

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

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

AN ORDINANCE DECLARING THE NEED TO ACQUIRE REAL PROPERTY FOR THE AMELIORATION OF CONDITIONS WHICH CONSTITUTE BLIGHT IN THE CITY BY NEGOTIATION, OR, IF NECESSARY, BY CONDEMNATION, AND AUTHORIZING THE CITY MANAGER TO OBTAIN AND EXECUTE ALL INSTRUMENTS NECESSARY FOR ACQUISITION OF SUCH LAND; AND DECLARING AN EMERGENCY.

WHEREAS, the Constitution and Statutes of the State of Missouri authorize the City Council to exercise the power of eminent domain, and among other things, to acquire and maintain any property, real or personal, for all public uses or purposes, and to acquire, receive and hold any estate or interest in any such property; and,

WHEREAS, the City Council deems it necessary for the welfare of the citizens of this City that improvements be made to alleviate conditions which constitute blight within the City on certain real property, commonly referred to as 4023 South Noland Road, Independence, Missouri; and,

WHEREAS, given the lack of responsiveness from the property owner, as well as the owner's unwillingness to improve the real property, such improvements require that private land be acquired by negotiation or by condemnation in order to proceed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, AS FOLLOWS:

SECTION 1. The City Council hereby declares the need to acquire real property for construction of improvements to alleviate conditions which constitute blight, as described in the attached Exhibit A.

SECTION 2. The City Manager is authorized to acquire the real property described in Exhibit A by negotiation or by the power of eminent domain, as set forth in Section 4 hereof.

SECTION 3. The City Manager is authorized to obtain, execute, and record all deeds and other instruments necessary to acquire the real property described in Exhibit A.

SECTION 4. If the City cannot agree with the owners, or those claiming an interest in the real property described in Exhibit A, on the proper compensation to be paid for such real property, or if the owner is incapable of contracting, is unknown, or cannot be found, or is a non-resident of the State of Missouri, the City Counselor is authorized to petition the Circuit Court of Jackson County, Missouri, to acquire the real property described in Exhibit A by condemnation.

SECTION 5. The City Manager is further authorized to engage a licensed appraiser to value the property and to take all other needful or expeditious actions to carry out the intent of this Ordinance. As the acquisition of this real property is deemed to be of an emergency basis, the City Council authorizes the City Manager to waive any requirements of the City, but not of Missouri State law, pertaining to the acquisition of such services.

**SECTION 6.** Due to the need to move forward with this process as soon as possible, and given the procedural requirements dictated by Missouri Revised Statutes, the consideration of this Ordinance shall be considered an emergency, which allows for two readings at a single City Council meeting, and, if approved, shall be in full force and effect from and after its passage.

