

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS AND GENERAL UTILITY EASEMENTS FOR THE VAILE SIDEWALK IMPROVEMENTS PROJECT (PROJECT NO.70110807); 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 and general utility easements in accordance with the plans and specifications as approved for construction, operation and maintenance of Vaile sidewalk designated as Vaile Sidewalk Improvements Project (No. 70110807.), 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 temporary construction and grading easements and general utility easements must be completed on fifteen (15) 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 Vaile Sidewalk designated as Vaile Sidewalk Improvements Project (No.70110807.) for the City of Independence, Missouri, to acquire by purchase or eminent domain proceedings temporary construction grading easements and general utility 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:**

*Commencing at the intersection of the North line of Lot 3, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof and the East right-of-way line of Liberty street as now established,*

*thence along the North line of said Lot 3, South 86°47'08" East, 158.27 feet, to the Point of Beginning;*

*Thence from the Point of Beginning, along said North Lot line, South 86°47'08" East, 20.00 feet; thence leaving said North Lot line, South 03°12'52" West, 15.09 feet; thence North 86°47'08" West, 20.00 feet; thence North 03°12'52" East, 15.09 feet to the Point of Beginning. Containing 302 square feet, 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**

### **General Utility Easement:**

*The North 10 feet of the West 90 feet of Lot 14, VAILE PARK, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof, to be a Permanent Storm Drainage Easement. Containing 900 square feet, more or less.*

## **Parcel 3**

### **Temporary Construction Easement:**

*The South 30 feet of the East 20 feet of Lot 48, VAILE PARK, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof. Containing 600 square feet, 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 4**

### **Temporary Construction Easement:**

*The North 40 feet of the East 15 feet of Lot 51, VAILE PARK, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof. Containing 600 square feet, 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 5**

### **Temporary Construction Easement:**

*Commencing at the intersection of the North line of Lot 1, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the*

*recorded plat thereof and the East right-of-way line of Liberty Street as now established, thence along said East right-of-way line, South 02°04'12" West, 42.67 feet, to the Point of Beginning;*

*Thence from the Point of Beginning, South 86°50'46" East, 15.39 feet; thence South 02°04'15" West, 19.95 feet; thence North 87°55'48" West, 15.39 feet to a point on said East right-of-way line; thence along said East right-of-way line, North 02°04'12" East, 20.24 feet to the point of beginning. Containing 309 square feet, 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 6**

**Temporary Construction Easement:**

*Beginning at the intersection of the South line of Lot 2, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof and the East right-of-way line of Liberty Street, as now established, the Point of Beginning;*

*Thence from the Point of Beginning, along said East right-of-way line, North 02°04'12" East, 30.00 feet; thence leaving said right-of-way line, South 87°58'53" East, 20.14 feet; thence South 02°20'43" West, 30.42 feet to the South line of said Lot 2; thence along said South line, North 86°47'08" West, 20.00 feet to the Point of Beginning. Containing 606 square feet, 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 7**

**Temporary Construction Easement:**

*Commencing at the intersection of the South line of Lot 2, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof and the East right-of-way line of Liberty Street as now established, thence along said East right-of-way line North 02°04'12" East, 102.79 feet, to the Point of Beginning;*

*Thence from the Point of Beginning, continuing along said East right-of-way line, North 02°04'12" West, 9.81 feet; thence leaving said East right-of-way line, South 86°47'08"*

*East, 10.07 feet; thence South 02°47'58" West, 9.66 feet; thence North 87°37'33" West, 9.95 feet, to the Point of Beginning. Containing 97 square feet, 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 8**

### **Temporary Construction Easement:**

*Commencing at the intersection of the North line of Lot 2, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof and the East right-of-way line of Liberty Street as now established, thence along said East right-of-way line, South 02°04'12" West, 56.99 feet, to the Point of Beginning;*

*Thence from the Point of Beginning, leaving said East right-of-way line, South 87°55'48" East, 10.20 feet; thence South 02°47'58" West, 10.00 feet; thence North 86°47'08" West, 10.07 feet, to a point on said East right-of-way line; thence along said right-of-way line, North 02°04'12" East, 9.80 feet, to the Point of Beginning. Containing 100 square feet, 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 9**

### **General Utility Easement:**

*Beginning at the intersection of the North line of Lot 3, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof and the East right-of-way line of Liberty Street as now established, thence from the Point of Beginning, along said North Line of Lot 3, South 86°47'08" East, 25.00 feet; thence leaving said North line, South 54°06'33" West, 31.70 feet, to a point on said East right-of-way; thence along said East right-of-way line, North 02°04'12" East, 20.00 feet to the Point of Beginning. Containing 250 square feet, more or less.*

### **Parcel 10**

#### **Temporary Construction Easement:**

*Commencing at the Northeast corner of Lot 1, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof, thence along the East line of Lot 1, South 02°03'36" West, 23.61 feet to the Point of Beginning;*

*Thence from the Point of Beginning, continuing along said East line, South 02°03'36" West, 20.21 feet; thence leaving said East line, North 86°44'08" West, 10.00 feet; thence North 02°11'54" East, 20.00 feet; thence South 87°56'24" East, 9.95 feet to the Point of Beginning. Containing 201 square feet, 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 11**

#### **Temporary Construction Easement:**

*The East 10 feet of the South 20 feet of Lot 2, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof. Containing 200 square feet, 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 12**

#### **Temporary Construction Easement:**

*The East 10 feet of the North 15 feet of Lot 2, ERWIN'S ADDITION, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof. Containing 150 square feet, 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 13**

#### **Temporary Construction Easement:**

*Commencing at the Northwest corner of Lot 8, GRIFFITH PLACE, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof,*

*thence along the West line of said Lot 8, South 02°03'36" West, 9.66 feet to the Point of Beginning;*

*Thence from the Point of Beginning, North 89°57'36" East, 10.00 feet; thence South 01°54'11" West, 25.00 feet; thence North 87°56'24" West, 10.06 feet to a point on said West line, thence along said West line, North 02°03'36" East, 24.63 feet to the Point of Beginning. Containing 249 square feet 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 14**

##### **Temporary Construction Easement:**

*Commencing at the Southwest corner of Lot 7, GRIFFITH PLACE, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof, thence along the West line of said Lot 7, North 02°03'36" East, 46.79 feet to the Point of Beginning;*

*Thence from the Point of Beginning, continuing along said West line, North 02°03'36" East, 25.21 feet; thence leaving said West line, South 86°44'23" East, 10.00 feet; thence South 02°03'36" West, 25.00 feet; thence North 87°56'24" West, 10.00 feet to the Point of Beginning. Containing 251 square feet, 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 15**

##### **Temporary Construction Easement:**

*Commencing at the Northwest corner of Lot 5, GRIFFITH PLACE, a subdivision in the City of Independence, Jackson County, Missouri, according to the recorded plat thereof, thence along West line of Lot 5, South 02°03'36" West, 47.37 feet to the Point of Beginning;*

*Thence from the Point of Beginning, South 87°56'24" East, 9.94 feet; thence South 01°41'59" West, 20.00 feet; thence North 87°56'24" West, 10.06 feet to a point on said West line; thence along said West line, North 02°03'36" East, 20.00 feet to the Point of Beginning. Containing 200 square feet, 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.

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED - FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

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: CDBG program

\_\_\_\_\_  
Director of Finance and Administration  
City of Independence, Missouri