

One-rdg. _____
P. Hrngs. _____
Pgs. 5
Filed: 03-15-16

Sponsored by: Ferguson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 067

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 DECLARING the necessity to condemn right-of-way over, under, and through the
2 property located at 1705 North Colgate Avenue for the Homeland
3 Subdivision Stormwater Improvement Project.
4 _____
5

6 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
7 MISSOURI, as follows, that:
8

9 Section 1 – The City Council hereby declares the necessity of condemning the
10 following described property for the purpose of constructing and maintaining public
11 drainage improvements, and for the relocation, construction, maintenance, and
12 operation of gas, water, electric, telephone, fiber optic, and communications utilities,
13 including necessary fixtures and appurtenances, for the improvement of the City’s public
14 drainage system, to-wit:
15

16 Owner of 1705 North Colgate Avenue (Tract No. 1) is NSI B, LLC. Also claiming an
17 interest is Leah Betts, Greene County Collector, to the extent of any unpaid taxes and
18 any other party claiming an interest in or to the property. “Exhibit A” attached hereto
19 sets out the temporary construction easement sketch for this tract.
20

21 Tract No. 1: (NSI B, LLC)
22

23 TEMPORARY CONSTRUCTION EASEMENT BEING DESCRIBED AS FOLLOWS:
24

25 A temporary construction easement being a part of lots 279, 278, and the south 30 feet
26 of 277 in Homeland Addition to the City of Springfield, Greene County, Mo, as filed in
27 Greene County Recorder's Plat Book H, page 29, owned by the grantor as described in
28 the Greene County, Missouri Recorder's Office in book 2014, page 033747-14; being
29 more fully described as follows:
30

31 A temporary construction easement not to encroach on existing permanent structures
32 being more particularly described as the easterly 25 feet of the southerly 10 feet of said

33 lot 279 containing an area of 250 square feet more or less, to provide a continuous
34 easement as shown, subject to all easements and/or rights-of-way.

35
36 Said temporary construction easement will be terminated upon acceptance of the storm
37 drainage and sidewalk construction by the City of Springfield Public Works Department.
38

39 Section 2 - The City Manager, or his designee, is hereby authorized to proceed
40 immediately with condemnation proceedings against the above-described properties as
41 authorized by Article II, Sections 2.16(3), (7), and (10), and Article XIX, Section 19.18,
42 of the City Charter.

43
44 Section 3 - This ordinance shall be in full force and effect from and after passage.
45

46 Passed at meeting: _____
47

48
49 _____
50 Mayor
51

52 Attest: _____, City Clerk
53

54 Filed as Ordinance: _____
55

56
57 Approved as to form: Amanda R. Callaway, Assistant City Attorney
58

59
60 Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 067

FILED: 03-15-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To receive authority to condemn right-of-way over, under and through the property located at 1705 North Colgate Avenue "Exhibit A" for the Homeland Subdivision Stormwater Improvement Project.

BACKGROUND INFORMATION: The right-of-way is necessary for constructing and maintaining a public drainage system and for the construction and maintenance of Americans with Disabilities Act (ADA) compliant sidewalks for the Homeland Subdivision Stormwater Improvement Project, Plan No. 2014PW0061W, funded through the 1/4-Cent Capital Improvement Sales Tax.

This project will provide stormwater and sidewalk improvements to Pacific Street and Hillcrest Avenue which includes constructing a 2.5 foot tall by 6 foot wide underground concrete box culvert along the north side of Pacific Street from Colgate Avenue to Hillcrest Avenue. A 30-inch underground concrete pipe is proposed to be constructed along the east side of Hillcrest Avenue from Pacific Street north to Thoman Street. There will also be several 2-foot by 2-foot grate inlets installed in yards which will capture surface drainage and connect underground to the box culvert and concrete pipe. Americans with Disabilities Act (ADA) compliant sidewalks will be constructed above the concrete box along the north side of Pacific Street and above the concrete pipe along the east side of Hillcrest Avenue.

City staff has been able to reach agreements regarding the necessary right-of-way from 13 of the 14 properties. This ordinance allows the Law Department to file for appointment of commissioners with regard to the remaining property.

Negotiations are continuing with the remaining property owner to obtain the necessary easement and we are hopeful of reaching agreement in the near future. In order to keep this project on schedule for a 2016 letting, it is necessary to gain approval at this time. Should a settlement be reached with a property owner, condemnation will not be pursued on that tract.

Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 1, Promote better collaboration between regional and local governing bodies; Objective 1a, Promote better collaboration and strategic planning between City of Springfield, Greene County and surrounding municipalities to foster a higher level of partnership and communication with all public entities. Chapter 10, Public Health; Major Goal 5, Develop and ensure safe and healthy environments both indoors and outdoors; Objective 5b, Promote and encourage connectivity between parks, trails, bus routes, residential, and commercial areas.

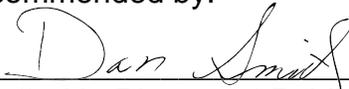
REMARKS: The Public Works Department recommends passage of this Council bill.

Submitted by:



Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:

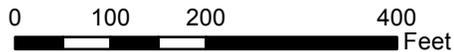


Greg Burris, City Manager

Exhibit A



City of Springfield, Missouri



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