

Bill Number: 23-064

Ordinance Number: 3994  
~~2993~~

**AN ORDINANCE AUTHORIZING CONDEMNATION OF CERTAIN LANDS  
ON WHICH AN ELECTRIC/SEWER EASEMENT ALREADY EXISTS  
FOR A COMMUNICATION EASEMENT TO SUPPLY COMMUNICATION  
APPARATUS TO THE NEW ST. ROBERT WASTEWATER TREATMENT  
FACILITY BY PLACEMENT ON EXISTING CITY ELECTRICAL POLES**

Be it ordained by the Board of Alderman of the City of Saint Robert as follows:

- SECTION 1.** Condemnation is authorized for taking of public and private property interest for public use as a temporary construction use for construction of a communications easement to City of St. Robert to the new wastewater treatment facility and for the payment of just compensation, therefore; authorizing continued negotiations and purchase by the City of St. Robert; authorizing the filing of the petition for condemnation by the City Counselor on behalf of the City; and, directing the City Clerk to record this Ordinance in the Office of the Recorder of Deeds for Pulaski County, Missouri.
- SECTION 2.** That the property interests herein described are hereby authorized condemned and taken for public purposes in and upon the land hereinafter described for an additional public use as a communication easement to the new City of St. Robert wastewater treatment facility. There is presently existing on the subject land and electric/sewer easement on a dedicated utility easement. The public use will be to place the fiber communication transmission lines on existing electrical poles.
- SECTION 3.** The properties upon which the communication easement is to be placed and upon which this condemnation is authorized are described in **Exhibit A** attached here.
- SECTION 4.** The legal description of the easement upon which the condemnation action for a communication easement is authorized to be brought is described in **Exhibit B** attached hereto.
- SECTION 5.** The private property described in **Exhibit A** and **B** is hereby authorized condemned and taken for public use.
- SECTION 6.** A temporary construction and grading easement is authorized on the private property to construct and place the communication apparatus on the electric poles on the real estate described in **Exhibit B**.
- SECTION 7.** That just compensation for the property taken shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Pulaski County, Missouri, pursuant to the provisions of Chapter 523 & §88.667 and/or §91.770 of the Revised Statutes of Missouri, as supplemented or amended and by Rules 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by the City of St. Robert from funds appropriated for such purposes.

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**SECTION 8.** That pending the acquisition of said property by condemnation, the City Counselor and/or the Director of Public Works is hereby authorized to continue negotiations on the purchase of said property and pay for it out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Counsel is authorized to withdraw same from condemnation proceedings.

**SECTION 9.** That said property interests described in Section 3 be condemned and conveyed to the City of St. Robert, Missouri for the placement and use of the communication apparatus.

**SECTION 10.** That upon the effective date of this ordinance, the City Clerk is hereby directed to record this Ordinance in the Office of the Recorder of Deeds for Pulaski County, Missouri.

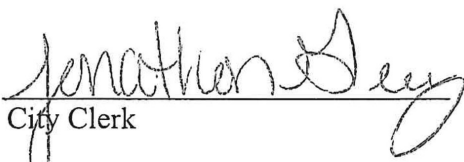
**SECTION 11.** The City of St. Robert will contract with the fiber provider, Cable One, Inc. to construct the communication system and maintain that system and said contract will cause utilization of the condemned or negotiated city easement described in **Exhibit B.**

**SECTION 12.** This ordinance shall be in full force and effect from and after its passage and approval.

READ THREE TIMES AND PASSED AND APPROVED BY THE BOARD OF  
ALDERMEN OF THE CITY OF ST. ROBERT, MISSOURI ON OCTOBER 3, 2023.

  
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Mayor

Attest:

  
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City Clerk