

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 Exhibit 1 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, Rita E. Miller [owner] is the owner of record of real property identified as 198 Highway AA (Parcel ID No. 05-22.0-2-00-004.000.000) and located along State Highway AA in the City and over which the City seeks permanent easements and a temporary construction easement as shown in Exhibit 1 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

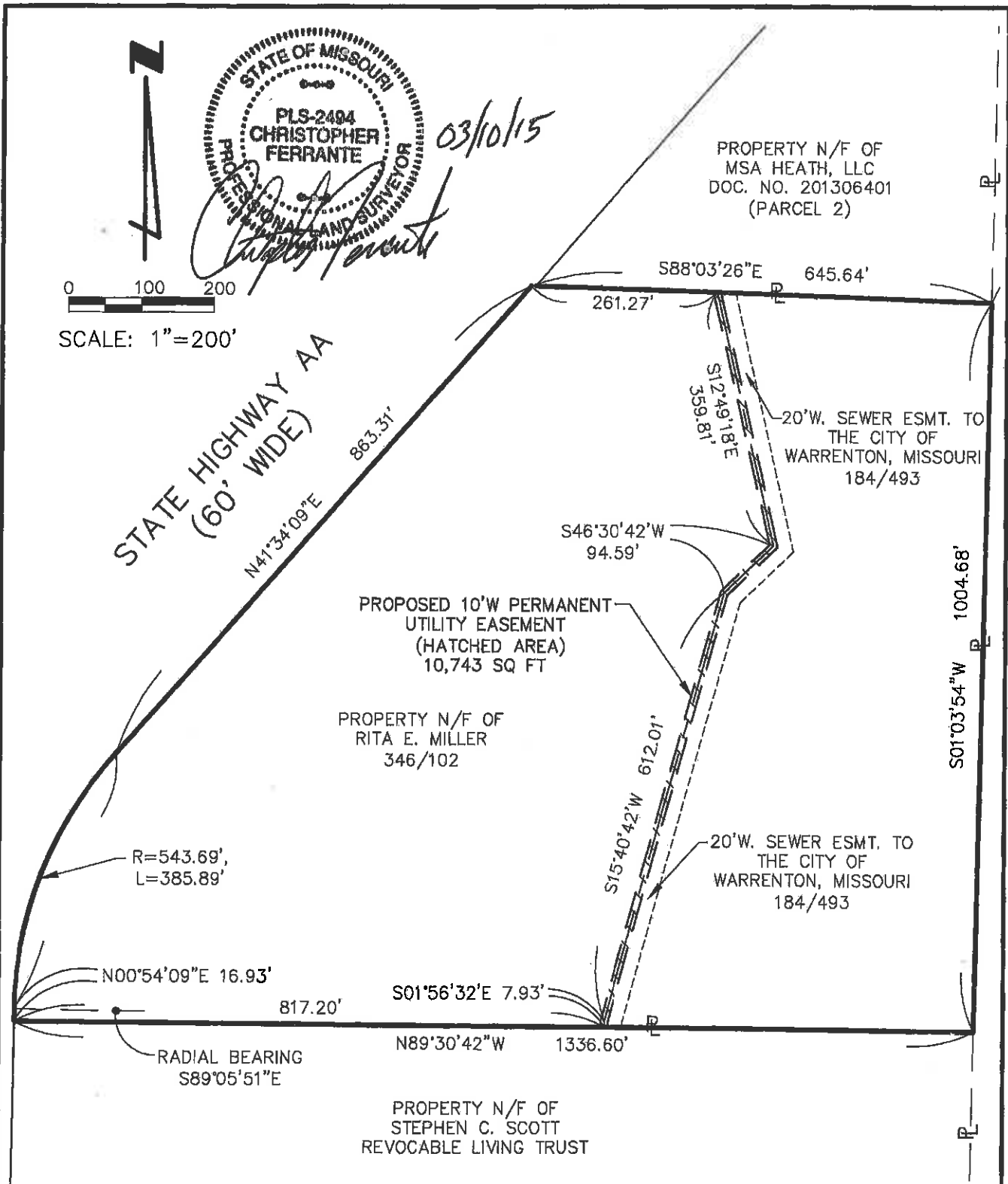


EXHIBIT "A"

INITIAL:

EASEMENT PLAT
 PART OF THE NORTHWEST QUARTER OF SECTION 22
 TOWNSHIP 47 NORTH, RANGE 2 WEST
 WARREN COUNTY, MISSOURI

Exhibit 2

March 6, 2015

AB

Re: 10'W. Permanent
Utility Easement
Parcel 4
EFK Project #14024

A tract of land being part of the Northwest Quarter of Section 22, Township 47 North, Range 2 West, Warren County, Missouri, said tract of land being 10 feet wide, 5 feet on each side of a centerline, which is described as follows:

Commencing at the intersection of the North line of property conveyed to Rita E. Miller by deed recorded in Deed Book 346 Page 102 of the Warren County Records with the Southeast right of way line of Missouri State Highway AA (60 feet wide); thence eastwardly along said North line of the Miller property, South 88 degrees 03 minutes 26 seconds East 261.27 feet to the Point of Beginning; thence South 12 degrees 49 minutes 18 seconds East 359.81 feet to a point; thence South 46 degrees 30 minutes 42 seconds West 94.59 feet to a point; thence South 15 degrees 40 minutes 42 seconds West 612.01 feet to a point; thence South 01 degrees 56 minutes 32 seconds East 7.93 feet to the South line of the aforesaid Miller property, being the Point of Ending and containing 10,743 square feet according to calculations by EFK Moen, L.L.C. during March, 2015.



03/10/15