

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 BRISTOL DRAINAGE IMPROVEMENTS PROJECT (PROJECT NO. 70131902); 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 Bristol Drainage Improvements (No.70131902), 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 thirteen (13) 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 Bristol Drainage Improvements (No.70131902) 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**

##### **General Utility Easement**

*Beginning at the Northwest corner of said Lot 164; thence S88°52'59"E along the North line of said Lot 164, being the North property line of said Original Parcel, a distance of 44.19 feet; thence S61°58'34"E leaving said North line, a distance of 221.68 feet to a point on the West Right-of-Way line for South Home Avenue; thence S00°56'00"W along said West Right-of-Way, a distance of 22.46 feet to the Southeast property corner of said Original Parcel; thence N61°58'34"W leaving said West Right-of-Way, a distance of*

*271.32 feet to the Point of Beginning.*

*The above described parcel contains 4,929.92 square feet or 0.113 acres, more or less.*

**Temporary Construction Easement-1**

*Commencing at the Northwest corner of said Lot 164; thence S88°52'59"E along the North line of said Lot 164, being the North property line of said Original Parcel, a distance of 44.19 feet to the Point of Beginning; thence continuing S88°52'59"E along said North property line, a distance of 15.47 feet; thence S61°58'34"E leaving said North property line, a distance of 204.30 feet to a point on the West Right-of-Way line for South Home Avenue; thence S00°56'00"W along said West Right-of-Way, a distance of 7.86 feet; thence N61°58'34"W leaving said West Right-of-Way, a distance of 221.68 feet to the Point of Beginning.*

*The above described parcel contains 1,490.92 square feet or 0.034 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*

**Temporary Construction Easement-2**

*Beginning at the Northwest corner of said Lot 164; thence S61°58'34"E leaving said Northwest corner, a distance of 271.32 feet to the Southeast corner of said Original Parcel, also being a point on the West Right-of-Way line for South Home Avenue; thence N88°52'59"W along the South property line of said Original Parcel, a distance of 35.36 feet; thence N61°58'34"W leaving said South property line, a distance of 231.24 feet to a point on the West property line of said Original Parcel; thence N00°05'00"W a distance of 18.14 feet to the Point of Beginning.*

*The above described parcel contains 4,020.47 square feet or 0.092 acres, more or less.  
Total Temporary Construction Easement contains 5,511.39 square feet or 0.126 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**

*Beginning at the Southwest property corner of said Original Parcel; thence N00°56'00"E along the East Right-of-Way line for South Home Avenue, to the Northwest property corner of said Original Parcel; thence S88°52'59"E along the North property line of said Original Parcel, a distance of 5.00 feet; thence S00°56'00"W leaving said North*

*property line, a distance of 61.00 feet to a point on the South property line of said Original Parcel; thence N88°52'59"W along said South property line, a distance of 5.00 feet to the Point of Beginning.*

*The above described parcel contains 305.00 square feet or 0.007 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**

*Beginning at the Southwest property corner of said Original Parcel; thence N00°56'00"E along the East Right-of-Way line for South Home Avenue, a distance of 50.00 feet to the Northwest property corner of said Original Parcel; thence S88°52'59"E along the North property line of said Original Parcel, a distance of 5.00 feet; thence S00°56'00"W leaving said North property line, a distance of 50.00 feet to a point on the South property line of said Original Parcel; thence N88°52'59"W along said South property line, a distance of 5.00 feet to the Point of Beginning.*

*The above described parcel contains 250.00 square feet or 0.006 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 4**

#### **General Utility Easement**

*Beginning at the Southeast property corner of said Original Parcel, being the Southeast corner of said Lot 143; thence N88°52'59"W along the South property line of said Original Parcel, a distance of 135.00 feet to the Southwest property corner of said Original Parcel, being a point on the East Right-of-Way line for South Home Avenue; thence N00°56'00"E along said East Right-of-Way line, a distance of 20.00 feet; thence S88°52'59"E leaving said East Right-of-Way line, a distance of 135.00 feet to a point on the East property line of said Original Parcel; thence S00°56'01"W along said East property line, a distance of 20.00 feet to the Point of Beginning.*

*The above described parcel contains 2,700.00 square feet or 0.062 acres, more or less.*

#### **Temporary Construction Easement**

*Beginning at the Northwest property corner of said Original Parcel; thence S88°52'59"E along the North property line of said Original Parcel, a distance of 5.00 feet; thence S00°56'00"W leaving said North property line, a distance of 57.02 feet; thence S52°57'32"E a distance of 13.61 feet; thence S88°52'59"E a distance of 119.01 feet to a point on said East property line of said Original Parcel; thence S00°56'01"W along said East property line, a distance of 10.00 feet; thence N88°52'59"W leaving said East property line, a distance of 135.00 feet to a point on the East Right-of-Way line for South Home Avenue; thence N00°56'00"E along said East Right-of-Way line, a distance of 75.00 feet to the Point of Beginning.*

