

# City of Ballwin

## Memo

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To: Robert Kuntz, City Administrator

From: Thomas H. Aiken, AICP, Assistant City Administrator / City Planner 

Date: 1/7/14

Re: Easement Assignment

The stormwater detention basin outfall pipe in the recently approved Enclave at Lucerne Subdivision is designed to discharge into the existing storm sewer system in the rear yards of lots 2, 3 and 4 of Lucerne Crossing Subdivision. All of the runoff from this subdivision will then flow through the Lucerne Place subdivision storm sewer on its way to Fishpot Creek. This is standard procedure in this kind of infill development situation. The existing pipes are undersized for the new flows, so approximately 320' pipe has to be removed and replaced with larger diameter pipe.

In 1978 when this subdivision was built, MSD had no jurisdiction or authority in this part of the county, so the easement for this storm sewer was dedicated to the City of Ballwin, so Ballwin is responsible for the maintenance of this sewer. A copy of the original easement is attached. MSD has no right to allow McKelvey Homes to utilize this easement nor can it maintain the sewer that is presently located in that easement. The developer and MSD are asking that Ballwin assign its rights to this sewer easement to MSD which will then henceforth be responsible for maintaining the sewer in this easement. I recommend that the Board of Aldermen pass an ordinance authorizing this rights assignment and the execution and recording of all documents necessary to accomplish this end.



**Vance Engineering, Inc.**

10779 Page Avenue  
St. Louis, MO 63132  
Phone: 314.427.1800  
Fax: 314.427.1801

December 23, 2013

Mr. Tom Aiken, AICP  
**City of Ballwin**  
14811 Manchester Road  
Ballwin, MO 63011

Re: **Enclave at Lucerne**

Mr. Aiken:

It has been brought to our attention by MSD that they do not have rights to the easement granted by D.B. 7119 page 751 (see copy attached). This easement has been granted to the City of Ballwin. MSD has requested that the City assign rights to MSD so that they can maintain the storm sewers to be installed within this easement as part of the Enclave at Lucerne project.

Please contact our office if you need any addition information to initiate or grant this request.

Thank you.

Sincerely,

Mike Elton, P.E.

c. M. Clay Vance, P.E.

McKelvey Homes  
Hall & Assoc

EASEMENT

County Fee 500  
State User Fee 100  
Total 600

TO WHOM IT MAY CONCERN:

KNOW ALL MEN BY THESE PRESENTS, That the "David Guthrel Development Company" for and in consideration of the sum of One Dollar (1.00) and other valuable considerations to it in hand paid by The City of Ballwin, Missouri, the receipt of which is hereby acknowledged, does hereby give, grant, extend and confer on The City of Ballwin, Missouri, the exclusive right to build and maintain a sewer or sewers, including stormwater improvements, on the strip or strips of ground described as shown hatched on the attached "Easement Plat" marked "Exhibit A" and made a part hereof, and to use such additional space adjacent to the right-of-way so granted as may be required for working room during the construction period. The City of Ballwin, Missouri, may from time to time enter upon said premises to construct, reconstruct, or maintain the sewers or stormwater improvements aforesaid, and may assign its rights in this easement to the State, County, or City, or other political subdivisions of the State. The right-of-way hereby granted is irrevocable and shall continue forever.

IN WITNESS WHEREOF, the said "David Guthrel Development Company" has caused these presents to be signed by its President and its corporate seal to be affixed this 6 day of Dec, 1978.



DAVID GUTHREL DEVELOPMENT COMPANY

By David Guthrel

David Guthrel  
President  
STATE OF MISSOURI  
COUNTY OF ST. LOUIS  
FILED FOR RECORD

STATE OF MISSOURI )  
                          )SS.  
COUNTY OF ST. LOUIS)

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'78 DEC -6 AM 11:07

On this 6th day of December 1978, before me appeared David Guthrel, to me personally known, who being by me duly sworn, did say he is the President of "David Guthrel Development Company", and that the seal affixed to the foregoing instrument is the Corporate Seal of said Corporation and that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and said David Guthrel acknowledged said instrument to be the free act and deed of said corporation.

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

My Commission Expires 01/01/1980

Faye L. Barem  
Notary Public  
FAYE L. BAREM



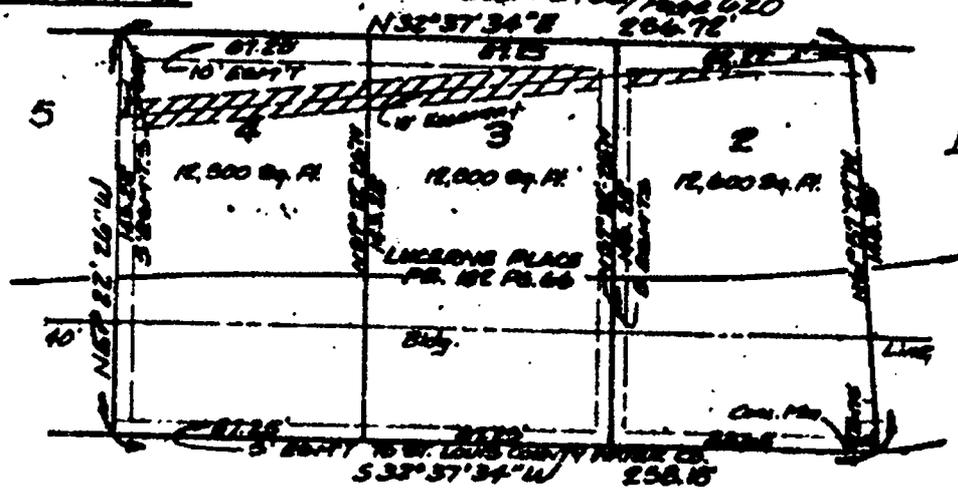
BOOK 7119 PAGE 751

# EASEMENT PLAT

LOTS 2, 3, AND 4 OF LUCERNE PLACE, IN  
 A TRACT OF LAND BEING PART OF LOT 4 OF  
 "JAMES N. HOLLOWAY ESTATE PARTITION" SEC. 34  
 U.S. SURVEY 3031, T.45N.-R.4E., ST. LOUIS COUNTY, MISSOURI

Property  $\frac{1}{4}$  of Robert Otto Mertz &  
 Lavernis A.E. Mertz, his wife. 2  
 Book 2463/ Page 620

SCALE: 1"=60'



**LUCERNE PLACE (60'W) DRIVE**

Notes: All easements other than that shown  
 hereon on the above plat are  
 existing and recorded in Pub. 62, Pg. 66

**EXHIBIT "A"**