

Legislation Details (With Text)

File #: SUBSTITUTE
BILL NO. 21-139

Name:

Type: Ordinance

Status: Passed

File created: 6/18/2021

In control: City Council - Regular Session

On agenda: 7/13/2021

Final action: 7/20/2021

Title: An Ordinance determining and declaring the necessity of acquiring for public use certain right of way, permanent easements and temporary construction easements for road, water, stormwater and sewer improvements associated with the proposed Chipman Road Improvements from View High Drive to Bent Tree Drive Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.
(Note: First read by Council on July 13, 2021. Passed by unanimous vote.)

Sponsors: Public Works Admin & Engineering

Indexes:

Code sections:

Attachments: 1. Substitute Ordinance.pdf, 2. Exhibits A-1 to A-11; Exhibits B-1 to B-11, 3. Exhibit C - Location Map

Date	Ver.	Action By	Action	Result
7/20/2021	1	City Council - Regular Session	adopted and numbered	Pass
7/13/2021	1	City Council - Regular Session	advanced to second reading	Pass

An Ordinance determining and declaring the necessity of acquiring for public use certain right of way, permanent easements and temporary construction easements for road, water, stormwater and sewer improvements associated with the proposed Chipman Road Improvements from View High Drive to Bent Tree Drive Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.
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Issue/Request:

An Ordinance determining and declaring the necessity of acquiring for public use certain right of way, permanent easements and temporary construction easements for road, water, stormwater and sewer improvements associated with the proposed Chipman Road Improvements from View High Drive to Bent Tree Drive Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

Key Issues:

- As recommended in the City's 2006 Thoroughfare Master Plan, including subsequent updates thereto,

and approved under the FY22 CIP, the Chipman Road Improvements from View High Drive to Bent Tree Drive Project would improve the existing roadway to a 3-lane or generally 30' wide two-lane facility with curb and gutter, sidewalk(s), street lighting, enclosed storm water drainage, and relocation and/or upsizing of water and sanitary sewer lines for safety enhancements and future development (hereinafter "Project").

- City staff has tried to acquire the necessary land interests for the Project through negotiation and have been unsuccessful pertaining to those remaining easement and right-of-way needs to date.
- The City Council for the City of Lee's Summit, Missouri, deems it necessary, desirable, advisable and in the public interest to obtain certain right of way, permanent easements and temporary construction easements for the purpose of constructing the Project.
- 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.

Proposed City Council Motion:

I move for adoption of an Ordinance determining and declaring the necessity of acquiring for public use certain right of way, permanent easements and temporary construction easements for road, water, stormwater and sewer improvements associated with the proposed Chipman Road Improvements from View High Drive to Bent Tree Drive Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.

Background:

The Project includes reconstructing approximately 0.9 miles of existing roadway as a 3-lane or 30' wide 2-lane facility with curb and gutter, sidewalk(s), street lighting, enclosed storm water drainage, and relocation and/or upsizing of approximately 7,450 ft. of water main and 1,400 ft. of sanitary sewer.

The main purpose of this Project is safety improvements. Safety is being addressed by eliminating the one-lane railroad tunnel, the narrow pavement with no shoulders, and the sharpness of several curves along the corridor which will improve sight distances. Safety will also be enhanced by adding wide lanes, constructing turn lanes, adding a sidewalk and multi-use trail to accommodate cyclists and pedestrians, adding street lighting, and adding a traffic signal at View High Drive.

The improvements to Chipman Road between View High Drive and Bent Tree Drive were recommended in the City's 2006 Thoroughfare Master Plan. Those recommendations were included in the more recent Thoroughfare Master Plan update. It should be noted that this project is funded from several sources. The road improvements are funded from the CIP Sales Tax Renewal, whereas the water and sewer improvements are funded by Water Utilities rates and fees allocated to capital improvements.

Wilson & Company, the design engineer, has completed right of way plans and are very close to finishing final plans. Part of this work included coordinating with Kansas City, Missouri, Rock Island Rail Corridor/Trail Authority (Jackson

County), and private utilities. Those agencies have reviewed plans, prepared relocations, and provided access so the City can work in their easements. However, the engineering plans cannot be finalized and advertised for construction until the right-of-way and easement acquisition from private property owners along the project is resolved.

Impact/Analysis:

Failure to obtain the necessary right-of-way and easements through eminent domain will delay the project, stop the project, or significantly increase the cost of acquisition. This Ordinance would provide for the City to use the power of eminent domain (condemnation) to acquire public right of way, permanent easements and temporary construction easements from the parcels listed in the ordinance as needed. In the interim and during condemnation, negotiations for necessary property acquisition may continue in support of the project.

Timeline:

Start: Upon approval of ordinance.

Finish: ____

Michael Park, Director of Public Works

Staff recommends approval of an Ordinance determining and declaring the necessity of acquiring for public use certain right of way, permanent easements and temporary construction easements for road, water, stormwater and sewer improvements associated with the proposed Chipman Road Improvements from View High Drive to Bent Tree Drive Project; authorizing the City Manager and his designee(s) to negotiate for the purpose of acquiring the necessary interests in land; and authorizing the City Attorney and his designee(s) to institute condemnation proceedings if such interests in land cannot be acquired by purchase through good faith negotiations.