

AN ORDINANCE OF THE CITY OF WARRENTON, MISSOURI (THE "CITY") AUTHORIZING CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF SECURING TEMPORARY CONSTRUCTION AND PERMANENT EASEMENTS NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE CITY'S WATERWORKS AND SEWERAGE SYSTEM.

WHEREAS, the City of Warrenton is a fourth class city organized and operated pursuant to Chapter 79 of the Revised Statutes of Missouri (RSMo.) with authority under §79.380 RSMo. (2000) as amended, *inter alia*, to condemn all necessary lands within the City limits for sewer carriage and outfall; and

WHEREAS, the City needs certain property interests in, on and over certain parcels which interests are illustrated in Exhibits 1 Page 1 of 2 through Exhibit 1 Page 2 of 2 and legally described in Exhibit 2, attached hereto and incorporated herein by reference (collectively, the "Property Interests"), to acquire interests to allow for the construction and improvement of the City's sewer carriage and outfall system; and

WHEREAS, Leander and Malissa Lee [owner] is the owner of record of real property identified as (Parcel ID No. 05-15-0-0-00-006.000.000) and located at Part of the Northwest Quarter of Section 15 Township 47 North, Range 2 West in the City and over which the City seeks permanent easements and a temporary construction easement as shown in Exhibits 1, Page 1 of 2 through Exhibit 1 Page 2 of 2 and as legally described in Exhibit 2; and

WHEREAS, the condemnation of the Property Interests for the construction and improvement of the City's sewer carriage and outfall system is a public use and a public purpose and is for the benefit and safety of those residents within the City and Warren County; and

WHEREAS, the City has negotiated in good faith with the owners of the Property and/or their representatives and has been unable to come to an agreement to purchase the Property Interests for the property referenced herein; and

WHEREAS, the City has fully complied with the requirements of Chapter 523 RSMo, including, but not limited to, properly and timely giving all notices to the property owners, making an offer to purchase that was no lower than the amount provided in the basis for the City's determination of the value of the property as provided to the property owner, giving the property owner an opportunity to obtain their own appraisal from a state-licensed or state-certified appraiser of their choice, and considering an alternate location suggested by the property owner, if any;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARRENTON, MISSOURI AS FOLLOWS:

Section 1: The Board of Aldermen hereby determines that it is necessary and in the public interest for the public purpose to acquire the Property Interests to allow construction and

improvement of the City's sewer carriage and outfall system, all to promote and regulate the health, safety and general welfare of the City and to obtain property to be put to a vital and necessary public use and purpose.

Section 2: The Board of Aldermen hereby authorizes the Director of Public Works, Director of Operations, Mayor and City Attorney to take all necessary actions to acquire the Property Interests referenced herein including filing a petition condemning the Property Interests not less than thirty (30) days after the date of the City's written offer to the property owners, continuing to seek voluntary sale, or such other actions necessary to acquire the necessary interests identified herein and such other interests by condemnation or voluntary sale.

Section 3: That this Ordinance shall be in full force and effect from and after its passage and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WARRENTON, MISSOURI, THIS 2nd DAY OF AUGUST, 2016.


MAYOR


ATTEST:


CITY CLERK

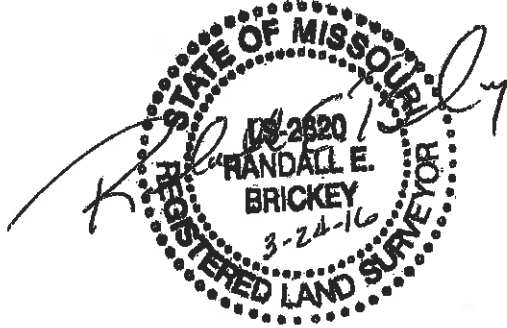
APPROVED BY THE MAYOR OF THE CITY OF WARRENTON, MISSOURI THIS 2nd DAY OF AUGUST, 2016.


MAYOR

ATTEST:


CITY CLERK

LINE TABLE		
#	BEARING	DISTANCE
1	N88°39'22"W	8.66'
2	N16°57'48"W	144.61'
3	N07°58'01"W	575.04'
4	N08°02'54"E	624.12'
5	N15°04'12"E	18.47'
6	S88°48'29"E	13.31'
7	S15°30'23"W	23.35'
8	S05°00'23"W	620.85'
9	S05°34'37"E	574.56'
10	S12°46'37"E	134.05'



