

BILL NO. 17-210

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 WARD ROAD IMPROVEMENT PROJECT (COUNTY LINE ROAD TO 163RD ST); 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 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 Unincorporated Cass 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 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, and all work incidental and subsidiary thereto all of which are situated in the City of Lee's Summit, Cass County, Missouri, or Unincorporated Cass 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 _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

Deputy City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

Deputy City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Infrastructure and Planning
Nancy K. Yendes



EXHIBIT B

PERMANENT RIGHT-OF-WAY DEDICATION (Raintree, Tract 39A)

All that part of the Southwest Quarter of Section 6, Township 46 North, Range 31 West, in the City of Lee's Summit, Cass County, Missouri, described as follows:
Commencing at the intersection of the South subdivision line of RAINTREE LAKE ESTATES 3 RD PLAT, a subdivision of record in the city of Lee's Summit, Cass County, Missouri, and the existing East right-of-way line of Southwest Ward Road, according to the record plat thereof; thence North 61°23'11" West, along the Westerly prolongation of said South subdivision line, same being the existing Easterly right-of-way line of said Southwest Ward Road as now established, a distance of 11.13 feet to its intersection with the East line of the West 40.00 feet of said Southwest Quarter of Section 6, said point also being the Point of Beginning; thence North 61°23'11" West, continuing along the Westerly prolongation of said South subdivision and the existing Easterly right-of-way line of Southwest Ward Road, a distance of 16.69 feet to a point on the East line of the West 25.00 feet of the Southwest Quarter of said Section 6, said point being a point of deflection in the existing Easterly right-of-way line of said Southwest Ward Road; thence South 02°37'03" West, along the East line of the West 25.00 feet of the Southwest Quarter of said Section 6, same being said Easterly right-of-way line, a distance of 275.26 feet to a point of deflection in said existing Easterly right-of-way line; thence North 86°54'27" East, continuing along said existing Easterly right-of-way line, a distance of 15.07 feet to its intersection with the East line of the West 40.00 feet of the Southwest Quarter of said Section 6; thence North 02°37'03" East, along the East line of the West 40.00 feet of the Southwest Quarter of said Section 6, a distance of 266.44 feet to the Point of Beginning. Containing 4,063 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Raintree, Tract 39A)

All that part of the Southwest Quarter of Section 6, Township 46 North, Range 31 West, in the City of Lee's Summit, Cass County, Missouri, described as follows:
Beginning at the intersection of the South subdivision line of RAINTREE LAKE ESTATES 3RD PLAT, a subdivision of record in the City of Lee's Summit, Cass County, Missouri, with the existing East right-of-way line of Southwest Ward Road, according to the record plat thereof; thence North 61°23'11" West, along the Westerly prolongation of said South subdivision line, same being the existing Easterly right-of-way line of said Southwest Ward Road as now established, a distance of 11.13 feet to its intersection with the East line of the West 40.00 feet of said Southwest Quarter of Section 6; thence South 02°37'03" West, along the East line of the West 40.00 feet of the Southwest Quarter of said Section 6, a distance of 110.40 feet; thence South 87°22'57" East, departing the East line of the West 40.00 feet of the Southwest Quarter of said Section 6, a distance of 10.00 feet to a point on the East line of the West 50.00 thereof; thence North 02°37'03" East, along the East line of the West 50.00 feet of the Southwest Quarter of said Section 6, a distance of 105.52 feet to the Point of Beginning. Containing 1,080 square feet, more or less.

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TEMPORARY CONSTRUCTION EASEMENT (Raintree, Tract 40)

All that part of the Southwest Quarter of Section 6, Township 46 North, Range 31 West, in the City of Lee's Summit, Cass County, Missouri, described as follows:

Beginning at the Northwest corner of Lot 916, RAIN TREE LAKE LOTS 804 THRU 945 AND 975 THRU 990, a subdivision of record located in the City of Lee's Summit, Cass County, Missouri, said point also being on the existing East right-of-way line of Southwest Ward Road as now established; thence North 02°37'03" East, along the existing East right-of-way line of said Southwest Ward Road, a distance of 154.59 feet; thence South 87°22'57" East, departing the existing East right-of-way line of said Southwest Ward Road, a distance of 10.00 feet to a point on a line that is 10.00 feet East of and parallel with the existing East right-of-way line thereof; thence South 02°37'03" West, along a line that is 10.00 feet East of and parallel with the existing East right-of-way line of said Southwest Ward Road, a distance of 150.00 feet to a point on the North line of said Lot 916; thence South 67°58'18" West, along the North line of said Lot 916, a distance of 11.00 feet to the Point of Beginning.

