

RE: First Reading Council Bill 2024-26 To Acquire Main Street Right Of Way and Related Easements.

Background:

As you are aware, staff has been working to complete much needed improvements to N. Main Street from Tracker Rd. north to State Highway CC (SH-CC). This project coincides with a related and adjoining project by the Missouri Department of Transportation to install a large traffic circle at the SH-CC/Main St. These projects are on a very tight timeline to meet necessary funding obligations, or the project will need to be cancelled and the funding opportunity lost.

Passage of this council bill authorizes staff to pursue condemnation for needed right of way and easements, if necessary, to complete these projects in time to be eligible for federal and state funding dollars.

Analysis:

The City has strict policies or requirements of staff to acquire property whether it is in the form of right of way or easements, including temporary easements. These policies were established to meet federal funding requirements for fair and honest acquisition of necessary private property. Staff takes these policies very seriously and follows every step to assure fair compensation for property owners while still being good stewards of taxpayer funds.

Upon approval of construction and right of way plans by MoDOT, and the receipt of approval for us to move forward with acquisition, staff enlisted the services of a Missouri licensed appraiser, Southwest Valuation, to determine the value for the needed property and easements for the project. Staff forwarded the appraisals to the property owners as an offer, followed by phone or in-person conversations as well as meetings on location in an effort to get to an agreement for fair compensation. Staff has negotiated in good faith with all property owners affected. Currently one has been secured, one or two have committed verbally and negotiations continue on others to reach a satisfactory agreement.

In the case of properties identified in the ordinance for the condemnation request, staff was either unable to gain a commitment for the needed acquisition or is still in negotiations but do not have a high level of confidence that we can be successful within the allotted timeframe we have left.

Recommendation:

With the majority of the right of way and easements necessary for the project obtained, and in order to meet the specific timelines for federal and state funding for this very important and much needed improvement project, staff is recommending approval of the ordinance authorizing condemnation for the needed property and easements.

It is staff's intention to bring this bill back at your next meeting for final action with our recommendation for approval. Until then we stand ready to address any questions or concerns you may have.

MEMO SUBMITTED BY:

Doug Colvin | Assistant City Administrator, Director Nixa Utilities and Public Works
dcolvin@nixa.com | 417-725-2353

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA DECLARING THE
2 NECESSITY OF ACQUIRING BY CONDEMNATION CERTAIN PROPERTY RIGHTS
3 OVER, UNDER, AND THROUGH CERTAIN REAL ESTATE FOR THE PURPOSE OF
4 CONSTRUCTING AND MAINTAINING STREET IMPROVEMENTS ON NORTH MAIN
5 STREET, GENERALLY LOCATED BETWEEN TRACKER ROAD AND STATE
6 HIGHWAY CC; AND AUTHORIZING CERTAIN CITY OFFICIALS TO DO ALL THINGS
7 NECESSARY OR CONVENIENT TO CARRY OUT THE TERMS AND INTENT OF THIS
8 ORDINANCE.

9
10 WHEREAS City staff has been working to complete needed improvements to
11 North Main Street; and

12
13 WHEREAS these proposed improvements are to be located along North Main
14 Street from Tracker Road to State Highway CC; and

15
16 WHEREAS these proposed improvements coincide with a related and adjoining
17 improvement project being undertaken by the Missouri Department of Transportation
18 which entails the installation of a large traffic circle at the State Highway CC and Main
19 Street intersection; and

20
21 WHEREAS City staff has been unable to reach voluntary agreements with all the
22 affected property owners; and

23
24 WHEREAS City staff have negotiated in good faith and have made offers based
25 on the appraised value of the interest sought; and

26
27 WHEREAS to allow the completion of the proposed improvements to remain on
28 schedule and to ensure that the City meets certain deadlines to obtain federal funding for
29 the improvements and because the improvements service legitimate and necessary
30 public purposes, the City Council desires to authorize the use of condemnation to acquire
31 the remaining property interests for the proposed improvements.

32
33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
34 NIXA, AS FOLLOWS, THAT:

35
36 SECTION 1: The City Council hereby declares it necessary to condemn the
37 property interest described on "Council Bill Exhibit A," "Council Bill Exhibit B," "Council
38 Bill Exhibit C," "Council Bill Exhibit D," "Council Bill Exhibit E," "Council Bill Exhibit F,"
39 "Council Bill Exhibit G," "Council Bill Exhibit H," "Council Bill Exhibit I," "Council Bill Exhibit
40 J," "Council Bill Exhibit K," "Council Bill Exhibit L," "Council Bill Exhibit M," and "Council
41 Bill Exhibit N," for the purpose of constructing and maintaining the proposed
42 improvements along North Main Street from Tracker Road to State Highway CC. The
43 Exhibits mentioned herein are attached hereto and are incorporated herein by this
44 reference as though fully set forth herein.

45

46 **SECTION 2:** The City Council hereby finds and declares that the property interests
47 sought to be condemned and the improvements to be made once said property interests
48 are acquired serve legitimate public purposes for the reasons that the proposed
49 improvements, once completed, will:

- 50
- 51 a) Address current and future traffic congestion issues by adding a new center turn
- 52 lane and widening the existing roadway,
- 53
- 54 b) Address pedestrian safety concerns by adding dedicated bike and pedestrian
- 55 improvements which are currently nonexistent on the roadway,
- 56
- 57 c) Address sight and distance concerns with the current roadway by lowering high
- 58 areas and filling in low areas, and
- 59
- 60 d) Addressing stormwater impacts by the addition of curbing and underground
- 61 stormwater systems which are currently nonexistent on the roadway.
- 62

63 **SECTION 3:** The City Attorney, or designee, is hereby authorized to proceed with
64 condemnation proceedings against the properties described herein. The Officers of the
65 City are further authorized to exercise all powers necessary or convenient to carry out the
66 terms and intent of this Ordinance.

67

68 **SECTION 4:** This Ordinance shall be in full force and effect from and after its final
69 passage by the City Council and after its approval by the Mayor, subject to the provisions
70 of section 3.11(g) of the City Charter.

71
72

73 **ADOPTED BY THE COUNCIL THIS 27th DAY OF AUGUST 2024.**

74
75
76
77

ATTEST:

78 _____
PRESIDING OFFICER

CITY CLERK

79
80

APPROVED BY THE MAYOR THIS _____ DAY OF AUGUST 2024.

81
82
83
84

ATTEST:

85 _____
MAYOR

CITY CLERK

86
87

APPROVED AS TO FORM:

88
89

CITY ATTORNEY

Title of Document: **RIGHT-OF-WAY DEED**

Date of Document: _____

Grantor(s): **FAITH WORKS UNLIMITED, LLC**

Grantee(s): **CITY OF NIXA, MISSOURI**

Legal Description: **See Attached Exhibit A**

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714.

RIGHT-OF-WAY DEED

THIS INDENTURE, make this _____ day of _____, 20____, by and between **FAITH WORKS UNLIMITED, LLC**, (hereinafter, "Grantor") and the **CITY OF NIXA, MISSOURI**, (hereinafter, "Grantee").

WITNESSED, that said Grantor, in consideration of the sum of _____ dollars (\$_____) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by the presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Christian, State of Missouri, to-wit; in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, bargain, and convey to the Grantee, its successors, licensees, lessees, and assigns, with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, **RIGHT-OF-WAY** with the right, privilege, and authority for Grantee to perform grading and construction activities as deemed necessary by Grantee, in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A GRANT OF RIGHT-OF-WAY, described on attached **Exhibit A** per the **Exhibit Sketch** provided on attached **Exhibit B** for the purpose of constructing a public street, sidewalk, and other facilities associated with a roadway or for such other purposes hereinabove set out.

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining a public street or for such other purposes hereinabove set out, together with all and singular unto the said Grantee, the said Grantor hereby covenanting that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under who Grantor claims title and that Grantor will warrant and defend the title to the said premises unto the said Grantee and to its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and (none).

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

FAITH WORKS UNLIMITED, LLC

BY: _____

(PRINT NAME AND TITLE)

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, _____ to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF LOT 1 IN MAIN STREET CORNERS PHASE II, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 1 BEING A PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID PARCEL OR TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN CAPPED "LS 164D" AT THE SOUTHEAST CORNER OF SAID N1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°00'30"W, ALONG THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 1287.02 FEET TO THE SOUTHEAST CORNER OF A RIGHT-OF-WAY DEED DESCRIBED IN BOOK 2010 AT PAGE 9964 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE FOR A POINT OF BEGINNING; THENCE N01°43'42"E, ALONG THE EAST LINE OF SAID RIGHT-OF-WAY DEED, A DISTANCE OF 157.73 FEET TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY DEED, SAID POINT BEING ON THE NORTH LINE OF SAID LOT 1; THENCE N47°30'06"E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 0.77 FEET; THENCE S01°40'51"W, A DISTANCE OF 158.27 FEET TO A POINT ON THE SOUTH LINE OF N1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°00'30"W, ALONG THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 0.69 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 98 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B
S87°59'34"E(M) 1323.05'(M)

NE COR., N1/2,
NE1/4, SW1/4,
1-27-22

GRID NORTH
NOT TO SCALE

NW COR., N1/2, NE1/4,
SW1/4, 1-27-22

WINONA WAY

LINE TABLE:

LINE	LENGTH	BEARING
L1	40.45'	S88°00'30"E
L2	0.77'	N47°30'06"E
L3	0.69'	N88°00'30"W
L4	27.13'	N47°30'06"E
L5	2.82'	S87°14'20"E
L6	16.56'	S47°30'06"W
L7	41.17'	S04°39'13"E
L8	13.06'	S88°19'09"E
L9	28.00'	N88°00'30"W
L10	15.00'	N01°40'51"E
L11	10.00'	S88°00'30"E
L12	15.00'	S01°40'51"W
L13	10.00'	N88°00'30"W
L14	5.73'	S87°14'20"E

MAIN STREET

EAST LINE, R/W DEED
BK.2010 PG.9964

S87°14'20"E(M) 231.16'(M)

NORTH LINE
LOT 1
MAINSTREET
CORNERS
PHASE II
5/8"EIP,
LS 2077

SW COR., N1/2, NE1/4, SW1/4, 1-27-22
ESTABLISHED FROM FINAL PLAT OF
MAINSTREET CORNERS PHASE II

N01°58'02"E 667.75'

N01°43'42"E 157.73'

S01°40'51"W 158.27'

S01°40'51"W 124.82'

N01°40'51"E 109.82'

5

LOT 1
MAINSTREET
CORNERS
PHASE II
FAITH WORKS
UNLIMITED, LLC
BK.2007
PG.21104

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- UDE = UTILITY AND DRAINAGE EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

RIGHT-OF-WAY: 98 SQ. FT±
UTILITY & DRAINAGE EASEMENT: 4,017 SQ. FT±
TEMPORARY CONSTRUCTION EASEMENT: 912 SQ. FT±

PREPARED FOR:

FAITH WORKS UNLIMITED, LLC
BOOK 2007 PAGE 21104

SOUTH LINE
LOT 1
MAINSTREET
CORNERS
PHASE II

5/8"EIP LS 164D
SE COR., N1/2,
NE1/4, SW1/4,
1-27-22

N01°58'02"E
667.75'

EAST R/W LINE
MAIN STREET

POB,
SE COR.,
BK.2010
PG.9964

NW COR., BK.2022 PG.4485
5/8"EIP LS2334 N88°00'30"W,
0.68' FROM CORNER

BK.2022 PG.4485
TAHOE GAMING,
LLC

SW COR., S1/2, NE1/4,
SW1/4, 1-27-22
ESTABLISHED FROM
BK.V AT PG.3250

N88°00'30"W(M) 1248.33'(M)
N88°00'30"W(M) 1286.33'(M)
S88°00'30"E(M) 1296.33'(M)

SOUTH LINE N1/2,
NE1/4, SW1/4,
1-27-22

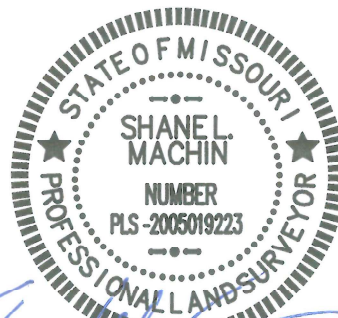
CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023



SHANE L. MACHIN P.L.S. 2005019223

DATE 09/27/2023

Title of Document: **PERPETUAL UTILITY AND DRAINAGE EASEMENT**

Date of Document: _____

Grantor(s): FAITH WORKS UNLIMITED, LLC

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714

PERPETUAL UTILITY AND DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$ _____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **FAITH WORKS UNLIMITED, LLC**, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL UTILITY AND DRAINAGE EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace storm water drainage improvements, sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements as deemed necessary by Grantee in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL UTILITY AND DRAINAGE EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

AND ALSO,

A **TEMPORARY CONSTRUCTION EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B for the purpose of constructing roadway improvements, storm water drainage improvements, and City of Nixa utilities improvements, or for such other purposes hereinabove set out. This temporary easement shall expire upon the completion of construction.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the City of Nixa Utilities improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, through, over, or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20_____.

FAITH WORKS UNLIMITED, LLC

BY: _____

(PRINT NAME AND TITLE)

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20_____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, _____, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires the _____ day of _____, 20__.

