

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 RALSTON STORMWATER PROJECT (PROJECT NO. 70131805); 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 Ralston Stormwater Project ( No. 70131805), 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 Ralston Stormwater Project (No. 70131805) 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 Southwest corner of said Lot 9, also the East R/W line of E. Willow Ave.; thence N01°22'08"E along said East R/W, a distance of 17.84 feet; thence

S55°15'13"E leaving said East R/W, a distance of 69.00 feet to a point on the Southeasterly property line as described in said Warranty Deed; thence S35°05'31"W along said Southeasterly property line, a distance of 14.90 feet, to a point on the Northerly R/W line of E. Winner Rd., also the Southwesterly line of said Lot 9; thence N55°15'13"W along said Northerly R/W line, a distance of 59.10 feet to the Point of Beginning.

The above described parcel contains 954.33 square feet or 0.022 acres, more or less.

**Temporary Construction Easement:**

Commencing at the Southwest corner of said Lot 9, also the East R/W line of E. Willow Ave.; thence N01°22'08"E along said East R/W, a distance of 17.84 feet to the Point of Beginning; thence continuing N01°22'08"E a distance of 51.00 feet to a point on the Northerly property line as described in said Warranty Deed; thence S87°43'54"E along said Northerly property line, a distance of 31.00 feet; thence S01°22'08"W leaving said Northerly property line, a distance of 19.35 feet; thence S35°57'47"W a distance of 27.25 feet; thence S24°00'10"W a distance of 11.95 feet; thence S55°15'13"E a distance of 58.64 feet to a point on the Southeasterly property line as described in said Warranty Deed; thence S35°05'31"W along said Southeasterly property line, a distance of 4.10 feet; thence N55°15'13"W leaving said Southeasterly property line, a distance of 69.00 feet to the Point of Beginning.

*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:**

Beginning at the Southeast corner of said Lot 9, also the North R/W line of E. Winner Rd.; thence N55°15'13"W along said North R/W, a distance of 106.63 feet to a point on the Northwesterly property line as described in said Deed of Trust; thence N35°05'31"E along said Northwesterly property line, a distance of 14.90 feet; thence S55°15'13"E leaving said Northwesterly property line, a distance of 96.72 feet to a point on the East property line of said Lot 9; thence S01°22'08"W along said East property line, a distance of 17.84 feet to the Point of Beginning.

The above described parcel contains 1,514.96 square feet or 0.035 acres, more or less.

**Temporary Construction Easement - 1:**

Commencing at the Southeast corner of said Lot 9, also the North R/W line of E. Winner Rd.; thence N01°22'08"E along the East property line of said Lot 9, a distance of 17.84 feet to the Point of Beginning; thence N55°15'13"W leaving said East property line, a

distance of 96.72 feet to a point on the Northwesterly property line as described in said Deed of Trust; thence N35°05'31"E along said Northwesterly property line, a distance of 4.10 feet; thence S55°15'13"E leaving said Northwesterly property line, a distance of 94.00 feet to a point on the East property line of said Lot 9; thence S01°22'08"W along said East property line of said Lot 9, a distance of 4.91 feet to the Point of Beginning.

#### **Temporary Construction Easement - 2:**

Being the North 10 feet of the West 31 feet of said Lot 9.

*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**

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

Beginning at the Southeast corner of said Lot 6, also the North R/W line of E. Winner Rd.; thence N55°15'13"W along said North R/W, a distance of 165.73 feet to a point on the West property line of said Lot 6; thence N01°22'08"E along said West property line, a distance of 17.84 feet to a point on the North property line of said Lot 6; thence S87°43'54"E along said North property line, a distance of 138.41 feet to a point on the East property line of said Lot 9, also the West R/W line of E. Ralston Ave.; thence S01°22'08"W along said West R/W line, a distance of 10.38 feet; thence S89°59'33"W leaving said West R/W line, a distance of 123.76 feet; thence S55°15'13"E a distance of 148.17 feet to a point on said East property line and said West R/W line; thence S01°22'08"W along said East property line and said West R/W line, a distance of 11.98 feet to the Point of Beginning.

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

Commencing at the Southeast corner of said Lot 6, also the West R/W line of S. Ralston Ave.; thence N01°22'08"E along the East property line of said Lot 6 and said West R/W line, a distance of 11.98 feet to the Point of Beginning; thence N55°15'13"W leaving said East property line, a distance of 148.17 feet; thence N89°59'33"E a distance of 123.76 feet to a point on the East property line of said Lot 6 and said West R/W line; thence S01°22'08"W along said West R/W line, a distance of 11.62 feet; thence N87°43'54"W leaving said West R/W line, a distance of 97.49 feet; thence S55°15'13"E a distance of 116.73 feet to a point on said East property line of said Lot 6 and said West R/W line; thence S01°22'08"W along said West R/W line, a distance of 10.18 feet to the Point of Beginning.

*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**

Being the East 4 feet and the South 8 feet all in said Lot 7:

*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**

Being the East 4 feet of the North 18 feet of said Lot 8.

*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**

Being the East 4 feet of the South 15 feet of said South 1/2 of Lot 6.

*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**

Being the East 4 feet of the North 20 feet of said North 1/2 of Lot 6.

*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**

Being the East 4 feet of the South 46 feet of said Lot 5.

*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**

**Temporary Construction Easement**

Being the West 6 feet of the South 17 feet of said South 1/2 of Lot 12.

*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 10**

**Temporary Construction Easement**

Being the West 6 feet of the North 8 feet of said North 1/2 of Lot 11.

*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**

Being the West 4 feet of the South 32 feet of said Lot 2.

*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**

Being the West 6 feet of said Lot 3 and the West 6 feet of the North 11 feet of said Lot 4.

*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**

Being the West 23 feet of the South 5 feet of said South 40 feet of Lot 7.

*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.

\_\_\_\_\_  
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