

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS FOR THE BISON PARK SANITARY SEWER IMPROVEMENTS PROJECT (PROJECT NO. 302003); AUTHORIZING THE NEGOTIATION AND EMINENT DOMAIN PROCEEDINGS IF NECESSARY; APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT; AUTHORIZING THE USE OF EXPERTS AS NEEDED; AUTHORIZING AND DIRECTING THE EXECUTION OF DOCUMENTS AND THE PAYMENT OF FUNDS TO PROPERTY OWNERS OR OTHERS HOLDING PROPERTY RIGHTS, IN CONJUNCTION WITH THE PROJECT.

WHEREAS, the City Council of the City of Independence, Missouri, pursuant to advice and recommendation of the Municipal Services Director, deems it necessary, advisable and in the public interest to obtain temporary construction and grading easements in accordance with the plans and specifications as approved for construction, operation and maintenance of an improved storm drainage system designated as the Bison Park Sanitary Sewer Improvements Project (No 302003.), together with all appurtenances, thereto, along, over, under, upon, across and through certain tracts of land within Independence, Jackson County, Missouri; and,

WHEREAS, since the enactment of Ordinance No. 19005, it has been determined that the acquisition of general utility easements must be completed on three (3) more parcels for the project to be completed; and,

WHEREAS, the City has authority by virtue of Section 82.240 of the Revised Statutes of the State of Missouri, 1969, as amended, and Section 1.3 and 1.4 of the Charter of the City of Independence, Missouri, revised August 8, 1978, to acquire private property by eminent domain proceedings for any public or municipal use, including the uses or purposes stated herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That it is hereby found, determined and declared that it is necessary for the purpose of construction, operation and maintenance of improved sanitary sewer systems designated as the Bison Park Sanitary Sewer Improvements Project (No 302003.) for the City of Independence, Missouri, to acquire by purchase or eminent domain proceedings temporary construction grading easements for such public improvements, including, but not limited to, the right to construct curbs, drives, trails, sidewalks and storm sewers, together with all appurtenances thereunto belonging along, over, under, upon, across and through the following described tracts of land, all of which are situated in Independence, Jackson County, Missouri; to wit:

Parcel 1

Temporary Construction Easement

All that part of Lot 88, of BISON PARK, a subdivision in the City of Independence, filed in Plat book 82, at page 64 in the Jackson County Register of Deeds Office, and lying in the Northwest Quarter of Section 8, Township 49 North, Range 31 West of the 6th Principal Meridian, in Jackson County, Missouri, and more particularly described as

follows:

Commencing at the Northeast corner of said Lot 88; thence $S34^{\circ}25'31''E$ along the Easterly property line of said Lot 88, a distance of 7.71 feet to a point on the Southerly line of a 7.50 foot utility easement per said plat, also the **Point of Beginning**; thence $S34^{\circ}25'31''E$ continuing along said Easterly property line, a distance of 7.50 feet; thence $S63^{\circ}46'47''W$ leaving said Easterly property line, a distance of 19.90 feet to a point on said Southerly line of a 7.50 foot utility easement line; thence $N42^{\circ}15'34''E$ along said utility easement line, a distance of 20.24 feet to the **Point of Beginning**.

The above described parcel contains 73.85 square feet or 0.002 acres, more or less.

The temporary construction and grading easement shall terminate at the earlier of:

- 1: Two (2) years from the date construction begins, or*
- 2: The date construction is completed and accepted by the City*

Parcel 2

Temporary Construction Easement

All that part of Lot 87, of BISON PARK, a subdivision in the City of Independence, filed in Plat book 82, at page 64 in the Jackson County Register of Deeds Office, and lying in the Northwest Quarter of Section 8, Township 49 North, Range 31 West of the 6th Principal Meridian, in Jackson County, Missouri, and more particularly described as follows:

