

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR

# SENATE BILL NO. 224

92ND GENERAL ASSEMBLY

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Reported from the Committee on Economic Development, Tourism and Local Government, February 24, 2003, with recommendation that the Senate Committee Substitute No. 2 do pass and be placed on the Consent Calendar.

Senate Committee Substitute No. 2 adopted March 6, 2003.

Taken up March 6, 2003. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

0860S.05P

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## AN ACT

To authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

**Section 1. 1. The governor is hereby authorized and empowered to convey a permanent easement on property owned by the state in the County of Callaway to the City of Fulton for the purpose of constructing a hiking and biking trail. The easement to be conveyed is more particularly described as follows:**

**A 20' permanent easement located in the east half of the southwest quarter and in the northwest quarter of the southeast quarter of Section 16, T47N, R9W of the 5th Principal Meridian, in Fulton, Callaway County, Missouri, more particularly described as follows:**

**Commencing at the section corner common to Sections 16, 17, 20, 21; Thence S87E22'59"E, along the south line of the southwest quarter of the southwest quarter of Section 16, 1237.50 feet, said point being N87E22'59"W, 82.50 feet from the southwest corner of the southeast quarter of the southwest quarter of said Section 16; Thence N1E41'00"E, along the west line of a unrecorded survey by RLS #1188, dated December, 1979, and a Quitclaim Deed recorded in Book 349, Page 762 of the Callaway County Recorder's Office, Fulton, Missouri, 1033.47 feet to the south right-of-way line of Missouri State Route "O"; Thence S88E55'31"E, along the south right-of-way line of said Missouri State Route "O", 607.20 feet to the P.C. station (18+43.4) of a curve to the left having a radius of 1939.86 feet, a arc length of 13.87 feet, a chord bearing of S89E07'48"E, 13.87 feet;**

Thence leaving said Missouri State Route "O" right-of-way S2E36'19"W, along an existing fence being the west line of the Missouri State Hospital property as described in said Quitclaim Deed, 795.77 feet to the intersection of the centerline of a 20' permanent easement and POINT OF BEGINNING; Thence along said centerline a curve to the right having a radius of 100.00 feet, a arc length of 89.34 feet, a chord bearing of N61E10'18"E, 86.40 feet; Thence N86E15'05"E, 35.00 feet; Thence along a curve to the left having a radius of 95.00 feet, a arc length of 148.23 feet, a chord bearing of N41E33'04"E, 133.65 feet and the point of reverse curve; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 38.59 feet, a chord bearing of N8E29'14"E, 38.32 feet; Thence N20E07'26"E, 149.70 feet; Thence along a curve to the left having a radius of 200.00 feet, a arc length of 115.02 feet, a chord bearing of N3E38'56"E, 113.44 feet; Thence N12E49'34"W, 155.68 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 90.50 feet, a chord bearing of N14E27'52"E, 87.12 feet; Thence N41E45'18"E, 128.67 feet; Thence along a curve to the right having a radius of 95.00 feet, a arc length of 57.37 feet, a chord bearing of N59E03'23"E, 56.51 feet; Thence N76E21'28"E, 41.89 feet; Thence along a curve to the left having a radius of 35.00 feet, a arc length of 39.72 feet, a chord bearing of N43E50'43"E, 37.62 feet to the south right-of-way line of Missouri State Route "O" at station 22+70.45 AH; Thence entering said Route "O" right-of-way and continuing along said curve to the left, a arc length of 13.41 feet, a chord bearing N0E21'24"E, 13.33 feet; Thence N10E37'11"W, 38.95 feet; Thence along a curve to the right having a radius of 35.00 feet, a arc length of 8.04 feet, a chord bearing of N4E02'02"W, 8.03 feet to the north right-of-way line of Missouri State Route "O" at station 22+74.05 AH.; Thence leaving said Route "O" right-of-way and continuing along said curve to the right, a arc length 35.27 feet, a chord bearing of N31E25'15"E, 33.80 feet; Thence N60E17'24"E, 194.94 feet; Thence along a curve to the right having a radius of 150.00 feet, a arc length of 93.88 feet, a chord bearing of N78E13'09"E, 92.35 feet; Thence S83E51'07"E, 374.88 feet more or less to the west right-of-way line of Wood Street and being 66.20 feet more or less north of the north right-of-way line of Missouri State Route "O" and the end of this easement, containing 0.925 acre, more or less.

Also an additional temporary construction easement 10 feet either side of the 20 foot permanent easement described above.

Except that part lying in the Missouri State Route "O" right-of-way.

2. In the event that the City of Fulton ceases to use the property as a hiking and biking trail, the easement shall be void, and the state shall have fee title

**unencumbered by the easement. The City of Fulton shall execute any documents required to remove this easement from the record title of the property.**

**3. The attorney general shall approve the form of the instrument of conveyance.**

Section A. Because immediate action is necessary to ensure receipt of federal city enhancement funds, this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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Bill

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