

BILL NO. 16-270

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR SANITARY SEWER IMPROVEMENTS ASSOCIATED WITH THE VILLAGE AT VIEW HIGH DEVELOPMENT IN THE AREA OF THIRD STREET AND VIEW HIGH DRIVE IN LEE'S SUMMIT, MISSOURI; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN LAND; AND AUTHORIZING THE CITY ATTORNEY AND HIS DESIGNEES TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS.

WHEREAS, the City Council for the City of Lee's Summit, Missouri deems it necessary, desirable, advisable and in the public interest to obtain certain permanent easements and temporary construction easements for the purpose of constructing a city owned and public sanitary sewer line that would serve the area of Third Street and View High Drive in addition to the Village at View High Development in Lee's Summit, as specified in the project plans on file in the City of Lee's Summit Water Utilities Department, together with all appurtenances thereto, under, over, upon across and through certain tracts of land within Lee's Summit, Jackson County, Missouri; and,

WHEREAS, the City has the authority by virtue of Sections 88.010 to 88.070, 88.073, and 82.240 of the Revised Statutes of the State of Missouri, 2000, as amended, and by virtue of the Charter of the City of Lee's Summit, Missouri, to acquire private property by condemnation proceedings for any public or municipal use, including uses or purposes stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That it is hereby found, determined and declared that it is necessary and in the public interest for the public purpose of constructing a sanitary sewer line in the area of Third Street and View High Drive as depicted in Exhibit A attached hereto and incorporated by reference as if fully set forth herein in the City of Lee's Summit, Jackson County, Missouri, pursuant to plans and specifications on file with the Lee's Summit Water Utilities Department, to acquire, by purchase or condemnation proceedings, certain permanent easements and temporary construction easements for such public improvements, including but not limited to installation, maintenance and repair of a sanitary sewer line, and all work incidental and subsidiary thereto all of which are situated in the City of Lee's Summit, Jackson County, Missouri, and are legally described in Exhibit "B" attached hereto and incorporated by reference as if fully set forth herein.

SECTION 2. That the City Manager and his designees are hereby authorized to negotiate with the owners of property herein described for the purpose of acquiring certain permanent easements and temporary construction easements, relating to the property herein described.

SECTION 3. That the City Manager and his designees are hereby authorized to execute necessary documents to pay and disburse funds to property owners, others holding property rights and escrow agents pursuant to negotiated agreements.

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SECTION 4. That, in the event of failure, following good faith negotiations, to reach agreement on the amount of compensation to be paid for such permanent easements and temporary construction easements, and the acquisition thereof by purchase, the City Attorney and his designees, including special counsel, are hereby authorized and directed to institute condemnation proceedings for the purpose of acquiring such permanent easements and temporary construction easements in the manner provided by the Revised Statutes of Missouri.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

Chief of Litigation *Zachary T. Cartwright*

EXHIBIT A

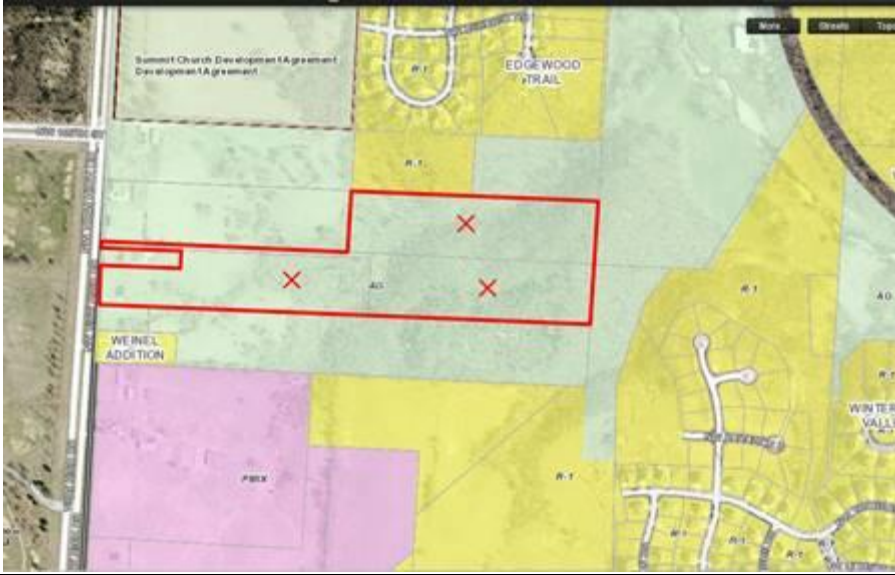


EXHIBIT B

30 Foot Permanent Easement (Parcel 1)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence South 87° 05' 51" East, along the East line of said Section 4, a distance of 1,153.76 feet, said point being the Point of Beginning of the centerline of the 30.00 foot easement being 15.00 feet on either side of the following centerline description; thence North 19° 19' 13" East, a distance of 302.12 feet; thence North 55° 31' 40" East, a distance of 60.30 feet, said point being the Point of Termination. (Tract Contains 10,872.49 sq. ft.)

60 Foot Temporary Construction Easement (Parcel 1)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence South 87° 05' 51" East, along the East line of said Section 4, a distance of 1,153.76 feet, said point being the Point of Beginning of the centerline of the 60.00 foot easement being 30.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence North 19° 19' 13" East, a distance of 302.12 feet; thence North 55° 31' 40" East, a distance of 60.30 feet, said point being the Point of Termination. (Tract Contains 10,871.14 sq. ft.)

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30 Foot Permanent Easement (Parcel 2)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 326.41 feet; thence South 87° 05' 51" East, a distance of 1,284.53 feet, said point being the Point of Beginning of the centerline of the 30.00 foot easement being 15.00 feet on either side of the following centerline description; thence North 55° 31' 40" East, a distance of 94.20 feet; thence South 56° 30' 37" East, a distance of 27.75 feet; thence North 60° 47' 31" East, a distance of 116.06 feet, said point being the Point of Termination. (Tract Contains 7,140.22 sq. ft.)