EXHIBIT A

A PERPETUAL UTILITY AND DRAINAGE EASEMENT OF VARIABLE WIDTH, BEING A PART OF LOT 1 IN MAIN STREET CORNERS PHASE II, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 1 BEING A PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL UTILITY AND DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN CAPPED "LS 164D" AT THE SOUTHEAST CORNER OF SAID N1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°00'30"W, ALONG THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 1286.33 FEET FOR A POINT OF BEGINNING; THENCE N01°40'51"E, A DISTANCE OF 158.27 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE N47°30'06"E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 27.13 FEET; THENCE S87°14'20"E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 2.82 FEET; THENCE S47°30'06"W, LEAVING SAID NORTH LINE, A DISTANCE OF 16.56 FEET; THENCE S04°39'13"E, A DISTANCE OF 41.17 FEET; THENCE S88°19'09"E, A DISTANCE OF 13.06 FEET; THENCE S01°40'51"W, A DISTANCE OF 124.82 FEET TO A POINT ON THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°00'30"W, ALONG THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL UTILITY AND DRAINAGE EASEMENT CONTAINS 4,017 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

AND ALSO,

A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF LOT 1 IN MAIN STREET CORNERS PHASE II, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 1 BEING A PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN CAPPED "LS 164D" AT THE SOUTHEAST CORNER OF SAID N1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°00'30"W, ALONG THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 1248.33 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N88°00'30"W, ALONG THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 15.00 FEET; THENCE S88°00'30"E, A DISTANCE OF 10.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 15.00 FEET TO THE POINT

OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 150 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

AND ALSO,

A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF LOT 1 IN MAIN STREET CORNERS PHASE II, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 1 BEING A PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN CAPPED "LS 164D" AT THE SOUTHEAST CORNER OF SAID N1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°00'30"W, ALONG THE SOUTH LINE OF SAID N1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 1258.33 FEET; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 124.82 FEET FOR A POINT OF BEGINNING; THENCE N88°19'09"W, A DISTANCE OF 13.06 FEET; THENCE N04°39'13"W, A DISTANCE OF 41.17 FEET; THENCE N47°30'06"E, A DISTANCE OF 16.56 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE S87°14'20"E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 5.73 FEET; THENCE S01°40'51"W, LEAVING SAID NORTH LINE, A DISTANCE OF 52.35 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 762 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B
S87°59'34"E(M) 1323.05'(M)

NE COR., N1/2,
NE1/4, SW1/4,
1-27-22

LINE TABLE:

LINE	LENGTH	BEARING
L1	40.45'	S88°00'30"E
L2	0.77'	N47°30'06"E
L3	0.69'	N88°00'30"W
L4	27.13'	N47°30'06"E
L5	2.82'	S87°14'20"E
L6	16.56'	S47°30'06"W
L7	41.17'	S04°39'13"E
L8	13.06'	S88°19'09"E
L9	28.00'	N88°00'30"W
L10	15.00'	N01°40'51"E
L11	10.00'	S88°00'30"E
L12	15.00'	S01°40'51"W
L13	10.00'	N88°00'30"W
L14	5.73'	S87°14'20"E

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- UDE = UTILITY AND DRAINAGE EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

- RIGHT-OF-WAY: 98 SQ. FT±
- UTILITY & DRAINAGE EASEMENT: 4,017 SQ. FT±
- TEMPORARY CONSTRUCTION EASEMENT: 912 SQ. FT±

PREPARED FOR:

FAITH WORKS UNLIMITED, LLC
BOOK 2007 PAGE 21104

SOUTH LINE
LOT 1
MAINSTREET
CORNERS
PHASE II

5/8"EIP LS 164D
SE COR., N1/2,
NE1/4, SW1/4,
1-27-22

CERTIFICATION:

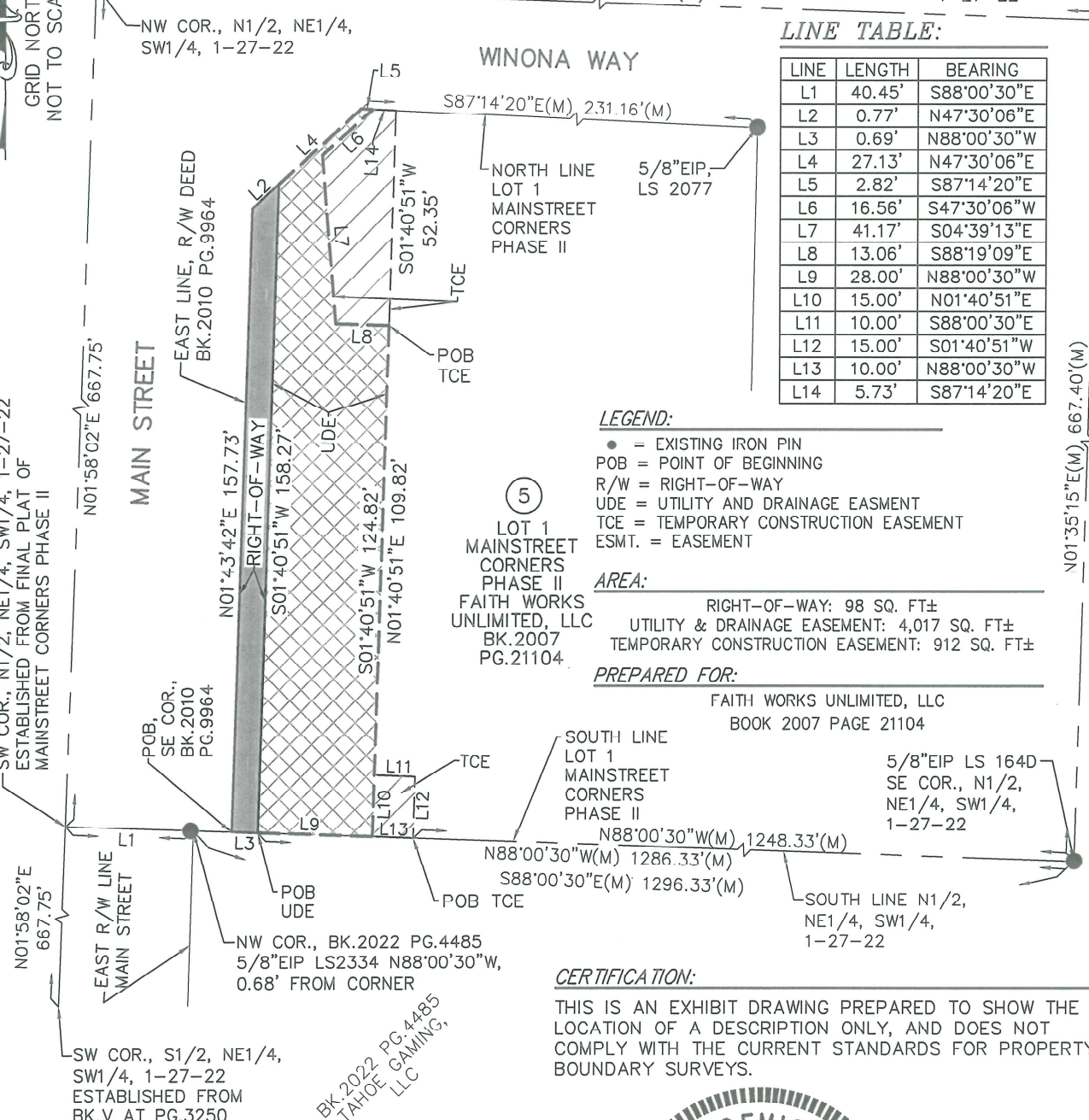
THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



Shanel Machin
SHANE L. MACHIN P.L.S. 2005019223

6/9/27/2023
DATE

GRID NORTH
NOT TO SCALE



SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023

Title of Document: **RIGHT-OF-WAY DEED**

Date of Document: _____

Grantor(s): JONATHAN M. KING AND TAMMY D. KING

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

RIGHT-OF-WAY DEED

THIS INDENTURE, make this _____ day of _____, 20____, by and between **JONATHAN M. KING AND TAMMY D. KING**, Husband and Wife, (hereinafter, “Grantor”) and the **CITY OF NIXA, MISSOURI**, (hereinafter, “Grantee”).

WITNESSED, that said Grantor, in consideration of the sum of _____ dollars (\$ _____) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by the presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Christian, State of Missouri, to-wit; in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, bargain, and convey to the Grantee, its successors, licensees, lessees, and assigns, with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, **RIGHT-OF-WAY** with the right, privilege, and authority for Grantee to perform grading and construction activities as deemed necessary by Grantee, in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A GRANT OF RIGHT-OF-WAY, described on attached **Exhibit A** per the **Exhibit Sketch** provided on attached **Exhibit B** for the purpose of constructing a public street, sidewalk, and other facilities associated with a roadway or for such other purposes hereinabove set out.

AND ALSO,

A TEMPORARY CONSTRUCTION EASEMENT, described on attached **Exhibit A** per the **Exhibit Sketch** provided on attached **Exhibit B** for the purpose of constructing roadway improvements, storm water drainage improvements, AND City of Nixa utilities improvements, or for such other purposes hereinabove set out. This temporary easement shall expire upon the completion of construction.

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining a public street or for such other purposes hereinabove set out, together with all and singular unto the said Grantee, the said Grantor hereby covenanting that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under who Grantor claims title and that Grantor will warrant and defend the title to the said premises unto the said Grantee and to its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and (none).

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

Jonathan M. King

Tammy D. King

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, Jonathan M. King and Tammy D. king, Husband and Wife, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 3619 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PARCEL OR TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N01°58'02"E, ALONG THE EAST LINE OF NW1/4 OF THE SW1/4, A DISTANCE OF 667.75 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID NW1/4 OF THE SW1/4; THENCE CONTINUING N01°58'02"E, ALONG THE EAST LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 17.56 FEET TO AN INTERSECTION WITH THE EXTENSION OF THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 10722 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE N87°23'51"W, ALONG SAID EXTENSION OF SAID NORTH LINE, A DISTANCE OF 28.95 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 10722, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS FOR A POINT OF BEGINNING; THENCE CONTINUING N87°23'51"W, ALONG THE NORTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 10.00 FEET; THENCE N01°40'51"E, LEAVING SAID NORTH LINE, A DISTANCE OF 274.18 FEET; THENCE S88°19'09"E, A DISTANCE OF 10.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET, AS IT NOW EXIST; THENCE S01°40'51"E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 274.35 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 2,743 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

ALSO,


A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 3619 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N01°58'02"E, ALONG THE

EAST LINE OF NW1/4 OF THE SW1/4, A DISTANCE OF 667.75 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID NW1/4 OF THE SW1/4; THENCE CONTINUING N01°58'02"E, ALONG THE EAST LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 17.56 FEET TO AN INTERSECTION WITH THE EXTENSION OF THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 10722 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE N87°23'51"W, ALONG SAID EXTENSION OF SAID NORTH LINE, A DISTANCE OF 28.95 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2021 AT PAGE 10722, SAID POINT BEING ON THE WEST RIGHT-OF-WAY OF MAIN STREET AS IT NOW EXISTS; THENCE CONTINUING N87°23'51"W, ALONG THE NORTH LINE OF SAID TRACT OF LAND, A DISTANCE OF 10.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N87°23'51"W, ALONG SAID NORTH LINE, A DISTANCE OF 70.01 FEET; THENCE N01°40'51"E, LEAVING SAID NORTH LINE, A DISTANCE OF 10.86 FEET; THENCE N33°22'17"E, A DISTANCE OF 75.79 FEET; THENCE N01°40'51"E, A DISTANCE OF 80.08 FEET; THENCE N33°47'43"W, A DISTANCE OF 94.45 FEET; THENCE N01°40'51"E, A DISTANCE OF 40.71 FEET; THENCE S88°19'09"E, A DISTANCE OF 85.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 274.18 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 14,337 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

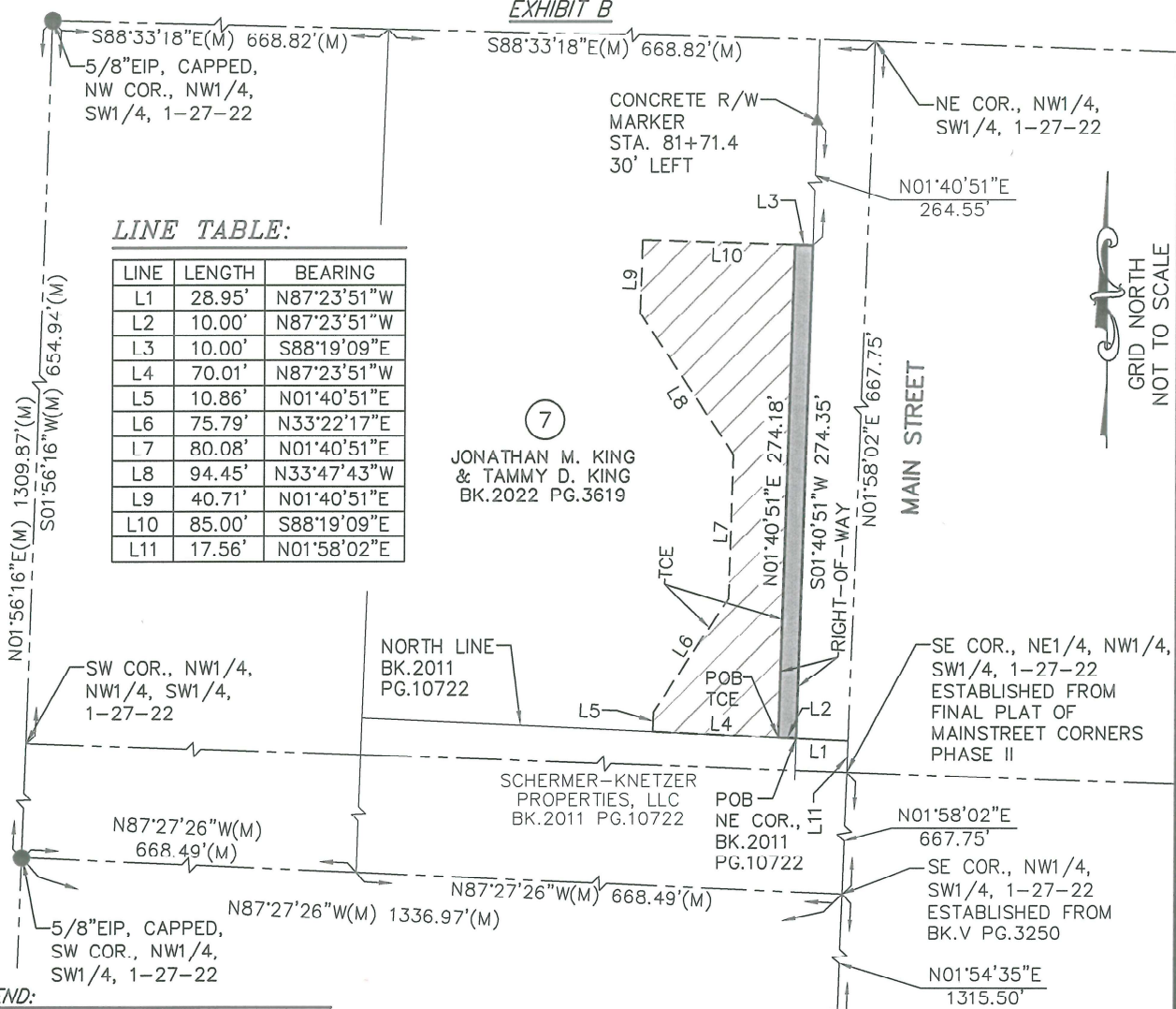
[Handwritten Signature]



09/27/2023

THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING
L1	28.95'	N87°23'51"W
L2	10.00'	N87°23'51"W
L3	10.00'	S88°19'09"E
L4	70.01'	N87°23'51"W
L5	10.86'	N01°40'51"E
L6	75.79'	N33°22'17"E
L7	80.08'	N01°40'51"E
L8	94.45'	N33°47'43"W
L9	40.71'	N01°40'51"E
L10	85.00'	S88°19'09"E
L11	17.56'	N01°58'02"E

7
JONATHAN M. KING & TAMMY D. KING
BK.2022 PG.3619

SCHERMER-KNETZER
PROPERTIES, LLC
BK.2011 PG.10722

POB
NE COR.,
BK.2011
PG.10722

EX. ALUM. MON. "LC
383", SE COR., SW1/4,
SW1/4, 1-27-22

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

RIGHT-OF-WAY: 2,743 SQ. FT±
TEMPORARY CONSTRUCTION EASEMENT: 14,337 SQ. FT±

PREPARED FOR:

JONATHAN M. KING & TAMMY D. KING
BOOK 2022 PAGE 3619

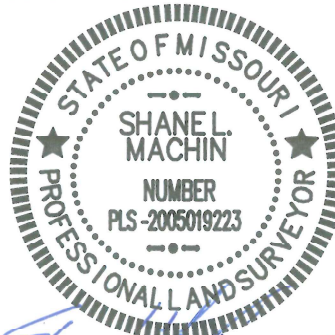
SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5930

PROJECT NO.: 222013 DATE: 09-27-2023

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

09/27/2023

DATE

Title of Document: **TEMPORARY CONSTRUCTION EASEMENT**

Date of Document: _____

Grantor(s): **ROOK-KNIGHT PROPERTIES, LLC**

Grantee(s): **CITY OF NIXA, MISSOURI**

Legal Description: **See Attached Exhibit A**

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **ROOK-KNIGHT PROPERTIES, LLC, A MISSOURI LIMITED LIABILITY COMPANY**, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **TEMPORARY CONSTRUCTION EASEMENT**, with the right, privilege, and authority to Grantee to construct, roadway improvements as deemed necessary by Grantee in, on, thru, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **TEMPORARY CONSTRUCTION EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B for the purpose of constructing roadway improvements, storm water drainage improvements, and City of Nixa utilities improvements, or for such other purposes set out hereinabove. This temporary easement shall expire upon the completion of construction.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction of the roadway improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, thru, over, or across the easement, without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20_____.

ROOK-KNIGHT PROPERTIES, LLC

BY: _____
TOM W. ROOK, MEMBER

BY: _____
LISA A. ROOK, MEMBER

BY: _____
DAN L. KNIGHT, MEMBER

BY: _____
TAMMIE A. KNIGHT, MEMBER

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20_____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, TOM W. ROOK, LISA A. ROOK, DAN L. KNIGHT, and TAMMIE A. KNIGHT, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires the _____ day of _____, 20____.

EXHIBIT A

A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF LOT 2 IN BLACKSTONE, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 2 BEING A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SAID SW1/4 OF THE SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 498.20 FEET TO AN INTERSECTION WITH THE EXTENSION OF THE SOUTH LINE OF SAID LOT 2 IN SAID BLACKSTONE; THENCE N87°13'50"W, ALONG SAID EXTENSION OF SAID SOUTH LINE OF LOT 2, A DISTANCE OF 32.14 FEET TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF SAID LOT 2 FOR A POINT OF BEGINNING; THENCE CONTINUING N87°13'50"W, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 40.01 FEET; THENCE N01°40'19"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 182.60 FEET; THENCE N87°13'50"W, A DISTANCE OF 30.01 FEET; THENCE N01°40'19"E, A DISTANCE OF 55.01 FEET; THENCE S87°13'50"E, A DISTANCE OF 20.00 FEET; THENCE N01°40'19"E, A DISTANCE OF 182.99 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE S87°13'40"E, ALONG SAID NORTH LINE, A DISTANCE OF 50.01 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE S01°40'19"W, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 420.60 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 20,304 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



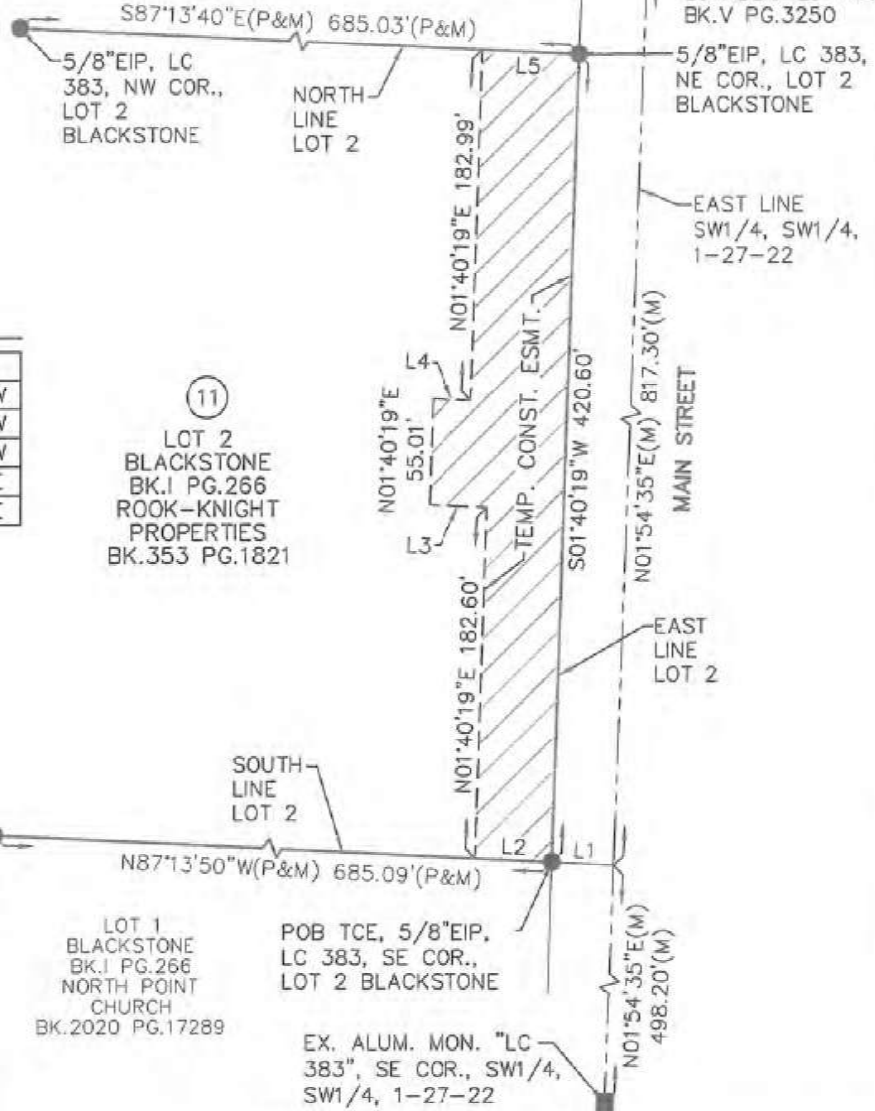
THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

GRID NORTH
NOT TO SCALE

CARNAHAN INVESTMENT ENTERPRISES, INC. BK.2011 PG.775

EXHIBIT B

NE COR., SW1/4, SW1/4, 1-27-22 ESTABLISHED FROM BK.V PG.3250



LINE TABLE:

LINE	LENGTH	BEARING
L1	32.14'	N87°13'50"W
L2	40.01'	N87°13'50"W
L3	30.01'	N87°13'50"W
L4	20.00'	S87°13'50"E
L5	50.01'	S87°13'40"E

LOT 2
BLACKSTONE
BK.1 PG.266
ROOK-KNIGHT
PROPERTIES
BK.353 PG.1821

LOT 1
BLACKSTONE
BK.1 PG.266
NORTH POINT
CHURCH
BK.2020 PG.17289

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

TEMPORARY CONSTRUCTION EASEMENT: 20,304 SQ. FT±

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

PREPARED FOR:

ROOK-KNIGHT PROPERTIES, LLC
BOOK 353 PAGE 1821

SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023



SHANE L. MACHIN P.L.S. 2005019223

09/27/2023
DATE

Title of Document: **RIGHT-OF-WAY DEED**

Date of Document: _____

Grantor(s): SCHERMER-KNETZER PROPERTIES, LLC

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

RIGHT-OF-WAY DEED

THIS INDENTURE, make this ____ day of _____, 20____, by and between **SCHERMER-KNETZER PROPERTIES, LLC**, a Missouri Limited Liability Company, (hereinafter, "Grantor") and the **CITY OF NIXA, MISSOURI**, (hereinafter, "Grantee").

WITNESSED, that said Grantor, in consideration of the sum of _____ dollars (\$_____) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by the presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Christian, State of Missouri, to-wit; in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, bargain, and convey to the Grantee, its successors, licensees, lessees, and assigns, with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, **RIGHT-OF-WAY** with the right, privilege, and authority for Grantee to perform grading and construction activities as deemed necessary by Grantee, in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A GRANT OF RIGHT-OF-WAY, described on attached **Exhibit A** per the **Exhibit Sketch** provided on attached **Exhibit B** for the purpose of constructing a public street, sidewalk, and other facilities associated with a roadway or for such other purposes hereinabove set out.

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining a public street or for such other purposes hereinabove set out, together with all and singular unto the said Grantee, the said Grantor hereby covenanting that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under who Grantor claims title and that Grantor will warrant and defend the title to the said premises unto the said Grantee and to its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and (none).

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

SCHERMER-KNETZER PROPERTIES, LLC

BY: _____

(PRINT NAME AND TITLE)

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, _____ to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 AND BOOK 2011 AT PAGE 10722 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PARCEL OR TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

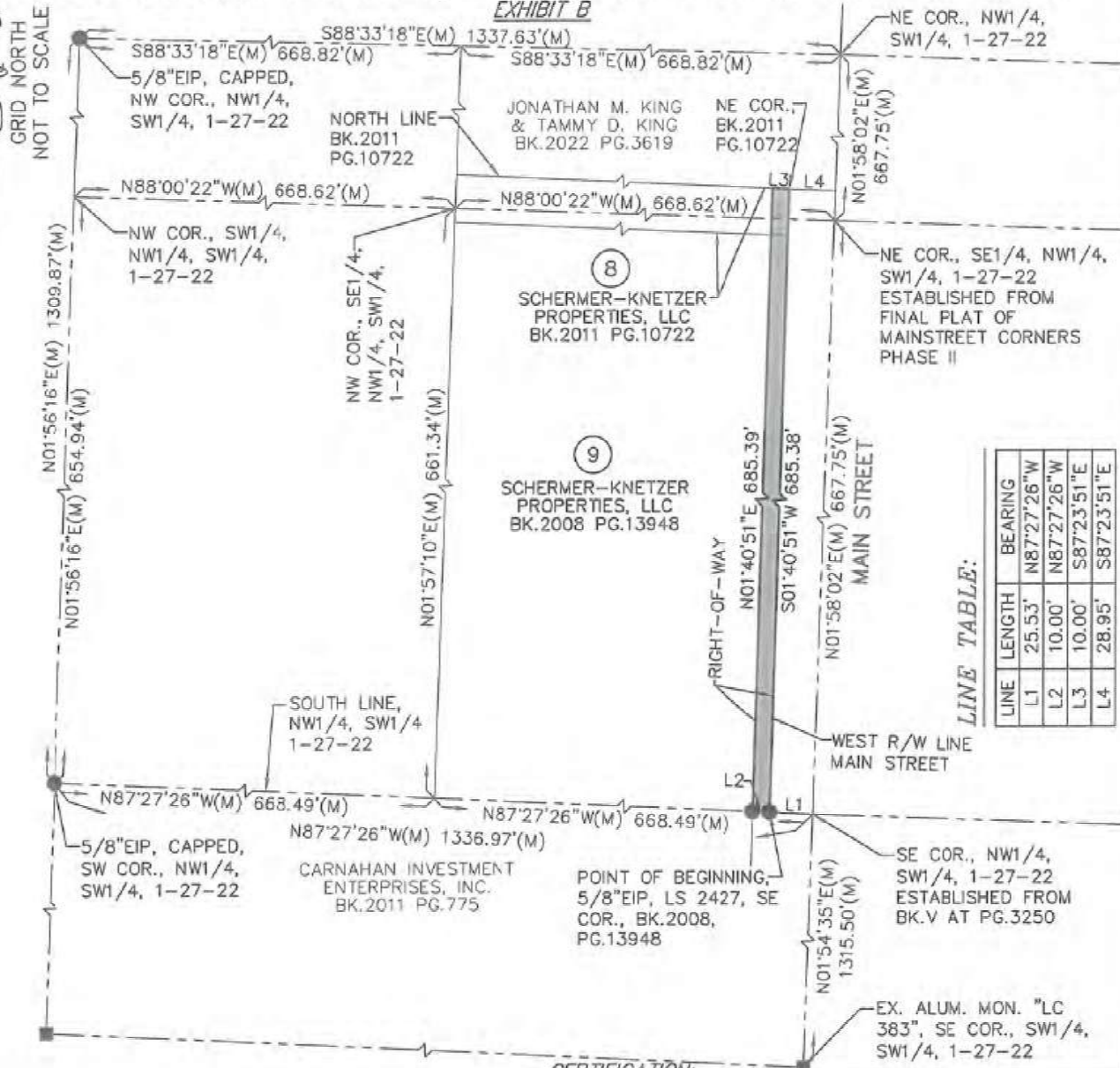
COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 25.53 FEET TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS, FOR A POINT OF BEGINNING; THENCE CONTINUING N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775, IN SAID RECORDER'S OFFICE; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 685.39 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 10722; THENCE S87°23'51"E, ALONG SAID NORTH LINE, A DISTANCE OF 10.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS; THENCE S01°40'51"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 685.38 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 6,854 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



AREA:
RIGHT-OF-WAY: 6,854 SQ. FT±

PREPARED FOR:
SCHERMER-KNETZER PROPERTIES, LLC
BOOK 2008 PAGE 13948
BOOK 2011 PAGE 10722

SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
731 W. MT. Vernon, Nixa, Missouri 65714
Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023



SHANE L. MACHIN P.L.S. 2005019223

09/27/2023
DATE

Title of Document: PERPETUAL STORM WATER DRAINAGE EASEMENT

Date of Document: _____

Grantor(s): SCHERMER-KNETZER PROPERTIES, LLC

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714

PERPETUAL STORM WATER DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$ _____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **SCHERMER-KNETZER PROPERTIES, LLC**, a Missouri Limited Liability Company, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL STORM WATER DRAINAGE EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace storm water drainage improvements as deemed necessary by Grantee in, on, thru, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL STORM WATER DRAINAGE EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

AND ALSO,

A **TEMPORARY CONSTRUCTION EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B for the purpose of constructing roadway improvements, storm water drainage improvements, and City of Nixa utilities improvements, or for such other purposes hereinabove set out. This temporary easement shall expire upon the completion of construction.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the storm water drainage improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the

Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, thru, over, or across the easement, without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20_____.

