

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING TEMPORARY CONSTRUCTION AND GRADING EASEMENTS, GENERAL UTILITY EASEMENTS AND RIGHT OF WAY FOR THE LYNN COURT AND NOLAND ROAD INTERSECTION ALIGNMENT PROJECT (PROJECT NO. 512101); 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, general utility easements and right of way in accordance with the plans and specifications as approved for construction, operation and maintenance of Noland Road Intersection Realignment Project (No.512101), together with all appurtenances, thereto, along, over, under, upon, across and through certain tracts of land within Independence, Jackson County, Missouri; and,

WHEREAS, since the enactment of Ordinance No. 19005, it has been determined that the acquisition of temporary construction and grading easements, general utility easements and right of way must be completed on three (3) parcels for the project to be completed; 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 Noland Road Intersection Realignment Project (No. 512101) for the City of Independence, Missouri, to acquire by purchase or eminent domain proceedings temporary construction grading easements, general utility easements and right of way 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

Temporary Construction Easement

Temporary Construction Easement

A part of a parcel of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 49 North, Range 32 West, Independence, Jackson County, Missouri, said

parcel being described as TRACT 1 in Document Number 2018E0038232 of the records of said Jackson County, described by Steve E. Roberts, Missouri PLS 2496 of Renaissance Infrastructure Consulting as follows:

The South 5.00 feet of said TRACT 1. Contains 758 square feet, (0.017 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*

Parcel 2

Right-of-way

A part of a parcel of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 49 North, Range 32 West, Independence, Jackson County, Missouri, said parcel being described in Document Number 2020E0032780 of the records of said Jackson County and also being a part of an Non-Exclusive Easement for Ingress and Egress Easement (I-E EASEMENT), described in Document Number I-416593 in Book I-998 at Page 1879 of the records of said Jackson County, described by Steve E. Roberts, Missouri PLS 2496 of Renaissance Infrastructure Consulting as follows:

Beginning at the described Point of Beginning of said I-E EASEMENT, said point also being the Northeast corner of a parcel of land described as TRACT 1 in Document Number 2021E0058735 of the records of said Jackson County, the East line of said TRACT 1 and West line of said I-E EASEMENT bears a measured bearing of South 01°46'37" West (as per an unrecorded survey performed by Phillip Schnitz, Missouri PLS 2014020715 of Kaw Valley Engineering, dated 8-27-2020);
thence North 01°46'37" East along the northerly extension of the West line of said I-E EASEMENT, 64.16 feet to a point on the North line of said I-E EASEMENT;
thence North 87°00'16" West, along said North line and also the South line of a parcel of land described in Document Number 2018E0038232 of the records of said Jackson County, 212.76 feet to the Northwest corner of said I-E EASEMENT, and also a point on the Easterly Noland Road Right-of-way line;
thence South 08°14'03" East along the West line of said I-E EASEMENT and said Right-of-Way line, 65.40 feet to the Western-most Southwest corner of said I-E EASEMENT and also the Northwest corner of said TRACT 1;
thence South 87°00'16" East along the South line of said I-E EASEMENT and the North line of said TRACT 1, 201.39 feet to the POINT OF BEGINNING.
Contains 13,284 square feet, (0.305 acres), more or less.

General Utility Easement

Beginning at the Southwest corner of said Lot 95; thence North 01°33'42" East, along the West line of said Lot 95, a distance of 38.61 feet; thence departing said West line, South 04°10'30" East, a distance of 38.87 feet, to a point on the South line of said Lot

95; thence North 87°26'14" West, along said South line, a distance of 3.89 feet to the Point of Beginning, containing 75 square feet, more or less.