Containing 1,523 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Koch, Tract 81)

All of the East 10.00 feet of the of Lot 176A, RESURVEY OF MULLENDIKE LOTS 174 & 175 & 176, a survey of record in Cass County, Missouri.
Containing 1,091 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Yates, Tract 88)

All that part of Lot 168, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri, being described as follows:

Commencing at the Northeast corner of said Lot 168; thence North 86°50'34" West, along the North line of said Lot 168, a distance of 10.00 feet to the Point of Beginning; thence North 86°50'34" West continuing along the said North line, a distance of 10.00 feet to a point on the West line of the East 20.00 feet of said Lot 168; thence South 02°37'03" West, along the West line of the East 20.00 feet of said Lot 168, a distance of 111.98 feet to a point on the South line of said Lot 168; thence South 86°50'34" East, along said South line, a distance of 15.56 feet; thence North 00°13'30" West, departing said South line, a distance of 112.17 feet to the Point of Beginning.

Containing 1,431 square feet, more or less.

PERMANENT DRAINAGE EASEMENT (Yates, Tract 88)

All that part of Lot 168, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri, being described as follows:

Beginning at the Northeast corner of said Lot 168, thence South 02°37'03" West, along the East line of said Lot 168, a distance of 111.98 feet to the Southeast corner thereof; thence North 86°50'34" West, along the South line of said Lot 168, a distance of 4.44 feet; thence North 00°13'30" West, departing the said South line, a distance of 112.17 feet to a

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point on the North line of said Lot 168; thence South 86°50'34" East, along the North line of said Lot 168, a distance of 10.00 feet to the Point of Beginning.
Containing 808 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Raintree, Tract 89)

All of those parts of Lots 165 thru 167, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri, described as follows: Commencing at the Northeast corner of said Lot 167; thence North 86°50'34" West, along the North line of said Lot 167, a distance of 4.44 feet to the Point of Beginning; thence North 86°50'34" West, continuing along the North line of said Lot 167, a distance of 15.56 feet to a point on the West line of the East 20.00 feet of said Lot 167; thence South 02°37'03" West, along the West line of the East 20.00 feet of said Lot 167, a distance of 68.73 feet; thence South 62°40'11" West, departing the West line of the East 20.00 feet of said Lot 167, a distance of 63.48 feet; thence South 02°37'03" West, across Lots 167 and 166, distance of 63.48 feet; thence North 62°40'11" East a distance of 86.56 feet to a point on the East line of said Lot 166; thence North 02°37'03" East, along the East line of said Lots 166 and 167, a distance of 17.31 feet to a point on the East line of said Lot 167; thence South 62°40'11" West, departing the East line of said Lot 167, across said Lots 167 and 166, a distance of 51.58 feet; thence North 27°19'49" West a distance of 15.00 feet; thence North 62°40'11" East, across Lots 166 and 167 a distance of 60.02 feet; thence North 00°13'30" West a distance of 86.12 feet to the Point of Beginning.

Containing 4,982 square feet, more or less.

And: Commencing at the Southeast corner of said Lot 165; thence North 02°37'03" East, along the East line of said Lot 165, a distance of 5.25 feet to the Point of Beginning; thence North 02°37'03" East, continuing along the East line of said Lot 165, a distance of 34.75 feet; thence North 86°47'45" West, departing said East line, a distance of 75.00 feet; thence South 02°37'03" West a distance of 40.00 feet to a point on the South line of said Lot 165; thence South 86°47'45" East, along said South line, a distance of 7.14 feet; thence North 12°55'02" East, departing said South line, a distance of 16.62 feet; thence South 77°04'58" East a distance of 65.95 feet to the Point of Beginning.
Containing 2,274 square feet, more or less.

