

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 19226, BY UPDATING THE NECESSARY EASEMENT DESCRIPTIONS FOR PARCELS 5 and 20 OF THE 24 HWY COMPLETE STREETS PHASE 1 PROJECT (PROJECT #70111801) IN ORDER TO MAKE NECESSARY DESIGN CHANGES.

WHEREAS, on June 21, 2021, Ordinance No. 19226 was passed giving the initial acquisition authority for the 24 Hwy Complete Streets Phase 1 Project (Project No. 70111801) by granting authority to acquire thirty parcels for temporary construction and grading easements, general utility easements and right of way 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. 19226, 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 24 Hwy Complete Streets Phase 1 Project (Project No.70111801) 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, the legal descriptions of which are as follows, with all other legal descriptions of parcels remaining as provided n Ordinance No. 19226:

Parcel 5

TEMPORARY CONSTRUCTION EASEMENT:

PART OF LOT 10, BLOCK 12, ROOSEVELT PARK, A SUBDIVISION OF LAND IN INDEPENDENCE, JACKSON COUNTY, MISSOURI DESCRIBED AS FOLLOWS;
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 50 NORTH, RANGE 32 WEST; THENCE S87°25'57"E, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1142.13 FEET; THENCE N05°20'58"E, A DISTANCE OF 49.63 FEET TO THE NORTH RIGHT-OF-WAY LINE OF U.S.HIGHWAY NO. 24; THENCE S86°58'05"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 62.44 FEET TO THE POINT OF BEGINNING; THENCE N02°48'25"E, A DISTANCE OF 5.00 FEET; THENCE S86°58'05"E, A DISTANCE OF 29.10 FEET; THENCE N03°01'55"E, A DISTANCE OF 20.00 FEET; THENCE S86°58'05"E, A DISTANCE OF 9.52 FEET TO THE EAST LINE OF SAID LOT 10; THENCE S05°26'22"W, ALONG SAID EAST LINE, A DISTANCE OF 25.02 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 24; THENCE N86°58'05"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 37.55 FEET TO THE POINT OF BEGINNING. CONTAINING 370 SQUARE FEET, MORE OR LESS.

Parcel 20

TEMPORARY CONSTRUCTION EASEMENT 1:

PART OF LOT 33, FLUORNOY'S ADDITION, A SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 49 NORTH, RANGE 32 WEST, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 2; THENCE N86°45'44"W, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 2, A DISTANCE OF 1053.29 FEET TO THE NORTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE OF NORTH LIBERTY STREET; THENCE S01°53'42"W, ALONG SAID PROLONGATION, A DISTANCE OF 35.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 24; THENCE S87°01'12"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 164.92 FEET TO THE EAST LINE OF THE WEST HALF OF SAID LOT 33; THENCE S01°53'57"W, ALONG SAID EAST LINE, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE S01°53'57"W, ALONG SAID EAST LINE, A DISTANCE OF 5.00 FEET; THENCE N87°01'12"W, A DISTANCE OF 68.60 FEET; THENCE S02°58'48"W, A DISTANCE OF 25.00 FEET; THENCE N87°01'12"W, A DISTANCE OF 50.00 FEET; THENCE N02°58'48"E, A DISTANCE OF 25.00 FEET; THENCE S87°01'12"E, A DISTANCE OF 8.99 FEET; THENCE N02°58'48"E, A DISTANCE OF 5.00 FEET; THENCE S87°01'12"E, A DISTANCE OF 109.51 FEET TO THE POINT OF BEGINNING. CONTAINING 1798 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, temporary construction and grading easements and right of way 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, temporary construction and grading easements and right of way, 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, temporary construction and grading easements and right of way 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