

## Legislation Details (With Text)

**File #:** BILL NO. 18-41  
**Name:**  
**Type:** Ordinance  
**Status:** Agenda Ready  
**File created:** 1/19/2018  
**In control:** City Council - Regular Session  
**On agenda:** 4/5/2018  
**Final action:**  
**Title:** 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 ROAD 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.  
 (Note: This item was CONTINUED on March 1, 2018 per City Council vote.)  
**Sponsors:** Public Works  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Ordinance

Date	Ver.	Action By	Action	Result
4/5/2018	1	City Council - Regular Session	tabled	Pass
3/15/2018	1	City Council - Regular Session	continued	Pass
3/1/2018	1	City Council - Regular Session	continued	Pass

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 ROAD 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.  
 (Note: This item was CONTINUED on March 1, 2018 per City Council vote.)

Issue/Request:

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 ROAD 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.

Proposed City Council motion:

FIRST MOTION: I move for a second reading of 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 ROAD 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.

Key Issues:

- o This ordinance would provide for the City to use the power of eminent domain (condemnation) to acquire Property, Right of Way, Temporary Construction Easements, and Permanent Easements for up to 9 parcels for roadway improvements located along Jefferson Street.
- o City Staff has tried to acquire the necessary easements through negotiation but has been unsuccessful.
- o Eminent domain is used only after negotiations based upon appraisal estimates of fair market value have failed to reach an agreement.

Background:

This project will widen and reconstruct Jefferson Street as a two and three lane facility with sidewalk, shared-use path, traffic signal and street lighting from Persels Road to Oldham Parkway. Water and Sewer mains will be upgraded in conjunction with this project.

This project supports improved safety, operations, economic reinvestment within the nearby area, and livability. The City has improved Jefferson Street south of Persels, constructed Bailey Road east of M-291 Highway and partnered with MoDOT for the interchange reconstruction at M-291 Highway at US 50 with improvements to Oldham Parkway contiguous to the proposed improvements.

This project was funded from savings from the 2007 Capital Sales Tax Renewal for roadway construction. This project was discussed with City Council in late 2015 and early 2016 and added to the 2017-2021 Capital Improvement Plan with final approval on June 23, 2016. Request for engineering design qualifications was issued on November 22, 2016 and George Butler Associates, Inc. was awarded the design contract on March 9, 2017. The project is currently in the final design stage and is expected to go out for bid by the end of 2018, with construction to be expected in Spring 2019.

City Staff has delivered acquisition offer letters to all affected properties owners on this project. Offers were based on independent appraisals of the fair market value. Several properties have already completed negotiations with the City, but several remain.

The project improvements will cause several properties to become un-usable in their current configuration. Depending on the specific property, impacts range from eliminating or moving access to a particular public road, reducing parking on site below acceptable levels based on land use, or cause structures to encroach on municipal water line easements. The properties would require significant re-development to meet access management codes, Unified Development Ordinance Criteria, encroachment policies and other public infrastructure design criteria. Re-developing the sites or

protracted negotiations could significantly delay the Jefferson Street improvements. The intent is to coordinate improvements with the MoDOT improvements currently underway at US 50 and M291 south interchange, and before improvement work at M291, Persels and Scherer Roads. Therefore, City Staff recommends fee simple acquisition of several properties.

City Staff will continue to negotiate as long as practical. State and Federal regulations require the City to offer relocation assistance to property owners subject to total taking. The relocation assistance will help find or construct a comparable facility at a new location, assist with moving costs, and reimburse other qualifying expenses.

Impact/Analysis:

Failure to obtain the necessary property, rights of way and easements through eminent domain will delay the project or significantly increase the cost of acquisition.

Timeline:

Start: upon approval of Ordinance

Finish: Fall 2018

Presenter: George Binger, P.E., Deputy Director of Public Works/City Engineer

*..Recommendation*

Staff Recommendation: Staff recommends approval of 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 ROAD 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.

Committee Recommendation: The Public Works Committee February 20, 2018 meeting was cancelled due to forecasted weather conditions.

