BILL 2018-42

Full Reading

Agenda Item

TO: Mayor and City Council

FROM: Padraic Corcoran, City Counselor

DATE: September 5, 2018

RE: Ordinance determining and declaring the necessity of acquiring for public use certain rights-of-way and easements in real property for public improvements associated with the improve of Groat Street; authorizing the interim City Manager and his designees to negotiate for the purpose of acquiring the necessary interest in real property; and authorizing the City Counselor to institute condemnation proceedings if such interests in real property cannot be acquired by purchase through good faith negotiations

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Background & Summary:
The Mayor and City Council have previously been provided information regarding the City's planned improvements to Groat Street. As part of the planned improvements it is necessary that the City acquire certain easements and other interests in real property. This Ordinance authorizes the interim City Manager to negotiate for the purchase of said easements and interest in real property and if unsuccessful for the City Counselor to institute condemnation proceedings to acquire such interests.

Recommendation:
Staff recommends adopting the Ordinance.

Attachments:
An Ordinance determining and declaring the necessity of acquiring for public use certain rights-of-way and easements in real property for public improvements associated with the improve of Groat Street; authorizing the interim City Manager and his designees to negotiate for the purpose of acquiring the necessary interest in real property; and authorizing the City Counselor to institute condemnation proceedings if such interests in real property cannot be acquired by purchase through good faith negotiations

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AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE CERTAIN RIGHTS-OF-WAY AND EASEMENTS IN REAL PROPERTY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPROVEMENT OF GROAT STREET; AUTHORIZING THE INTERIM CITY MANAGER AND HIS DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTERESTS IN REAL PROPERTY; AND AUTHORIZING THE CITY COUNSELOR TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTERESTS IN REAL PROPERTY CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS

WHEREAS, the City Council for the City of Cameron, Missouri, pursuant to the advice and recommendation of City Staff, deems it necessary, desirable, advisable and in the public interest to obtain rights-of-way and easements for the purpose of improving Groat Street, as more specifically described in the attached exhibits, together with all appurtenances thereto, under, over, upon, across and through certain tracts within Clinton County, Missouri; and

WHEREAS, the City is specifically empowered to establish, open, alter, widen, extend, grade, improve, construct, reconstruct, and maintain streets and other public improvements and to acquire land and rights therein for such purposes under and by virtue of Chapter 88 (Section 88.497) and Chapter 523 of the Revised Statutes of the State of Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, MISSOURI, AS FOLLOWS:

Section 1. It is hereby found, determined and declared that it is necessary and in the public interest for the public purpose of improving, reconstructing, and widening Groat Street in the City of Cameron, pursuant to plans and specifications on file with the Public Works Department, to acquire, by purchase or condemnation proceedings, the rights-of-way and easements in the lands as set forth and legally described in Exhibit A attached hereto and incorporated herein as if fully set out.

Section 2. The Interim City Manager and his designees are hereby authorized to offer, negotiate and contract with the owners of property herein described for the purpose of acquiring said rights-of-way and easements, but the offer amounts shall not be lower than the amounts reflected in the final appraisals performed by Witt Appraisal Company Inc.

Section 3. The Interim 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 associated with acquisition of said rights-of-way and easements.

Section 4. In the event of failure following good faith negotiations to reach agreement on the amount of compensation to be paid for the acquisition of said rights-of-way and easements, the City Counselor is hereby authorized and directed to institute condemnation proceedings for the purpose of acquiring said rights-of-way and easements in the manner provided for by law.

Section 5. The Mayor is authorized to sign this Ordinance, approving it on behalf of the City of Cameron.

Section 6. The City Clerk is directed to attest to the Mayor's signature.

Section 7. This Ordinance shall be in full force and effect from and after its passage and approval.

Read two times, passed and approved this 5th day of September, 2018.

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Mayor Darlene Breckenridge

ATTEST:

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City Clerk