PASSED AS AN EMERGENCY 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

Exhibit A

LEGAL DESCRIPTION

ALL THAT PART OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 49, RANGE 32, IN THE CITY OF INDEPENDENCE, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST  $\frac{1}{4}$ ; THENCE SOUTH  $90^{\circ} 00' 00''$  EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST  $\frac{1}{4}$ , A DISTANCE OF 272.31 FEET; THENCE SOUTH  $0^{\circ} 00' 00''$  WEST, A DISTANCE OF 40.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 39TH STREET, AS ESTABLISHED BY DOCUMENT NO. I456433, RECORDED IN BOOK I1078, PAGE 1452, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE SOUTH  $0^{\circ} 00' 00''$  WEST, AT RIGHT ANGLES TO SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 343.00 FEET; THENCE NORTH  $90^{\circ} 00' 00''$  WEST, A DISTANCE OF 18.45 FEET; THENCE SOUTH  $1^{\circ} 15' 00''$  EAST, PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF NOLAND ROAD, AS NOW ESTABLISHED, A DISTANCE OF 130.00 FEET; THENCE NORTH  $90^{\circ} 00' 00''$  WEST, A DISTANCE OF 5.00 FEET; THENCE SOUTH  $0^{\circ} 00' 00''$  WEST, A DISTANCE OF 200.00 FEET; THENCE SOUTH  $90^{\circ} 00' 00''$  WEST, A DISTANCE OF 152.81 FEET (DEED = 152.98 FEET), TO A POINT ON THE AFORESAID EAST RIGHT-OF-WAY LINE OF NOLAND ROAD; THENCE SOUTH  $11^{\circ} 06' 41''$  EAST (DEED = SOUTH  $11^{\circ} 02' 39''$  EAST), ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 65.40 FEET; THENCE NORTH  $90^{\circ} 00' 00''$  EAST, A DISTANCE OF 201.39 FEET; THENCE SOUTH  $1^{\circ} 02' 25''$  EAST, A DISTANCE OF 355.00 FEET; THENCE NORTH  $85^{\circ} 50' 55''$  WEST, A DISTANCE OF 140.49 FEET (DEED = 140.92 FEET), TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF NOLAND ROAD; THENCE SOUTH  $11^{\circ} 06' 41''$  EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 7.64 FEET (DEED = SOUTH  $11^{\circ} 02' 39''$  EAST, A DISTANCE OF 8.29 FEET), TO A POINT THAT IS OPPOSITE AND 155.00 FEET EAST OF STATION 18+50 ON THE CENTERLINE OF NOLAND ROAD; THENCE SOUTH  $88^{\circ} 41' 51''$  WEST, (DEED = SOUTH  $88^{\circ} 45' 00''$  WEST), CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO A POINT THAT IS OPPOSITE AND 130 FEET EAST OF STATION 18+50 ON SAID NOLAND ROAD CENTERLINE; THENCE SOUTH  $2^{\circ} 02' 11''$  EAST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 124.30 FEET (DEED = SOUTH  $1^{\circ} 15' 00''$  EAST, A DISTANCE OF 124.24 FEET), TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE ROUTE NO. I-70, AS NOW ESTABLISHED THAT IS OPPOSITE AND 228.80 FEET NORTHERLY OF STATION 545+60 ON THE CENTERLINE OF SAID I-70, THENCE SOUTH  $84^{\circ} 21' 11''$  EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 643.04 FEET (DEED = SOUTH  $84^{\circ} 17' 39''$  EAST, A DISTANCE OF 644.64 FEET) TO A POINT THAT IS OPPOSITE AND 166.30 FEET NORTHERLY OF STATION 552+00 ON THE CENTERLINE OF SAID I-70; THENCE SOUTH  $89^{\circ} 55' 50''$  EAST, CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 546.03 FEET (DEED = SOUTH  $89^{\circ} 51' 16''$  EAST, A DISTANCE OF 545.61 FEET), TO A POINT ON THE WEST LINE OF "BROOKWOOD NO. 2", A SUBDIVISION OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI; THENCE NORTH  $1^{\circ} 15' 58''$  WEST, ALONG THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 785.43 FEET (DEED = NORTH  $1^{\circ} 12' 00''$  WEST, A DISTANCE OF 786.12 FEET), TO THE SOUTHEAST CORNER OF LOT 19, "WOODRIDGE", A SUBDIVISION OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI; THENCE SOUTH  $89^{\circ} 51' 43''$  WEST, ALONG THE SOUTH LINE OF SAID "WOODRIDGE", A DISTANCE OF 251.04 FEET (DEED = NORTH  $90^{\circ} 00' 00''$  WEST, A DISTANCE OF 250.63 FEET), TO AN ANGLE POINT THEREIN; THENCE NORTH  $80^{\circ} 01' 00''$  WEST, CONTINUING ALONG SAID SOUTH LINE OF "WOODRIDGE" SUBDIVISION, A DISTANCE OF 288.30 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH  $89^{\circ} 47' 57''$  WEST (DEED = NORTH  $90^{\circ} 00' 00''$  WEST), CONTINUING ALONG SAID SOUTH LINE OF "WOODRIDGE" SUBDIVISION, A DISTANCE OF 286.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF DODGION STREET, AS NOW ESTABLISHED ; THENCE NORTH  $0^{\circ} 12' 03''$  WEST (DEED = NORTH  $0^{\circ} 00' 00''$  WEST), ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 5.00 FEET TO THE SOUTHEAST CORNER OF LOT 34, SAID "WOODRIDGE"; THENCE SOUTH  $89^{\circ} 47' 57''$  WEST ALONG THE SOUTH LINE OF SAID LOT 34, A DISTANCE OF 135.40 FEET (DEED =  $90^{\circ} 00' 00''$  WEST, A DISTANCE OF 135.00 FEET), TO THE SOUTHWEST CORNER OF SAID LOT 34; THENCE

NORTH 0° 00' 00" EAST, ALONG THE WEST LINE OF SAID "WOODRIDGE" SUBDIVISION, A DISTANCE OF 440.00 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF 39TH STREET; THENCE NORTH 90° 00' 00" WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.