

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 W. JONES ROAD CULVERT REPLACEMENT PROJECT (PROJECT NO. 70131802); 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 W. Jones Road Culvert Replacement Project (No. 70131802), 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 W. Jones Road Culvert Replacement Project (No. 70131802) 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

All that part of Lot 1, NORTH CREEK ESTATES a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described by Jed A.M. Baughman, PLS #2014020708 of Renaissance Infrastructure Consulting, Inc. as follows:

COMMENCING at the Northeast corner of said Lot 1, thence North 87°30'15" West, along the North line of said Lot 1, a distance of 191.85 feet; thence departing said North line, South 01°22'22" West, a distance of 5.00 feet to a point on the South line of an existing General Utility Easement as platted in said NORTH CREEK ESTATES, and the POINT OF BEGINNING;

thence continuing South 01°22'22" West a distance of 40.51 feet; thence North 87°30'15" West a distance of 40.00 feet; thence North 01°22'22" East a distance of 40.51 feet to a point on said South easement line; thence South 87°30'15" East, along said South line, a distance of 40.00 feet to the POINT OF BEGINNING.

Temporary Construction Easement:

All that part of Lot 1, NORTH CREEK ESTATES a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described by Jed A.M. Baughman, PLS #2014020708 of Renaissance Infrastructure Consulting , Inc. as follows:

COMMENCING at the Northeast corner of said Lot 1, thence North 87°30'15" West, along the North line of said Lot 1, a distance of 173.77 feet; thence departing said North line, South 02°29'45" West, a distance of 5.00 feet to a point on the South line of an existing General Utility Easement as platted in said NORTH CREEK ESTATES, and the POINT OF BEGINNING; thence continuing South 02°29'45" West a distance of 45.50 feet; thence North 87°30'15" West a distance of 76.04 feet; thence North 02°29'45" East a distance of 45.50 feet to a point on said South easement line; thence South 87°30'15" East, along said South line, a distance of 76.04 feet to the POINT OF BEGINNING, LESS that part lying in General Utility Easement.

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 _____, 2022, 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