

AN ORDINANCE AUTHORIZING THE BUILDING AND PLANNING MANAGER OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE EASEMENT ENCROACHMENT AGREEMENTS ON BEHALF OF THE CITY RELATIVE TO THE PLACEMENT OF IMPROVEMENTS WITHIN CITY OWNED PUBLIC EASEMENTS; FURTHER SAID ORDINANCE SHALL AUTHORIZE THE BUILDING AND PLANNING MANAGER TO SUBMIT SAID DOCUMENTS FOR RECORDING WITH THE CAPE GIRARDEAU COUNTY RECORDER OF DEEDS.

WHEREAS, the City owns and maintains public easements; and

WHEREAS, there are occasions where a property owner desires to construct or install private improvements on City owned public easements; and

WHEREAS, there are certain limited situations where the City is willing to allow encroachment of private improvements on City owned public easements subject to terms and conditions the City deems appropriate and to be set forth in an Encroachment Agreement with the property owner; and

WHEREAS, the Mayor and Board of Aldermen of the City of Jackson, Missouri, deem it advisable to establish a standardized Easement Encroachment Agreement to ensure consistent administration of such encroachments and to provide long-term notice to future property owners by recording the document with the Cape Girardeau County Recorder of Deeds; and

WHEREAS, the Mayor and Board of Aldermen of the City of Jackson, Missouri, deem it advisable to grant the Building and Planning Manager authority to execute Encroachment Agreements on behalf of the City.

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

Section 1. The form of Encroachment Agreement attached hereto and made a part hereof as Exhibit A is hereby approved for use by the Building and Planning Manager of the City of

Jackson, Missouri in connection with requests by property owners to place private improvements that encroach upon the City's public easements.

Section 2. That the Building and Planning Manager of the City of Jackson, Missouri, is hereby authorized to execute Encroachment Agreements on behalf of the City for qualifying private improvements that encroach within City owned public easements in a form substantially similar to the attached Encroachment Agreement. It is the belief of the Mayor and Board of Aldermen that it is in the best interest of the citizens of the City of Jackson, Missouri, that the Building and Planning Manager be granted such authority.

Section 3. That the Building and Planning Manager is hereby authorized and directed to submit the executed Easement Encroachment Agreement for recording with the Cape Girardeau County Recorder of Deeds so that the acknowledgments become part of the permanent property record.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this Ordinance shall take effect and be in force from and after its passage and approval.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

FIRST READING: April 6, 2026.

SECOND READING: April 6, 2026.

PASSED AND APPROVED this 6th day of April, 2026, by a vote of _____ ayes, _____
nays, _____ abstentions and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk