

## Legislation Text

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**File #:** BILL NO. 18-179, **Version:** 1

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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.

(First reading by City Council on October 16, 2018. Passed by unanimous 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 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.

### Proposed City Council Motion:

I move for a second reading 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.

### Key Issues:

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 three tracts for roadway improvements located along Jefferson Street.

City Staff has tried to acquire the necessary easements through negotiation but has been unsuccessful.

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 Oldham Parkway to Persels Road. 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 were initially expected to cause several properties to become un-usable in their current configuration and require total acquisition, however; through additional discussion with City Council and negotiation with property owners the expectation of acquisitions in the area are to minimize fee simple acquisitions of property in order to maintain current business functions and site layout of properties. Changes to the acquisition offer letters have been made and negotiation is ongoing with property owners for obtaining easements to move forward with the project. Property owners have made statements multiple times to Staff and City representatives of their intention on staying and Staff was able to restructure the acquisitions to accommodate the owners wishes. City Staff will continue to negotiate as long as practical.

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: Spring 2019

Dena Mezger, Director of Public Works

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 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

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