

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 23-115	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	3/6/2023	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	5/16/2023	<b>Final action:</b>	6/20/2023

**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, storm water and additional pedestrian amenities associated with the proposed 3rd Street Improvements from Blue Parkway to Jefferson Street 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 June 6, 2023. Passed by unanimous vote with one recusal.)

**Sponsors:** Public Works Admin & Engineering

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A: Tract Descriptions, 3. Supporting Document: Location Map, 4. Supporting Document: 3rd Street Improvement Project

Date	Ver.	Action By	Action	Result
6/20/2023	1	City Council - Regular Session	adopted and numbered	Pass
6/13/2023	1	City Council - Regular Session	continued	Pass
6/6/2023	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, storm water and additional pedestrian amenities associated with the proposed 3<sup>rd</sup> Street Improvements from Blue Parkway to Jefferson Street 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, storm water and additional pedestrian amenities associated with the proposed 3<sup>rd</sup> Street Improvements from Blue Parkway to Jefferson Street 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 and 2016 Thoroughfare Master Plan, and approved under the 2017 CIP

sales tax renewal, 3<sup>rd</sup> Street Improvements from Blue Parkway to Jefferson Street would improve the existing roadway 3-lane facility with curb and gutter, shared-use path, sidewalk, ADA improvements, street lighting, enclosed storm water drainage, Access Management Code compliance, and relocation and/or up sizing of water lines for safety enhancements, capacity, accessibility, level of service improvement and future development.

- 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, storm water and additional pedestrian amenities associated with the proposed 3<sup>rd</sup> Street Improvements from Blue Parkway to Jefferson Street 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:

Improving 3rd Street from Jefferson Street to Blue Parkway was approved by voters as part of the 2017 CIP Sales Tax renewal election in November 2017.

The project will re-construct approximately 0.62 miles of 3rd Street from Jefferson Street to Blue Parkway as shown in the City's 2006 and 2016 Thoroughfare Master Plan documents. The primary reasons for this project are to enhance safety, operations and accessibility with the addition of complete street amenities to include a shared-use path, sidewalk, ADA improvements, and lighting as well as access management modifications. An older City water main within the corridor will also be replaced with the project.

Improvements will include roadway rehabilitation and additional pedestrian/bicycle (e.g. multimodal) amenities that will highlight the corridor as a principal gateway into Downtown Lee's Summit. The street will incorporate several livable street features and coordinate with the Park Department's Greenway Master Plan and City Bicycle Transportation Plan. WSP USA, the design engineer, has completed right of way plans and working on final plans. 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. Currently, the project is in right of way acquisition and utility relocation phase. The project is anticipated to start construction in the spring of 2024.

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: \_\_\_\_

Curt Powelson, Senior Right of Way Agent

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, storm water and additional pedestrian amenities associated with the proposed 3<sup>rd</sup> Street Improvements from Blue Parkway to Jefferson Street 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.

Committee Recommendation: [Enter Committee Recommendation text here]