

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 VALLEY VIEW PARKWAY EXTENSION PROJECT (PROJECT NO. 512001); 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 Valley View Parkway Extension Project ( No. 512001), 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 Valley View Parkway Extension Project (No. 512001) 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:

**Parcels 1, 2, and 3**

Parent Parcel:

All of Tracts 1, 2 and 3 as described from Warranty Deed filed as instrument number 2013E0095131, in the Jackson County Register of Deeds Office, lying in the East half of Section

28, Township 49 North, Range 31 West of the 6th Principal Meridian, in Jackson County, Missouri, and more particularly described as follows:

**Right of Way**

ALL of Tract 1, Tract 2 and Tract 3 as said from Parent Parcel.

**Tract 1:**

Beginning at a point on the north line of the Southeast Quarter of Section 28, Township 49 North, Range 31 West, said point being S88°02'48"E a distance of 754.29 feet from the Northwest Corner of said Quarter Section; Thence S 88°02'47"E along said North line a distance of 56.39 feet to a point that is 500.00 feet West of the East line a distance of 31.05 feet to a point on a curve to the left having a radius of 370.00 feet and an initial tangent bearing of S 29°15'19"E; thence Southeasterly along said curve a distance of 156.85 feet to a point on the assumed Northerly Right of Way line of Valley View Road; thence N 61°22'14"W along said Right of Way line a distance of 182.98 feet to the point of beginning.

Tract 1 parcel contains 3,127.79 square feet or 0.072 acres, more or less.

**Tract 2:**

Beginning at the Northwest corner of the Southeast Quarter of Section 28, Township 49 North, Range 31 West, thence S 88°02'47"E along the North line of said Quarter Section a distance of 795.15 feet to a point on the centerline of the proposed Valley View Parkway; thence Southeasterly along said centerline on a curve to the left having a radius of 400.00 feet, and an initial tangent bearing of S 31°53'25"E a distance of 196.26 feet to the P.T. of said curve; thence S 60°00'11"E continuing along said centerline a distance of 24.70 feet; thence N 29°59'49"E a distance of 33.93 feet to a point on the existing assumed Northerly Right of Way line of Valley View Road and the True Point of Beginning; thence continuing N 29°59'49"E a distance of 26.07 feet; thence S 60°00'11"E parallel with said centerline a distance of 65.00 feet; thence S 29°59'49"W along said Right of Way line a distance of 65.02 feet to the True Point Beginning.

Tract 2 parcel contains 1,644.40 square feet or 0.038 acres, more or less.

**Tract 3:**

Beginning at the Northwest corner of the Southeast Quarter of Section 28, Township 49 North, Range 31 West, thence S 88°02'47"E along the North line of said Quarter Section a distance of 795.15 feet to a point on the centerline of the proposed Valley View Parkway; thence Southeasterly along said centerline on a curve to the left having a radius of 400.00 feet, an initial tangent bearing of S 31°53'25"E and a distance of 155.13 feet; thence S 35°53'18"W a distance of 30.00 feet to a point on the existing Southerly Right of Way line of Valley View Road and the True Point of Beginning; thence S61°22'14"E along said Right of Way line a distance of 175.12 feet; thence S 29°59'49"W a distance of 6.45 feet to a point that is 30.00 from said centerline thence N 60°00'11"W parallel with said centerline a distance of 36.24 feet; thence S 29°59'49"W a distance of 30.00 feet to a point that is 60.00 feet; thence N 29°59'49"E a distance

of 30.00 to a point that is 30.00 feet from said centerline; thence N 60°00'11"W parallel with said centerline a distance of 34.70 feet to the P.C. on a curve to the right having a radius of 430.00 feet; thence Northwesterly along said curve parallel with said centerline a distance of 44.21 feet to the True Point of Beginning.

Tract 3 parcel contains 2,528.89 square feet or 0.058 acres, more or less.

#### **Parcel 4**

##### **Parent Parcel:**

A Tract of land lying in the NE 1/4 and the NW 1/4 of the SE 1/4 of Section 28, Township 49 North, Range 31 West of the 6th/ Principal Meridian, in Jackson County, Missouri.

##### **Right of Way**

All that part of said Parent Parcel, more particularly described as follows: Commencing at the East 1/4 corner of said Section 28; thence N88°02'55"W along the North line of said SE 1/4, a distance of 1310.20 feet to a point on the East line of said NW 1/4 of the SE 1/4 of said Section 28; thence S02°05'37"W along said East line, a distance of 199.48 feet to the Point of Beginning; thence continuing along said East line S02°05'37"W a distance of 4.79 feet to a point on the existing Northerly right-of-way for Valley View Parkway as now established; thence Northwesterly along a non-tangent curve to the right for a distance of 227.06 feet, said curve having a radius of 372.75 feet with a chord bearing N78°49'24"W for a chord distance of 223.56 feet; thence N61°22'22"W a distance of 60.82 feet to a point on Tract 2 as described from Warranty Deed, filed as instrument number 2013E0095131, at the Jackson County Register of Deeds; thence leaving said existing Northerly right-of-way and along said Tract 2 the next 3 courses, N29°59'41"E a distance of 24.52 feet; thence N60°00'19"W a distance of 65.00 feet; thence S29°59'41"W a distance of 26.07 feet to a point on said existing Northerly right-of-way; thence along said Northerly right-of-way line, N61°22'22"W a distance of 66.34 feet to the Southeasterly corner of Tract 1 as described from said Warranty Deed; thence Northwesterly along a non-tangent curve to the right for a distance of 156.85 feet, said curve having a radius of 370.00 feet with a chord bearing N41°24'06"W for a chord distance of 155.68 feet, to a point on the existing right-of-way for Valley View Parkway; thence along said existing right-of-way line N02°23'00"E a distance of 8.26 feet; thence Southeastly, leaving said existing right-of-way, along a non-tangent curve to the left for a distance of 216.83 feet, said curve having a chord bearing S45°26'26"E for a chord distance of 213.69 feet; thence N26°32'51"E a distance of 52.98 feet; thence S63°27'09"E a distance of 83.02 feet; thence S26°33'47"W a distance of 53.05 feet; thence S63°27'09"E a distance of 70.97 feet; thence Southeastly along a tangent curve to the left for a distance of 206.92 feet, said curve having a radius of 367.00 feet with a chord bearing S79°36'16"E for a chord distance of 204.19 feet to the Point of Beginning.

The above described parcel contains 5,611.48 sq. ft. or 0.13 acres, more or less.

##### **Temporary Construction Easement**

All that part of said Parent Parcel, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 28; thence N88°02'55"W along the North line of said SE 1/4, a distance of 1310.20 feet to a point on the East line of said NW 1/4 of the SE 1/4 of said Section 28; thence S02°05'37"W along said East line, a distance of 184.03 feet to the Point of Beginning; thence continuing along said East line S02°05'37"W a distance of 15.45 feet; thence Northwesterly, leaving said East line along a non-tangent curve to the right for a distance of 206.92 feet, said curve having a radius of 367.00 feet with a chord bearing N79°36'16"W for a chord distance of 204.19 feet; thence N63°27'09"W a distance of 70.97 feet; thence N26°33'47"E a distance of 53.05 feet; thence N63°27'09"W a distance of 83.02 feet: thence S26°32'51"W a distance of 52.98 feet; thence Northwesterly along a non-tangent curve to the right for a distance of 139.76 feet, said curve having a radius of 367.00 feet with a chord bearing N51°27'21"W for a chord distance of 138.92 feet; thence N49°27'14"E a distance of 25.45 feet; thence S82°00'02"E a distance of 146.71 feet; thence S58°34'45"E a distance of 331.79 feet to the Point of Beginning.

The above described parcel contains 30,079.82 sq. ft. or 0.69 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**

### **Parent Parcel:**

A Tract of land described in Warranty Deed, Instrument No. 2015E0040113, said Tract lying in the NW 1/4 of the SE 1/4 of Section 28, Township 49 North, Range 31 West of the 6th/ Principal Meridian, in Jackson County, Missouri.

### **General Utility Easement**

All that part of said Parent Parcel, more particularly described as follow:

Commencing at the East 1/4 corner of said Section 28; thence N88°02'55"W along the North line of said SE 1/4, a distance of 1310.20 feet to a point on the East line of said NW 1/4 of the SE 1/4 of said Section 28; thence S02°05'37"W along said East line, a distance of 264.82 feet to a point on the Southerly right-of-way for Valley View Parkway and the Point of Beginning; thence continuing along said East line, S02°05'37"W a distance of 12.11 feet; thence leaving said East line, S86°05'35"W a distance of 13.81 feet to a point on the existing Easterly right-of-way for Park Ridge Drive as now established; thence Northerly along a non-tangent curve to the left for a distance of 12.01 feet, said curve having a radius of 330.00 feet with a chord bearing N00°37'12"E for a distance of 12.01 feet to a point on said Southerly right-of-way line; thence Easterly along said Southerly right-of-way being a non-tangent curve to the left for a distance of 14.12 feet, said curve having a radius of 432.75 feet with a chord bearing N85°49'40"E for a chord distance of 14.12 feet to the Point of Beginning.

