

III.B.

MEMORANDUM

PUBLIC WORKS DIVISION



To: Michael G. Herring, City Administrator
From: Jeff Paskiewicz, Senior Civil Engineer *JSP*
Concurrence: Mike Geisel, Director of Public Services
Date: August 1, 2013
Re: Swingley Ridge Drive
License to Utilize Easement

As you are aware, RGA, also known as Gateway Ridge, LLC, is proposing improvements to Swingley Ridge Drive to accommodate development of the property located at 16600 Swingley Ridge Drive. Gateway Ridge, LLC is responsible for completing said improvements and is required to dedicate additional right of way to the City to accommodate said improvements.

Missouri American Water Company has specific rights to an existing easement which will be enveloped by the additional right of way. Missouri American is agreeable to allow the expansion of the public right of way pursuant to the City's execution of a license to utilize easement. The license, in general terms, acknowledges the existence and entitlements associated with their current easement and provides for the dedication and use of new right of way, but only subordinate to the terms of their existing easement. The license is a standard document utilized in situations such as this.

City Attorney, Rob Heggie has reviewed and approved the agreement.

RECOMMENDATION

I recommend that the License to Utilize Easement and the associated ordinance be forwarded to the Planning and Public Works Committee for favorable consideration and subsequently forwarded to the full City Council for consideration and approval.

Please feel free to contact me should you have any questions or require additional information.

attachments

cc: Michael O. Geisel, Director of Planning & Zoning
James A. Eckrich, City Engineer/Public Works Director
Aimee Nassif, Planning and Development Services Director

*Phil
JSP
8/1/13
GEISEL*
→

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A LICENSE TO UTILIZE AN EXISTING MISSOURI AMERICAN WATER COMPANY EASEMENT FOR RIGHT OF WAY ASSOCIATED WITH THE IMPROVEMENT OF SWINGLEY RIDGE DRIVE WEST OF CHESTERFIELD PARKWAY WEST.

WHEREAS, development of the property located at 16600 Swingley Ridge Drive known as RGA Global Headquarters has necessitated roadway improvements to Swingley Ridge Drive; and

WHEREAS, the City of Chesterfield desires to acquire right of way over an existing Missouri American Water Company easement; and

WHEREAS, improvements are intended to be constructed within said right of way; and

WHEREAS, Missouri American Water Company requires that the City execute a License to Utilize Easement in order to allow the encroachment of improvements within the existing easement limits and ensure Missouri American's easement property rights within the newly acquired right of way are upheld; and

WHEREAS, the planning and public works committee of the Chesterfield City Council has reviewed and recommended approval of the License to Utilize Easement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, AS FOLLOWS:

Section 1. The City of Chesterfield hereby accepts the license to utilize easement for a portion of the Swingley Ridge Drive right of way to accommodate the existing easement rights of the Missouri American Water Company as set out in "Exhibit 1" attached hereto.

Section 2. The City Administrator and City Clerk are authorized to execute the license to utilize easement as marked "Exhibit 1" and attached hereto.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

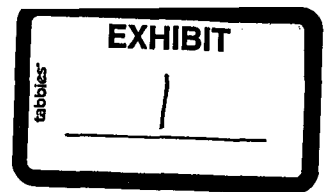
Passed and approved this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

[FIRST READING HELD: _____]



DOCUMENT TYPE: LICENSE TO UTILIZE EASEMENT

DATE OF DOCUMENT : _____

GRANTOR : Missouri American Water Company
727 Craig Road
St. Louis, MO 63141

GRANTEE : City of Chesterfield
690 Chesterfield Pkwy W
Chesterfield, MO 63017

PROPERTY ADDRESS: 16600 Swingley Ridge Road
Chesterfield, MO 63017

COUNTY LOCATOR #: 18S430237

CITY/ MUNICIPALITY: Chesterfield, Missouri

LEGAL DESCRIPTION: A TRACT OF LAND BEING LOT C-300A OF
"CHESTERFIELD VILLAGE NW QUADRANT-
DIERBERG TRACT" PER PB. 346, PG. 567 & 568
AND A TRACT OF LAND IN US SURVEY 123,
TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS
COUNTY, MISSOURI

LICENSE TO UTILIZE EASEMENT

THIS LICENSE entered into this ___ day of _____, _____, by and between MISSOURI-AMERICAN WATER COMPANY, a corporation existing under the laws of the State of Missouri, (hereinafter referred to as "COMPANY"), and City of Chesterfield, Missouri, 690 Chesterfield Parkway, West, Chesterfield, Missouri, (hereinafter referred to as "CITY"),