*The above described parcel contains 1,718.88 square feet or 0.039 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 5**

### **General Utility Easement**

*Beginning at the Northeast property corner of said Original Parcel, being the Northeast corner of said Lot 142; thence S03°30'31"E along the East property line of said Original Parcel, being the East Lot line of said Lot 142, a distance of 40.13 feet to the Southeast corner of said Lot 142; thence S03°54'56"E along said East property line, being the East Lot line of said Lot 141 of said Original Parcel, a distance of 25.67 feet; thence N26°17'22"W leaving said East property line, a distance of 73.86 feet to a point on the North property line of said Original Parcel, being the North Lot line of said Lot 142; thence S88°52'59"E along said North property line, a distance of 28.51 feet to the Point of Beginning.*

*The above described parcel contains 931.76 square feet or 0.021 acres, more or less.*

### **Temporary Construction Easement**

*Commencing at the Northeast property corner of said Original Parcel, being the Northeast corner of said Lot 142; thence N88°52'59"W along the North property line of said Original Parcel, being the North Lot line of said Lot 142, a distance of 28.51 feet to the Point of Beginning; thence S26°17'22"E leaving said North property line, a distance of 19.15 feet; thence N88°52'59"W a distance of 43.00 feet; thence N01°07'01"E a distance of 17.00 feet to a point on said North property line of said Original Parcel; thence S88°52'59"E along said North property line, a distance of 34.19 feet to the Point of Beginning.*

*The above described parcel contains 656.08 square feet or 0.015 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 6**

### **Temporary Construction Easement**

*Commencing at the Northwest Lot corner of said Lot 139, being a point on the West property line of said Original Parcel; thence S03°30'31"E along said West property line, being said West Lot line of said Lot 139, a distance of 4.41 feet to the Point of Beginning; thence S63°46'41"E leaving said West property line, a distance of 28.28 feet to a point on the South property line of said Original Parcel; thence N88°52'54"W along said South property line, a distance of 24.64 feet to the Southwest property corner of said Original Parcel; thence N03°30'31"W along said West property line, a distance of 12.04 feet to the Point of Beginning.*

*The above described parcel contains 147.85 square feet or 0.003 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 7**

### **General Utility Easement**

*Beginning at the Southwest property corner of said Original Parcel, being the Southwest corner of said Lot 140; thence N03°54'56"W along the West property line of said Original Parcel, being the West Lot line of said Lot 140, a distance of 36.82 feet to the Southwest corner of said Lot 139; thence N03°30'31"W along said West property line, being the West Lot line of said Lot 139, a distance of 7.53 feet to the Southerly line of an existing drainage easement, as recorded in book I2159 at page 81; thence S89°00'17"E leaving said West property line and along said Southerly drainage easement line, a distance of 20.26 feet; thence S00°59'43"W along the Westerly line of said drainage easement, a distance of 44.19 feet to a point on the South property line of said Original Parcel, being the North Right-of-Way line of E. 14<sup>th</sup> Street and the South line of said Lot 140; thence N89°00'17"W along said North Right-of-Way line, being said South property line, a distance of 16.52 feet to the Point of Beginning.*

*The above described parcel contains 812.73 square feet or 0.019 acres, more or less.*

### **Temporary Construction Easement**

*Commencing at the Southwest property corner of said Original Parcel, being the Southwest corner of said Lot 140 and a point on the North Right-of-Way line of E. 14<sup>th</sup> Street; thence S89°00'17"E along said North Right-of-Way line, being the South property line of said Lot 140, a distance of 31.52 feet to a point on Easterly line of an existing drainage easement, as recorded in book I2159 at page 81, and the Point of Beginning; thence N00°59'43"E along said Easterly drainage easement line, a distance of 22.00 feet; thence S87°12'51"E leaving said Easterly drainage easement line, a distance of*

*32.01 feet; thence S00°59'43"W a distance of 21.00 feet to a point on said North Right-of-Way line, and said South property line; thence N89°00'17"W along said North Right-of-Way line, and said South property line, a distance of 31.99 feet to the Point of Beginning. The above described parcel contains 687.79 square feet or 0.016 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 9**

### **General Utility Easement**

Beginning at the Southwest property corner of said Original Parcel, being the Southwest corner of said Lot 111 and a point on the East Right-of-Way line of S. Cedar Avenue; thence N00°59'43"E along said East Right-of-Way line, being the West property line of said Lot 111, a distance of 11.00 feet; thence S73°03'55"E leaving said East Right-of-Way line and said West property line, a distance of 21.87 feet; thence S89°00'17"E a distance of 40.00 feet; thence S00°59'34"W a distance of 5.00 feet to a point on the North Right-of-Way line of E. 14<sup>th</sup> Street, also being a point on the South property line of said Lot 111; thence N89°00'17"W along said North Right-of-Way line, and said South property line, a distance of 61.03 feet to the Point of Beginning.

