

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 SUB K REBUILD PROJECT (PROJECT NO. 201706); 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 Sub K Rebuild Project ( No. 201706), 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 Sub K Rebuild Project (No. 201706) 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**

A permanent easement located in the Northwest Quarter of Section 20, Township 49 North, Range 31 West, Independence, Jackson County, Missouri and being part of the tract of land described in Warranty Deed recorded under Instrument Number 2021E0111774 at the Jackson County, Missouri Recorder Of Deeds office, and being more particularly described as follows: Beginning at the Northeast corner of said Warranty Deed, said point also being the Southwest Right-of-Way corner of East 37th Terrace Court South and South Arrowhead Avenue, as they now exist, thence Southerly along the West Right-of-Way line of said South Arrowhead Avenue, also being the East line of said Warranty Deed, along a curve to the right having an Initial Tangent Bearing of South 02°13'13" East, having a radius of 952.49 feet, an arc length of 21.54 feet; thence leaving said West Right-of-Way line and said East line,

North 65°31'30" West, 56.77 feet to a point on the South right-of-way line of said East 37th Terrace Court South, also being a point on the North line of said Warranty deed; thence along said South Right-of-Way line and said North line, South 87°46'13" East, 51.11 feet to the Point of Beginning and contains 550 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 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