

BILL NO. 18-179

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR ROAD IMPROVEMENTS ASSOCIATED WITH THE JEFFERSON STREET IMPROVEMENT PROJECT (OLDHAM PKWY TO PERSELS ROAD); 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 property, permanent easements, and temporary construction easements for the purpose of constructing roadway improvements, as specified in the proposed project plans and specifications on file with the Lee's Summit Public Works 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, 88.077 and 82.240 of the Revised Statutes of the State of Missouri, 2016, 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 road improvements 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 proposed plans and specifications on file with the Lee's Summit Public Works Department, to acquire, by purchase or condemnation proceedings, certain property, permanent easements, and temporary construction easements for such public improvements, including but not limited to installation, maintenance and repair of a storm sewer line, curb and gutter, sidewalk, sewer and water 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 property, 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 _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Infrastructure and Planning
Nancy K. Yendes

EXHIBIT A

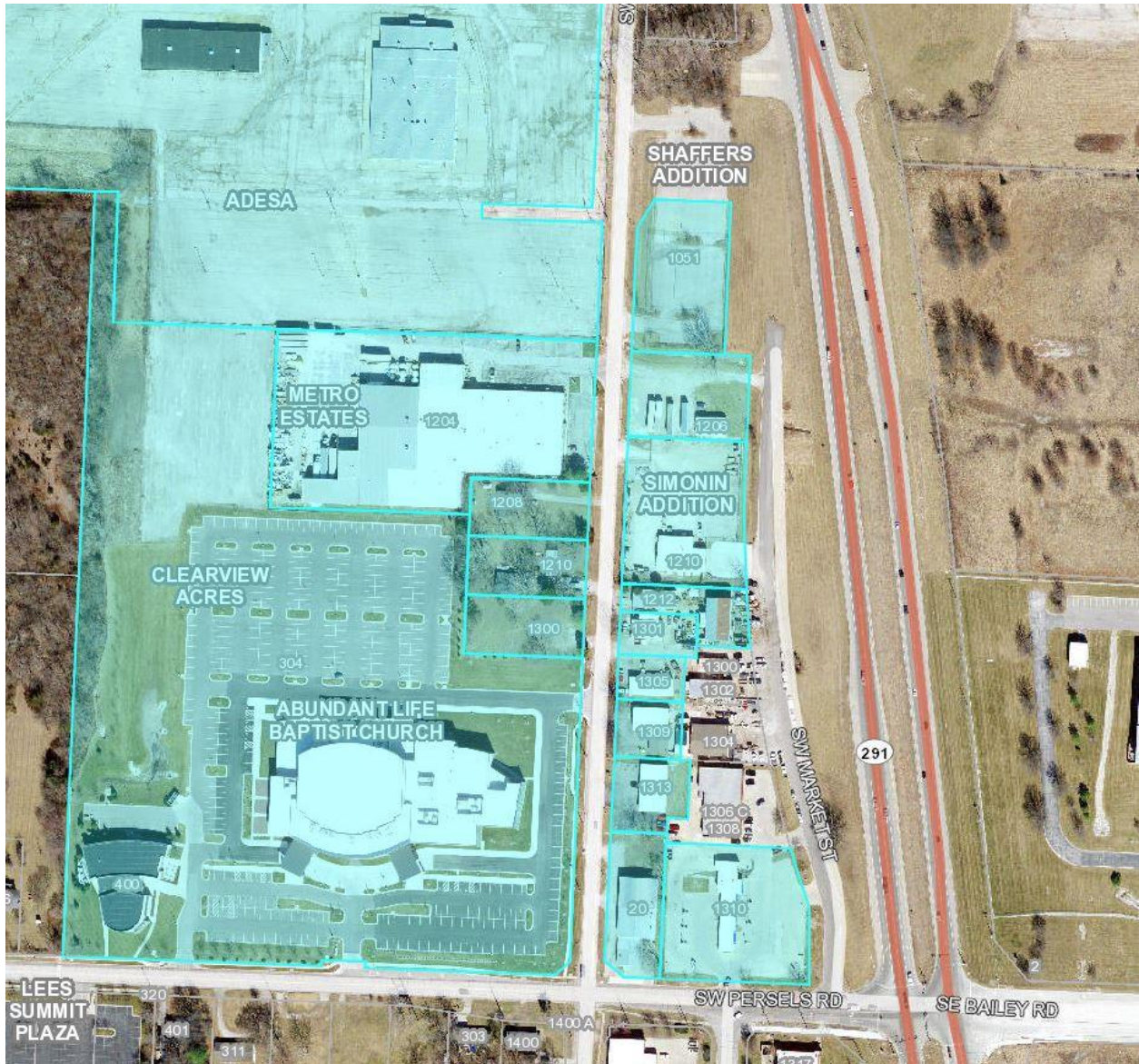


EXHIBIT B

TIMOTHY REIS, TRACT 06

BEGINNING AT A POINT ON THE WEST LINE OF LOT 6, OF RESURVEY OF LOT 2, SIMONIN ADDITION, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, SAID POINT BEING 76.41 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE CONTINUING NORTH ALONG AND WITH SAID WEST LINE OF LOT 6, A DISTANCE OF 71.72 FEET TO A POINT; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 135 FEET; THENCE SOUTH 71.72 FEET; THENCE WEST 135 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART THEREOF IN ANY PUBLIC ROAD.