The above described parcel contains 166.67 sq. ft. or 0.004 acres, more or less.

## **Parcel 8**

### **Parent Parcel:**

A Tract of land described in Warranty Deed, Instrument No. 2003I0046503, said Tract lying in the NW 1/4 of the SE 1/4 of Section 28, Township 49 North, Range 31 West of the 6th/ Principal Meridian, in Jackson County, Missouri.

### **General Utility Easement**

All that part of said Parent Parcel, more particularly described as follow:

Commencing at the Southeast corner of the NW 1/4 of the SE 1/4 of said Section 28; thence N02°05'37"E along the East line of said NW 1/4 of the SE 1/4, a distance of 1058.61 feet; thence leaving said East line, perpendicular from last course, N87°54'23"W a distance of 77.02 feet to a point of intersection for the Southerly right-of-way for Valley View Parkway and the Westerly right-of-way for Park Ridge Drive, as now established, being the Point of Beginning; thence along said Westerly right-of-way for said Park Ridge Drive, Southerly along a non-tangent curve to the right for a distance of 25.85 feet, said curve having a radius of 270.00 feet with a chord bearing S02°13'02"W for a chord distance of 25.84 feet; thence leaving said Westerly line, N81°07'47"W a distance of 2.06 feet; thence N09°18'31"W a distance of 18.28 feet; thence Northwesterly along a non-tangent curve to the right for a distance of 131.97 feet, said curve having a radius of 440.75 feet with a chord bearing N75°37'20"W for a chord distance of 131.47 feet; thence S22°57'19"W a distance of 3.00 feet; thence Northwesterly along a non-tangent curve to the right for a distance of 24.80 feet, said curve having a radius of 443.75 feet with a chord bearing N65°26'37"W for a chord distance of 24.80 feet to a point on the existing Easterly right-of-way for Joe Thomas Road, as now established; thence along said Easterly right-of-way, N23°42'53"E a distance of 11.01 feet to a point on said Southerly right-of-way for Valley View Parkway; thence Southeasterly along a non-tangent curve to the left for a distance of 159.43 feet, said curve having a radius of 432.75 feet with a chord bearing S74°20'05"E for a chord distance of 158.53 feet to the Point of Beginning.

The above described parcel contains 1,435.82 sq. ft. or 0.033 acres, more or less.

### **Temporary Construction Easement**

All that part of said Parent Parcel, more particularly described as follow:

Commencing at the Southeast corner of the NW 1/4 of the SE 1/4 of said Section 28; thence N02°05'37"E along the East line of said NW 1/4 of the SE 1/4, a distance of 1058.61 feet; thence leaving said East line, perpendicular from last course, N87°54'23"W a distance of 77.02 feet to a point of intersection for the Southerly right-of-way for Valley View Parkway and the Westerly right-of-way for Park Ridge Drive, as now established; thence along said Westerly right-of-way for said Park Ridge Drive, Southerly along a non-tangent curve to the right for a distance of 25.85 feet, said curve having a radius of 270.00 feet with a chord bearing S02°13'02"W for a chord distance of 25.84 feet; thence leaving said Westerly line, N81°07'47"W a distance of 2.06 feet to the Point of Beginning; thence N23°29'05"W a distance of 10.49 feet; thence Northwesterly along a non-tangent curve to the right for a distance of 124.06 feet, said curve having a radius of 449.25 feet with a chord bearing N76°14'31"W for a chord distance of 123.67

feet; thence S68°10'48"W a distance of 49.89 feet to a point on the existing Easterly right-of-way for Joe Thomas Road; thence along said Easterly right-of-way, N23°42'53"E a distance of 41.22 feet; thence leaving said Easterly right-of-way, Southeasterly along a non-tangent curve to the left for a distance of 24.80 feet, said curve having a radius of 443.75 feet with a chord bearing S65°26'37"E for a chord distance of 24.80 feet; thence N22°57'19"E a distance of 3.00 feet; thence Southeasterly along a non-tangent curve to the left for a distance of 131.97 feet, said curve having a radius of 440.75 feet with a chord bearing S75°37'20"E for a chord distance of 131.47 feet; thence S09°18'31"E a distance of 18.28 feet to the Point of Beginning.

The above described parcel contains 1,907.28 sq. ft. or 0.044 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**

### **Parent Parcel:**

A Tract of land lying in the NE 1/4 and the NW 1/4 of the SE 1/4 of Section 28, Township 49 North, Range 31 West of the 6th/ Principal Meridian, in Jackson County, Missouri.

### **Right of Way**

All that part of said Parent Parcel, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 28; thence N88°02'55"W along the North line of said SE 1/4, a distance of 1310.20 feet to a point on the East line of said NW 1/4 of the SE 1/4 of said Section 28; thence S02°05'37"W along said East line, a distance of 199.48 feet to the Point of Beginning; thence continuing along said East line S02°05'37"W a distance of 4.79 feet to a point on the existing Northerly right-of-way for Valley View Parkway as now established; thence Northwesterly along a non-tangent curve to the right for a distance of 227.06 feet, said curve having a radius of 372.75 feet with a chord bearing N78°49'24"W for a chord distance of 223.56 feet; thence N61°22'22"W a distance of 60.82 feet to a point on Tract 2 as described from Warranty Deed, filed as instrument number 2013E0095131, at the Jackson County Register of Deeds; thence leaving said existing Northerly right-of-way and along said Tract 2 the next 3 courses, N29°59'41"E a distance of 24.52 feet; thence N60°00'19"W a distance of 65.00 feet; thence S29°59'41"W a distance of 26.07 feet to a point on said existing Northerly right-of-way; thence along said Northerly right-of-way line, N61°22'22"W a distance of 66.34 feet to the Southeasterly corner of Tract 1 as described from said Warranty Deed; thence Northwestly along a non-tangent curve to the right for a distance of 156.85 feet, said curve having a radius of 370.00 feet with a chord bearing N41°24'06"W for a chord distance of 155.68 feet, to a point on the existing right-of-way for Valley View Parkway; thence along said existing right-of-way line N02°23'00"E a distance of 8.26 feet; thence Southeastly, leaving said existing right-of-way, along a non-tangent curve to the left for a distance of 216.83 feet, said curve having a chord bearing S45°26'26"E for a chord distance of 213.69 feet; thence N26°32'51"E a distance of 52.98 feet; thence S63°27'09"E a distance of 83.02 feet; thence S26°33'47"W a distance of 53.05 feet; thence S63°27'09"E a distance of 70.97 feet; thence Southeastly along a tangent curve to the

left for a distance of 206.92 feet, said curve having a radius of 367.00 feet with a chord bearing S79°36'16"E for a chord distance of 204.19 feet to the Point of Beginning.

The above described parcel contains 5,611.48 sq. ft. or 0.13 acres, more or less.

### **Temporary Construction Easement**

All that part of said Parent Parcel, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 28; thence N88°02'55"W along the North line of said SE 1/4, a distance of 1310.20 feet to a point on the East line of said NW 1/4 of the SE 1/4 of said Section 28; thence S02°05'37"W along said East line, a distance of 184.03 feet to the Point of Beginning; thence continuing along said East line S02°05'37"W a distance of 15.45 feet; thence Northwesterly, leaving said East line along a non-tangent curve to the right for a distance of 206.92 feet, said curve having a radius of 367.00 feet with a chord bearing N79°36'16"W for a chord distance of 204.19 feet; thence N63°27'09"W a distance of 70.97 feet; thence N26°33'47"E a distance of 53.05 feet; thence N63°27'09"W a distance of 83.02 feet: thence S26°32'51"W a distance of 52.98 feet; thence Northwesterly along a non-tangent curve to the right for a distance of 139.76 feet, said curve having a radius of 367.00 feet with a chord bearing N51°27'21"W for a chord distance of 138.92 feet; thence N49°27'14"E a distance of 25.45 feet; thence S82°00'02"E a distance of 146.71 feet; thence S58°34'45"E a distance of 331.79 feet to the Point of Beginning.

The above described parcel contains 30,079.82 sq. ft. or 0.69 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 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 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 \_\_\_\_\_, 2024, 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