

AN ORDINANCE declaring the necessity of acquiring for public use certain fee simple right of way and temporary construction easements for the purpose of street construction improvements associated with the proposed 32nd Street widening project between Schifferdecker Avenue and Central City Road; authorizing the City Manager and his designees to negotiate for the purpose of acquiring the necessary interests in land; 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; and containing an emergency clause.

WHEREAS, the City Council for the City of Joplin, Missouri deems it necessary, desirable, advisable, and in the public interest to obtain certain fee simple right of way and temporary construction easements for the purpose of street construction improvements associated with the proposed 32nd Street widening project between Schifferdecker Avenue and Central City Road; and,

WHEREAS, the proposed 32nd Street widening project between Schifferdecker Avenue and Central City Road was included in the renewal of the Capital Improvement Sales Tax Program approved by the voters in August 2014; and,

WHEREAS, the proposed 32nd Street widening project between Schifferdecker Avenue and Central City Road was included in the FY20 and FY21 budgets; and,

WHEREAS, after approval of the FY20 and FY21 budgets, the City Manager and his designees had authority to negotiate and acquire by purchase certain interests in property necessary for the construction of the proposed 32nd Street widening project between Schifferdecker Avenue and Central City Road; and,

WHEREAS, 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, and by virtue of the Charter of the City of Joplin, Missouri, to acquire private property by condemnation proceedings for any public or municipal use, including uses or purposes stated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That it is hereby found, determined, and declared that it is necessary and in the public interest for the public purpose of constructing the widening of 32nd Street between Schifferdecker Avenue and Central City Road, to acquire, by purchase or condemnation proceedings, certain fee simple right of way and temporary construction easements for such public improvements, including but not limited to construction of new roadway, sidewalks, installation, maintenance, and repair of public storm sewer lines, and all work incidental and subsidiary thereto, all of which are situated in the City of Joplin, Newton County, Missouri, and are legally described in Exhibit "A" attached hereto and incorporated by reference as if fully set forth herein.

Section 2. That the City Manager and his designees have negotiated in good faith with the owners of property herein described for the purpose of acquiring certain fee simple right of way and temporary construction easements, relating to the property herein described, and are hereby authorized to continue negotiations notwithstanding the filing of condemnation proceedings.

Section 3. That the City Manager and his designees are hereby authorized to execute necessary documents to pay and disburse funds to property owners, others holding property rights, and escrow agents pursuant to negotiated agreements.

Section 4. That, in the event of failure, following good faith negotiations, to reach agreement on the amount of compensation to be paid for such fee simple right of way and temporary construction easements, and the acquisition thereof by purchase, the City Attorney and his designees, including special counsel, are hereby authorized and directed to institute condemnation proceedings for the purpose of acquiring such fee simple right of way, permanent easements and temporary construction easements in the manner provided by the Revised Statutes of Missouri.

Section 5. That the City of Joplin declares that this Ordinance relating to a public improvements, is an emergency within the meaning of Section 2.12 (6) of the HOME RULE CHARTER of the City of Joplin, and as such, shall be in full force and effect immediately from after its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2021, by a vote of _____.

Ryan D. Stanley, Mayor

ATTEST:

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney

EXHIBIT A

Fee Simple Right of Way

Commencing at the Northeast Corner of said Lot 2, Thence N88°05'26"W, 77.00 feet along the north line of said Lot Two (2) to the point of beginning; Thence S01°05'34"W, 20.00 feet along the east line of the above described tract; Thence N88°05'26"W parallel to the North line of said Lot Two (2), 97.73 feet; Thence S80°11'08"W, 59.28 feet to a non-tangent curve to the left having a radius of 70.00' and a chord bearing and distance of N15°31'58"E, 32.97 feet; Thence along said curve to the left, 33.29 feet; Thence S88°05'26"E, 148.00 feet to the point of beginning.

Containing 3,297 square feet more or less.

Temporary Construction Easement

Commencing at the Northeast Corner of said Lot 2, Thence N88°05'26"W, 77.00 feet along the north line of said Lot Two (2); Thence S01°05'34"W, 20.00 feet; Thence N88°05'26"W parallel to the North line of said Lot Two (2), 97.73 feet; Thence S80°11'08"W, 41.14 feet to the point of beginning; Thence S01°05'34"W, 31.64 feet; Thence N88°05'26"W, 43.86 feet to the east right-of-way line of Westberry Lane; Thence N58°50'02"E along said east right-of-way line, 2.46 feet to a curve to the left having a radius of 70.00 feet; Thence along said curve to the left, 36.26 feet; Thence N80°11'08"E, 18.14 feet to the point of beginning.

Containing 827 square feet more or less.