

AN ORDINANCE declaring the necessity of acquiring for public use certain fee simple right of way and temporary easements for the purpose of street construction improvements associated with the 15th and Rangeline Intersection Improvement Project; 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 easements for the purpose of street construction improvements associated with the 15th and Rangeline Intersection Improvement Project and,

WHEREAS, the proposed 15th and Rangeline Intersection Improvement Project was included in the 1717 Market Place Tax Increment Financing Plan approved by City Council in 2005 and a Cost Share Agreement with the Missouri Highways and Transportation Commission approved by City Council in 2020; and,

WHEREAS, the proposed 15th and Rangeline Intersection Improvement Project was included in the FY21 and FY22 budgets; and,

WHEREAS, after approval of the FY21 and FY22 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 15th and Rangeline Intersection Improvement Project; 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 intersection improvements at 15th and Rangeline, to acquire, by purchase or condemnation proceedings, certain fee simple right of way and 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, 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 fee simple right of way and 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 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 and easements in the manner provided by the Revised Statutes of Missouri.

Section 5. That the City of Joplin declares that this Ordinance relating to 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 _____, 2022, by a vote of _____.

Douglas W. Lawson, Mayor

ATTEST:

Holly Nagy, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney

EXHIBIT A

Fee Simple Right-of-Way

PART OF A TRACT OF LAND DESCRIBED IN BOOK 1965, PAGE 1314 AND BOOK 2310, PAGE 48 IN THE RECORDER OF DEEDS OFFICE IN JASPER COUNTY, MISSOURI, BEING PART OF LOT 6 IN EASTGATE SHOPPING CENTER SUBDIVISION, A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 32 WEST IN THE CITY OF JOPLIN, MISSOURI, AS SHOWN IN PLAT BOOK 16, PAGE 20 IN THE JASPER COUNTY RECORDER OF DEEDS OFFICE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7, IN SAID EASTGATE SHOPPING CENTER SUBDIVISION, THENCE NORTH 88°30'09" WEST ALONG THE NORTH LINE OF SAID EASTGATE SHOPPING CENTER SUBDIVISION, 362.39 FEET TO THE NORTHWEST CORNER OF LOT 6 IN SAID EASTGATE SHOPPING CENTER SUBDIVISION; THENCE SOUTH 1°43'32" WEST ALONG SAID WEST LINE, 180.18 FEET TO A POINT THAT IS 41.0 FEET LEFT OF CENTERLINE STATION 12+90.9, 15TH STREET, BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 81°36'30" EAST, 100.68 FEET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2310, PAGE 48, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID LOT 6 IN EASTGATE SHOPPING CENTER SUBDIVISION, 29.5 FEET LEFT OF CENTERLINE STATION 13+91.1, 15TH STREET; THENCE SOUTH 86°07'19" WEST ALONG THE SOUTH LINE OF SAID LOT 6, 60.26 FEET TO A POINT THAT IS 23.5 FEET LEFT OF CENTERLINE STATION 13+31.0, 15TH STREET; THENCE NORTH 88°15'46" WEST ALONG THE SOUTH LINE OF SAID LOT 6, 40.03 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6 BEING 23.4 FEET LEFT OF CENTERLINE STATION 12+90.9, 15TH STREET; THENCE NORTH 1°43'32" EAST ALONG THE WEST LINE OF SAID LOT 6, 17.56 FEET TO THE POINT OF BEGINNING. CONTAINS 993 SQUARE FEET, MORE OR LESS.

Temporary Easement

PART OF A TRACT OF LAND DESCRIBED IN BOOK 1965, PAGE 1314 IN THE RECORDER OF DEEDS OFFICE IN JASPER COUNTY, MISSOURI, BEING PART OF LOT 6 IN EASTGATE SHOPPING CENTER SUBDIVISION, A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 32 WEST IN THE CITY OF JOPLIN, MISSOURI, AS SHOWN IN PLAT BOOK 16, PAGE 20 IN THE JASPER COUNTY RECORDER OF DEEDS OFFICE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7, IN SAID EASTGATE SHOPPING CENTER SUBDIVISION, THENCE NORTH 88°30'09" WEST ALONG THE NORTH LINE OF SAID EASTGATE SHOPPING CENTER SUBDIVISION, 362.39 FEET TO THE NORTHWEST CORNER OF LOT 6 IN SAID EASTGATE SHOPPING CENTER SUBDIVISION; THENCE SOUTH 1°43'32" WEST ALONG THE WEST LINE OF SAID LOT 6, 170.96 FEET TO A POINT THAT IS 50.2 FEET LEFT OF CENTERLINE STATION 12+90.9, 15TH STREET; THENCE SOUTH 88°16'28" EAST, 20.00 FEET TO A POINT THAT IS 50.2 FEET LEFT OF CENTERLINE STATION 13+10.9, 15TH STREET; THENCE SOUTH 1°43'32" WEST, 11.56 FEET TO A POINT THAT IS 38.7 FEET LEFT OF CENTERLINE STATION 13+10.9, 15TH STREET; THENCE NORTH 81°36'30" WEST, 20.14 FEET TO A POINT ON THE

WEST LINE OF SAID LOT 6 BEING 41.0 FEET LEFT OF CENTERLINE STATION 12+90.9, 15TH STREET; THENCE NORTH 1°43'32" EAST ALONG THE WEST LINE OF SAID LOT 6, 9.22 FEET TO THE POINT OF BEGINNING. CONTAINS 208 SQUARE FEET, MORE OR LESS.

Temporary Easement

PART OF A TRACT OF LAND DESCRIBED IN BOOK 2310, PAGE 48 IN THE RECORDER OF DEEDS OFFICE IN JASPER COUNTY, MISSOURI, BEING PART OF LOT 6 IN EASTGATE SHOPPING CENTER SUBDIVISION, A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 27 NORTH, RANGE 32 WEST IN THE CITY OF JOPLIN, MISSOURI, AS SHOWN IN PLAT BOOK 16, PAGE 20 IN THE JASPER COUNTY RECORDER OF DEEDS OFFICE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7, IN SAID EASTGATE SHOPPING CENTER SUBDIVISION, THENCE NORTH 88°30'09" WEST ALONG THE NORTH LINE OF SAID EASTGATE SHOPPING CENTER SUBDIVISION, 262.39 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 2310, PAGE 48; THENCE SOUTH 1°43'32" WEST ALONG THE EAST LINE OF SAID TRACT OF LAND, 173.75 FEET TO A POINT THAT IS 48.0 FEET LEFT OF CENTERLINE STATION 13+91.2, BEING THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING SOUTH 1°43'32" WEST ALONG SAID EAST LINE, 18.51 FEET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND BEING 29.5 FEET LEFT OF CENTERLINE STATION 13+91.1, 15TH STREET; THENCE NORTH 81°36'30" WEST, 15.10 FEET TO A POINT THAT IS 31.2 FEET LEFT OF CENTERLINE STATION 13+75.9, 15TH STREET; THENCE NORTH 1°43'32" EAST, 16.79 FEET TO A POINT THAT IS 48.0 FEET LEFT OF CENTERLINE STATION 13+75.9, 15TH STREET; THENCE SOUTH 88°10'00" EAST, 15.00 FEET TO THE POINT OF BEGINNING. CONTAINS 265 SQUARE FEET, MORE OR LESS.