WITNESSETH:

WHEREAS, CITY contemplates the location, widening, construction and/or improvement of Chesterfield Parkway West & Swingley Ridge in accordance with certain plans on file in the office of the Department of Highways and Traffic of St. Louis County, Missouri; and

WHEREAS, in carrying out the opening, widening, establishment, and improvement for the Gateway Ridge/Chesterfield Village project, it will be necessary to place pavement or other facilities for public use on COMPANY'S private easement right-of-ways along Swingley Ridge in St. Louis County, Missouri; and

WHEREAS, COMPANY is willing to accommodate CITY'S needs upon condition that CITY accepts the provisions hereinafter specified and evidences such acceptance by execution hereof in accordance with Section 432.070 RSMo 1978 and CITY Ordinance No. _____.

NOW THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

- I. COMPANY hereby grants and conveys unto the CITY, without warranty of title or extent of interest in the real estate hereinafter described, expressed or implied, the right to construct, reconstruct, and maintain roadway and drainage structures over and across those portions of easement owned and held by COMPANY, situated in St. Louis County, Missouri, and indicated by hachuring on the attached plats, made part hereof and referred to as Exhibit "B" and Exhibit "C" with the following conditions and limitations:
 - a. In the event COMPANY must excavate to replace, expand, or maintain its

facilities, COMPANY will request a permit from CITY which will be granted without cost to COMPANY. COMPANY will comply with all lawful conditions of such permit, but the cost of anything required by such permit in addition to reasonable restoration of CITY'S road and drainage facilities damaged by COMPANY, will be paid by CITY.

b. In the event of future improvements, reconstruction, or maintenance of the highway or drainage structures involved which from time to time necessitate the relocation of COMPANY'S water lines and appurtenances, CITY will advise COMPANY of contemplated change and will reimburse COMPANY for cost and expenses incurred by it in relocating or otherwise adjusting its facilities. If for reasons stated above COMPANY must relocate its facilities but there is no usable remaining area of its original private easement, COMPANY will relocate its facilities to adjacent public right-of-way or new private easement acquired by CITY, but subject to the same protections and assurances from CITY herein specified as if the facilities remained in COMPANY'S original private easement.

2. This agreement shall inure to the benefit and detriment of the successors and assigns of CITY and COMPANY.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officials.

ATTEST:

MISSOURI-AMERICAN WATER COMPANY

Assistance Secretary

Dave Pruitt
Construction Manager-Engineering

ATTEST:

City of Chesterfield, Missouri

Michael G. Herring
City Administrator

APPROVED:

Michael O. Geisel
Director of Public Services

APPROVED AS TO LEGAL FORM:

Robert M. Heggie
City Attorney

SCALE



(IN FEET)
1 inch = 150 ft.

INTERSTATE HIGHWAY 64

7.5'w ROADWAY
MAINTENANCE & UTILITY
EASEMENT TO ST. LOUIS
CO. MO. DB. 7167 PG.
411

N48° 59' 58"W 220.11
N49° 06' 13"W 116.75

SWINGLEY RIDGE

S48° 59' 58"E 293.63
SUBORDNATION
AGREEMENT
AREA

PROPOSED
RIGHT OF WAY

S48° 59' 58"E 293.63

N41° 00' 01"E 7.50

CHESTERFIELD PARKWAY WEST

EXHIBIT A SHEET 2 OF 2

LICENSE TO UTILIZE EXHIBIT

A TRACT OF LAND BEING LOT C300A OF CHESTERFIELD VILLAGE NW QUADRANT - DIERBERG TRACT AS RECORDED IN PLAT BOOK 346 PAGE 567 LOCATED IN U.S. SURVEY 123, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MISSOURI

