

Legislation Text

File #: BILL NO. 20-188, **Version:** 1

An Ordinance determining and declaring the necessity of acquiring for public use certain permanent easements and right of way for street construction improvements associated with the proposed Browning Street extension between SE Oldham Pkwy and SE Hamblen Rd; 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 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 September 22, 2020. Passed by unanimous vote.)

Issue/Request:

An Ordinance determining and declaring the necessity of acquiring for public use certain permanent easements and right of way for street construction improvements associated with the proposed Browning Street extension between SE Oldham Pkwy and SE Hamblen Rd; 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 to power of eminent domain (condemnation) to acquire drainage easements, temporary construction easements and public right of way through 3 parcels for a new extension of SE Browning Street between SE Oldham Parkway and SE Hamblen Road.
- ☐ The extension of Browning Street will provide additional access to the existing industrial development in this area as well as reducing the amount of left turn traffic on SE Oldham Pkwy near the interchange of MO 50 and MO 291.
- ☐ The City has tried to acquire the necessary easements through negotiation but has been unsuccessful.
- ☐ Eminent domain is used only after significant negotiations based upon appraisals have failed.

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 right of way for street construction improvements associated with the proposed Browning Street extension between SE Oldham Pkwy and SE Hamblen Rd; 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 extend a commercial/industrial roadway, Browning St, along a planned alignment to Hamblen Rd. The purpose of this project is to complete a roadway network gap that will improve access to the area between Hamblen Rd and the Union Pacific Railroad, south of US 50 Hwy and north of Bailey Rd. This will provide an alternate route in lieu of Oldham Parkway in the southwest quadrant from the US-50 and M-291 interchange. This separation from Oldham Parkway is necessary to improve access to existing industrial and commercial development due to pending access restrictions planned by MoDOT at the interchange.

The project will include two 18-foot wide lanes, sidewalks, curb and gutter, a turn lane at Hamblen, an enclosed storm drainage system, pavement marking, and signing. The total project length is approximately 2,100 feet. The project is included in the City's FY2019 Capital Improvement Plan adopted by Council. The project will be funded from the License (Excise) Tax fees. Bartlett & West, the design engineer, has completed right of way plans and very close to finishing final plans. However, the engineering plans cannot be finalized and advertised for construction 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:

Start: Upon approval of ordinance.

Finish: ____

Other Information/Unique Characteristics:

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Michael Anderson, Construction Manager, Public Works

Staff recommends approval.