SCHERMER-KNETZER PROPERTIES, LLC

BY: _____

(PRINT NAME AND TITLE)

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20_____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, _____, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

A 20.00 FEET WIDE PERPETUAL DRAINAGE EASEMENT BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 25.53 FEET TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS; THENCE CONTINUING N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775, IN SAID RECORDER'S OFFICE; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 35.37 FEET FOR A POINT OF BEGINNING; THENCE N88°19'09"W, A DISTANCE OF 130.00 FEET; THENCE N01°40'51"E, A DISTANCE OF 20.00 FEET; THENCE S88°19'09"E, A DISTANCE OF 130.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL DRAINAGE EASEMENT CONTAINS 2,600 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

ALSO,

A 20.00 FEET WIDE PERPETUAL DRAINAGE EASEMENT BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 10722 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 25.53 FEET TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS; THENCE CONTINUING N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET TO AN EXISTING IRON PIN

AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775, IN SAID RECORDER'S OFFICE; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 657.83 FEET FOR A POINT OF BEGINNING; THENCE N87°35'00"W, A DISTANCE OF 74.14 FEET; THENCE N02°25'00"E, A DISTANCE OF 20.00 FEET; THENCE S87°35'00"E, A DISTANCE OF 73.89 FEET; THENCE S01°40'51"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL DRAINAGE EASEMENT CONTAINS 1,480 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

AND ALSO,

A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 AND BOOK 2011 AT PAGE 10722 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 25.53 FEET TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS; THENCE CONTINUING N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775, IN SAID RECORDER'S OFFICE FOR A POINT OF BEGINNING; THENCE CONTINUING N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 42.00 FEET; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 458.55 FEET; THENCE S88°19'09"E, A DISTANCE OF 29.50 FEET; THENCE N01°40'51"E, A DISTANCE OF 48.67 FEET; THENCE N88°19'09"W, A DISTANCE OF 29.50 FEET; THENCE N01°40'51"E, A DISTANCE OF 80.64 FEET; THENCE N88°19'09"W, A DISTANCE OF 28.00 FEET; THENCE N01°40'51"E, A DISTANCE OF 98.02 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 13948; THENCE S87°23'51"E, ALONG SAID NORTH LINE, A DISTANCE OF 70.01 FEET; THENCE S01°40'51"W, LEAVING SAID NORTH LINE, A DISTANCE OF 685.39 FEET TO THE POINT OF BEGINNING.

EXCEPT,

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET

TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 25.53 FEET TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE CONTINUING N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775, IN SAID RECORDER'S OFFICE; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 35.37 FEET FOR A POINT OF BEGINNING; THENCE N88°19'09"W, A DISTANCE OF 130.00 FEET; THENCE N01°40'51"E, A DISTANCE OF 20.00 FEET; THENCE S88°19'09"E, A DISTANCE OF 130.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

ALSO, EXCEPT,

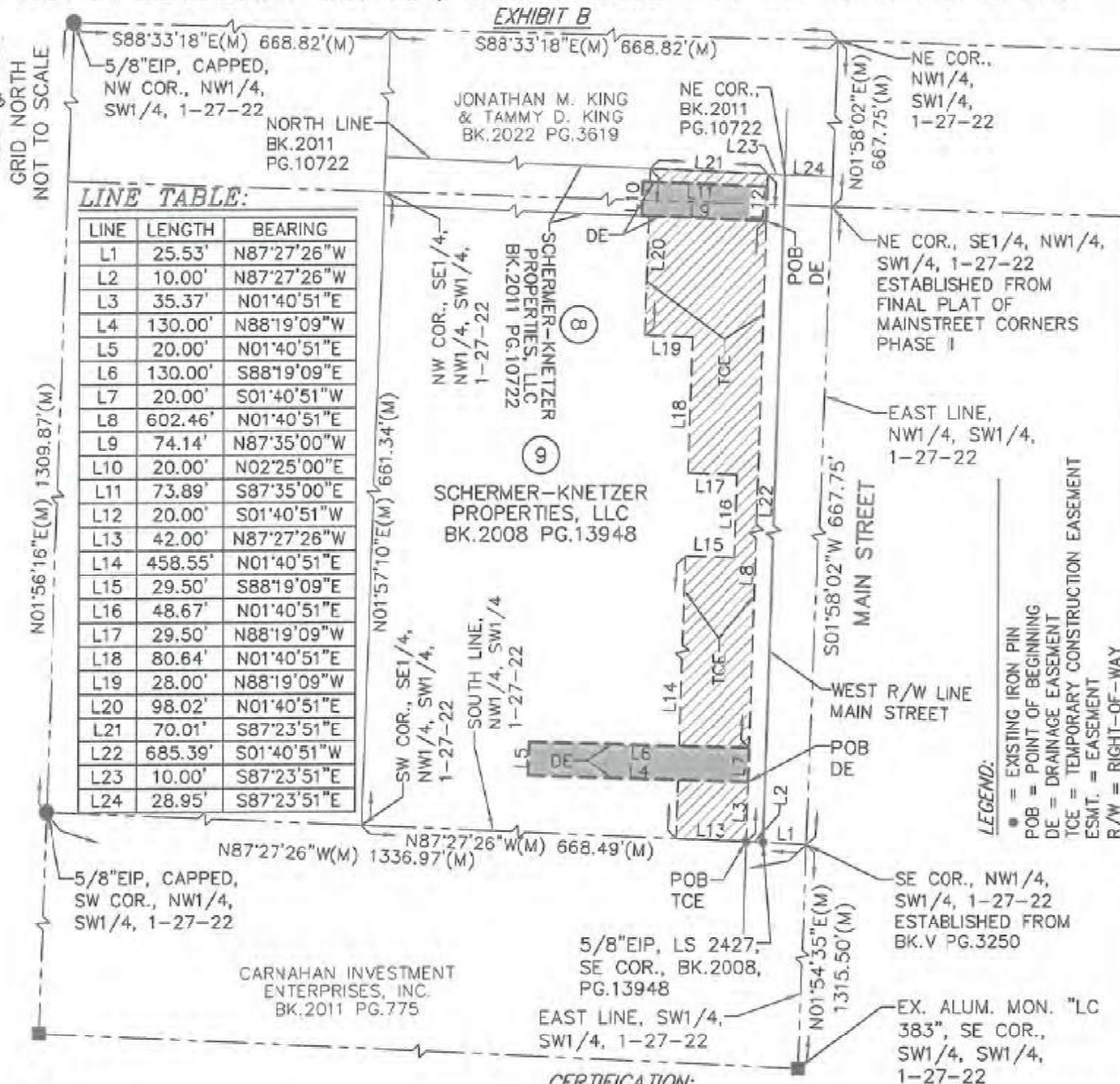
COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHEAST CORNER OF SAID NW1/4 OF THE SW1/4; THENCE N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 25.53 FEET TO AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2008 AT PAGE 13948 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS; THENCE CONTINUING N87°27'26"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775, IN SAID RECORDER'S OFFICE; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 657.83 FEET FOR A POINT OF BEGINNING; THENCE N87°35'00"W, A DISTANCE OF 74.14 FEET; THENCE N02°25'00"E, A DISTANCE OF 20.00 FEET; THENCE S87°35'00"E, A DISTANCE OF 73.89 FEET; THENCE S01°40'51"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING

THE ABOVE-DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS 27,850 SQUARE FEET (MORE OR LESS) AND IS SUBJECT OF ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.



AREA:
 DRAINAGE EASEMENT: 4,080 SQ. FT±
 TEMPORARY CONSTRUCTION EASEMENT: 27,850 SQ. FT±

PREPARED FOR:
 SCHERMER-KNETZER PROPERTIES, LLC
 BOOK 2008 PAGE 13948
 BOOK 2011 PAGE 10722

SHAFFER & THINES, Inc.
 CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023

CERTIFICATION:
 THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223
 DATE 09/27/2023

Title of Document: **RIGHT-OF-WAY DEED**

Date of Document: _____

Grantor(s): JIMMY CALVIN SMITHWICK
 TRUSTEE OF THE
 REVOCABLE LIVING TRUST AGREEMENT
 JIMMY CALVIN SMITHWICK
 DATED SEPTEMBER 3, 2003

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

RIGHT-OF-WAY DEED

THIS INDENTURE, make this ____ day of _____, 20____, by and between JIMMY CALVIN SMITHWICK, Trustee of the Revocable Living Trust Agreement Jimmy Calvin Smithwick, Dated September 3, 2003, (hereinafter, "Grantor") and the CITY OF NIXA, MISSOURI, (hereinafter, "Grantee").

WITNESSED, that said Grantor, in consideration of the sum of _____ dollars (\$ _____) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by the presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Christian, State of Missouri, to-wit; in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, bargain, and convey to the Grantee, its successors, licensees, lessees, and assigns, with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, **RIGHT-OF-WAY** with the right, privilege, and authority for Grantee to perform grading and construction activities as deemed necessary by Grantee, in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A GRANT OF RIGHT-OF-WAY, described on attached **Exhibit A** per the **Exhibit Sketch** provided on attached **Exhibit B** for the purpose of constructing a public street, sidewalk, and other facilities associated with a roadway or for such other purposes hereinabove set out.

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining a public street or for such other purposes hereinabove set out, together with all and singular unto the said Grantee, the said Grantor hereby covenanting that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under who Grantor claims title and that Grantor will warrant and defend the title to the said premises unto the said Grantee and to its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and (none).

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

Jimmy Calvin Smithwick
Trustee

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, Jimmy Calvin Smithwick, Trustee of the Revocable Living Trust Agreement Jimmy Calvin Smithwick, Dated September, 3, 2003, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE THE SOUTH ONE-HALF (S1/2) OF THE NORHTEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PARCEL OR TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

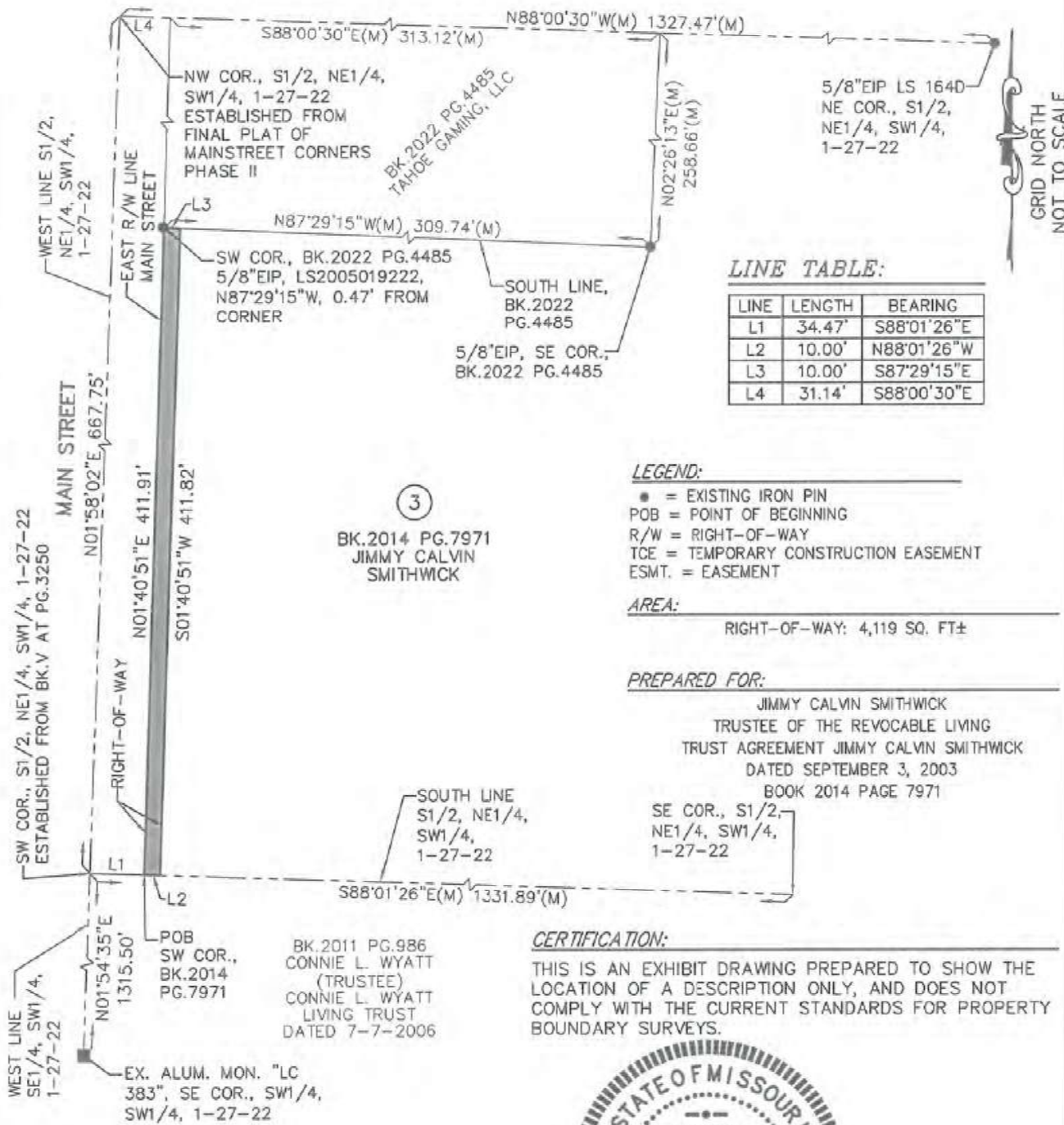
COMMENCING AT AN EXISTING ALUMINUM MONUMENT AT THE SOUTHWEST CORNER OF SOUTHEAST QUARTER (SE1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHWEST CORNER OF THE SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 34.47 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS FOR A POINT OF BEGINNING; THENCE N01°40'51"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 411.91 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 4485 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE S87°29'15"E, ALONG THE SOUTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 4485, A DISTANCE OF 10.00 FEET; THENCE S01°40'51"W, LEAVING SAID SOUTH LINE, A DISTANCE OF 411.82 FEET TO A POINT ON THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°01'26"W, ALONG SAID SOUTH LINE A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 4,119 SQUARE FEET, (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING
L1	34.47'	S88°01'26"E
L2	10.00'	N88°01'26"W
L3	10.00'	S87°29'15"E
L4	31.14'	S88°00'30"E

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

RIGHT-OF-WAY: 4,119 SQ. FT±

PREPARED FOR:

JIMMY CALVIN SMITHWICK
 TRUSTEE OF THE REVOCABLE LIVING
 TRUST AGREEMENT JIMMY CALVIN SMITHWICK
 DATED SEPTEMBER 3, 2003
 BOOK 2014 PAGE 7971

SE COR., S1/2,
 NE1/4, SW1/4,
 1-27-22

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



Shanel Machin
 SHANE L. MACHIN P.L.S. 2005019223

09/27/2023
 DATE

SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023

Title of Document: **PERPETUAL STORM WATER DRAINAGE EASEMENT**

Date of Document: _____

Grantor(s): JIMMY CALVIN SMITHWICK
TRUSTEE OF THE
REVOCABLE LIVING TRUST AGREEMENT
JIMMY CALVIN SMITHWICK
DATED SEPTEMBER 3, 2003

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714

PERPETUAL STORM WATER DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **JIMMY CALVIN SMITHWICK**, Trustee of the Revocable Living Trust Agreement Jimmy Calvin Smithwick, Dated September 3, 2003, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL STORM WATER DRAINAGE EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace storm water drainage improvements as deemed necessary by Grantee in, on, thru, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL STORM WATER DRAINAGE EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the storm water drainage improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, thru, over, or across the easement, without

Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20_____.