DATE 7/19/13

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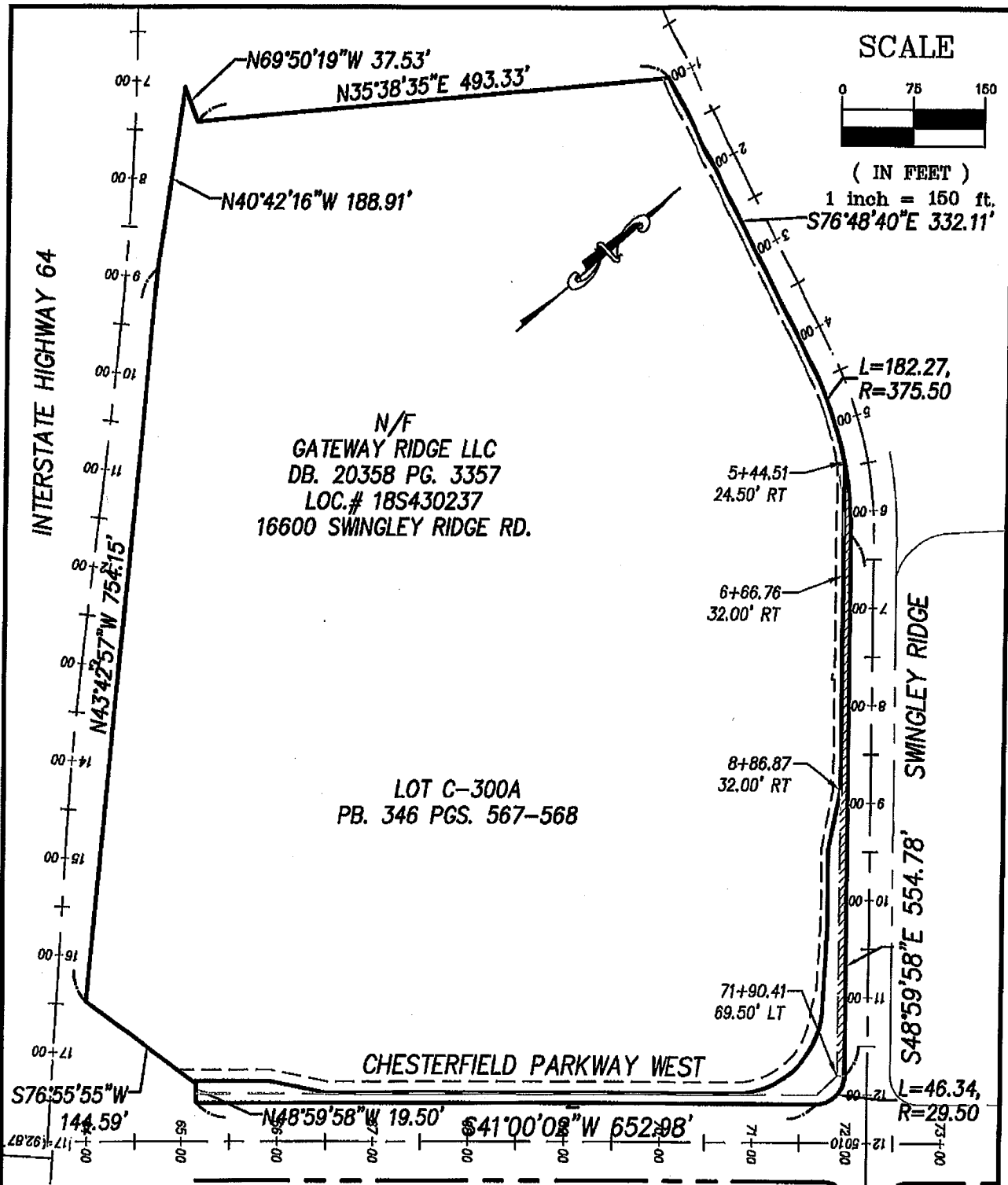


EXHIBIT A SHEET 1 OF 2

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EXHIBIT B

Property Description

Waterline Easement License to Utilize Agreement

A portion of a 9.50 feet wide easement to St. Louis County Water Company (now Missouri American Water Company) as established by the Easement Plat recorded in Plat Book 218, Page 86 of the St. Louis County Records located in US Survey 123, Township 45 North, Range 4 East of the Fifth Principal Meridian City of Chesterfield, St. Louis County, Missouri being more particularly described as follows:

Beginning at a point located on the northern line of above said 9.50 feet wide Easement, said point also being located 32.00 feet perpendicular distance southeasterly from Swingley Ridge, Centerline Station 11+80.50; thence South 41 degrees 00 minutes 02 seconds West 14.12 feet to the southern line of said 9.50 feet wide easement; thence along said southern line the following courses and distances: North 01 degrees 16 minutes 24 seconds West, 6.25 feet; South 48 degrees 59 minutes 58 seconds East, 242.23 feet and North 337 degrees 37 minutes 15 seconds West, 48.15 feet to the southern line of said 9.50 feet wide Easement; thence along said southern line South 48 degrees 59 minutes 58 seconds East, 293.63 to the Point of Beginning containing 2,575 square feet.