Temporary Construction Easement 1 (north)

A part of a parcel of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 49 North, Range 32 West, Independence, Jackson County, Missouri, said parcel being described in Document Number 2020E0032780 of the records of said Jackson County, described by Steve E. Roberts, Missouri PLS 2496 of Renaissance Infrastructure Consulting as follows:

Commencing at the Northwest corner of said Northwest Quarter of the Southeast Quarter, the following dimensions are all of record;

thence South 00°00'00" East, along the north line of said Northwest Quarter of the Southeast Quarter, a distance of 272.31 feet;

thence South 00°00'00" West, a distance of 40.00 feet to the South right-of-way line of 39th Street, as established by Document No. I-456433, recorded in Book I-1078, Page 1452;

thence South 00°00'00" West at right angles to said South right-of-way line, a distance of 343.00 feet; thence North 90°00'00" West, a distance of 18.45 feet;

thence South 01°15'00" East, parallel with the East right-of-way line of Noland Road, as now established, a distance of 130.00 feet;

thence North 90°00'00" West, a distance of 5.00 feet;

thence South 00°00'00" West, a distance of 200.00 feet to the Point of Beginning of subject tract, said point being on the North line of a Non-Exclusive Easement for Ingress and Egress, granted by a Warranty Deed, recorded March 31, 1980 as Document No. I-416593 in Book I-998 at Page 1879;

thence South 90°00'00" East, along said North line, a distance of 65.78 feet;

thence departing said North line, North 00°00'00" East, a distance of 5.00 feet;

thence South 90°00'00" West, 65.78 feet to a point on the West line of said parcel described in Document Number 2020E0032780; thence South 00°00'00" West along said West line, 5.00 feet to the Point of beginning.

Contains 329 square feet, (0.008 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*

Temporary Construction Easement 2 (east)

A part of a parcel of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 49 North, Range 32 West, Independence, Jackson County, Missouri, said parcel being described in Document Number 2020E0032780 of the records of said Jackson County and also being a part of an Non-Exclusive Easement for Ingress and Egress Easement (I-E EASEMENT), described in Document Number I-416593 in Book I-998 at Page 1879 of the records of said Jackson County, described by Steve E. Roberts, Missouri PLS 2496 of Renaissance Infrastructure Consulting as follows:

Beginning at the described Point of Beginning of said I-E EASEMENT, said point also being the Northeast corner of a parcel of land described as TRACT 1 in Document Number 2021E0058735 of the records of said Jackson County;
thence a measured bearing of South 01°46'37" West (as per an unrecorded survey performed by Phillip Schnitz, Missouri PLS 2014020715 of Kaw Valley Engineering, dated 8-27-2020), along the West line of said I-E EASEMENT and East line of said TRACT 1, 33.01 feet;
thence departing said West line, South 88°13'23" East, 6.56 feet;
thence North 01°46'37" East, 49.78 feet;
thence South 89°15'16" East, 23.87 feet;
thence North 00°44'44" East, 23.94 feet;
thence North 89°15'16" West, 23.43 feet;
thence North 01°48'37" East, 23.30 feet to a point on the North line of said I-E EASEMENT;
thence North 87°00'16" West along said North line, 6.57 feet;
thence departing said North line, South 01°46'37" West, 28.45 feet;
thence South 89°15'16" East, 25.09 feet;
thence South 00°44'44" West, 13.96 feet;
thence North 89°15'16" West, 23.43 feet;
thence South 01°46'37" West, 21.66 feet to the POINT OF BEGINNING.
Contains 852 square feet, (0.020 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*

Parcel 3

Temporary Construction Easement

A part of a parcel of land in the Northwest Quarter of the Southeast Quarter of Section 23, Township 49 North, Range 32 West, Independence, Jackson County, Missouri, said parcel being described as TRACT 1 in Document Number 2021E0058735 of the records of said Jackson County, described by Steve E. Roberts, Missouri PLS 2496 of Renaissance Infrastructure Consulting as follows:
The South 5.00 feet of the North 33.00 feet of said TRACT 1. Contains 980 square feet, (0.022 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, temporary construction and grading easements and right of way 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, temporary construction and grading easements and right of way 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, temporary construction and grading easements and right of way, 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

I hereby certify that there is a balance, otherwise, unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, sufficient to meet the obligation hereby incurred.

Source is: _____

Director of Finance and Administration
City of Independence, Missouri