

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

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

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS FOR THE 34<sup>th</sup> TERRACE BANK STABILIZATION PROJECT (PROJECT NO. 131802); 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 in accordance with the plans and specifications as approved for construction, operation and maintenance of 34<sup>th</sup> Terrace Bank Stabilization Project ( No. 131802), 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 34<sup>TH</sup> Terrace Bank Stabilization Project (No. 131802) 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:

#### **Lot 1**

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

All that part of Lot 2, Sleepy Hollow, a subdivision in the City of Independence, Missouri, as herein described by Timothy Blair Wiswell, Missouri Professional Land Surveyor's License No. 2009000067, of Olsson, Inc., and being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 1 of said Sleepy Hollow, said point also being the Northwest corner of Lot 29 of Camwood Subdivision, a subdivision in the City of Independence, Missouri; thence North 87 degrees 35 minutes 56 seconds East, on the South line of said Lot 1, and on the South line of said Lot 2, and on the North line of said Camwood Subdivision, a distance of 262.35 feet, to the POINT OF BEGINNING; thence North 01 degree 32 minutes 07 seconds East, departing the South line of said Lot 2 and the North line of said Camwood Subdivision, a distance of 30.07 feet, to a point;

thence North 87 degrees 35 minutes 56 seconds East, a distance of 40.32 feet, to a point on the East line of the property described in the Quit Claim Deed recorded in Book I-3186 at Page 2202; thence South 24 degrees 03 minutes 40 seconds West, on the East line of said property, a distance of 33.51 feet, to the Southeast corner of said property, said point also being on the South line of said Lot 2 and on the North line of said Camwood Subdivision; thence South 87 degrees 35 minutes 56 seconds West, on the South line of said Lot 2 and on the North line of said Camwood Subdivision, a distance of 27.45 feet, to the POINT OF BEGINNING, containing 1,017 square feet, or 0.0233 acres, more or less.

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

## **Lot 2**

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

All that part of Lot 32, Camwood Subdivision, a subdivision in the City of Independence, Missouri, as herein described by Timothy Blair Wiswell, Missouri Professional Land Surveyor's License No. 2009000067, of Olsson, Inc., and being more particularly described as follows:  
COMMENCING at the Southeast corner of said Lot 32, said point also being the Southwest corner of Lot 33, and a point on the North Right-of-Way line of 34th Street, as both were established with said Camwood Subdivision; thence North 88 degrees 27 minutes 53 seconds West, on the South line of said Lot 32 and on the North Right-of-Way line of said 34th Street, a distance of 5.00 feet, to a point on the West line of an existing 10.00 foot wide Storm Drainage Easement, as established with said Camwood Subdivision, said point also being the POINT OF BEGINNING; thence North 88 degrees 27 minutes 53 seconds West, continuing on the South line of said Lot 32 and on the North Right-of-Way line of said 34th Street, a distance of 16.00 feet, to a point; thence North 01 degrees 32 minutes 07 seconds East, departing the South line of said Lot 32 and the North Right-of-Way line of said 34th Street, a distance of 25.00 feet, to a point; thence South 88 degrees 27 minutes 53 seconds East, a distance of 3.50 feet, to a point; thence North 01 degree 32 minutes 07 seconds East, a distance of 149.87 feet, to a point on the North line of said Lot 32, said point also being on the South line of Lot 2, Sleepy Hollow, a subdivision in the City of Independence, Missouri; thence North 87 degrees 35 minutes 56 seconds East, on the North line of said Lot 32, and on the South line of said Lot 2, a distance of 12.53 feet, to a point on the West line of said existing Storm Drainage Easement; thence South 01 degree 32 minutes 07 seconds West, departing the North line of said Lot 32 and the South line of said Lot 2, and on the West line of said existing Storm Drainage Easement, a distance of 175.73 feet, to the POINT OF BEGINNING, containing 2,279 square feet or 0.0523 acres, more or less.

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

## **Lot 3**

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

All that part of Lot 33, Camwood Subdivision, a subdivision in the City of Independence, Missouri, as herein described by Timothy Blair Wiswell, Missouri Professional Land Surveyor's License No. 2009000067, of Olsson, Inc., and being more particularly described as follows:  
COMMENCING at the Southwest corner of said Lot 33, said point also being the Southeast corner of Lot 32, and a point on the North Right-of-Way line of 34th Street, as both were established with said Camwood Subdivision; thence South 88 degrees 27 minutes 53 seconds East, on the South line of said Lot 33, and on the North Right-of-Way line of said 34th Street, a distance of 5.00 feet, to a point on the

East line of an existing 10.00 foot wide Storm Drainage Easement, as established with said Camwood Subdivision; thence 01 degree 32 minutes 07 seconds East, departing the South line of said Lot 33 and the North Right-of-Way line of said 34th Street, and on the East line of said existing Storm Drainage Easement, a distance of 65.00 feet, to the POINT OF BEGINNING; thence North 01 degree 32 minutes 07 seconds East, continuing on the East line of said existing Storm Drainage Easement, a distance of 111.42 feet, to a point on the North line of said Lot 33, said point also being on the South line of Lot 2, Sleepy Hollow, a subdivision in the City of Independence, Missouri; thence North 87 degrees 35 minutes 56 seconds East, on the North line of said Lot 33, and on the South line of said Lot 2, a distance of 15.04 feet, to a point; thence South 01 degree 32 minutes 07 seconds West, departing the North line of said Lot 33 and the South line of said Lot 2, a distance of 112.45 feet, to a point; thence North 88 degrees 27 minutes 53 seconds West, a distance of 15.00 feet, to the POINT OF BEGINNING, containing 1,679 square feet, or 0.0385 acres, more or less.

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 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:

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City Counselor

REVIEWED BY:

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City Manager