COUNCIL BILL NO. 2023-117 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; and

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 2262, PAGE 1487 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:
ALL OF A TRACT OF LAND DESCRIBED AS FOLLOWS:
ALL OF THE WEST 630.00 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 28, RANGE 32, IN THE CITY OF WEBB CITY, JASPER COUNTY, MISSOURI.
SAID RIGHT-OF-WAY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29,
THENCE N02°00'53"E ALONG THE WEST LINE OF SAID SECTION 29, 26.45 FEET; THENCE S89°18'38"E, 28.85 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OFWAY LINE OF ZORA STREET AND THE EAST RIGHT-OF-WAY LINE OF HALL STREET
AND THE POINT OF BEGINNING; THENCE N02°00'31"E ALONG SAID EAST RIGHT-OF-WAY LINE, 258.61 FEET; THENCE S07°49'17"E, 71.01 FEET; THENCE S26°42'18"E, 171.22 FEET; THENCE S74°15'48"E, 139.81 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE; THENCE N89°18'38"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 230.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 14415 SQUARE FEET MORE OR LESS.

DRAINAGE EASEMENT

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT RECORDED IN BOOK 2262, PAGE 1487 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:
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SAID EASEMENT DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29, THENCE N02°00'53"E ALONG THE WEST LINE OF SAID SECTION 29, 26.45 FEET; THENCE S89°18'38"E, 28.85 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF WAY LINE OF ZORA STREET AND THE EAST RIGHT-OF-WAY LINE OF HALL STREET.THENCE N02°00'31"E ALONG SAID EAST RIGHT-OF-WAY LINE, 258.61 FEET; THENCE S07°49'17"E, 42.09 FEET TO THE POINT OF BEGINNING; THENCE N82°13'49"E, 15.94 FEET; THENCE S07°49'17"E, 20.00 FEET; THENCE S82°13'49"W, 15.94 FEET; THENCE N07°49'17"W, 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 319 SQUARE FEET MORE OR LESS.

AND, ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT RECORDED IN BOOK 2262, PAGE 1487 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:
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SAID EASEMENT DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE N02°00'53"E ALONG THE WEST LINE OF SAID SECTION 29, 26.45 FEET; THENCE S89°18'38"E ALONG THE NORTH RIGHT-OF-WAY OF ZORA STREET, 623.26 FEET TO THE POINT OF BEGINNING; THENCE N00°41'22"E, 25.01 FEET; THENCE S89°23'04"E, 5.99 FEET; THENCE S02°00'45"W, 25.03 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE N89°18'38"W ALONG SAID RIGHT-OF-WAY LINE, 5.42 FEET TO THE PONT OF BEGINNING.
CONTAINING 143 SQUARE FEET MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT (WEST)

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT RECORDED IN BOOK 2262, PAGE 1487 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:
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SAID EASEMENT DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29,
THENCE N02°00'53"E ALONG THE WEST LINE OF SAID SECTION 29, 26.45 FEET; THENCE S89°18'38"E, 28.85 FEET TO THE INTERSECTION OF THE NORTH RIGHT-OF- WAY LINE OF ZORA STREET AND THE EAST RIGHT-OF-WAY LINE OF HALL STREET THENCE N02°00'31"E ALONG SAID EAST RIGHT-OF-WAY LINE, 258.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY N02°00'31"E, 46.33 FEET; THENCE S89°24'50"E, 19.74 FEET; THENCE S00°36'40"E, 53.51 FEET; THENCE S24°35'02"E, 244.84 FEET; THENCE S77°52'10"E, 151.18 FEET; THENCE N89°18'38"W, 50.41 FEET; THENCE N74°15'48"W, 139.81 FEET; THENCE N26°42'18"W,
171.22 FEET; THENCE N07°49'17"W, 8.92 FEET; THENCE N82°13'49"E, 15.94 FEET; THENCE N07°49'17"W, 20.00 FEET; THENCE S82°13'49W, 15.94 FEET; THENCE N07°49'17"W, 42.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 9938 SQUARE FEET MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT (EAST)

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT RECORDED IN BOOK 2262, PAGE 1487 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:
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SAID EASEMENT DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29;
THENCE N02°00'53"E ALONG THE WEST LINE OF SAID SECTION 29, 26.45 FEET; THENCE S89°18'38"E ALONG THE NORTH RIGHT-OF-WAY OF ZORA STREET, 618.45 FEET TO THE POINT OF BEGINNING; THENCE N01°29'04"E, 35.00 FEET; THENCE S89°23'25"E, 10.55 FEET; THENCE S02°00'45"W, 9.99 FEET; THENCE N89°23'04"W, 5.99 FEET; THENCE S00°41'22"W, 25.01 FEET TO SAID NORTH RIGHT-OF-WAY LINE; THENCE N89°18'38"WALONG SAID RIGHT-OF-WAY LINE, 4.81 FEET TO THE PONT OF BEGINNING.

CONTAINING 221 SQUARE FEET MORE OR LESS.

COMMUNICATIONS EASEMENT

ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT RECORDED IN BOOK 2262, PAGE 1487 IN THE JASPER COUNTY, MISSOURI RECORDERS OFFICE:

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SAID EASEMENT DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 29,
THENCE N02°00'53"E ALONG THE WEST LINE OF SAID SECTION 29, 26.45 FEET; THENCE S89°18'38"E, 259.10 FEET ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF ZORA STREET;
THENCE N74°15'48"W ALONG THE PROPOSED RIGHT-OF-WAY LINE, 44.22 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N74°15'48"W, 10.00 FEET; THENCE
N15"44'12"E, 10.00, 10.00 FEET; THENCE S74°15'48"E,
10.00 FEET;
THENCE S15"44'12"W, 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 100 SQUARE FEET MORE OR LESS.