

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE FINDING, DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING GENERAL UTILITY EASEMENTS FOR THE 24 HWY & RIVER WATER MAIN REPLACEMENT PROJECT (PROJECT NO. 9749); 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 general utility easements in accordance with the plans and specifications as approved for construction, operation and maintenance of 24 Hwy & River Water Main Replacement Project (No. 9749), 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 24 Hwy & River Water Main Replacement Project (No. 9749) 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:

Tract 1

General Utility Easement

A tract of land, being part of Lot 6, Block 12, ROOSEVELT 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 6, thence North 87°25'57" West along the North Right-of-Way line of US Highway 24, as now established, 16.12 feet to the Point of Beginning; Thence North 87°25'57" West, continuing along said North Right-of-Way line, 14.15 feet; Thence North 47°36'33" East, 44.93 feet to the West Right-of-Way line of N Cottage Ave, as now established; Thence South 05°19'18" West along said West Right-of-Way line, 14.86 feet; Thence South 47°36'33" West, 23.93 feet to the Point of Beginning.

Contains 344 square feet, more or less.

Tract 2:

General Utility Easement

A tract of land, being part of Lot 11, Block 12, ROOSEVELT PARK, a subdivision in the City of Independence, Jackson County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of said Lot 11, thence North 05°20'58" East along the East Right-of-Way line of N River Blvd, as now established, 13.42 feet to the Point of Beginning. Thence North 05°20'58" East, continuing along said East Right-of-Way line, 13.50 feet; Thence South 42°25'57" East, 38.04 feet to the North Right-of-Way line of US Highway 24, as now established; Thence North 87°25'57" West along said North Right-of-Way line, 14.14 feet; Thence North 42°25'57" West, 18.96 feet to the Point of Beginning.

Contains 285 square feet, more or less.

Tract 3:

A tract of land, being part of the Southeast Quarter of Section 34, Township 50 North, Range 32 West, in the City of Independence, Jackson County, Missouri, being more particularly described as follows: Commencing at the Southeast Corner of Lot 5, GIORGIAN COURT, a subdivision in the City of Independence, Jackson County, Missouri, thence South 87°25'46 East along the North Right-of-Way line of US Highway 24, 34.37 feet to the Point of Beginning; Thence North 47°34'08" East, 35.36 feet; Thence South 87°25'57" East, 342.49 feet; Thence South 05°20'56" West, 10.01 feet; Thence North 87°25'57" West, 222.20 feet; Thence South 02°34'04" West, 15.00 feet to said North Right-of-Way line; Thence North 87°25'57" West along said Right-of-Way line, 10.00 feet; Thence North 02°34'04" East, 15.00 feet; Thence North 87°25'57" West, 105.65 feet; Thence South 47°31'17" West, 21.20 feet to said North Right-of-Way line; Thence North 87°25'57" West along said Right-of-Way line, 14.17 feet to the Point of Beginning.

Contains 3,835 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 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 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 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