

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 BARNES PLACE DRAINAGE IMPROVEMENT PROJECT (PROJECT NO. 131901); 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 Barnes Place Drainage Improvement Project (No.131901), 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 improvements made by the Barnes Place Drainage Improvement Project (No. 131901) 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 tract of land in the Northwest Quarter of the Northwest Quarter of Section 11, Township 49, Range 32 in the City of Independence, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:
Commencing at the Southwest corner of Lot 4, BARNE’S PLACE, a subdivision in said City of Independence; thence North 01°31’15” East along the West line of said BARNE’S PLACE, 4.98’ feet to the Point of beginning; thence departing said West line, North 73°16’22” West a distance of 49.22 feet; thence North 01°31’15” East, a distance of 11.82 feet; thence North 77°06’37”

West, a distance of 24.94 feet; thence South 12°53'23" West, a distance of 11.05 feet; thence North 75°59'13" West, a distance of 43.44 feet; thence North 14°00'47" East, a distance of 34.05 feet; thence South 75°59'13" East, a distance of 42.77 feet; thence South 12°53'23" West, a distance of 8.01 feet; thence South 77°06'37" East, a distance of 21.93 feet; thence North 01°31'15" East, a distance of 13.00 feet; thence South 87°24'16" East, a distance of 47.51 feet, to a point on said West line of BARNE'S PLACE; thence South 01°31'15" West along said West line, a distance of 52.14 feet to the Point of Beginning; EXCEPT, all that portion of South Osage Street right of way. Containing approximately 2233 square feet or 0.051 acres.

Temporary Construction Easement:

A tract of land in the Northwest Quarter of the Northwest Quarter of Section 11, Township 49, Range 32 in the City of Independence, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:

Commencing at the Southwest corner of Lot 4, BARNE'S PLACE, a subdivision in said City of Independence; thence North 01°31'15" East along the West line of said BARNE'S PLACE, 4.98 feet to the Point of beginning; thence departing said West line, North 73°16'22" West, a distance of 38.86 feet; thence South 01°31'15" West, a distance of 1.22 feet; thence North 75°59'13" West, a distance of 107.49 feet; thence North 01°31'15" East, a distance of 24.29 feet; thence North 46°31'15" East, a distance of 42.43 feet; thence South 88°28'45" East, a distance of 112.45 feet to a point on said West line of BARNE'S PLACE; thence South 01°31'15" West, along said West line, a distance of 86.51 feet to the Point of Beginning;

EXCEPT, all that portion of South Osage Street right of way;

ALSO EXCEPT, the following proposed Utility Easement described as follows:

Commencing at the Southwest corner of Lot 4, BARNE'S PLACE, a subdivision in said City of Independence; thence North 01°31'15" East along the West line of said BARNE'S PLACE, 4.98 feet to the Point of beginning; thence departing said West line, North 73°16'22" West a distance of 49.22 feet; thence North 01°31'15" East, a distance of 11.82 feet; thence North 77°06'37" West, a distance of 24.94 feet; thence South 12°53'23" West, a distance of 11.05 feet; thence North 75°59'13" West, a distance of 43.44 feet; thence North 14°00'47" East, a distance of 34.05 feet; thence South 75°59'13" East, a distance of 42.77 feet; thence South 12°53'23" West, a distance of 8.01 feet;

thence South 77°06'37" East, a distance of 21.93 feet; thence North 01°31'15" East, a distance of 13.00 feet; thence South 87°24'16" East, a distance of 47.51 feet, to a point on said West line of BARNE'S PLACE; thence South 01°31'15" West along said West line, a distance of 52.14 feet to the Point of Beginning;

Containing approximately 4,234 square feet or 0.097 acres.

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

General Utility Easement:

A part of a "TRACT" of land as described in Document Number 2014E0098647 of the records of Jackson County, Missouri, said TRACT described as: Lot 4, EXCEPT the North 7.5 feet, BARNES' PLACE, a subdivision in Independence, Jackson County, Missouri, said part described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:

Commencing at the Southwest corner of said TRACT, thence east along the South line of said TRACT, 9.00 feet to the Point of Beginning;

Course 1: thence departing said South line, northwesterly, 20.26 feet, more or less, to a point on the West line of said TRACT, said point being 18.00 feet north of said Southwest corner;

Course 2: thence north along said West line, 19.00 feet to the Northwest corner of said TRACT;

Course 3: thence east along the North line of said TRACT, 9.00 feet;

Course 4: thence departing said North line, south and parallel with said West line, 14.49 feet, more or less, to a point on a line being 10 feet northeasterly of and parallel with the aforesaid Course 1;

Course 5: thence southeasterly on said line being 10 feet northeasterly of and parallel with the aforesaid Course 1, 25.36 feet, more or less, to a point on the South line of said Tract;

Course 6: thence west along said South line, 11.26 feet to the POINT OF BEGINNING.

