

AN ORDINANCE DETERMINING AND DECLARING THE NECESSITY OF ACQUIRING FOR PUBLIC USE A PERMANENT EASEMENT FOR THE CONSTRUCTION OF A SIDEWALK ALONG HIGHWAY 47 IN WARRENTON, MISSOURI; AUTHORIZING THE CITY ADMINISTRATOR AND HER DESIGNEES TO NEGOTIATE FOR THE PURPOSE OF ACQUIRING THE NECESSARY INTEREST IN LAND; AND AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS IF SUCH INTEREST IN LAND CANNOT BE ACQUIRED BY PURCHASE THROUGH GOOD FAITH NEGOTIATIONS

WHEREAS, the Board of Aldermen for the City of Warrenton, Missouri, pursuant to the advice and recommendation of the Director of Public Works and the City Administrator, deems it necessary, desirable, advisable and in the public interest to obtain a permanent easement for the purpose of constructing a sidewalk and other related improvements together with all appurtenances thereto, under, over, upon across and through certain tracts of land within the City of Warrenton, Warren County, Missouri; and

WHEREAS, the City has the authority by virtue of Sections 88.667 to 88.773 of the Revised Statutes of the State of Missouri, 2000, as amended, to acquire private property by condemnation proceedings for any public or municipal use, including uses or purposes stated herein.

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

SECTION 1. That it is hereby found, determined and declared that it is necessary and in the public interest for the public purpose of constructing a sidewalk and other related improvements together with all appurtenances thereto, under, over, upon across and through certain tracts of land within The City of Warrenton, Warren County, Missouri, pursuant to plans and specifications on file with the Public Works Department, to acquire, by purchase or condemnation proceeding, a permanent easement for such public improvements, including but not limited to grading, surfacing, utility adjustments and improvements, drainage facilities, landscaping, erosion and sediment control, lighting, maintenance and other incidental work, all of which is situated in the City of Warrenton, Warren County, Missouri, and are legally described in Exhibit "A" attached hereto.

SECTION 2. That the City Administrator and her designees are hereby authorized to negotiate with the owner of the property herein described for the purpose of acquiring a permanent easement, relating to the property herein described.

SECTION 3. That the City Administrator and her designees are hereby authorized to execute necessary documents to pay and disburse funds to the property owner, others holding property rights and escrow agents pursuant to a negotiated agreement.

SECTION 4. That, in the event of failure, following good faith negotiations, to reach agreement on the amount of compensation to be paid for such permanent easement and the acquisition thereof by purchase, the City Attorney is hereby authorized and directed to institute

condemnation proceedings for the purpose of acquiring such permanent easements in the manner provided by the Revised Statutes of Missouri.

SECTION 5. That this ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WARRENTON, MISSOURI, THIS 17th DAY OF JULY, 2018.

Gary Miller
BOARD PRESIDENT

ATTEST:

Melody Rugh
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF WARRENTON, MISSOURI THIS 17th DAY OF JULY, 2018.