P.C.B.=POINT OF BEGINNING

PROPERTY N/F OF
CHESTER B. HEIN AND
MARILYN R. HEIN, TRUSTEES
1275/982

PROPERTY N/F OF
PRESLEY L. KNARR
575/33

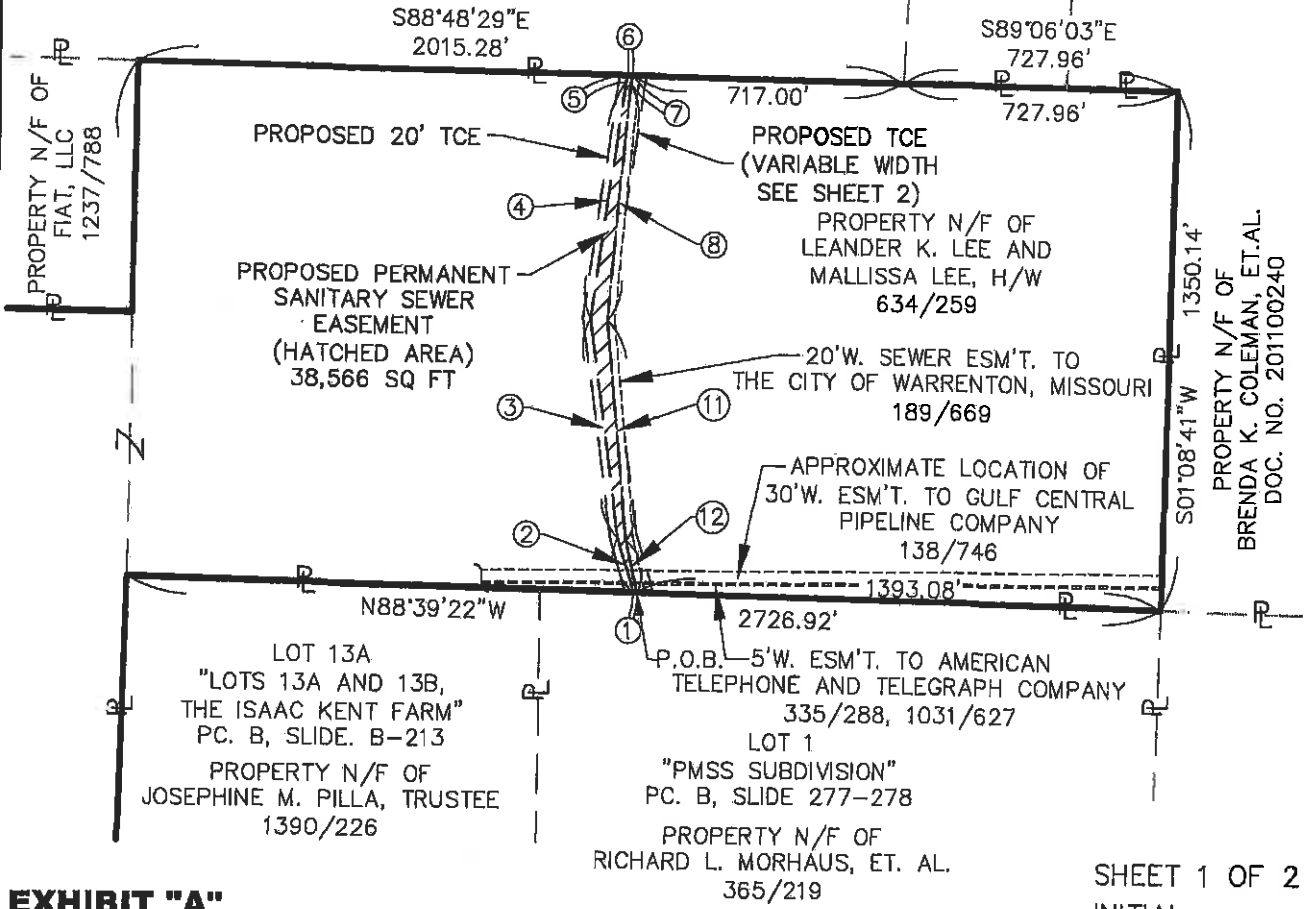


EXHIBIT "A"

SHEET 1 OF 2
INITIAL:

EASEMENT PLAT
PART OF THE NORTHWEST QUARTER OF SECTION 15
TOWNSHIP 47 NORTH, RANGE 2 WEST
WARREN COUNTY, MISSOURI

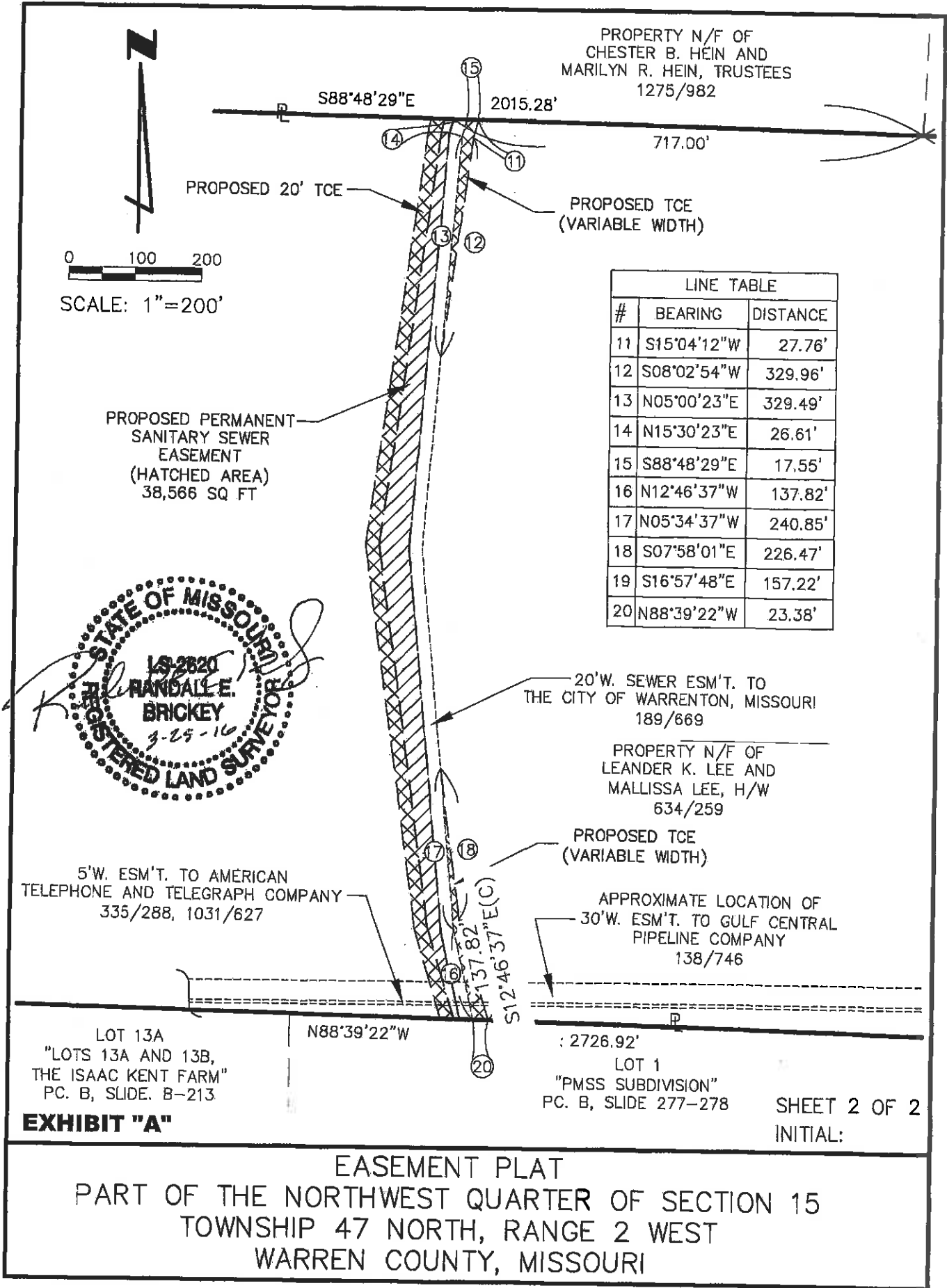


Exhibit 2

March 24, 2016

MB

Re: Permanent
Sanitary Sewer
Easement
Parcel 2
EFK Project #14024

A tract of land being part of the Northwest Quarter of Section 15, Township 47 North, Range 2 West, Warren County, Missouri and further described by Deed in Book 634 Page 259 to Leander K. and Mallissa Lee, as recorded in the Warren County, Missouri records and being more particularly described as follows:

Beginning at a point on the North line of Lot 1 of PMSS Subdivision, as recorded in Plat Cabinet B, Slides 277-278 of the Warren County Records, said point being distant, **North 88 degrees 39 minutes 22 seconds West, 1393.08 feet**, as measured along said North line, from the Northeast corner thereof; Thence continuing along said North line of Lot 1, **North 88 degrees 39 minutes 22 seconds West 8.66 feet** to a point; Thence departing the North line of said Lot 1 and running through said Lee property the following courses and distances: **North 16 degrees 57 minutes 48 seconds West, 144.61 feet, North 07 degrees 58 minutes 01 seconds West, 575.04 feet, North 08 degrees 02 minutes 54 seconds East, 624.12 feet and North 15 degrees 04 minutes 12 seconds East, 18.47 feet** to the South line of property now or formerly owned by Chester B. and Marilyn R. Hein, as described by Deed in Book 1275 Page 982 of the Warren County, Missouri Records; Thence along the South line of said Hein property, **South 88 degrees 48 minutes 29 seconds East, 13.31 feet** to the West line of a 20 foot wide Sewer Easement conveyed to the City of Warrenton, Missouri by Deed recorded in Book 189 Page 669 of the Warren County, Missouri Records; Thence departing the South line of said Hein property and along the West line of said 20 feet wide Sewer Easement the following courses and distances: **South 15 degrees 30 minutes 23 seconds West, 23.35 feet, South 05 degrees 00 minutes 23 seconds West, 620.85 feet, South 05 degrees 34 minutes 37 seconds East, 574.56 feet and South 12 degrees 46 minutes 37 seconds East, 134.05 feet** to the **Point of Beginning** and containing 38,566 square feet according to calculations by EFK Moen, L.L.C. during the month of March, 2016.