Commencing at the Northeast corner of said Lot 87; thence $S34^{\circ}25'31''E$ along the Easterly property line of said Lot 87, a distance of 8.37 feet; thence $S55^{\circ}34'29''W$ perpendicular to last course, a distance of 10.00 feet to the Northerly corner of utility easement per said plat, also the **Point of Beginning**; thence $S34^{\circ}25'31''E$ along a 10.00 foot utility easement, a distance of 7.50 feet; thence $S50^{\circ}35'45''W$ leaving said 10.00 foot utility easement, a distance of 58.14 feet to a point on the Southwesterly property line of said Lot 87; thence $N34^{\circ}25'31''W$ along said Southwesterly property line, a distance of 7.50' to a point on the Southerly line of a 7.50 foot utility easement; thence $N42^{\circ}15'34''E$ along said 7.50 foot utility easement, a distance of 1.22 feet; thence $N50^{\circ}35'45''E$ along said 7.50 foot utility easement, a distance of 56.93 feet to the **Point of Beginning**.

The above described parcel contains 439.50 square feet or 0.010 acres, more or less.

The temporary construction and grading easement shall terminate at the earlier of:

- 1: Two (2) years from the date construction begins, or*
- 2: The date construction is completed and accepted by the City*

Parcel 3

Temporary Construction Easement:

All that part of Lot 86, of BISON PARK, a subdivision in the City of Independence, filed in Plat book 82, at page 64 in the Jackson County Register of Deeds Office, and lying in

the Northwest Quarter of Section 8, Township 49 North, Range 31 West of the 6th Principal Meridian, in Jackson County, Missouri, and more particularly described as follows:

Commencing at the Northeast corner of said Lot 86; thence S34°25'31"E along the Easterly property line of said Lot 86, a distance of 7.50 feet to the Southeast corner of a 7.50 foot utility easement per said plat, also the **Point of Beginning**; thence S34°25'31"E continuing along said Easterly property line, a distance of 7.50 feet; thence S54°08'47"W leaving said Easterly property line, a distance of 60.11 feet to a point on a 10.00 foot utility easement per said plat; thence N34°25'31"W along said 10.00 foot utility easement, a distance of 7.50 feet to the Westerly corner of said 7.50 foot utility easement; thence N54°08'47"E along said 7.50 foot utility easement, a distance of 60.11 feet to the **Point of Beginning**.

The above described parcel contains 450.71 square feet or 0.010 acres, more or less.

The temporary construction and grading easement shall terminate at the earlier of:

- 1: Two (2) years from the date construction begins, or*
- 2: The date construction is completed and accepted by the City*

SECTION 2. That the City Manager and his designates are hereby authorized and directed to negotiate with the owners of the properties herein described for the purchase of general utility easements and temporary construction and grading easements relating to said lands.

SECTION 3. That in the event of failure to negotiate the proper compensation to be paid for such general utility easements and temporary construction and grading easements and the acquisition thereof by purchase, the City Counselor and his designates are hereby authorized and directed to institute eminent domain proceedings for the purpose of acquiring such general utility easements and temporary construction and grading easements in the manner provided by law.

SECTION 4. That the City Manager is hereby authorized to request proposals, if required, for surveys, appraisals, and necessary title reports for said property.

SECTION 5. That the improvements herein referred to shall be of the nature described herein and shall be done in accordance with the plans and specifications as completed, hereby approved, and on file in the office of the Municipal Services Director.

SECTION 6. That the City Manager of the City of Independence, Missouri, is hereby authorized and directed to execute necessary documents, to pay and disburse funds, within appropriations authorized for this project, to property owners, others holding property rights and escrow agents pursuant to negotiated agreements for purchase of said general utility easements and temporary construction and grading easements, all in accordance with established acquisition procedure and approved appraisals.

PASSED THIS _____ DAY OF _____, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council

Bison Park Sanitary Sewer Improvements
City Project No. 302003 – Easement Acquisition
07/06/2020
06/29/20 - JF

of the City of Independence, Missouri

ATTEST:

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, sufficient to meet the obligation hereby incurred.

City Clerk

APPROVED - FORM AND LEGALITY:

Source is: SEWER

City Counselor

REVIEWED BY:

City Manager

Director of Finance and Administration
City of Independence, Missouri