Jimmy Calvin Smithwick
Trustee

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20_____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, Jimmy Calvin Smithwick, Trustee of the Revocable Living Trust Agreement Jimmy Calvin Smithwick, Dated September, 3, 2003, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

A 20.00 FEET WIDE PERPETUAL DRAINAGE EASEMENT BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTH ONE-HALF (S1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

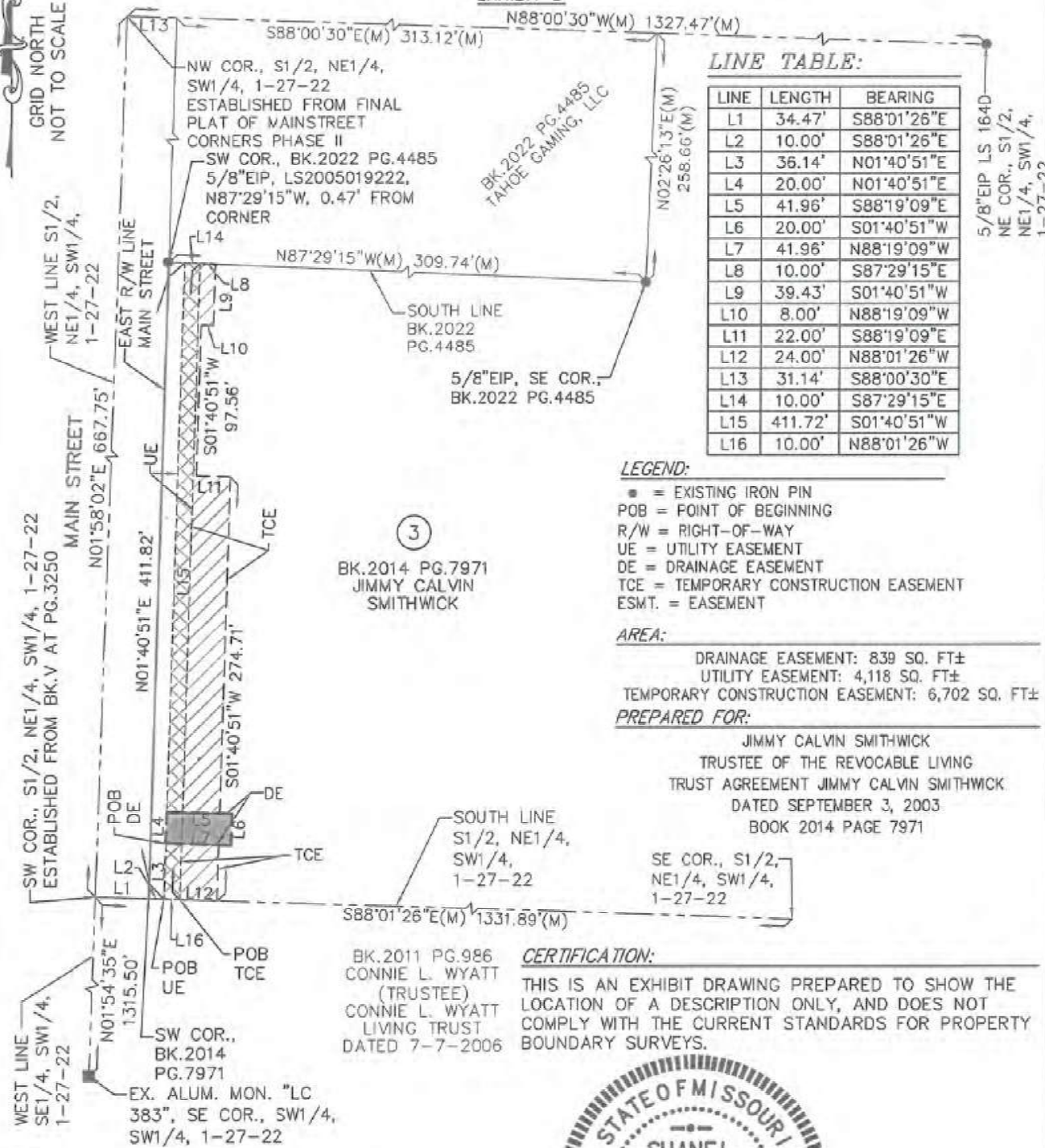
COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHWEST CORNER OF SOUTHEAST QUARTER (SE1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHWEST CORNER OF THE SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 34.47 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAINSTREET AS IT NOW EXISTS; THENCE CONTINUING S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET; THENCE N01°40'51"E, A DISTANCE OF 36.14 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N01°40'51"E, A DISTANCE OF 20.00 FEET; THENCE S88°19'09"E, A DISTANCE OF 41.96 FEET; THENCE S01°40'51"W, A DISTANCE OF 20.00 FEET; THENCE N88°19'09"W, A DISTANCE OF 41.96 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL DRAINAGE EASEMENT CONTAINS 839 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING
L1	34.47'	S88°01'26"E
L2	10.00'	S88°01'26"E
L3	36.14'	N01°40'51"E
L4	20.00'	N01°40'51"E
L5	41.96'	S88°19'09"E
L6	20.00'	S01°40'51"W
L7	41.96'	N88°19'09"W
L8	10.00'	S87°29'15"E
L9	39.43'	S01°40'51"W
L10	8.00'	N88°19'09"W
L11	22.00'	S88°19'09"E
L12	24.00'	N88°01'26"W
L13	31.14'	S88°00'30"E
L14	10.00'	S87°29'15"E
L15	411.72'	S01°40'51"W
L16	10.00'	N88°01'26"W

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- UE = UTILITY EASEMENT
- DE = DRAINAGE EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

DRAINAGE EASEMENT: 839 SQ. FT±
 UTILITY EASEMENT: 4,118 SQ. FT±
 TEMPORARY CONSTRUCTION EASEMENT: 6,702 SQ. FT±

PREPARED FOR:

JIMMY CALVIN SMITHWICK
 TRUSTEE OF THE REVOCABLE LIVING
 TRUST AGREEMENT JIMMY CALVIN SMITHWICK
 DATED SEPTEMBER 3, 2003
 BOOK 2014 PAGE 7971

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

09/27/2023
 DATE

SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023

Title of Document: **PERPETUAL UTILITY EASEMENT**

Date of Document: _____

Grantor(s): **JIMMY CALVIN SMITHWICK
TRUSTEE OF THE
REVOCABLE LIVING TRUST AGREEMENT
JIMMY CALVIN SMITHWICK
DATED SEPTEMBER 3, 2003**

Grantee(s): **CITY OF NIXA, MISSOURI**

Legal Description: **See Attached Exhibit A**

Reference Book and Page(s): _____

Mail Recorded Document to: **City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714**

PERPETUAL UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **JIMMY CALVIN SMITHWICK**, Trustee of the Revocable Living Trust Agreement Jimmy Calvin Smithwick, Dated September 3, 2003, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL UTILITY EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements as deemed necessary by Grantee in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL UTILITY EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

AND ALSO,

A **TEMPORARY CONSTRUCTION EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B for the purpose of constructing roadway improvements, storm water drainage improvements, and City of Nixa utilities improvements, or for such other purposes hereinabove set out. This temporary easement shall expire upon the completion of construction.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the City of Nixa Utilities improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights,

privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, through, over, or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this ____ day of _____, 20____.

Jimmy Calvin Smithwick
Trustee

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the ____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, Jimmy Calvin Smithwick, Trustee of the Revocable Living Trust Agreement Jimmy Calvin Smithwick, Dated September, 3, 2003, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires the ____ day of _____, 20____.

EXHIBIT A

A 10.00 FEET WIDE PERPETUAL UTILITY EASEMENT BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTH ONE-HALF (S1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHWEST CORNER OF SOUTHEAST QUARTER (SE1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHWEST CORNER OF THE SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 34.47 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAINSTREET AS IT NOW EXISTS; THENCE CONTINUING S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET FOR A POINT OF BEGINNING; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 411.82 FEET TO A POINT ON THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 4485 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE S87°29'15"E, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET; THENCE S01°40'51"W, LEAVING SAID SOUTH LINE, A DISTANCE OF 411.72 FEET TO A POINT ON THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°01'26"W, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL UTILITY EASEMENT CONTAINS 4,118 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

AND ALSO,

A TEMPORARY CONSTRUCTION EASEMENT, OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTH ONE-HALF (S1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHWEST CORNER OF SOUTHEAST QUARTER (SE1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 1315.50

FEET TO THE SOUTHWEST CORNER OF THE SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 34.47 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS; THENCE CONTINUING S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 20.00 FEET FOR A POINT OF BEGINNING; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 411.72 FEET TO A POINT ON THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2022 AT PAGE 4485 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE S88°19'09"E, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET; THENCE S01°40'51"W, LEAVING SAID SOUTH LINE, A DISTANCE OF 39.43 FEET; THENCE N88°19'09"W, A DISTANCE OF 8.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 97.56 FEET; THENCE S88°19'09"E, A DISTANCE OF 22.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 274.71 FEET TO A POINT ON THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE N88°01'26"W, ALONG SAID SOUTH LINE, A DISTANCE OF 24.00 FEET TO THE POINT OF BEGINNING.

EXCEPT,

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHWEST CORNER OF SOUTHEAST QUARTER (SE1/4) OF THE SAID SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE SOUTHWEST CORNER OF THE SAID S1/2 OF THE NE1/4 OF THE SW1/4; THENCE S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 34.47 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2014 AT PAGE 7971, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAINSTREET AS IT NOW EXISTS; THENCE CONTINUING S88°01'26"E, ALONG THE SOUTH LINE OF SAID S1/2 OF THE NE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET; THENCE N01°40'51"E, A DISTANCE OF 36.14 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N01°40'51"E, A DISTANCE OF 20.00 FEET; THENCE S88°19'09"E, A DISTANCE OF 41.96 FEET; THENCE S01°40'51"W, A DISTANCE OF 20.00 FEET; THENCE N88°19'09"W, A DISTANCE OF 41.96 FEET TO THE POINT OF BEGINNING.

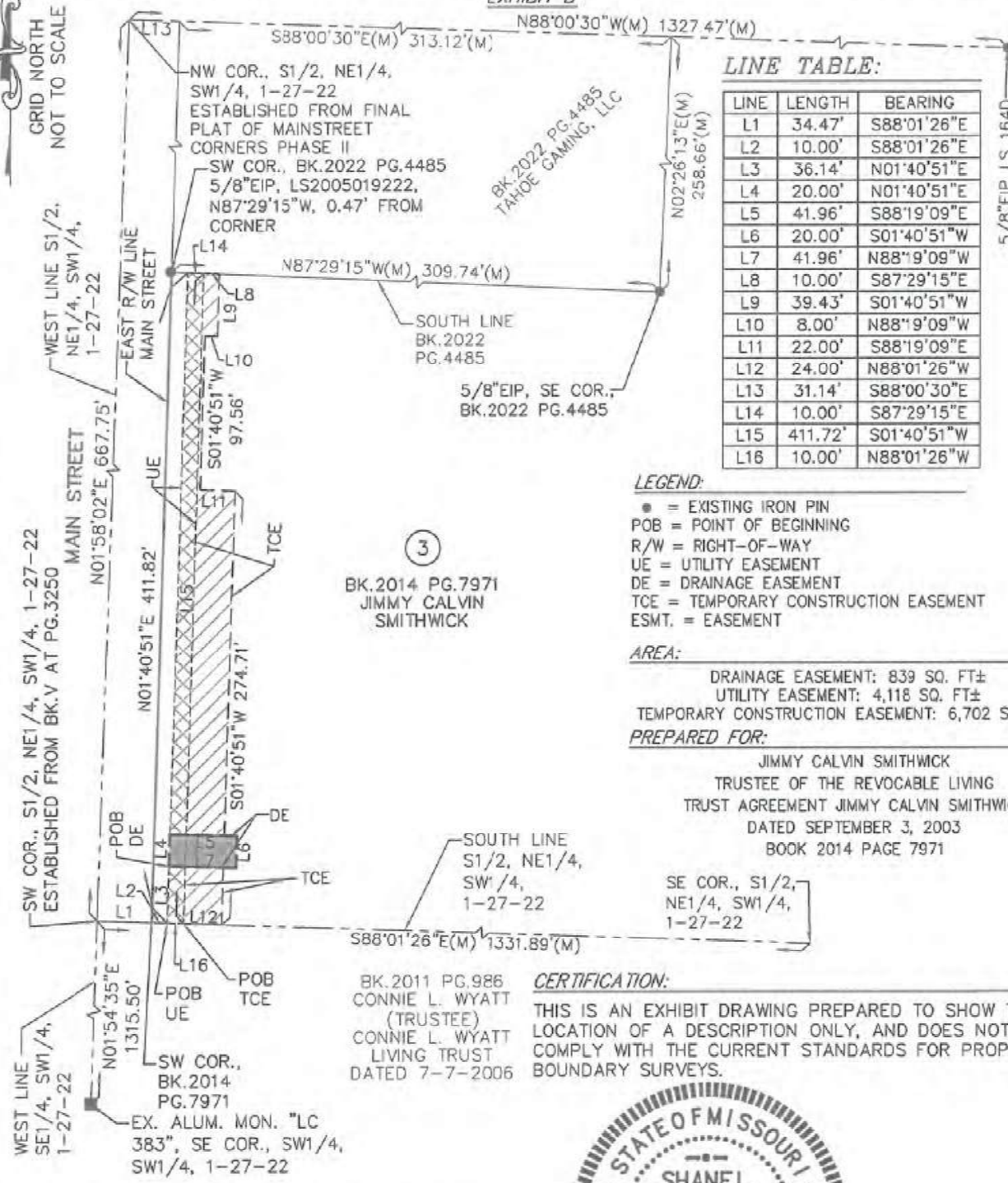
THE ABOVE-DESCRIBED TEMPORARY CONSTRUCTION EASEMENT CONTAINS 6,702 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING
L1	34.47'	S88°01'26"E
L2	10.00'	S88°01'26"E
L3	36.14'	N01°40'51"E
L4	20.00'	N01°40'51"E
L5	41.96'	S88°19'09"E
L6	20.00'	S01°40'51"W
L7	41.96'	N88°9'09"W
L8	10.00'	S87°29'15"E
L9	39.43'	S01°40'51"W
L10	8.00'	N88°9'09"W
L11	22.00'	S88°19'09"E
L12	24.00'	N88°01'26"W
L13	31.14'	S88°00'30"E
L14	10.00'	S87°29'15"E
L15	411.72'	S01°40'51"W
L16	10.00'	N88°01'26"W

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- UE = UTILITY EASEMENT
- DE = DRAINAGE EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

DRAINAGE EASEMENT: 839 SQ. FT±
 UTILITY EASEMENT: 4,118 SQ. FT±
 TEMPORARY CONSTRUCTION EASEMENT: 6,702 SQ. FT±
 PREPARED FOR:

JIMMY CALVIN SMITHWICK
 TRUSTEE OF THE REVOCABLE LIVING
 TRUST AGREEMENT JIMMY CALVIN SMITHWICK
 DATED SEPTEMBER 3, 2003
 BOOK 2014 PAGE 7971

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

09/27/2023
 DATE

SHAFFER & THINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023

Title of Document: **RIGHT-OF-WAY DEED**

Date of Document: _____

Grantor(s): TELCOMM CREDIT UNION

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
 Attention: Rebekka Coffey
 P.O. Box 395
 Nixa, Missouri 65714

RIGHT-OF-WAY DEED

THIS INDENTURE, make this _____ day of _____, 20____, by and between **TELCOMM CREDIT UNION**, (hereinafter, “Grantor”) and the **CITY OF NIXA, MISSOURI**, (hereinafter, “Grantee”).

WITNESSED, that said Grantor, in consideration of the sum of _____ dollars (\$_____) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by the presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Christian, State of Missouri, to-wit; in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, bargain, and convey to the Grantee, its successors, licensees, lessees, and assigns, with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, **RIGHT-OF-WAY** with the right, privilege, and authority for Grantee to perform grading and construction activities as deemed necessary by Grantee, in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A GRANT OF RIGHT-OF-WAY, described on attached **Exhibit A** per the **Exhibit Sketch** provided on attached **Exhibit B** for the purpose of constructing a public street, sidewalk, and other facilities associated with a roadway or for such other purposes hereinabove set out.

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining a public street or for such other purposes hereinabove set out, together with all and singular unto the said Grantee, the said Grantor hereby covenanting that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under who Grantor claims title and that Grantor will warrant and defend the title to the said premises unto the said Grantee and to its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and (none).

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

TELCOMM CREDIT UNION

BY: _____

(PRINT NAME AND TITLE)

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, _____ to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

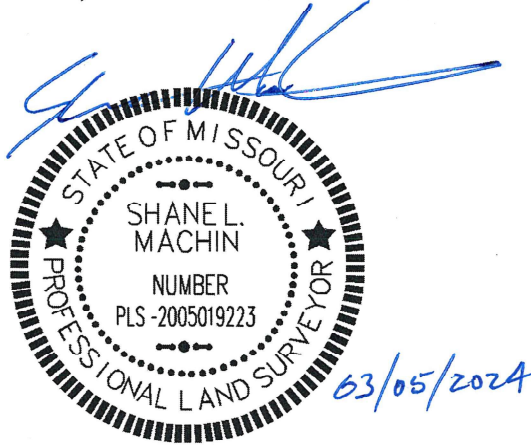
My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF LOT 3 IN MAINSTREET CORNERS, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 3 BEING A PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID PARCEL OR TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

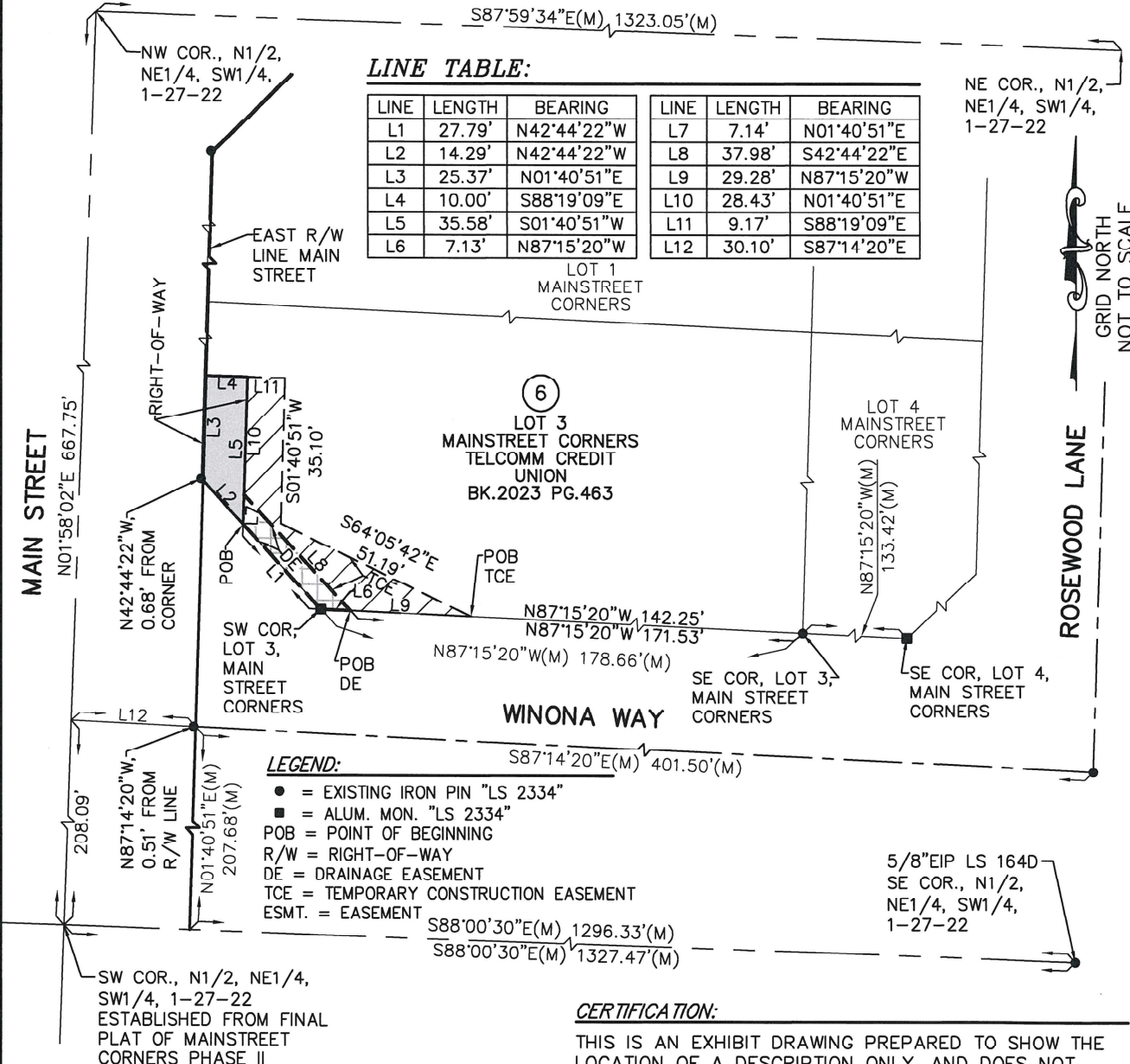
COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2334" AT THE SOUTHEAST CORNER OF LOT 4 IN SAID MAINSTREET CORNERS; THENCE N87°15'20"W, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 133.42 FEET TO AN EXISTING IRON PIN CAPPED "LS 2334" AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE CONTINUING N87°15'20"W, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 178.66 FEET TO AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2334" AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N42°44'22"W, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 27.79 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N42°44'22"W, ALONG SAID WEST LINE, A DISTANCE OF 14.29 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF MAIN STREET AS IT NOW EXISTS; THENCE N01°40'51"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 25.37 FEET; THENCE S88°19'09"E, LEAVING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 35.58 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 305 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B



LINE TABLE:

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	27.79'	N42°44'22"W	L7	7.14'	N01°40'51"E
L2	14.29'	N42°44'22"W	L8	37.98'	S42°44'22"E
L3	25.37'	N01°40'51"E	L9	29.28'	N87°15'20"W
L4	10.00'	S88°19'09"E	L10	28.43'	N01°40'51"E
L5	35.58'	S01°40'51"W	L11	9.17'	S88°19'09"E
L6	7.13'	N87°15'20"W	L12	30.10'	S87°14'20"E

LEGEND:

- = EXISTING IRON PIN "LS 2334"
- = ALUM. MON. "LS 2334"
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- DE = DRAINAGE EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:
 RIGHT-OF-WAY: 305 SQ. FT±
 DRAINAGE EASEMENT: 164 SQ. FT±
 TEMPORARY CONSTRUCTION EASEMENT: 622 SQ. FT±

PREPARED FOR:
 TELCOMM CREDIT UNION
 BOOK 2023 PAGE 463

SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 03-05-2024

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

03/05/2024
 DATE

Title of Document: **PERPETUAL STORM WATER DRAINAGE EASEMENT**

Date of Document: _____

Grantor(s): TELCOMM CREDIT UNION

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714

PERPETUAL STORM WATER DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$ _____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **TELCOMM CREDIT UNION**, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL STORM WATER DRAINAGE EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace storm water drainage improvements, sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements as deemed necessary by Grantee in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL STORM WATER DRAINAGE EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

AND ALSO,

A **TEMPORARY CONSTRUCTION EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B for the purpose of constructing roadway improvements, and storm water drainage improvements, and City of Nixa utilities improvements, or for such other purposes hereinabove set out. This temporary easement shall expire upon the completion of construction.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the City of Nixa Utilities improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, through, over, or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this _____ day of _____, 20____.

TELCOMM CREDIT UNION

BY: _____

(PRINT NAME AND TITLE)

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, _____, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires the _____ day of _____, 20____.

EXHIBIT A

A PERPETUAL DRAINAGE EASEMENT, OF VARIABLE WIDTH, BEING A PART OF LOT 3 IN MAINSTREET CORNERS, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 3 BEING A PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL DRAINAGE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2334" AT THE SOUTHEAST CORNER OF LOT 4 IN SAID MAINSTREET CORNERS; THENCE N87°15'20"W, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 133.42 FEET TO AN EXISTING IRON PIN CAPPED "LS 2334" AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE CONTINUING N87°15'20"W, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 171.53 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N87°15'20"W, ALONG SAID SOUTH LINE, A DISTANCE OF 7.13 FEET TO AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2334" AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N42°44'22"W, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 27.79 FEET; THENCE N01°40'51"E, LEAVING SAID WEST LINE, A DISTANCE OF 7.14 FEET; THENCE S42°44'22"E, A DISTANCE OF 37.98 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL DRAINAGE EASEMENT CONTAINS 164 SQUARE FEET (MORE OR LESS) AND IS SUBJECT OF ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

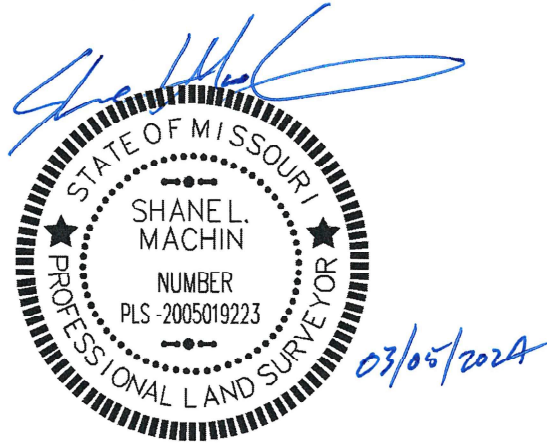
AND ALSO,

A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF LOT 3 IN MAINSTREET CORNERS, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID LOT 3 BEING A PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LS 2334" AT THE SOUTHEAST CORNER OF LOT 4 IN SAID MAINSTREET CORNERS; THENCE N87°15'20"W, ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 133.42 FEET TO AN EXISTING IRON PIN CAPPED "LS 2334" AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE CONTINUING N87°15'20"W, ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 142.25 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING N87°15'20"W, ALONG SAID SOUTH LINE, A DISTANCE OF 29.28 FEET; THENCE N42°44'22"W, LEAVING SAID SOUTH LINE, A DISTANCE OF 37.98 FEET; THENCE N01°40'51"E, A DISTANCE OF 28.43 FEET;

THENCE S88°19'09"E, A DISTANCE OF 9.17 FEET; THENCE S01°40'51"W, A DISTANCE OF 35.10 FEET; THENCE S64°05'42"E, A DISTANCE OF 51.19 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 622 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

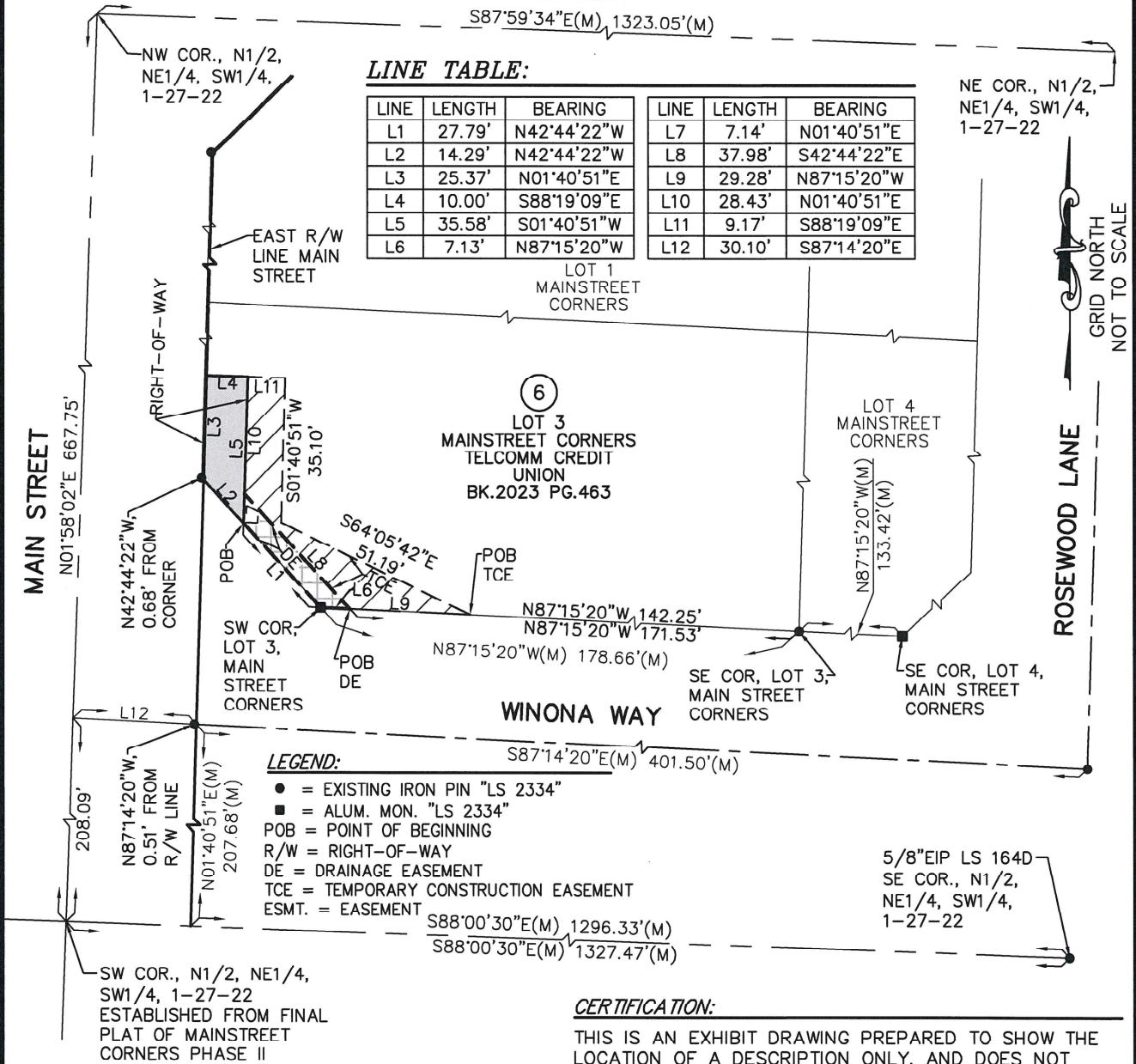


THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B

LINE TABLE:

LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	27.79'	N42°44'22"W	L7	7.14'	N01°40'51"E
L2	14.29'	N42°44'22"W	L8	37.98'	S42°44'22"E
L3	25.37'	N01°40'51"E	L9	29.28'	N87°15'20"W
L4	10.00'	S88°19'09"E	L10	28.43'	N01°40'51"E
L5	35.58'	S01°40'51"W	L11	9.17'	S88°19'09"E
L6	7.13'	N87°15'20"W	L12	30.10'	S87°14'20"E

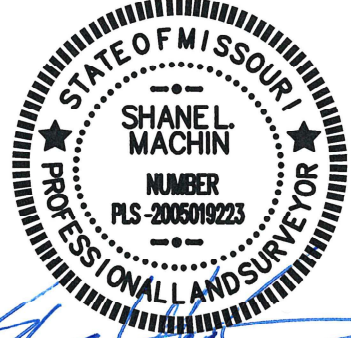


LEGEND:

- = EXISTING IRON PIN "LS 2334"
- = ALUM. MON. "LS 2334"
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- DE = DRAINAGE EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHANE L. MACHIN P.L.S. 2005019223

03/05/2024
DATE

AREA:
 RIGHT-OF-WAY: 305 SQ. FT±
 DRAINAGE EASEMENT: 164 SQ. FT±
 TEMPORARY CONSTRUCTION EASEMENT: 622 SQ. FT±

PREPARED FOR:
 TELCOMM CREDIT UNION
 BOOK 2023 PAGE 463

SHAFFER & THINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 03-05-2024

Title of Document: **RIGHT-OF-WAY DEED**

Date of Document: _____

Grantor(s): CONNIE L. WYATT
TRUSTEE UNDER THE
CONNIE L. WYATT LIVING TRUST
DATED JULY 7, 2006

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714

RIGHT-OF-WAY DEED

THIS INDENTURE, make this ____ day of _____, 20____, by and between **CONNIE L. WYATT**, Trustee under the **CONNIE L. WYATT LIVING TRUST**, dated July 7, 2006, (hereinafter, "Grantor") and the **CITY OF NIXA, MISSOURI**, (hereinafter, "Grantee").

WITNESSED, that said Grantor, in consideration of the sum of _____ dollars (\$ _____) and other valuable consideration, to said Grantor in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does by the presents grant, bargain and sell, convey and confirm unto the said Grantee, its successors and assigns, the following described real estate and interests in real estate in the County of Christian, State of Missouri, to-wit; in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby grant, bargain, and convey to the Grantee, its successors, licensees, lessees, and assigns, with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, **RIGHT-OF-WAY** with the right, privilege, and authority for Grantee to perform grading and construction activities as deemed necessary by Grantee, in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A GRANT OF RIGHT-OF-WAY, described on attached **Exhibit A** per the **Exhibit Sketch** provided on attached **Exhibit B** for the purpose of constructing a public street, sidewalk, and other facilities associated with a roadway or for such other purposes hereinabove set out.

TO HAVE AND TO HOLD the same for the purpose of constructing and maintaining a public street or for such other purposes hereinabove set out, together with all and singular unto the said Grantee, the said Grantor hereby covenanting that said Grantor has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by Grantor or those under who Grantor claims title and that Grantor will warrant and defend the title to the said premises unto the said Grantee and to its successors and assigns forever against the lawful claims and demands of all persons whomsoever, except the lien of taxes for the current year and (none).

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

Connie L. Wyatt
Trustee

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, Connie L. Wyatt, Trustee under the CONNIE L. WYATT LIVING TRUST, Dated July, 7, 2006, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires on the _____ day of _____, 20_____.

EXHIBIT A

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 986 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PARCEL OR TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHWEST CORNER OF SAID SE1/4 OF THE SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 657.75 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SAID SE1/4 OF THE SW1/4; THENCE S87°37'21"E, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4, A DISTANCE OF 37.10 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 986, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAIN STREET, AS IT NOW EXISTS, FOR A POINT OF BEGINNING; THENCE N01°40'51"E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MAIN STREET, A DISTANCE OF 658.02 FEET TO A POINT ON THE NORTH LINE OF SAID SE1/4 OF THE NW1/4, ALSO BEING THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 986; THENCE S88°01'26"E, ALONG THE NORTH LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET; THENCE S01°40'51"W, LEAVING SAID NORTH LINE, A DISTANCE OF 658.09 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4; THENCE N87°37'21"W, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 6,581 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

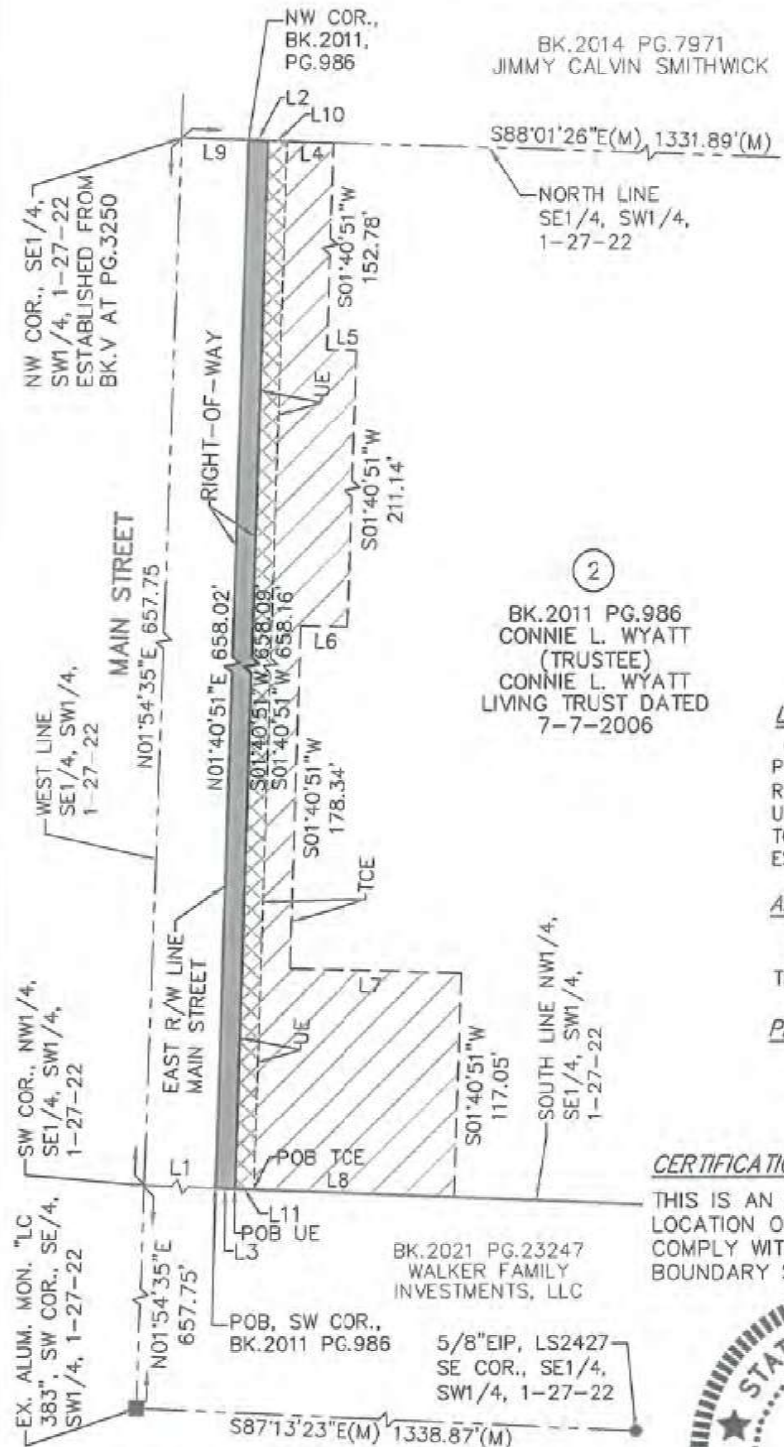
(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B

GRID NORTH
NOT TO SCALE



LINE TABLE:

LINE	LENGTH	BEARING
L1	37.10'	S87°37'21"E
L2	10.00'	S88°01'26"E
L3	10.00'	N87°37'21"W
L4	24.00'	S88°01'26"E
L5	16.00'	S88°19'09"E
L6	25.00'	N88°19'09"W
L7	90.00'	S88°19'09"E
L8	105.01'	N87°37'21"W
L9	34.47'	S88°01'26"E
L10	10.00'	S88°01'26"E
L11	10.00'	N87°37'21"W

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- UE = UTILITY EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

RIGHT-OF-WAY: 6,581 SQ. FT±
 UTILITY EASEMENT: 6,581 SQ. FT±
 TEMPORARY CONSTRUCTION EASEMENT: 27,013 SQ. FT±

PREPARED FOR:

CONNIE L. WYATT LIVING TRUST DATED 07-07-2006
 BOOK 2011 PAGE 986

CERTIFICATION:

THIS IS AN EXHIBIT DRAWING PREPARED TO SHOW THE LOCATION OF A DESCRIPTION ONLY, AND DOES NOT COMPLY WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS.



SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023

SHANE L. MACHIN P.L.S. 2005019223
 DATE 09/27/2023

Title of Document: **PERPETUAL UTILITY EASEMENT**

Date of Document: _____

Grantor(s): CONNIE L. WYATT
TRUSTEE UNDER THE
CONNIE L. WYATT LIVING TRUST
DATED JULY 7, 2006

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714

PERPETUAL UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CONNIE L. WYATT**, Trustee under the **CONNIE L. WYATT LIVING TRUST**, dated July 7, 2006, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **PERPETUAL UTILITY EASEMENT**, with the right, privilege, and authority to Grantee to lay, locate, construct, reconstruct, repair, maintain, patrol, and replace sanitary sewer lines, water lines, water meters, electric lines, and other City of Nixa utilities improvements as deemed necessary by Grantee in, on, through, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **PERPETUAL UTILITY EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B.

AND ALSO,

A **TEMPORARY CONSTRUCTION EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B for the purpose of constructing roadway improvements, storm water drainage improvements, and City of Nixa utilities improvements or for such other purposes hereinabove set out. This temporary easement shall expire upon the completion of construction.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction, maintenance, or operation of the City of Nixa Utilities improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, through, over, or across the easement without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this ____ day of _____, 20____.

Connie L. Wyatt
Trustee

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the ____ day of _____, 20____, before me, a Notary Public, within and for the County and State aforesaid, personally appeared, Connie L. Wyatt, Trustee under the CONNIE L. WYATT LIVING TRUST, Dated July, 7, 2006, to me known to be the person(s) described in, and who executed the foregoing instrument, and who severally acknowledged that they had read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first above written.

Notary Public: Print Name _____

My Commission Expires the ____ day of _____, 20____.

EXHIBIT A

A 10.00 FEET WIDE PERPETUAL UTILITY EASEMENT BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 986 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID PARCEL OR TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHWEST CORNER OF SAID SE1/4 OF THE SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 657.75 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SAID SE1/4 OF THE SW1/4; THENCE S87°37'21"E, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4, A DISTANCE OF 37.10 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 986, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAIN STREET, AS IT NOW EXISTS; THENCE CONTINUING S87°37'21"E, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET FOR A POINT OF BEGINNING; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 658.09 FEET TO A POINT ON THE NORTH LINE OF SAID SE1/4 OF THE SW1/4; THENCE S88°01'26"E, ALONG THE NORTH LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 10.00 FEET; THENCE S01°40'51"W, LEAVING SAID NORTH LINE, A DISTANCE OF 658.16 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4; THENCE N87°37'21"W, ALONG SAID SOUTH LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL UTILITY EASEMENT CONTAINS 6,581 SQUARE FEET (MORE OR LESS) AND IS SUBJECT OF ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)

ALSO,

A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 986 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHWEST CORNER OF SAID SE1/4 OF THE SW1/4; THENCE N01°54'35"E, ALONG THE WEST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 657.75 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SAID SE1/4 OF THE SW1/4; THENCE

S87°37'21"E, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4, A DISTANCE OF 37.10 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 986, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MAIN STREET AS IT NOW EXISTS; THENCE CONTINUING S87°37'21"E, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4, A DISTANCE OF 20.00 FEET FOR A POINT OF BEGINNING; THENCE N01°40'51"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 658.16 FEET TO A POINT ON THE NORTH LINE OF SAID SE1/4 OF THE SW1/4; THENCE S88°01'26"E, ALONG THE NORTH LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 24.00 FEET; THENCE S01°40'51"W, LEAVING SAID NORTH LINE, A DISTANCE OF 152.78 FEET; THENCE S88°19'09"E, A DISTANCE OF 16.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 211.14 FEET; THENCE N88°19'09"W, A DISTANCE OF 25.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 178.34 FEET; THENCE S88°19'09"E, A DISTANCE OF 90.00 FEET; THENCE S01°40'51"W, A DISTANCE OF 117.05 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF THE SW1/4; THENCE N87°37'21"W, ALONG SAID SOUTH LINE, A DISTANCE OF 105.01 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 27,013 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

