

Legislation Text

File #: BILL NO. 19-45, **Version:** 1

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 3rd Street Improvement Project (Pryor Road to Murray Road) 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.

(NOTE: First reading by City Council on March 5, 2019. Passed unanimously.)

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 3rd Street Improvement Project (Pryor Road to Murray Road) 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.

Key Issues:

This ordinance would allow the City to use the power of eminent domain (condemnation) to acquire necessary Right of Way, Permanent Easements and Temporary Construction Easements from nine properties for roadway improvements located along SW 3rd Street.

City Staff has tried to acquire the necessary right-of-way and easements through negotiations but have been unsuccessful with nine properties.

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. 42 of the 51 properties have completed negotiations with the City. City Staff will continue to negotiate with property owners in the hopes of reaching a negotiated settlement while simultaneously working through the eminent domain legal process. Eminent domain is used only after negotiations based upon appraisal estimates of fair market value have failed to reach an agreement.

Proposed City Council Motion:

I move for adoption 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 3rd Street Improvement Project (Pryor Road to Murray Road) 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.

Background:

The project will improve safety and capacity of this major arterial corridor. The improvements are recommended in the Thoroughfare Master Plan to address existing and long term operational demand. The

improvements also support various City policies, standards and ordinances such as Livable Streets Policy, American with Disabilities Act and Street Light Policy. All existing pavement will be removed, and the current three lane road will be replaced with a new four lane road. Additionally, sidewalks will be built on both sides of the street, street lights will light the corridor and accommodations for left turn lanes and access management will be constructed where appropriate. A new traffic signal will be installed at the intersection of 3rd and Murray.

These improvements were recommended by City Council with remaining funds from the 2007 CIP Sales Tax. The project was included in the adopted CIP, 2017-2022.

Olsson was awarded the professional engineering services contract on April 17, 2017 and has progressed significantly with the design work, however the engineering plans cannot be completed until the right-of-way and easement requests are resolved.

Impact/Analysis:

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

Timeline:

Estimated Start: Upon approval of Ordinance

Estimated Finish:

Other Information/Unique Characteristics:

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Dena Mezger, Director of Public Works

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 3rd Street Improvement Project (Pryor Road to Murray Road) 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.

Committee Recommendation: