

**COUNCIL BILL NO. 2015-114**

**ORDINANCE NO.**

AN ORDINANCE declaring a public necessity for the acquisition by condemnation proceedings of real property and easements described as Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, in the City of Joplin, Jasper County, Missouri, for the construction of storm water improvements near 29<sup>th</sup> and Arizona Avenue, directing the City Attorney to commence an action to obtain said property; and containing an emergency clause.

WHEREAS, Al-Shathir Nidal Trust is the legal owner of property described as Part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, in the City of Joplin, Jasper County, Missouri, and;

WHEREAS, in order to make said improvements, it is necessary for the City of Joplin to acquire certain real property and easements described herein for storm water improvements near 29<sup>th</sup> and Arizona and;

WHEREAS, the City of Joplin administration has been unable to obtain this real property from the owner of said real estate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That a public necessity exists for the City to acquire real property and easements owned by Al-Shathir Nidal Trust for the construction of storm water improvements near 29<sup>th</sup> and Arizona Avenue according to the Plans of the City of Joplin, Jasper County, Missouri and described as follows:

All that part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being all that part of the tract of land described in the Quit Claim Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1959, at Page 1870, and being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri; thence South 01 Degrees 31 Minutes 40 Seconds West along the East line of said Quarter Quarter, a distance of 468.39 feet to the POINT OF BEGINNING, said point being the Southeast corner of the tract of land described as Tract 7 in the Warranty Deed recorded in the Jasper County Recorder's Office in Deed Book 1528, at Page 1144 (Majzoub Tract); thence continuing along said East line South 01 Degrees 31 Minutes 40 Seconds West, a distance of 211.90 feet; thence departing said East line South 89 Degrees 53 Minutes 52 Seconds West, a distance of 83.96 feet; thence North 70 Degrees 14 Minutes 55 Seconds West, a distance of 32.29 feet; thence North 64 Degrees 26 Minutes 14 Seconds West, a distance of 100.59 feet to a point in the East line of the tract of land in the Trustee's General Warranty Deed recorded in the Jasper County Recorder's Office in Deed Book 2229, at Page 1552; thence North 01 Degrees 42 Minutes 59 Seconds East along said East line, a distance of 157.71 feet to a point in the South line of said Majzoub Tract; thence North 89 Degrees 59 Minutes 51 Seconds East along said South line, a distance of 206.02 feet to the POINT OF BEGINNING, and containing 40,568 square feet or 0.931 acres, more or less. Subject to easements or other items of record.

And Drainage Easement:

All that part of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri, being all that part of the tract of land

described in the Quit Claim Deed duly recorded in the Jasper County Recorder's Office in Deed Book 1959, at Page 1870, and being more particularly described as follows:

COMMENCING at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 33 West, City of Joplin, Jasper County, Missouri; thence South 01 Degrees 31 Minutes 40 Seconds West along the East line of said Quarter Quarter, a distance of 680.28 feet to the POINT OF BEGINNING; thence continuing along said East line South 01 Degrees 31 Minutes 40 Seconds West, a distance of 181.89 feet; thence departing said East line North 89 Degrees 58 Minutes 50 Seconds West, a distance of 30.01 feet; thence North 01 Degrees 31 Minutes 40 Seconds East, a distance of 181.83 feet; thence North 89 Degrees 53 Minutes 52 Seconds East, a distance of 30.01 feet to the POINT OF BEGINNING, and containing 5,456 square feet or 0.125 acres, more or less. Subject to easements or other items of record.

Section 2. That the City of Joplin is and has been unable to agree with those claiming an interest therein on the amount of compensation, if any, to be paid for the same.

Section 3. That the City Attorney is hereby instructed to file suit in the court of competent jurisdiction for the purpose of obtaining the properties above described for the uses and purposes herein set out.

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Section 4. That the City of Joplin declares that this Ordinance relating to a public improvement, is an emergency within the meaning of Section 2.12 (6) of the HOME RULE CHARTER of the City of Joplin, and as such, shall be in full force and effect immediately from and after its adoption and approval. Specifically, this council bill needs to be approved in order to complete property acquisitions, allowing construction to be completed within funding time limitations.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by a \_\_\_\_\_ vote.

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Michael L. Seibert, Mayor

ATTEST:

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Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

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Peter C. Edwards, City Attorney