The above described parcel contains 368.17 square feet or 0.008 acres, more or less.

## **Parcel 10**

### **Temporary Construction Easement**

*Beginning at the Northwest property corner of said Original Parcel, being the Northwest corner of said Lot 10 and a point on the South Right-of-Way line of S. 14th Street; thence S89°00'17"E along said South Right-of-Way line, being the North property line of said Lot 10, a distance of 5.00 feet; thence S01°02'55"W leaving said South Right-of-Way line, a distance of 58.00 feet to a point on the South property line of said Lot 10; thence N89°01'46"W along said South property line, a distance of 5.00 feet to a point on the East Right-of-Way line of S. Cedar Avenue, also being the West property line of said Lot 10; thence N01°02'55"E along said East Right-of-Way line, and said West property line, a distance of 58.00 feet to the Point of Beginning.*

*The above described parcel contains 290.00 square feet or 0.007 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 11**

### **Temporary Construction Easement**

*Beginning at the Northwest property corner of said Original Parcel, being a point on the East Right-of-Way line of E. Cedar Avenue; thence S89°01'46"E along the North property line of said Original Parcel, a distance of 5.00 feet; thence S01°02'55"W leaving said North property line, a distance of 53.56 feet to a point on the South property line of said Original Parcel; thence N89°01'46"W along said South property line, a distance of 5.00 feet to a point on said East Right-of-Way line of S. Cedar Avenue, also being the West property line; thence N01°02'55"E along said East Right-of-Way line, and said West property line, a distance of 53.56 feet to the Point of Beginning.*

The above described parcel contains 267.80 square feet or 0.006 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 12**

### **Temporary Construction Easement**

*Beginning at the Northwest property corner of said Original Parcel, being a point on the East Right-of-Way line of E. Cedar Avenue; thence S89°01'46"E along the North property line of said Original Parcel, a distance of 5.00 feet; thence S01°02'55"W leaving said North property line, a distance of 111.00 feet to a point on the South property line of said Original Parcel; thence N89°01'46"W along said South property line, a distance of 5.00 feet to a point on said East Right-of-Way line of S. Cedar Avenue, also being the West property line of said Original Parcel; thence N01°02'55"E along said East Right-of-Way line, and said West property line, a distance of 111.00 feet to the Point of Beginning.*

The above described parcel contains 555.00 square feet or 0.013 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 13**

### **General Utility Easement**

*Beginning at the Southwest property corner of said Original Parcel, being a point on the East Right-of-Way line of E. Cedar Avenue; thence N01°02'55"E along said East Right-of-Way line, and West property line of said Original Parcel, a distance of 20.00 feet; thence S89°01'46"E leaving said East Right-of-Way line, and West property line, a distance of 138.75 feet to a point on the East property line of said Original Parcel; thence S01°04'31"W along said East property line, a distance of 20.00 feet to the*

*Southeast property corner of said Original Parcel; thence N89°01'46"W along the South property line of said Original Parcel, a distance of 138.74 feet to the Point of Beginning.*

*The above described parcel contains 2,774.83 square feet or 0.064 acres, more or less.*

**Temporary Construction Easement-1**

*Beginning at the Northwest property corner of said Original Parcel, being a point on the East Right-of-Way line of E. Cedar Avenue; thence S89°01'46"E along the North property line of said Original Parcel, a distance of 5.00 feet; thence S01°02'55"W leaving said North property line, a distance of 43.00 feet; thence N89°01'46"W a distance of 5.00 feet to a point on said East Right-of-Way line of S. Cedar Avenue, also being the West property line of said Original Parcel; thence N01°02'55"E along said East Right-of-Way line, and said West property line, a distance of 43.00 feet to the Point of Beginning.*

*The above described parcel contains 215.00 square feet or 0.005 acres, more or less.*

**Temporary Construction Easement-2**

*Commencing at the Northwest property corner of said Original Parcel, being a point on the East Right-of-Way line of E. Cedar Avenue; thence S01°02'55"W along said East Right-of-Way line, a distance of 43.00 feet; thence S89°01'46"E leaving said East Right-of-Way, a distance of 62.02 feet to the Point of Beginning; thence N00°58'14"E a distance of 15.00 feet; thence S89°01'46"E a distance of 60.00 feet; thence S00°58'14"W a distance of 15.00 feet; thence N89°01'46"W a distance of 60.00 feet to the Point of Beginning.*

*The above described parcel contains 900.00 square feet or 0.021 acres, more or less.*

*Total Temporary Construction Easement area contains 1115.00 square feet or 0.026 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 \_\_\_\_\_, 2021, 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