

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS FOR INDEPENDENCE POWER & LIGHT SUBSTATION K SOUTH FEEDER REBUILD PROJECT (PROJECT NO. 201706); 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 Independence Power & Light Substation K South Feeder Rebuild Project (No.201706), 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 one (1) more parcel 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 of Independence Power & Light Substation K South Feeder Rebuild Project (No.201706) 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

GENERAL UTILITY EASEMENT:

A General Utility Easement being part of Lot 2, INDEPENDENCE CENTER, a subdivision in the South Half of Section 20, Township 49 North, Range 31 West of the 5th Principal Meridian in the City of Independence,

Jackson County, Missouri, being more particularly described as follows:

*Beginning at a point on the South right-of-way line of East 39th Street South, said point being the Northeast corner of said Lot 2; thence along the East line of said Lot 2, South 00°00'00" East, 142.06 feet; thence Southwesterly, continuing along said East line, on a curve to the right, tangent to the last described course having a radius of 20.00 feet, a central angle of 76°34'33" and an arc distance of 26.73 feet; thence Southwesterly, continuing along said East line, on a reverse curve to the left, having a radius of 677.00 feet, a central angle of 00°24'16" and an arc distance of 4.78 feet; thence North 00°00'00" West, 142.64 feet; thence South 90°00'00" West, 212.18 feet; thence South 88°05'30" West, 230.02 feet to a point on the West line of said Lot 2; thence Northeasterly, along said West line, on a curve to the right, having an initial tangent bearing of North 39°41'20" East, having a radius of 95.00 feet, a central angle of 08°40'51" and an arc distance of 14.39 feet to the Northwest corner of said Lot 2, said point being on said South right-of-way line; thence along the North line of said Lot 2 and said South right-of-way line, North 88°05'30" East, 219.85 feet; thence continuing along the North line of said Lot 2 and said South right-of-way line, North 00°00'00" West, 10.00 feet; thence continuing along the North line of said Lot 2 and said South right-of-way line, North 90°00'00" East, 232.35 feet to the Point of Beginning.
Containing 9,654 square feet or 0.22 acres, more or less.*

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
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

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.

Source is: IPL SUB K S FEEDER #201706

Director of Finance and Administration
City of Independence, Missouri