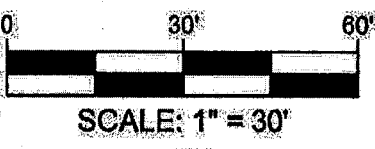
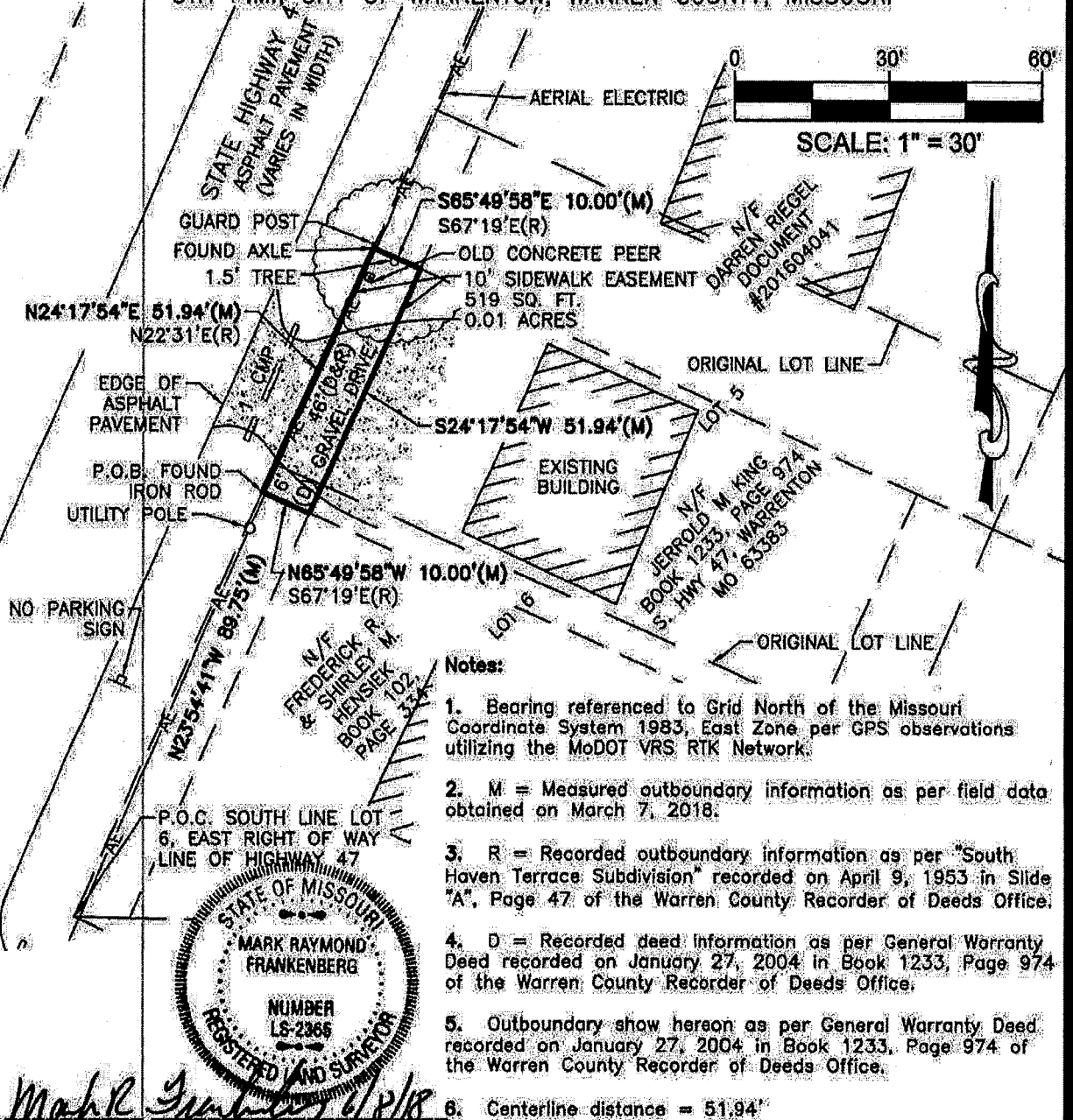
CW Schuster
MAYOR

ATTEST:

Melody Rugh
CITY CLERK

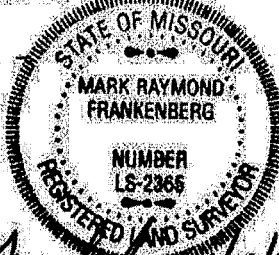
SIDEWALK EASEMENT EXHIBIT

PART OF LOT 5 AND 6 OF "SOUTH HAVEN TERRACE SUBDIVISION",
BEING PART OF S.W. 1/4 SECTION 28, TOWNSHIP 47 NORTH, RANGE 2 WEST OF THE
5TH P.M., CITY OF WARRENTON, WARREN COUNTY, MISSOURI



Notes:

1. Bearing referenced to Grid North of the Missouri Coordinate System 1983, East Zone per GPS observations utilizing the MoDOT VRS RTK Network.
2. M = Measured outboundary information as per field data obtained on March 7, 2018.
3. R = Recorded outboundary information as per "South Haven Terrace Subdivision" recorded on April 9, 1953 in Slide "A", Page 47 of the Warren County Recorder of Deeds Office.
4. D = Recorded deed information as per General Warranty Deed recorded on January 27, 2004 in Book 1233, Page 974 of the Warren County Recorder of Deeds Office.
5. Outboundary show hereon as per General Warranty Deed recorded on January 27, 2004 in Book 1233, Page 974 of the Warren County Recorder of Deeds Office.
6. Centerline distance = 51.94'



Mark R. Frankenberg 6/2/18

Mark R. Frankenberg, PLS #2365
State of Missouri
Registered Land Surveyor for
Buescher Frankenberg Associates, Inc
Corporate # 00096

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CONSULTANTS-ENGINEERS-SURVEYORS
www.bfaeng.com

DRAWN BY C.R.H.	DATE 06-08-18	Project No. 4437E
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103 ELM STREET WASHINGTON, MISSOURI 63090

Warrenton MO sidewalks

BFA 4437E

June 7, 2018, M.R.F.

DESCRIPTION: Easement Jerrold M. King

A tract of land being part of Lots 5 and 6 of "South Haven Terrace Subdivision" recorded on Slide "A", Page 47 of the Warren County Recorder of Deeds Office, being part of the southwest quarter of Section 28, Township 47 North, Range 2 West of the 5th P.M., City of Warrenton, Warren County, Missouri to wit:

Commencing at the intersection of the south line of Lot 6 of said subdivision and the east right of way line of Missouri Highway 47, also being on the north right of way line of Lakeview Street; thence along said east right of way line N23°-54'-41"E 89.75 ft. to the point of beginning, continue thence along said right of way line N24°-17'-54"E 51.94 ft. to a point; thence leaving said line S65°-49'-58"E 10.00 ft. to a point; thence S24°-17'-54"W 51.94 ft. to a point; thence N65°-49'-58"W 10.00 ft. to the point of beginning.