

BILL NO. 2981

ORDINANCE NO. _____

AN ORDINANCE APPROVING AN ELECTRIC POWER EASEMENT TO THE EMPIRE DISTRICT ELECTRIC COMPANY, AND AUTHORIZING THE MAYOR TO EXECUTE THE EASEMENT PERTAINING TO THE SKAGGS ROAD ROUNDABOUT PROPERTY

WHEREAS, the new Skaggs Road Traffic Roundabout project requires the relocation of existing electric power service; and

WHEREAS, the Empire District Electric Company requires easements on the property to provide long-term operations and maintenance of their electric power facilities; and

WHEREAS, the Board of Aldermen desire to grant the necessary electric power easement to the Empire District Electric Company.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: The Board of Aldermen hereby authorizes the Mayor to execute an easement to The Empire District Electric Company in substantially the form attached as Exhibit "A" for operation and maintenance of electric power facilities on property adjacent to the Skaggs Road Traffic Roundabout.

Section 2: This ordinance shall be in full force and effect upon and after its passage and approval.

Read, this first time on this ____ day of _____, 2005.

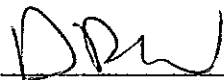
Read, this second time, passed and truly agreed to by the Board of Aldermen of City of Branson, Missouri this ____ day of _____, 2005.

Louis E. Schaefer, Mayor

ATTEST:

APPROVED AS TO FORM:

Sandra L. Williams, C.M.C.
City Clerk



Daniel R. Wichmer
City Attorney

TD 40 9/2003 **EASEMENT**

Company File Number: _____

In consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned **Grantor(s)** hereby grant and convey unto **The Empire District Electric Company, Grantee**, hereinafter referred to as the Company, its successors, assigns, lessees, licensees and agents, a permanent right-of-way, with right of ingress and egress, to construct, repair, replace, inspect, operate and maintain lines for the transmission and distribution of electrical energy and joint communication lines, including the necessary poles, crossarms, wires, guy wires, anchors, markers, aerial and underground cables, conduits, vaults, equipment foundations and pad mount transformers, and all appurtenances thereto as may in the opinion of the Company be required from time to time upon, over and under land of the undersigned, described as follows:

PROPERTY DESCRIPTION: All of Lot 36, Block G, LAKEVIEW TERRACE ADDITION, as per the recorded plat thereof, Plat Book 3, page 104, Taney Recorder's office, Taney County, Missouri.

EASEMENT DESCRIPTION: All of the Easterly fifteen (15) feet of said Lot 36, Block G, Lakeview Terrace Additon.

in Section 33, Township 23, Range 21, County of Taney, State of Missouri.

The Company assumes the responsibility for the proper installation of the Company's overhead and underground lines and agrees to save the undersigned harmless from any and all damage caused to the undersigned's property due to the negligence of the Company, its agents and employees.

The Company is hereby granted the right and permission to clear, remove and keep the above described property cleared of trees, limbs, roots and other obstructions which in the opinion of the Company might damage, endanger, or interfere with the operation or safety of said lines within a distance of 7.5 feet from the centerline of said lines, and to enter upon the undersigned's land and the right-of-way for the purpose of repairing and replacing said lines and keeping same in order, and in making examination thereof at any time as long as such lines shall be maintained and operated.

The Company agrees that the undersigned shall otherwise have full and free use of said right-of-way for farming, grazing and other purposes, subject to the rights herein granted to the Company; provided that no operation or construction shall be performed by the undersigned on the right-of-way herein granted which might in the opinion of the Company damage, endanger or interfere with the operation or safety of said lines.

The undersigned Grantor(s), for themselves, their heirs, successors and assigns, warrant that they are the owners of the land herein conveyed and have the right to make this conveyance and receive the payment therefor; and covenant that The Empire District Electric Company, its successors and assigns, may quietly enjoy the premises for the uses herein stated, and that they will not create or permit any obstruction which may endanger or interfere with the construction, operation and maintenance of said systems.

Grantor

The City of Branson, a Municipal Corporation

By: _____
Louis E. Schaefer, Its Mayor

Corp. seal

Attest: _____
Sandra L. Williams, Branson City Clerk

Accepted: **THE EMPIRE DISTRICT ELECTRIC COMPANY, Grantee**

By: _____
David W. Gibson, Vice President

Date Signed: _____
Company Agent: N.D. Bailey

PROPERTY DESCRIPTION:

Name The City of Branson, a Municipal Corporation
Section 33 Township 23 Range 21 County Taney State Missouri
Area & Job No. 209-MD-8633C Request No. _____ Check No. _____
Job Name Reroute for Business 65 Roundabout
Job Location North of Roark Creek, Branson

Approved _____ Approved _____
Wes Robertson (Mgr/Dir) Robert M. Barchak (Right-Of-Way)

State of Missouri) SS **NOTARY CERTIFICATE** (↓ affix notary seal in space below ↓)
County Taney)

On this _____ day of _____, 2005, before me
appeared Louis E. Schaefer
to me personally known, who, being by me duly sworn did say
that he is the Mayor of
The City of Branson, Missouri

_____ and that the seal affixed to the foregoing
instrument is the corporate seal of said corporation and that said
instrument was signed and sealed in behalf of said corporation by
authority of its board of directors, and he acknowledged said
instrument to be the free act and deed of said corporation.
WITNESS MY HAND AND OFFICIAL SEAL.

(notary public) My Commission Expires: _____

State of _____) SS **NOTARY CERTIFICATE** (↓ affix notary seal in space below ↓)
County _____)

On this _____ day of _____, 20____, before me
appeared _____
to me personally known, who, being by me duly sworn did say
that _____ is the _____ of

_____ and that the seal affixed to the foregoing
instrument is the corporate seal of said corporation and that said
instrument was signed and sealed in behalf of said corporation by
authority of its board of directors, and _____ acknowledged said
instrument to be the free act and deed of said corporation.
WITNESS MY HAND AND OFFICIAL SEAL.

(notary public) My Commission Expires: _____