

AN ORDINANCE declaring the necessity of acquiring for public use certain permanent 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 permanent 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 permanent easements for such public improvements, including but not limited to installation, maintenance, and repair of public sanitary sewer lines, and all work incidental and subsidiary thereto, all of which are situated in the City of Joplin, Jasper 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 permanent

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 permanent 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 permanent 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

Sanitary Sewer Easement

A 20 foot wide sewer easement lying in the Southwest Quarter of Section 17, Township 27, Range 33, Jasper County, Missouri, said easement lying 10 feet on each side of the following described centerline: Commencing at the Southwest corner of the above described tract; Thence N02°02'13"E along the west line of the above described tract, 170.50 feet to the point of beginning; Thence S88°00'07"E, 176.50 feet; Thence S69°39'26"E, 322.65 feet to the east line of the above described tract, said point being the point of ending. The side lines of said 20 foot wide easement to be extended or shortened to meet at the angle points and to terminate at the west property line of the above described tract on the west and to terminate at the east property line of the above described tract on the east.

Containing 9,597 square feet more or less.