

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 19221, BY UPDATING THE NECESSARY EASEMENT TYPES AND DESCRIPTIONS FOR PARCEL 13 OF THE RAYMOND HARKLESS TO MILLS PROJECT (PROJECT #131806) IN ORDER TO COORDINATE WITH NECESSARY DESIGN CHANGES.

WHEREAS, on June 21, 2021, Ordinance No. 19221 was passed giving the initial acquisition authority for the Raymond Harkless to Mills Project (Project No. 131806) by granting authority to acquire twenty parcels for temporary construction and grading easements and general utility easements for the project; 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 Ordinance No. 19221, adopted by the City Council on June 21, 2021, is hereby amended, such that it continues to be found, determined, and declared that it is necessary for the purpose of construction, operation and maintenance of the Raymond Harkless to Mills (Project No.131806) 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, the legal descriptions of which are as follows, with all other legal descriptions of parcels remaining as provided in Ordinance No. 19221:

Parcel 13

Temporary Construction Easement

A part of Lots 4 and 5, EDEN PARK, a subdivision in the City of Independence, Jackson County, Missouri being more particularly described as follows;

Commencing at the Southeast corner of said Lot 4; thence North 01°21'50" East, along the East line of said Lot 4, 28.72 feet to the Point of Beginning; thence departing said East line, North 88°38'12" West, 12.74 feet; thence North 01°21'48" East, 11.00 feet; thence South 88°38'12" East, 7.73 feet; thence North 01°22'00" East, 44.52 feet; thence South 88°38'10" East, 5.00 feet; thence South 01°21'50" West, 55.52 feet to the Point of Beginning, containing 363 square feet, more or less, including 51 square feet, more or less of Permanent Easement.

General Utility Easement

A part of Lot 4, EDEN PARK, a subdivision in the City of Independence, Jackson County, Missouri being more particularly described as follows;

Commencing at the Southeast corner of said Lot 4; thence North 01°21'50" East, along the East line of said Lot 4, 29.77 feet to the Point of Beginning; thence North 88°38'12" West, 8.74 feet; thence North 02°10'14" East, 5.41 feet; thence North 85°37'55" East, 8.70 feet; thence South 01°21'50" West, 6.28 feet to the Point of Beginning, containing 51 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 and improvements.

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 here 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 specification 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 the 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