

BILL NO. 3069

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A WASTE WATER LINE ACROSS CERTAIN PROPERTY OWNED BY CERTAIN PARTIES WITHIN FIVE (5) MILES OF THE CITY OF BRANSON, MISSOURI, DECLARING THE PUBLIC NECESSITY THEREFORE AND OF CONDEMNING THE PROPERTY RIGHTS OF THE OWNERS, AND AUTHORIZING THE FILING OF A CONDEMNATION ACTION.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

SECTION 1: That the Board of Alderman hereby declares the necessity of opening and the establishment of a waste water line and the establishment of said waste water line is necessary and beneficial to the whole of the City of Branson, Missouri, and is an indispensable and integral part of the City of Branson's waste water treatment system.

SECTION 2: That the City Administrator or his designee is authorized and directed to acquire by negotiation, purchase, gift, condemnation, or otherwise, the tracts and parcels of land herein described and such temporary easements and licenses as are necessary to provide properly for the construction requirements of this project.

SECTION 3: That the Board of Alderman hereby declares the necessity of condemning those property rights belonging to the persons identified on Exhibit "A" attached hereto and incorporated herein by reference, who own the land on which the waste water line will be located or which is necessary for the construction of said waste water line, and for construction of said waste water line over and along said land as herein described, being fee simple property rights and temporary construction easements.

SECTION 4: That the property rights to be condemned are described as follows:

SEE EXHIBITS B1 AND B2 ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE.

SECTION 5: The City Attorney is hereby authorized to proceed immediately with condemnation proceedings against the owners of said described land and property as herein described.

Read this first time this _____ day of _____, 2005.

Read this second time, truly agreed to and passed on this _____ day of _____, 2005.

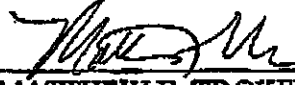
CITY OF BRANSON, MISSOURI

Louis E. Schaefer
Mayor

ATTEST:

APPROVED AS TO FROM:

Lisa K. Westfall
City Clerk



MATTHEW F. TROKEY
CANTWELL, SMITH & TROKEY, LLP
115 WEST ATLANTIC STREET
BRANSON, MO 65616
PHONE 417-334-2222
FACSIMILE 417-334-2777
ATTORNEY FOR
THE CITY OF BRANSON

MO BAR #38252

EXHIBIT "A"

- 1) Delores Dobbin
- 2) North Oak, Inc.
- 3) Lakey Enterprises, Inc.

EXHIBIT B1
(DOBBIN)

PERMANENT EASEMENT

A 25-foot permanent sewer and water easement being 25 feet of even width lying over and across a part of Lot 7, Friendly Hills Subdivision as recorded in Plat Book 19 at Page 54 and Lot 6 of the Amended Plat of Lots 4, 5 and 6 in Friendly Hills Subdivision, as recorded in Plat Book/Slide F at Page 460, Taney County Recorder's Office, Taney County, Missouri, being 12.50 feet each side of the following described centerline; beginning at the Southwest corner of said. Lot 7; thence N 01°27'37" E, along the West line of said Lot 7, a distance of 7.50 feet, for a new Point of Beginning; along the centerline off said 25-foot permanent sewer and water easement as follows: thence S 88°02'42"E, a distance of 651.38 feet; thence N 01°31'24" E, a distance of 165.31 feet; thence S 88°01'36"E, a distance of 339.77 feet, to a Point on, the East line of said Lot 6, for a Point of Terminus, the side lines of said easement are shortened or extended to meet at angle points.

TEMPORARY CONSTRUCTION EASEMENT

To the extent on Grantor's property, 25 feet on either side of the centerline described below:

A 25-foot permanent sewer and water easement being 25 feet of even width lying over and across a part of Lot 7, Friendly Hills Subdivision as recorded in Plat Book 19 at Page 54 and Lot 6 of the Amended Plat of Lots 4, 5 and 6 in Friendly Hills Subdivision, as recorded in Plat Book/Slide F at Page 460, Taney County Recorder's Office, Taney County, Missouri, being 12.50 feet each side of the following described centerline; beginning at the Southwest corner of said. Lot 7; thence N 01°27'37" E, along the West line of said Lot 7, a distance of 7.50 feet, for a new Point of Beginning; along the centerline off said 25-foot permanent sewer and water easement as follows: thence S 88°02'42"E, a distance of 651.38 feet; thence N 01°31'24" E, a distance of 165.31 feet; thence S 88°01'36"E, a distance of 339.77 feet, to a Point on, the East line of said Lot 6, for a Point of Terminus, the side lines of said easement are shortened or extended to meet at angle points.

EXHIBIT B2
(NORTH OAK, INC. & LAKEY ENTERPRISES, INC.)

PERMANENT EASEMENT

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