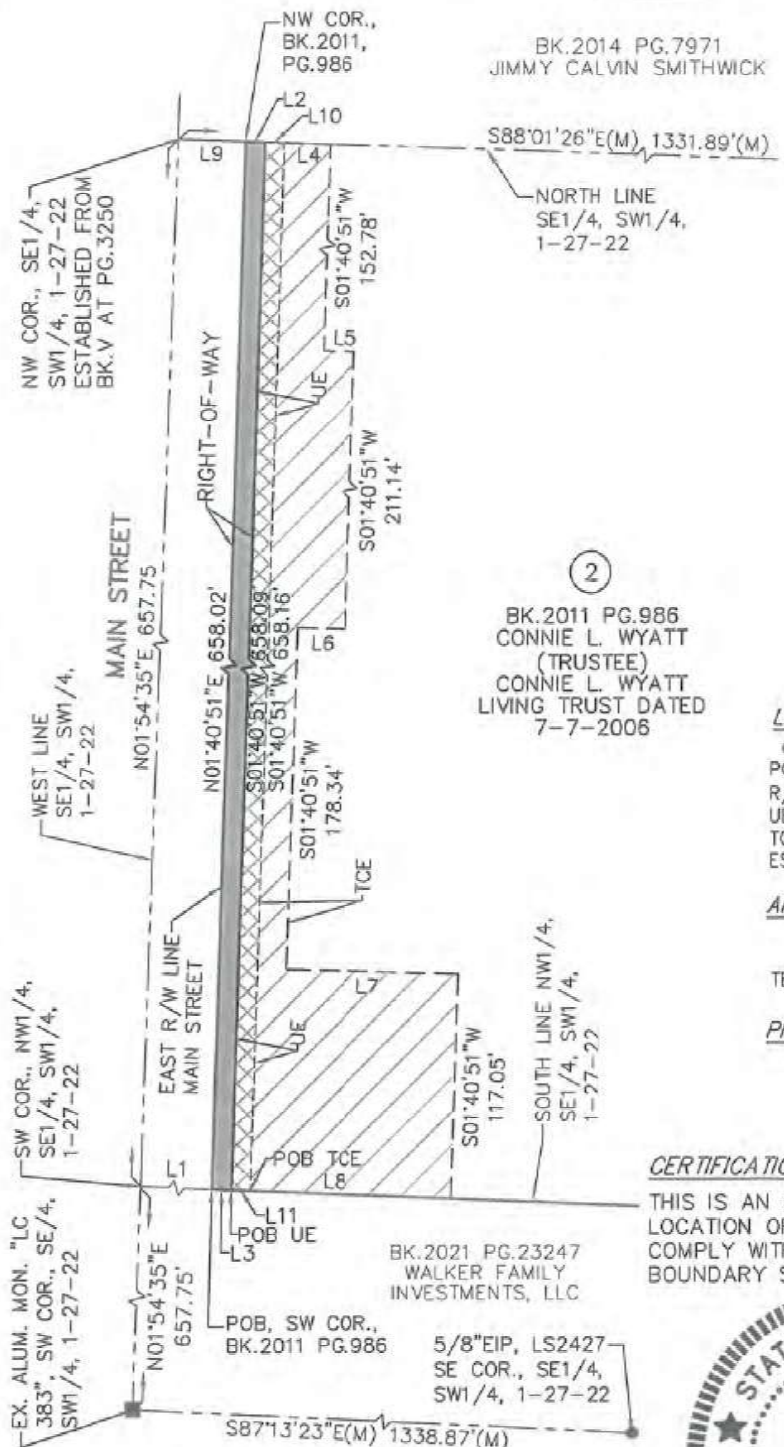
(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B

GRID NORTH
NOT TO SCALE



LINE TABLE:

LINE	LENGTH	BEARING
L1	37.10'	S87°37'21\"E
L2	10.00'	S88°01'26\"E
L3	10.00'	N87°37'21\"W
L4	24.00'	S88°01'26\"E
L5	16.00'	S88°19'09\"E
L6	25.00'	N88°19'09\"W
L7	90.00'	S88°19'09\"E
L8	105.01'	N87°37'21\"W
L9	34.47'	S88°01'26\"E
L10	10.00'	S88°01'26\"E
L11	10.00'	N87°37'21\"W

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- UE = UTILITY EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

RIGHT-OF-WAY: 6,581 SQ. FT±
 UTILITY EASEMENT: 6,581 SQ. FT±
 TEMPORARY CONSTRUCTION EASEMENT: 27,013 SQ. FT±

PREPARED FOR:

CONNIE L. WYAT LIVING TRUST DATED 07-07-2006
 BOOK 2011 PAGE 986

CERTIFICATION:

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Shanel Machin
 SHANE L. MACHIN P.L.S. 2005019223
 DATE 09/27/2023

SHAFFER & HINES, Inc.

CONSULTING ENGINEERS - PROFESSIONAL LAND SURVEYORS
 731 W. MT. Vernon, Nixa, Missouri 65714
 Phone (417) 725-4663 - Fax (417) 725-5230

PROJECT NO.: 222013 DATE: 09-27-2023

Title of Document: **TEMPORARY CONSTRUCTION EASEMENT**

Date of Document: _____

Grantor(s): CARNAHAN INVESTMENT ENTERPRISES, INC.

Grantee(s): CITY OF NIXA, MISSOURI

Legal Description: See Attached Exhibit A

Reference Book and Page(s): _____

Mail Recorded Document to: City of Nixa
Attention: Rebekka Coffey
P.O. Box 395
Nixa, Missouri 65714

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of _____ dollars (\$_____) in cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CARNAHAN INVESTMENT ENTERPRISES, INC., A MISSOURI CORPORATION**, (hereinafter, "Grantor") does hereby grant, bargain, and convey to the **CITY OF NIXA, MISSOURI**, its successors, licensees, lessees, and assigns (hereinafter, "Grantee"), with a mailing address of: P.O. Box 395, Nixa, Missouri 65714, a **TEMPORARY CONSTRUCTION EASEMENT**, with the right, privilege, and authority to Grantee to construct, roadway improvements as deemed necessary by Grantee in, on, thru, over, under, and across the following described land in the County of Christian, State of Missouri, to-wit:

A **TEMPORARY CONSTRUCTION EASEMENT**, described on attached Exhibit A per the Exhibit Sketch provided on attached Exhibit B for the purpose of constructing roadway improvements, storm water drainage improvements, and City of Nixa utilities improvements, or for such other purposes set out hereinabove. This temporary easement shall expire upon the completion of construction.

Together with the right, privilege, and authority to remove from said premises any obstructions which interfere with the construction of the roadway improvements. Grantor further does hereby grant, bargain, and convey to Grantee the right of ingress and egress to, from, and over the above-described real estate for doing anything necessary or useful for the enjoyment of the easement herein granted, and together with all rights, privileges, and appurtenances which may be required for full enjoyment of the rights herein granted.

Grantor warrants that they have good title to the above-described premises and that there are no encumbrances which will limit or interfere with the rights granted herein to Grantee.

The Grantors, their tenants, heirs, successor, and assigns shall have the right to use and enjoy the said premises fully, except for the rights and privileges hereinbefore granted to the Grantee; provided however, that no buildings, structures, or improvements shall be erected or placed upon said easement, nor shall the terrain be altered without the prior written consent of Grantee, nor shall any other roads be placed in, on, thru, over, or across the easement, without Grantee's prior written consent; that the use of said premises shall at all times be subject to such acts and uses by Grantee as may be necessary for the purposes herein set forth.

IN WITNESS WHEREOF, said Grantor(s) have hereunto set their hands and seals this
____ day of _____, 20____.

CARNAHAN INVESTMENT ENTERPRISES, INC.

BY: _____

(PRINT NAME AND TITLE)

STATE OF MISSOURI)
)SS.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, a Notary Public,
within and for the County and State aforesaid, personally appeared,
_____, to me known to be the person(s) described
in, and who executed the foregoing instrument, and who severally acknowledged that they had
read said instrument, and that they had executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year first
above written.

Notary Public: Print Name _____

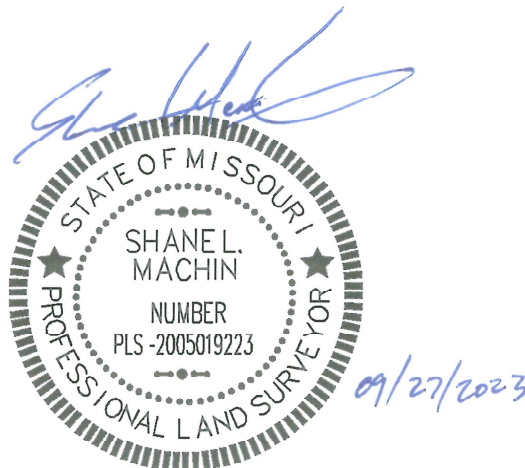
My Commission Expires the _____ day of _____, 20____.

EXHIBIT A

A TEMPORARY CONSTRUCTION EASEMENT OF VARIABLE WIDTH, TO BE RELINQUISHED UPON COMPLETION OF CONSTRUCTION, BEING A PART OF A TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4), IN SECTION 1, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI. SAID TEMPORARY CONSTRUCTION EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING ALUMINUM MONUMENT STAMPED "LC 383" AT THE SOUTHEAST CORNER OF SAID SW1/4 OF THE SW1/4; THENCE N01°54'35"E, ALONG THE EAST LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 1315.50 FEET TO THE NORTHEAST CORNER OF SAID SW1/4 OF THE SW1/4; THENCE N87°27'26"W, ALONG THE NORTH LINE OF SAID SW1/4 OF THE SW1/4, A DISTANCE OF 35.53 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2011 AT PAGE 775, SAID POINT BEING ON WEST RIGHT-OF-WAY LINE OF MAIN STREET, AS IT NOW EXISTS, FOR A POINT OF BEGINNING; THENCE S01°40'19"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 396.62 FEET TO AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF LOT 2 IN BLACKSTONE, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI; THENCE N87°13'40"W, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 50.01 FEET; THENCE N01°40'19"E, A DISTANCE OF 159.65 FEET; THENCE S88°19'41"E, A DISTANCE OF 27.00 FEET; THENCE N01°40'19"E, A DISTANCE OF 236.36 FEET TO A POINT ON THE NORTH LINE OF SAID SW1/4 OF THE SW1/4; THENCE S87°27'26"E, ALONG SAID NORTH LINE, A DISTANCE OF 23.00 FEET TO THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 13,439 SQUARE FEET (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD.

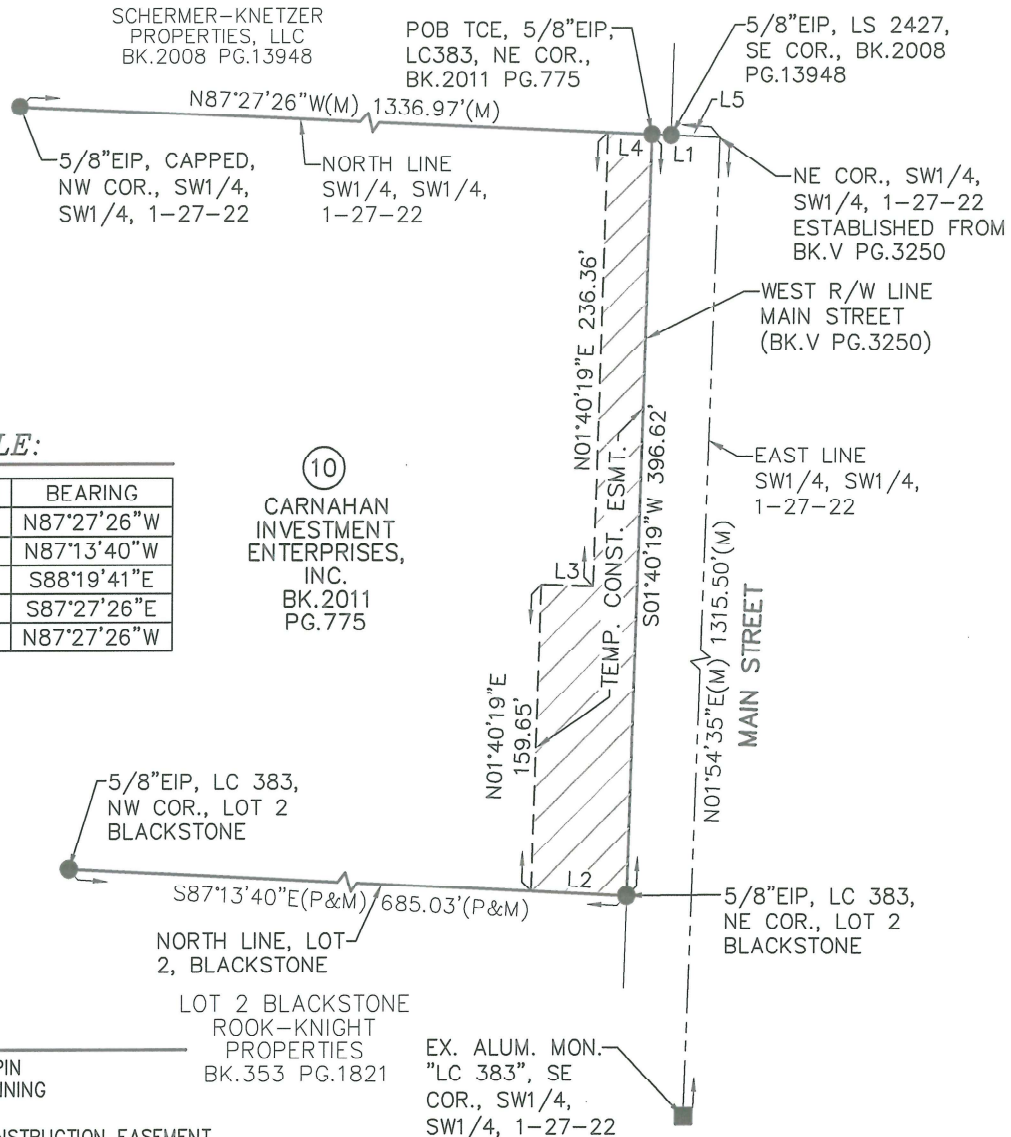
(BEARINGS ARE BASED ON GRID NORTH, MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.)



THIS IS A SKETCH FOR REFERENCE PURPOSES ONLY. THIS IS NOT A BOUNDARY SURVEY, AND SHOULD NOT BE USED AS SUCH.

EXHIBIT B

GRID NORTH
NOT TO SCALE



LINE TABLE:

LINE	LENGTH	BEARING
L1	35.53'	N87°27'26\"W
L2	50.01'	N87°13'40\"W
L3	27.00'	S88°19'41\"E
L4	23.00'	S87°27'26\"E
L5	25.53'	N87°27'26\"W

⑩
CARNAHAN INVESTMENT ENTERPRISES, INC.
BK.2011 PG.775

LEGEND:

- = EXISTING IRON PIN
- POB = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- TCE = TEMPORARY CONSTRUCTION EASEMENT
- ESMT. = EASEMENT

AREA:

TEMPORARY CONSTRUCTION EASEMENT: 13,439 SQ. FT±

PREPARED FOR:

CARNAHAN INVESTMENT ENTERPRISES, INC.
BOOK 2011 PAGE 775

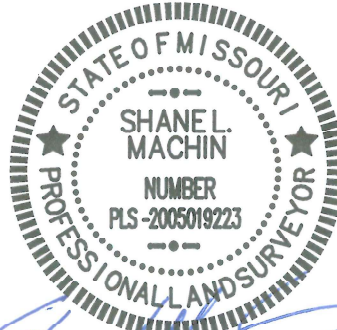
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