COUNCIL BILL NO. 2017-122 ORDINANCE NO.

AN ORDINANCE declaring a public necessity for the acquisition by condemnation proceedings of real property and easements from property described as, All that part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being all that part of the tract of land described in the General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1802, at Page 715, for the construction of public road and storm water public improvements near 29th and Arizona Avenue, directing the City Attorney to commence an action to obtain said property; and containing an emergency clause.

WHEREAS, Arizona Property LLC is the legal owner of property described as All that part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being all that part of the tract of land described in the General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1802, at Page 715, and;

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire certain real property and easements described herein for public road and storm water public improvements near 29th and Arizona and;

WHEREAS, the City of Joplin and the owner of the property have been unable to agree upon the proper compensation, if any, to be paid for the lands, properties or rights herein set out.

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

Section 1. That a public necessity exists for the City to acquire real property and easements owned by Arizona Property LLC for the construction of public road and storm water public improvements near 29th and Arizona Avenue according to the plans of the City of Joplin, Jasper County, Missouri and described as follows:

Fee Simple Taking

All that part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being all that part of the tract of land described in the General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1802, at Page 715, and being more particularly described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri; thence South 01 Degrees 31 Minutes 40 Seconds West along the West line of said Quarter Quarter, a distance of 454.51 feet to the POINT OF BEGINNING; thence departing said West line South 88 Degrees 28 Minutes 20 Seconds East, a distance of 30.00 feet; thence South 01 Degrees 31 Minutes 40 Seconds West, a distance of 165.78 feet; thence North 89 Degrees 53 Minutes 52 Seconds East, a distance of 328.61 feet to a point in the West Right-of-Way line of Arizona Avenue, as now established; thence South 01 Degrees 29 Minutes 55 Seconds West along said West Right-of-Way line, a distance of 9.16 feet to a found 1/2" iron bar; thence continuing along said West Right-of-Way line South 89 Degrees 55 Minutes 45 Seconds West, a distance of 30.32 feet to a found 1/2" iron bar; thence continuing along

said West Right-of-Way line South 01 Degrees 30 Minutes 18 Seconds West, a distance of 50.00 feet to a found 1/2" iron bar, said point being in the South line of the tract of land described in the General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1802, at Page 715; thence South 89 Degrees 53 Minutes 52 Seconds West along said South line, a distance of 328.33 feet to the Southwest corner thereof, said point being in said West line of Quarter Quarter; thence North 01 Degrees 31 Minutes 40 Seconds East along said West line, a distance of 225.78 feet to the POINT OF BEGINNING, and containing 24,674 square feet or 0.566 acres, more or less. Subject to easements or other items of record.

Permanent Easement Taking

All that part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being all that part of the tract of land described in the General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1802, at Page 715, and being more particularly described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri; thence South 01 Degrees 31 Minutes 40 Seconds West along the West line of said Quarter Quarter, a distance of 94.07 feet to the POINT OF BEGINNING, said point being the Northwest corner of the tract of land described in the General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1802, at Page 715 (Arizona Tract); thence departing said West line North 89 Degrees 53 Minutes 56 Seconds East along the North line of said Arizona Tract, a distance of 60.02 feet; thence departing said North line South 01 Degrees 31 Minutes 40 Seconds West, a distance of 507.80 feet; thence South 64 Degrees 35 Minutes 36 Seconds East, a distance of 45.04 feet; thence North 89 Degrees 59 Minutes 38 Seconds West, a distance of 71.21 feet; thence North 01 Degrees 31 Minutes 40 Seconds East, a distance of 165.78 feet; thence North 88 Degrees 28 Minutes 20 Seconds West, a distance of 30.00 feet to a point in the West line of said Arizona Tract; thence North 01 Degrees 31 Minutes 40 Seconds East along said West line, a distance of 360.44 feet to the POINT OF BEGINNING, and containing 27,062 square feet or 0.621 acres, more or less. Subject to easements or other items of record.

Temporary Construction Easement

All that part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being a part of the tract of land described in the General Warranty Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1802, at Page 715, and being more particularly described as follows:

COMMENCING at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri; thence South 01 Degrees 31 Minutes 40 Seconds West along the West line of said Quarter Quarter, a distance of 621.08 feet; thence departing said West line South 89 Degrees 59 Minutes 38 Seconds East, a distance of 101.22 feet to the POINT OF BEGINNING; thence North 64 Degrees 35 Minutes 36 Seconds West, a distance of 45.04 feet; thence North 01 Degrees 31 Minutes 40 Seconds East, a distance of 235.30 feet; thence South 88 Degrees 39 Minutes 35 Seconds East, a distance of 42.44 feet; thence South 51 Degrees 02 Minutes 45 Seconds East, a distance of 60.82 feet; thence

South 19 Degrees 07 Minutes 24 Seconds East, a distance of 227.90 feet; thence North 89 Degrees 59 Minutes 38 Seconds West, a distance of 129.98 feet to the POINT OF BEGINNING, and containing 30,370 square feet or 0.697 acres, more or less. Subject to easements or other items of record.

Section 2. That the City of Joplin and the owner of the property have been unable to agree upon the proper compensation, if any, to be paid for the lands, properties or rights herein set out.

Section 3. That the City Attorney is hereby instructed to file suit in the court of competent jurisdiction for the purpose of obtaining the properties above described for the uses and purposes herein set out.

Section 4. That the City of Joplin declares that this Ordinance relating to a public improvement, 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 and after its adoption and approval. Specifically, this council bill needs to be approved in order to complete property acquisitions, allowing construction to be completed within funding time limitations.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2017 by a _____vote.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney