

BILL NO. 16-265

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 ARBORWALK DEVELOPMENT IN THE AREA OF SW PRYOR ROAD AND SW HOOK ROAD 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 SW Pryor Road and SW Hook Road in addition to the Arborwalk 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 SW Pryor Road and SW Hook Road 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*
Office of the City Attorney

EXHIBIT A



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EXHIBIT B

30 FOOT PERMANENT EASEMENT (Johnston Tract)

A tract of land being located in the Northwest Quarter of Section 25, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South $87^{\circ}35'31''$ East, along the north line of said Section 25, a distance of 89.62 feet; thence South $02^{\circ}38'00''$ West, a distance of 65.42 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 South $02^{\circ}38'00''$ West, a distance of 125.49 feet; thence South $38^{\circ}17'11''$ East, a distance of 397.95 feet, said point being the Point of Termination. (Tract Contains 15,774.93 sq. ft.)

20 FOOT TEMPORARY CONSTRUCTION EASEMENT (Johnston Tract)

A tract of land being located in the Northwest Quarter of Section 25, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South $87^{\circ}35'31''$ East, along the north line of said Section 25, a distance of 89.62 feet; thence South $02^{\circ}38'00''$ West, a distance of 65.42 feet, said point being the Point of Beginning of the centerline of the 20.00 foot easement being 25.00 feet on either side of the following centerline description; except the interior 15.00 feet on either side of the following described centerline; thence South $02^{\circ}38'00''$ West, a distance of 125.49 feet; thence South $38^{\circ}17'11''$ East, a distance of 397.95 feet, said point being the Point of Termination. (Tract Contains 10,371.01 sq. ft.)

30 FOOT PERMANENT EASEMENT (Nesseth Tract)

A tract of land being located in the Northwest Quarter of Section 25, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South $87^{\circ}35'31''$ East, along the north line of said Section 25, a distance of 351.60 feet; thence South $02^{\circ}47'11''$ West, a distance of 493.02 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 South $43^{\circ}38'35''$ East, a distance of 245.47 feet, said point being the Point of Termination. (Tract Contains 7,379.78 sq. ft.)

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Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South 87°35'31" East, along the north line of said Section 25, a distance of 351.60 feet; thence South 02°47'11" West, a distance of 493.02 feet, said point being the Point of Beginning of the centerline of the 20.00 foot easement being 25.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence South 43°38'35" East, a distance of 245.47 feet, said point being the Point of Termination. (Tract Contains 4,905.10 sq. ft.).

30 FOOT PERMANENT EASEMENT (Graham Tract)

A tract of land being located in the Northwest Quarter of Section 25, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South 87°35'31" East, along the north line of said Section 25, a distance of 351.60 feet; thence South 02°47'11" West, a distance of 663.51 feet; thence South 87°38'01" East, a distance of 177.85, 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 South 43°38'35" East, a distance of 236.04 feet, said point being the Point of Termination. (Tract Contains 7,080.05 sq. ft.)

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Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South 87°35'31" East, along the north line of said Section 25, a distance of 351.60 feet; thence South 02°47'11" West, a distance of 663.51 feet; thence South 87°38'01" East, a distance of 177.85 feet; said point being the Point of Beginning of the centerline of the 20.00 foot easement being 25.00 feet on either side of the following centerline description, except the interior 15.00 feet on either side of the following described centerline; thence South 43°38'35" East, a distance of 236.04 feet, said point being the Point of Termination. (Tract Contains 4,707.14 sq. ft.).

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30 FOOT PERMANENT EASEMENT (BG3 Tract)

A tract of land being located in the Northwest Quarter of Section 25, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South 87°35'31" East, along the north line of said Section 25, a distance of 703.19 feet; thence South 02°58'30" West, a distance of 827.22 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 South 43°38'35" East, a distance of 8.73 feet, thence South 61°32'08" East, a distance of 319.79, said point being the Point of Termination. (Tract Contains 9,859.58 sq. ft.)

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30 FOOT PERMANENT EASEMENT (Eisenhauer Tract)

A tract of land being located in the Northwest Quarter of Section 25, Township 47 North, Range 32 West in Lee's Summit, Jackson County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of Section 25, Township 47 North, Range 32 West; thence South 87°35'31" East, along the north line of said Section 25, a distance of 989.98 feet; thence South 02°29'25" West, a distance of 973.71 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 South 61°32'08" East, a distance of 180.21 feet; thence South 87°32'52" East, a distance of 168.65, said point being the Point of Termination. (Tract Contains 10,466.08 sq. ft.)

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