

Introduced by: Council Present

AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, AUTHORIZING THE GRANTING AND TRANSFER OF PERMANENT ENCROACHMENT EASEMENT RIGHTS TO LAFAYETTE INDUSTRIES, AND AUTHORIZING THE MAYOR TO EXECUTE ALL LEGAL DOCUMENTS NECESSARY FOR THE GRANT AND TRANSFER

WHEREAS, the City of Berkeley, Missouri, is authorized to own and possess real property and real property rights within City's corporate limits; and

WHEREAS, the City of Berkeley upon such terms and conditions as the City Council may deem advisable, may sell, alien, convey, lease, or otherwise dispose of real property and real property rights; and

WHEREAS, Lafayette Industries is the owner of certain real property located at 4613 World Parkway Circle within the corporate limits of the City of Berkeley, County of St. Louis, State of Missouri, and more particularly described on **Exhibit A**, attached hereto (the "Property"); and

WHEREAS, portions of the Property are contiguous to certain real property owned by the City either in a proprietary capacity or in its capacity as a governmental manager of public rights of way, such real property being in, on, over, and under the improved and unimproved areas in and adjacent to World Parkway Circle, (collectively "City Property"); and

WHEREAS, Lafayette Industries intends to construct a new water line on the Property, and will continuously own and maintain the strip of land as part of its existing business; and

WHEREAS, Lafayette Industries has requested that the City grant and transfer the easement, to that is situated, in part, upon City Property (the "Encroachments") in the areas (The "Encroachment Areas") identified and described on the plans attached hereto as **Exhibit B**, and incorporated herein (collectively, the "Encroachment Areas Drawings").

Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1. The Council hereby authorized the Mayor to execute all legal documents necessary to grant and transfer ownership to Lafayette Industries, an easement maintain, repair, replace, and improve any part thereof, including without limitation the vertical and lateral support of the buildings and other improvements included in the property, and the ingress and egress for pedestrian traffic in, upon, over and through the Property, and the use of the Property and other improvements included in the Development as hereafter shall be constructed for their intended uses.

Section 2. In connection with the foregoing easements, Council further authorizes the Mayor to execute all legal documents necessary for granting and transferring the ownership unto Lafayette Industries, its successors and assigns, for the benefit of the Property, allowing Lafayette

Industries and its agents to maintain, repair, replace, and improve any part thereof, as may be deemed necessary in Lafayette Industries' reasonable discretion.

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

1st Reading this 19th day of September 2016

2nd Reading this _____ day of _____ 2016

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2016**

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Final Roll Call:

Mayor Hoskins	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Hoskins	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Kirkland	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Mathison	Aye	__	Nay	__	Absent	__	Abstain	__
Councilman-at-Large McDaniel	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Mitchell	Aye	__	Nay	__	Absent	__	Abstain	__
Councilwoman Williams	Aye	__	Nay	__	Absent	__	Abstain	__

Approved As To Form:
Donnell Smith, City Attorney