PERMANENT RIGHT-OF-WAY DEDICATION:

ALL THAT PART OF LOT 6, RESURVEY OF LOT 2, SIMONIN ADDITION, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST JEFFERSON STREET, AS NOW ESTABLISHED; THENCE NORTH 02°33'14" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 76.41 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 02°33'14" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 71.72 FEET; THENCE SOUTH 87°49'23" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 13.00 FEET; THENCE SOUTH 02°33'14" WEST, DEPARTING SAID NORTH LOT LINE, A DISTANCE OF 71.72 FEET; THENCE NORTH 87°49'23" WEST, A DISTANCE OF 13.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 932.34 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

PERMANENT WATER EASEMENT:

ALL THAT PART OF LOT 6, RESURVEY OF LOT 2, SIMONIN ADDITION, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST JEFFERSON STREET, AS NOW ESTABLISHED; THENCE NORTH 02°33'14" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 76.41 FEET; THENCE SOUTH 87°49'23" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 13.00 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 02°33'14" EAST, A DISTANCE OF 71.72 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 6; THENCE SOUTH 87°49'23" EAST, ALONG SAID NORTH LOT LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 02°33'14" WEST, DEPARTING SAID NORTH LOT LINE, A DISTANCE OF 71.72 FEET; THENCE NORTH 87°49'23" WEST, A DISTANCE OF 10.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 717.18 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

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ROMEO TRUCKING, LLC, TRACT 07

PERMANENT RIGHT-OF-WAY DEDICATION:

ALL THAT PART OF LOT 5, RESURVEY OF LOT 2, SIMONIN ADDITION, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST JEFFERSON STREET, AS NOW ESTABLISHED; THENCE NORTH 02°33'14" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 49.38 FEET; THENCE SOUTH 87°49'23" EAST, DEPARTING SAID EAST RIGHT-OF-WAY LINE, ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 13.00 FEET; THENCE SOUTH 02°33'14" WEST, DEPARTING SAID NORTH LOT LINE, A DISTANCE OF 49.38 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 5; THENCE NORTH 87°49'23" WEST, ALONG SAID SOUTH LOT LINE, A DISTANCE OF 13.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 641.93 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

PERMANENT WATER EASEMENT:

ALL THAT PART OF LOT 5, RESURVEY OF LOT 2, SIMONIN ADDITION, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST JEFFERSON STREET, AS NOW ESTABLISHED; THENCE SOUTH 87°49'23" EAST, ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 13.00 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 02°33'14" EAST, DEPARTING SAID SOUTH LOT LINE, A DISTANCE OF 49.38 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 5; THENCE SOUTH 87°49'23" EAST, ALONG SAID NORTH LOT LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 02°33'14" WEST, DEPARTING SAID NORTH LOT LINE, A DISTANCE OF 49.38 FEET, TO A POINT ON SAID SOUTH LOT LINE; THENCE NORTH 87°49'23" WEST, ALONG SAID SOUTH LOT LINE, A DISTANCE OF 10.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 493.79 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT:

ALL THAT PART OF LOT 5, RESURVEY OF LOT 2, SIMONIN ADDITION, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST JEFFERSON STREET, AS NOW ESTABLISHED; THENCE SOUTH 87°49'23" EAST, ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 23.00 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 02°33'14" EAST, DEPARTING SAID SOUTH LOT LINE, A DISTANCE OF 49.38 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 5; THENCE SOUTH 87°49'23" EAST, ALONG SAID NORTH LOT LINE, A DISTANCE OF 3.20 FEET; THENCE SOUTH 02°31'07" WEST, DEPARTING SAID NORTH LOT LINE, A DISTANCE OF 49.38 FEET, TO A POINT ON SAID SOUTH LOT LINE; THENCE NORTH 87°49'23" WEST, ALONG SAID SOUTH LOT LINE, A DISTANCE OF 3.23 FEET, TO THE POINT OF BEGINNING, CONTAINING 158.70 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

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291 HIGHWAY, LLC, TRACT 15

PERMANENT WATER EASEMENT:

ALL THAT PART OF TRACT II, MINOR PLAT, REPLAT OF LOT 2, RESURVEY LOT 4, SIMONIN ADDITION, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT II, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST PERSELS ROAD, AS NOW ESTABLISHED; THENCE NORTH 02°33'14" EAST, ALONG THE WEST LINE OF SAID TRACT 11, A DISTANCE OF 10.00 FEET; THENCE SOUTH 87°43'36" EAST, DEPARTING SAID WEST TRACT LINE, A DISTANCE OF 136.37 FEET; THENCE SOUTH 02°16'24" WEST, A DISTANCE OF 10.00 FEET, TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE NORTH 87°43'36" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 136.42 FEET, TO THE POINT OF BEGINNING, CONTAINING 1,363.94 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.