60 Foot Temporary Construction Easement (Parcel 2)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 326.41 feet; thence South 87° 05' 51" East, a distance of 1,284.53 feet, said point being the Point of Beginning of the centerline of the 60.00 foot easement being 30.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence North 55° 31' 40" East, a distance of 94.20 feet; thence South 56° 30' 37" East, a distance of 27.75 feet; thence North 60° 47' 31" East, a distance of 116.06 feet, said point being the Point of Termination. (Tract Contains 7,140.23 sq. ft.)

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30 Foot Permanent Easement (Parcel 3)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 326.41 feet; thence South 87° 05' 51" East, a distance of 1,480.77 feet; thence North 03° 20' 55" East, a distance of 104.76 feet, said point being the Point of Beginning of the centerline of the 30.00 foot easement being 15.00 feet on either side of the following centerline description; thence North 60° 47' 31" East, a distance of 62.14 feet; thence North 45° 38' 52" East, a distance of 75.28 feet; thence North 21° 06' 41" East, a distance of 143.77 feet; thence North 48° 52' 23" East, a distance of 6.01 feet, said point being the Point of Termination. (Tract Contains 8,621.86 sq. ft.)

60 Foot Temporary Construction Easement (Parcel 3)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 326.41 feet; thence South 87° 05' 51" East, a distance of 1,480.77 feet; thence North 03° 20' 55" East, a distance of 104.76 feet, said point being the Point of Beginning of the centerline of the 60.00 foot easement being 30.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence North 60° 47' 31" East, a distance of 62.14 feet; thence North 45° 38' 52" East, a distance of 75.28 feet; thence North 21° 06' 41" East, a distance of 143.77 feet; thence North 48° 52' 23" East, a distance of 6.01 feet, said point being the Point of Termination. (Tract Contains 8,663.24 sq. ft.)

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30 Foot Permanent Easement (Parcel 4)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 660.24 feet; thence South 87° 05' 51" East, a distance of 1,631.96 feet, said point being the Point of Beginning of the centerline of the 30.00 foot easement being 15.00 feet on either side of the following centerline description; thence North 48° 52' 23" East, a distance of 148.08 feet; thence North 73° 48' 46" East, a distance of 387.34 feet; thence North 73° 07' 13" East, a distance of 326.20 feet, said point being the Point of Termination. (Tract Contains 25,775.74 sq. ft.)

60 Foot Temporary Construction Easement (Parcel 4)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 660.24 feet; thence South 87° 05' 51" East, a distance of 1,631.96 feet, said point being the Point of Beginning of the centerline of the 60.00 foot easement being 30.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence North 48° 52' 23" East, a distance of 148.08 feet; thence North 73° 48' 46" East, a distance of 387.34 feet; thence North 73° 07' 13" East, a distance of 326.20 feet, said point being the Point of Termination. (Tract Contains 25,419.26 sq. ft.)

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30 Foot Permanent Easement (Parcel 5)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 988.55 feet; thence South 87° 22' 34" East, a distance of 2,408.89 feet, said point being the Point of Beginning of the centerline of the 30.00 foot easement being 15.00 feet on either side of the following centerline description; thence North 73° 07' 13" East, a distance of 13.70 feet; thence North 33° 52' 17" East, a distance of 254.67 feet; thence North 53° 15' 27" East, a distance of 138.27 feet, said point being the Point of Termination. (Tract Contains 12,280.18 sq. ft.)

60 Foot Temporary Construction Easement (Parcel 5)

A tract of land being located in the Northeast Quarter of Section 4, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 988.55 feet; thence South 87° 22' 34" East, a distance of 2,408.89 feet, said point being the Point of Beginning of the centerline of the 60.00 foot easement being 30.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence North 73° 07' 13" East, a distance of 13.70 feet; thence North 33° 52' 17" East, a distance of 254.67 feet; thence North 53° 15' 27" East, a distance of 138.27 feet, said point being the Point of Termination. (Tract Contains 12,343.34 sq. ft.)

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30 Foot Permanent Easement (Parcel 6)

A tract of land being located in the Southeast Quarter of Section 33, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 988.55 feet; thence South 87° 22' 34" East, a distance of 2,656.13 feet, thence North 03° 29' 19" East, a distance of 310.04 feet, said point being the Point of Beginning of the centerline of the 30.00 foot easement being 15.00 feet on either side of the following centerline description; thence North 44° 07' 18" East, a distance of 495.44 feet; thence North 38° 19' 36" East, a distance of 303.44 feet; thence North 01° 51' 19" West, a distance of 85.91 feet, thence North 57° 45' 15" East, a distance of 10.00 feet said point being the Point of Termination. (Tract Contains 26,825.39 sq. ft.)

60 Foot Temporary Construction Easement (Parcel 6)

A tract of land being located in the Southeast Quarter of Section 33, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of Section 4, Township 47 North, Range 32 West; thence North 03° 20' 55" East, along the North line of said Southeast Quarter, a distance of 988.55 feet; thence South 87° 22' 34" East, a distance of 2,656.13 feet, thence North 03° 29' 19" East, a distance of 310.04 feet, said point being the Point of Beginning of the centerline of the 60.00 foot easement being 30.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence North 44° 07' 18" East, a distance of 495.44 feet; thence North 38° 19' 36" East, a distance of 303.44 feet; thence North 01° 51' 19" West, a distance of 85.91 feet, thence North 57° 45' 15" East, a distance of 10.00 feet said point being the Point of Termination. (Tract Contains 26,745.48 sq. ft.)