Containing 379 square feet, (0.009 acres), more or less.

Temporary Construction Easement - 1:

A part of a “TRACT” of land as described in Document Number 2014E0098647 of the records of Jackson County, Missouri, said TRACT described as: Lot 4, EXCEPT the North 7.5 feet, BARNES’ PLACE, a subdivision in Independence, Jackson County, Missouri, said part described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:

Commencing at the Southwest corner of said TRACT, thence east along the South line of said TRACT a distance of 20.26 feet to the Point of Beginning, said point also being the Southeast corner of a proposed Utility Easement; thence continuing east along said South line, 104.35 feet, more or less, to the Southeast corner of said TRACT; thence north along the East line of said TRACT, 11.00 feet; thence westerly a distance of 17.1 feet, more or less, to the eastern-most Southeast corner of a one-story frame house;

Continuing westerly along the south face of said house, along the following nine courses; thence west, 11.0 feet, more or less; thence south, 6.7 feet, more or less; thence west, 14.7 feet, more or less; thence north, 6.8 feet, more or less; thence west, 11.0 feet, more or less; thence north, 1.7 feet, more or less; thence west, 2.0 feet, more or less; thence north, 6.8 feet, more or less; thence west, 12.5 feet, more or less, to the western-most Southwest corner of said house; thence continuing west, 4.0 feet, more or less, to the corner of an east-south fence line; thence south along said fence line, 9.9 feet, more or less, to a point on a line being 8.0 feet north of and parallel with the south line of said TRACT; thence west along said parallel line, 37.0 feet, more or less, to a point on the easterly line of the aforementioned proposed Utility Easement; thence southeasterly along said easterly line, 9.0 feet, more or less, to the POINT OF BEGINNING.

Containing 1,067 square feet or 0.025 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

General Utility Easement:

A part of a “TRACT” of land as described in Document Number 2020E0091493 of the records of Jackson County, Missouri, said TRACT described as the North 7 1/2 feet of Lot 4 and the South 38 feet of Lot 5, BARNES’ PLACE, a subdivision in Independence, Jackson County, Missouri,

said part described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows: The West 9.00 feet of the South 2.00 feet of said TRACT. Containing 18 square feet, more or less.

Temporary Construction Easement:

A part of a “TRACT” of land as described in Document Number 2020E0091493 of the records of Jackson County, Missouri, said TRACT described as the North 7 1/2 feet of Lot 4 and the South 38 feet of Lot 5, BARNES’ PLACE, a subdivision in Independence, Jackson County, Missouri, said part described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:

The West 9.00 feet of the South 10.33 feet of said Tract, EXCEPT the South 2.00 feet thereof. Containing 75 square feet (0.002 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 4

Temporary Construction Easement

A part of a “TRACT” of land in the Northeast Quarter of the Northwest Quarter of Section 11, Township 49 North, Range 32 West, City of Independence, Jackson County, Missouri, as described in Warranty Deed, recorded June 3, 1987 as document # I-776016 in Book I-1685, Page 1508, said TRACT being described as the: South 43 feet of Lot 11, BARNES’ PLACE, an addition to said City of Independence; said part being described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows: Beginning at the Southwest corner of said Lot 11; thence North, along the West line of said Lot 11, a distance of 43.00 feet to the Northwest corner of said TRACT;

thence East, along the North line of said TRACT, a distance of 10.00 feet; thence departing said North line, along a line parallel with the West line of said Lot 11, a distance of 25.00 feet; thence East, parallel with the South line of said Lot 11, a distance of 7.76 feet; thence South, parallel with said West line, a distance of 12.00 feet;

thence East, parallel with the South line of said Lot 11, a distance of 102.46 feet to a point on the East line of said Lot 11; thence South along said East line, a distance of 6.00 feet to the Southeast corner of said Lot 11; thence West, along the South line of said Lot 11, a distance of 120.13 feet to the Point of Beginning.

Containing 1184 square feet, (0.027 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 5

Temporary Construction Easement

A tract of land in Lot 16, BARNES' PLACE, a subdivision in the City of Independence, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:
The South 6.00 feet of said Lot 16.
Containing 333 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

Parcel 6

Temporary Construction Easement

A tract of land in Lot 17, BARNES PLACE, a subdivision in the City of Independence, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:
The South 8.00 feet of said Lot 17.
Containing 444 square feet (0.010 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 7

General Utility Easement

A tract of land in Lot 12, BARNES' PLACE, a subdivision in the City of Independence, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:
The North 5.00 feet of said Lot 12.
Containing 597 square feet (0.014 acres), more or less.

Parcel 8

Temporary Construction Easement

A tract of land in Lot 18, BARNES' PLACE, a subdivision in the City of Independence, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:
The South 8.00 feet of said Lot 18.
Containing 440 square feet, (0.010 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 9

Temporary Construction Easement

A tract of land in Lot 19 in BARNES' PLACE, a subdivision in the City of Independence, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:

Beginning at the Southwest corner of said Lot 19;
thence North, along the West line of said Lot 19, a distance of 8.00 feet;
thence East, departing said West line, parallel with the South line of said Lot 19, a distance of 4.91 feet; thence South, perpendicular to said South line, a distance of 8.00 feet, to a point on said South line;
thence West, along said South line, a distance of 4.81 feet to the Point of Beginning. Containing 39 square feet or 0.001 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 10

General Utility Easement

A part of a "TRACT" of land as described in Document Number I-1241403, Book I-24974, Page 786 of the records of Jackson County, Missouri, said TRACT described as "All that part of the Northeast Quarter of Section 11, Township 49, Range 32, described as follows: Beginning at the Northeast corner of Lot 15, BARNES' PLACE, an addition in Independence, Jackson County, Missouri, thence East along the South line of Linden Avenue 50 feet, thence South 120.6 feet to the North line of FRENCH PARK, thence West 50 feet to the Southeast corner of said Lot 15, BARNES' PLACE, thence North to beginning, all in Independence, Jackson County, Missouri, said part described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:

The North 6.00 feet of the East 15.00 feet of aforesaid TRACT.
Containing 90 square feet (0.002 acres), more or less.

Temporary Construction Easement

A part of a "TRACT" of land as described in Document Number I-1241403, Book I-24974, Page 786 of the records of Jackson County, Missouri, said TRACT described as "All that part of the Northeast Quarter of Section 11, Township 49, Range 32, described as follows: Beginning at the Northeast corner of Lot 15, BARNES' PLACE, an addition in Independence, Jackson County, Missouri, thence East along the South line of Linden Avenue 50 feet, thence South 120.6 feet to the North line of FRENCH PARK, thence West 50 feet to the Southeast corner of said Lot 15, BARNES PLACE, thence North to beginning, all in Independence, Jackson County, Missouri, said part described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:

Commencing at the Northeast corner of Lot 15, BARNES' PLACE, a subdivision in the City of Independence, Jackson County, Missouri, said point also being on the South right-of-way line of West Linden Avenue, as now exists, thence East along said right-of-way line a distance of 50.00 feet to the Northeast corner of aforesaid TRACT;

thence South, along the East line of said TRACT, a distance of 6.00 feet to the Point of Beginning; thence continuing South, along said East line, a distance of 84.14 feet;

thence West, parallel with said right-of-way line, a distance of 6.24 feet; thence North a distance of 85.14 feet, to a point 5.15 feet West of the Point of Beginning; thence East, parallel with said South right-of-way line, a distance of 5.15 feet to the Point of Beginning.
Containing 453 square feet, (0.010 acres), more or less. Excluding that part in building.

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 11

General Utility Easement

A part of a “TRACT” of land in the Northeast Quarter of the Northwest Quarter of Section 11, Township 49 North, Range 32 West, City of Independence, Jackson County, Missouri, as described in Warranty Deed dated January 21, 2021 and recorded January 26, 2021 as document # 2021E0008751, said TRACT being described as: Beginning 50 feet East of the Northeast Corner of Lot 15 in BARNES’ PLACE, an addition to said City of Independence, and running thence East along the South line of Linden Ave., formerly called Hyler Street, 50 feet; thence South 120.6 feet to the North line of FRENCH PARK; thence West 50 feet; thence North to the Place of Beginning; said part being described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:
The North 6.00 feet of the West 15.00 feet of said TRACT.
Containing 90 square feet, (0.002 acres), more or less.

Temporary Construction Easement

A tract of land being part of a “TRACT” of land described in Instrument Number 2021E0008751 of the records of Jackson County, Missouri, said TRACT being a part of the Northeast Quarter of the Northwest Quarter of Section 11, Township 49, Range 32, Jackson County, Missouri, described by Steve E. Roberts, Missouri LS-2496 of Renaissance Infrastructure Consulting as follows:
Commencing at a point 50 feet East of the Northeast corner of Lot 15 BARNES PLACE, an addition to the City of Independence, Missouri, also being on the South right-of-way line of West Linden Avenue and also being the Northwest corner of said TRACT; thence South along the West line of said TRACT, a distance of 6.00 feet to the Point of Beginning of the described tract; thence East, parallel with the North line of said TRACT, a distance of 4.85 feet, thence South, parallel with said West line, a distance of 66.12 feet, thence East, parallel with said North line, a distance of 24.88 feet, thence South, parallel with said West line, a distance of 21.02 feet, thence West, parallel with said North line, a distance of 29.46 feet to a point on said West line; thence Northerly, along said West line, a distance of 84.14 feet to the Point of Beginning.
Containing 928 square feet (0.021 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 designees 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 designees 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 here by 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 _____, 2023, 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