COUNCIL BILL NO. 2016-117 ORDINANCE NO.

AN ORDINANCE declaring a public necessity for the acquisition by condemnation proceedings of right of way and easements located on property described as All the East Half of Lot Numbered Three (3) in SWOBODA ADDITION to the City of Joplin, Jasper County, Missouri, for the widening of St. Louis Avenue, directing the City Attorney to commence an action to obtain said property; and containing an emergency clause.

WHEREAS, Brett M. Black and Glenda K. Black are the legal owners of property described as , All the East Half of Lot Numbered Three (3) in SWOBODA ADDITION to the City of Joplin, Jasper County, Missouri, and;

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire certain right of way and easements described herein for street improvements along St. Louis Avenue and;

WHEREAS, the City of Joplin administration has been unable to obtain the right of way and easements from the owner of said real estate.

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 right of way and easements from property owned by Brett M. Black and Glenda K. Black for the street improvements along St. Louis Avenue according to the Plans of the City of Joplin, Jasper County, Missouri and described as follows:

Right of Way:

All that part of the East Half of Lot Numbered Three (3) in SWOBODA ADDITION in the City of Joplin, Jasper County, Missouri, described as follows:
Beginning at the southeast corner of said Lot 3, Thence N87°43'29"W along the south line of said Lot, 15.00 feet;
Thence N47°14'49"E, 14.14 feet;
Thence N02°13'06"E, 123.33 feet to a point on the north line of said Lot 3;
Thence S87°43'29"E, 5.00 feet to the northeast corner of said Lot 3;
Thence S02°13'06"W, 133.33 feet to the point of beginning.

Containing 717 square feet, more or less.

Slope Easement:

All that part of the East Half of Lot Numbered Three (3) in SWOBODA ADDITION in the City of Joplin, Jasper County, Missouri, described as follows:
Commencing at the northeast corner of said Lot 3, Thence N87°43'29"W along the north line of said Lot, 5.00 feet to the point of beginning;
Thence S02°13'06"W, 123.33 feet;
Thence S47°14'49"W, 7.07 feet;
Thence N02°13'06"E, 128.33 feet to a point on the north line of said Lot 3;

Thence S87°43'29"E, 5.00 feet to the point of beginning.

Containing 629 square feet, more or less.

Utility Easement:

All that part of the East Half of Lot Numbered Three (3) in SWOBODA ADDITION in the City of Joplin, Jasper County, Missouri, described as follows:
Beginning at the southeast corner of said Lot 3,
Thence N87°43'29"W along the south line of said Lot, 15.00 feet to the point of beginning;
Thence continuing N87°43’29”W along the south line of said Lot, 2.00 feet;
Thence N02°13'06"E, 133.33 feet to a point on the north line of said Lot 3;
Thence S87°43'29"E, 12.00 feet;
Thence S02°13'06"W, 123.33 feet;
Thence S47°14’49”W, 14.14 feet to the point of beginning.

Containing 1550 square feet, more or less.

Temporary Construction Easement (Will terminate upon completion and acceptance of the improvements)
All that part of the East Half of Lot Numbered Three (3) in SWOBODA ADDITION in the City of Joplin, Jasper County, Missouri, described as follows:
Commencing at the southeast corner of said Lot 3, Thence N02°13'06"E along the east line of said Lot, 13.69 feet;
Thence N87°49'02"W, 5.00 feet to the point of beginning;
Thence continuing N87°49'02"W, 17.00 feet;
Thence N02°13'06"E, 30.00 feet;
Thence S87°49'02"E, 17.00 feet;
Thence S02°13'06"W, 30.00 feet to the point of beginning.

Containing 510 square feet, more or less.

Section 2. That the City of Joplin is and has been unable to agree with those claiming an interest therein on the amount of compensation, if any, to be paid for the same.

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 _____, 2016 by a _____vote.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney