COUNCIL BILL NO. 2023-116 ORDINANCE NO.

AN ORDINANCE declaring the necessity of acquiring for public use certain fee simple right of way and easements for the purpose of street construction improvements associated with the Zora Widening from Rangeline to MO-249 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 Zora Widening from Rangeline to MO-249; and,

WHEREAS, the proposed Zora Widening from Rangeline to MO-249 Project was included in the 2014 renewal of the Capital Improvement Sales Tax Program; and,

WHEREAS, the proposed Zora Widening from Rangeline to MO-249 was included in the FY22 and FY23 budgets; and,

WHEREAS, after approval of the FY22 and FY23 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 Zora Widening from Rangeline to MO-249 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.

WHEREAS, the property described herein is situated in the City of Webb City, Jasper County, Missouri; and

WHEREAS, the Board of Aldermen for the City of Webb City, Missouri, has deemed 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 Zora Widening from Rangeline to MO-249; and,

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

WHEREAS, the City of Webb City, Missouri, has authorized the City of Joplin, Missouri, to exercise said power for the Zora Widening from Rangeline to MO-249 Project by intergovernmental memorandum of understanding pursuant to Resolution 15-1006.

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 Zora Street and Duquesne Road, 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 Webb City, 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_____, 2023, by a vote of_____.

Douglas W. Lawson, Mayor

ATTEST:

Holly Nagy, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney

EXHIBIT A

RIGHT OF WAY

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT RECORDED IN BOOK 2275, PAGE 930 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:

ALL OF A TRACT OF LAND DESCRIBED AS FOLLOWS: BEGINNING AT A MONUMENT FOUND AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 28, RANGE 32, JASPER COUNTY, MISSOURI; THENCE NORTH 2 DEGREES 01 MINUTE 17 SECONDS EAST ALONG THE EAST LINE OF SECTION 30, 455.00 FEET; THENCE NORTH 88 DEGREES 01 ,MINUTES 39 SECONDS WEST PARALLEL TO THE SOUTH LINE OF SECTION 30, 365.00 FEET; THENCE SOUTH 2 DEGREES 01 MINUTE 16 SECONDS WEST
455.00 FEET TO THE SOUTH LINE OF SECTION 30; THENCE SOUTH 88 DEGREES 01 MINUTE 43 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 365.00 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART TAKEN OR DEEDED OR ROAD RIGHT- OF-WAY PURPOSES.

SAID RIGHT-OF-WAY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30,
THENCE N02°00’53”E ALONG THE EAST LINE OF SAID SECTION 30, 31.23 FEET; THENCE N88°03’26”W, 41.22 FEET TO THE POINT OF BEGINNING;
THENCE N88°03'26"W, 325.01 FEET; THENCE
N02°00'39"E, 3.18 FEET; THENCE
N76°19'17"E, 279.73 FEET;
THENCE N61°59'23"E, 64.33 FEET TO THE WEST RIGHT-OF-WAY LINE OF HALL STREET; THENCE S02°00'39"W ALONG SAID WEST RIGHT-OF-WAY, 110.63 FEET TO THE POINT OF BEGINNING;
CONTAINING 16,267 SQUARE FEET MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT RECORDED IN BOOK 2275, PAGE 930 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:

ALL OF A TRACT OF LAND DESCRIBED AS FOLLOWS: BEGINNING AT A MONUMENT FOUND AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 28, RANGE 32, JASPER COUNTY, MISSOURI; THENCE NORTH 2 DEGREES 01 MINUTE 17 SECONDS EAST ALONG THE EAST LINE OF SECTION 30, 455.00 FEET; THENCE NORTH 88 DEGREES 01 ,MINUTES 39 SECONDS WEST PARALLEL TO THE SOUTH LINE OF SECTION 30, 365.00 FEET; THENCE SOUTH 2 DEGREES 01 MINUTE 16 SECONDS WEST
455.00 FEET TO THE SOUTH LINE OF SECTION 30; THENCE SOUTH 88 DEGREES 01 MINUTE 43 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 365.00 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART TAKEN OR DEEDED OR ROAD RIGHT- OF-WAY PURPOSES.

SAID EASEMENT DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30,
THENCE N02°00’53”E ALONG THE EAST LINE OF SAID SECTION 30, 141.86 FEET; THENCE N88°03’26”W, 41.22 FEET TO THE POINT OF BEGINNING;
THENCE S61°59'23"W, 64.33 FEET; THENCE
S76°19'17"W, 279.73 FEET; THENCE
N02°00'39"E, 6.83 FEET; THENCE S88°01'01"E,
5.84 FEET; THENCE N76°19'17"E, 271.63
FEET; THENCE N54°50'29"E, 72.36 FEET;
THENCE S02°00'39"W, 16.17 FEET.

CONTAINING 2026 SQUARE FEET MORE OR LESS.