose initial tangent bearing is South 05°15'52" East, having a radius of 5,776.00 feet, and a central angle of 05°03'43", a distance of 510.31 feet; thence South 05°05'45" West, a distance of 81.49 feet; thence South 00°42'56" West, a distance of 22.49 feet, to a point on the South line of a tract of land recorded in a deed in book 1175 at page 948; thence North 84°48'26" West, along said South line, a distance of 10.03 feet, to a point on said Easterly Right-of-Way line; thence North 00°42'35" East, along said Easterly Right-of-Way line, a distance of 22.08 feet; thence North 05°04'47" East, departing said Easterly Right-of-Way line, a distance of 81.67 feet, to a point on a non-tangent curve; thence Northerly and Northwesterly, along a curve to the left, whose initial tangent bearing is North 00°12'34" West, having a radius of 5,766.00 feet, and a central angle of 05°03'02", a distance of 508.26 feet; thence North 10°26'20" West, a distance of 80.33 feet, to a point on said Easterly Right-of-Way line; thence North 05°23'27" West, along said Easterly Right-of-Way line, a distance of 213.85 feet, to the POINT OF BEGINNING, containing 9.066.73 square feet or 0.21 acres, more or less.



By: Andrew J. Riddle
 Title: Professional Land Surveyor


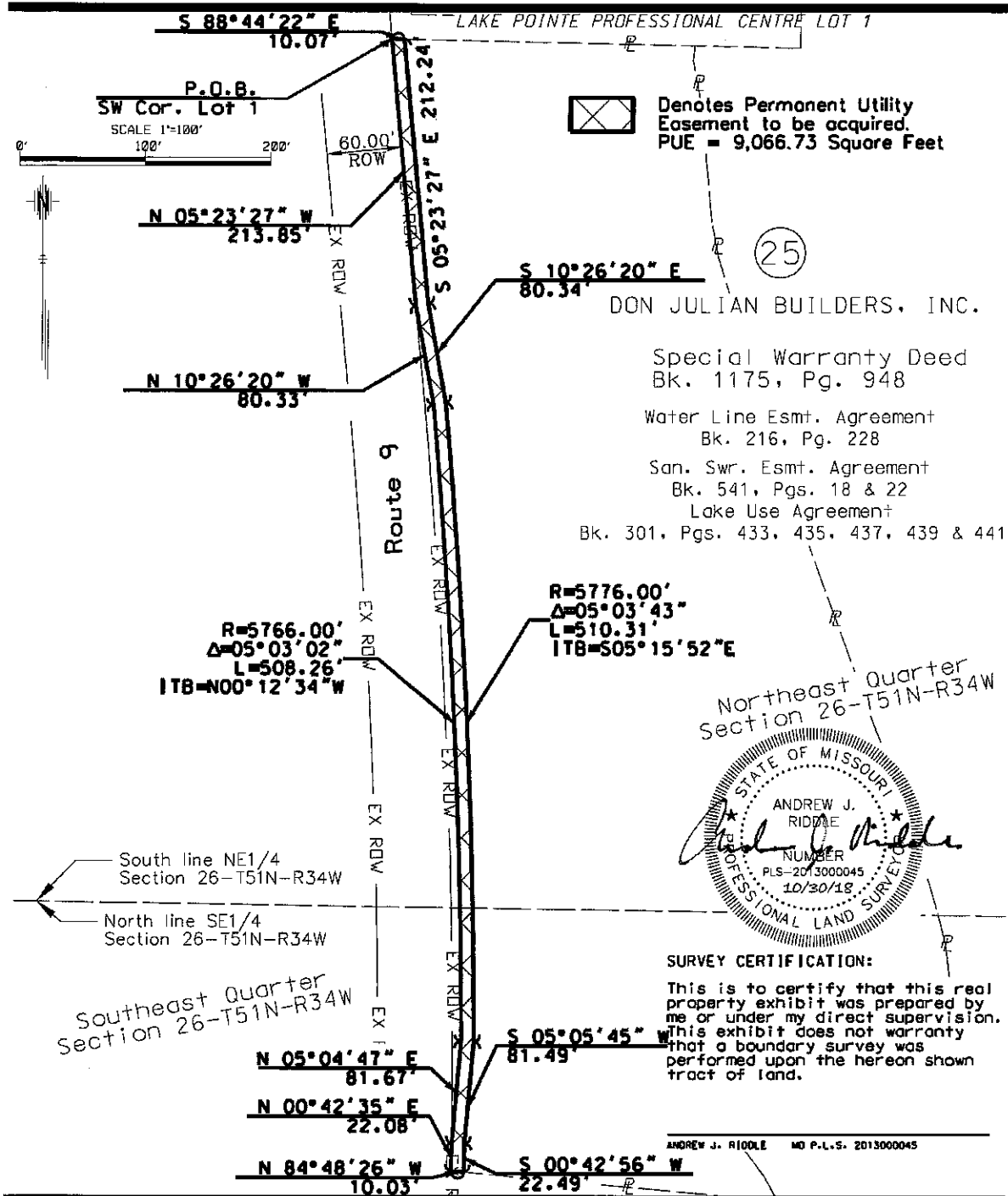
 9801 Renner Boulevard Lenexa, Kansas 66219 913.492.0400 www.gbateam.com ariddle@gbateam.com <small>© George Butler Associates, Inc. 2018 Professional Land Surveyor 000059</small>	PROJECT NUMBER 13813.00	Route 9 Improvements <i>Legal Description Exhibit "A"</i> <i>Parkville, Platte Co., Missouri</i>	SHEET NUMBER 1 OF 2 Tract 25
	DATE 10/24/2018		

Exhibit B

Map of Permanent Utility Easement



GBA
 architects
 engineers

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PROJECT NUMBER
 13813.00
 DATE
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Route 9 Improvements
 Exhibit "A"
 Permanent Utility Easement
 Parkville, Platte Co., Missouri

SHEET NUMBER
 2 OF 2
 Tract 25