

CITY OF HAMILTON, MISSOURI

BILL NO. 0610156

ORDINANCE NO. 1568

AN ORDINANCE AUTHORIZING THE CITY OF HAMILTON TO ISSUE AN ENCROACHMENT PERMIT TO MARK WARD

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HAMILTON, MISSOURI AS FOLLOWS TO WIT:

SECTION 1: The Mayor of the City of Hamilton, Missouri is hereby authorized on behalf of the City of Hamilton, Missouri, to issue an encroachment permit at 201 S. Dudley Street, Hamilton, Missouri as set forth on Exhibit A attached hereto.

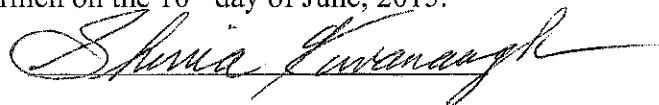
SECTION 2: This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

SECTION 3: This ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 4: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

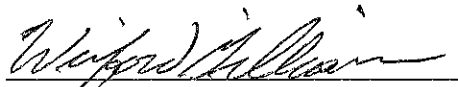
A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Passed and approved by the Board of Aldermen on the 10th day of June, 2015.



Sherria Kavanaugh, President of Board of Aldermen

Approved this 10th day of June, 2015.



Winford Gilliam, Mayor

Attest:



Debra Davis, City Clerk

Kavanaugh - eye, Sweener - eye, Moss - eye, Trasper - eye

EXHIBIT A

Encroachment Permit

This Encroachment Permit is issued by the City of Hamilton, Missouri (the "City") in favor of Mark Ward, at 201 S Dudley Street, Hamilton, Missouri (the "Applicant").

The City hereby allows and permits the Applicant to install a drain pipe, cover and seed it along a public ditch on right of way of S Dudley Street adjacent to his property at his cost.

The purpose of the Encroachment Permit is to permit the Applicant to use the property for residential purposes.

No expansion of the encroachment area will be made without further approval by the City.

The Applicant agrees at his sole cost and expense to do the installation and other work. The City shall have the right at all times to inspect the encroachment area.

The Applicant agrees to indemnify and hold the City harmless from any loss, liability, damage, or cost, including attorney fees, by reason of the Applicant's use of the encroachment area. This indemnity shall survive any termination of this Encroachment Permit.

This Encroachment Permit shall terminate immediately upon any breach by the Applicant, or on Applicant's cessation of use of the encroachment area for the above purpose. In the event that the City needs to repair, enlarge, change or improve the ditch or street, upon request by the City the Applicant will move the drain pipe and cover at his expense to a location acceptable to the City, and if the Applicant fails to do so within a reasonable time the Permit will terminate and the City may remove and dispose of the pipe and drain without any cost or expense to the City.

Dated: June 29, 2015

City of Hamilton, Missouri

By: Winford Gilliam
Winford Gilliam, Mayor

ACCEPTED:

Mark Ward
Mark Ward