PERMANENT DRAINAGE EASEMENT (Raintree, Tract 89)

All of those parts of Lots 165 thru 167, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri, described as follows:

Beginning at the Northeast corner of said Lot 167; thence South 02°37'03" West, along the East line of said Lot 167, a distance of 103.19 feet; thence South 62°40'11" West departing the East line of said Lot 167, across Lots 167 and 166, a distance of 51.58 feet; thence North 27°19'49" West, a distance of 15.00 feet; thence North 62°40'11" East, across said Lots 166 and 167, a distance of 60.02 feet; thence North 00°13'30" West a distance of 86.12 feet to a point on the North line of said Lot 167; thence South 86°50'34" East, along the North line of said Lot 167, a distance of 4.44 feet to the Point of Beginning.

Containing 1,036 square feet, more or less.

And: Beginning at the Southeast corner of said Lot 167; thence North 86°47'45" West, along the South line of said Lot 167, a distance of 67.86 feet; thence North 12°55'02" East,

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departing said South line, a distance of 16.62 feet; thence South 77°04'58" East a distance of 65.95 feet to a point on the East line of said Lot 167; thence South 02°37'03" West, along the East line of said Lot 167, a distance of 5.25 feet to the Point of Beginning. Containing 726 square feet, more or less.

PERMANENT RIGHT-OF-WAY DEDICATION (Raintree, Tract 90)

All of the East 20.00 feet of the North One-Half of Lot 164, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri.
Containing 1,120 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Ford, Tract 92)

All that part of Lot 162, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri, being described as follows:
Commencing at the Southeast corner of said Lot 162; thence North 86°50'34" West, along the South line of said Lot 162, a distance of 7.00 feet to the Point of Beginning; thence North 86°50'34" West, continuing along said South line, a distance of 31.00 feet to a point on the West line of the East 38.00 feet of said Lot 162; thence North 02°37'03" East, along the West line of the East 38.00 feet of said Lot 162, distance of 111.78 feet to a point on the North line of said Lot 162; thence South 86°50'34" East, along the North line of said Lot 162, a distance of 34.27 feet; thence South 04°29'48" West a distance of 99.77 feet to a point on West line of the East 7.00 feet of said Lot 162; thence South 02°37'03" West, along the West line of the East 7.00 feet of said Lot 162, a distance of 12.04 feet to the Point of Beginning.
Containing 3,628 square feet, more or less.

PERMANENT DRAINAGE EASEMENT (Ford, Tract 92)

All that part of Lot 162, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri, being described as follows:
Beginning at the Southeast corner of said Lot 162; thence North 02°37'03" East, along the East line of said Lot 162, a distance of 111.78 feet to the Northeast corner of said Lot 162; thence North 86°50'34" West, along the North line of said Lot 162, a distance of 3.73 feet; thence South 04°29'48" West, departing the North line of said Lot 162, a distance of 99.77 feet to a point on the West line of the East 7.00 feet of said Lot 162; thence South 02°37'03" West, along the West line of the East 7.00 feet of said Lot 162, a distance of 12.04 feet to a point on the South line of said Lot 162; thence South 86°50'34" East, along the South line of said Lot 162, a distance of 7.00 feet; to the Point of Beginning.
Containing 619 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Englesby, Tract 93)

All of the West 31.00 feet of the East 38.00 feet of Lot 161, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri.
Containing 3,472 square feet, more or less.

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PERMANENT DRAINAGE EASEMENT (Englesby, Tract 93)

All of the East 7.00 feet of Lot 161, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri.
Containing 784 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Stepaniak, Tract 94)

All of the West 16.00 feet of the East 23.00 feet of Lot 160, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri.
Containing 1,792 square feet, more or less.

PERMANENT DRAINAGE EASEMENT (Stepaniak, Tract 94)

All of the East 7.00 feet of Lot 160, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri.
Containing 784 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (Carpenter, Tract 95)

All of the East 5.00 feet of Lot 159, MULLENDIKE ADDITION, a subdivision of record in Cass County, Missouri.
Containing 560 square feet, more or less.