

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

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

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF NEW RIGHT-OF-WAY AND PERMANENT SIDEWALK EASEMENT FOR THE HARDY AVE. SIDEWALK (PROJECT NO.112001); 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 right-of-way and sidewalk easement in accordance with the plans and specifications as approved for construction, operation and maintenance of Hardy Ave Sidewalk Project (No. 112001), together with all appurtenances, thereto, along, over, under, upon, across and through certain tracts of land within Independence, Jackson County, Missouri; 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 Hardy Ave designated as Hardy Ave Sidewalk Project (No. 112001) for the City of Independence, Missouri, to acquire by purchase or eminent domain proceedings right-of-way and sidewalk easement for such public improvements, including, but not limited to, the right to construct curbs, drives, 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**

##### **PERMANENT SIDEWALK EASEMENT:**

*A PART OF LOT 35, LOT 1 AND LOTS 7 TO 41, DRIGALLA'S ADDITION A SUBDIVISION IN THE CITY OF INDEPENDENCE, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 35; THENCE NORTH 87°02'04" WEST ALONG THE SOUTH LINE OF SAID LOT 35, A DISTANCE OF 10.08 FEET; THENCE NORTH 35°56'53" EAST A DISTANCE OF 18.02 FEET TO THE EAST LINE OF SAID LOT 35; THENCE SOUTH 01°56'46" WEST ALONG SAID EAST LINE, A DISTANCE OF 15.12 FEET TO THE POINT OF BEGINNING. CONTAINING 76 SQUARE FEET, MORE OR LESS.*

## PARCEL 2

### PERMANENT RIGHT-OF-WAY EASEMENT:

*A PART OF EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 49 NORTH, RANGE 32 WEST IN THE CITY OF INDEPENDENCE, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 87°02'04" EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1323.68 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE NORTH 01°56'46" EAST ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1677.91 FEET TO THE WESTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 1 AS DESCRIBED IN DOCUMENT NO. 2020E0093789; THENCE SOUTH 87°05'38" EAST ALONG SAID PROLONGATED LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°05'38" EAST ALONG THE SOUTH LINE OF SAID TRACT 1, A DISTANCE OF 5.00 FEET; THENCE SOUTH 01°56'46" WEST ALONG A LINE 25.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER, A DISTANCE OF 104.10 FEET TO THE NORTHWEST CORNER OF LOT 62, DRIGALLA'S ADDITION LOTS 42 THRU 62, A SUBDIVISION IN THE CITY OF INDEPENDENCE, JACKSON COUNTY, MISSOURI; THENCE NORTH 87°05'38" WEST ALONG THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 62, A DISTANCE OF 5.00 FEET; THENCE NORTH 01°56'46" EAST A DISTANCE OF 104.10 FEET TO THE POINT OF BEGINNING. CONTAINING 521 SQUARE FEET, 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, right-of-way 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, right-of-way 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, right-of-way 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 right-of-way and sidewalk easement, 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:

\_\_\_\_\_  
Acting 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: Street Sales Tax

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Director of Finance and Administration  
City of Independence, Missouri