

**AN ORDINANCE AUTHORIZING THE OPENING OF A PUBLIC ROAD AND DECLARING THE PUBLIC NECESSITY FOR SUCH ROAD, AND DECLARING THAT SUCH ROAD IS NECESSARY AND BENEFICIAL TO THE WHOLE OF THE CITY OF BRANSON, MISSOURI, AND IS AN INDISPENSABLE AND INTEGRAL PART OF THE CITY ROAD SYSTEM, AND DECLARING THE NECESSITY OF CONDEMNING THE PROPERTY RIGHTS BELONGING TO THOSE PERSONS IDENTIFIED ON EXHIBIT "A" ATTACHED HERETO, SO AS TO ENABLE THE CITY OF BRANSON, MISSOURI, TO CONSTRUCT SAID PUBLIC ROAD ACROSS PROPERTY OWNED BY SAID PARTIES AND HEREIN DESCRIBED, AND AUTHORIZING THE FILING OF CONDEMNATION PROCEEDINGS IN ACCORDANCE WITH THE LAWS OF THE STATE OF MISSOURI, AND AUTHORIZING PAYMENT OF ATTORNEY FEES AND EXPENSES THEREWITH CONNECTED.**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:**

Section 1: That the Board of Aldermen hereby declares the necessity of opening the public road, more particularly described in Exhibit "B" attached hereto, and the opening of said road is necessary and beneficial to the whole of the CITY OF BRANSON and is an indispensable and integral part of the CITY OF BRANSON road system.

Section 2: That the Board of Aldermen are authorized and directed to acquire by negotiation, purchase, gift, condemnation, or otherwise, all of the tracts and parcels of land hereinafter described, and such temporary sloping, drainage, construction and demolition licenses and easements to provide properly for the construction requirements of this project.

Section 3: That the Board of Aldermen hereby declares the necessity of condemning those property rights belonging to the above identified persons who own the land on which part of the public road will be located or which is necessary for the construction of said road, and for construction of said street over and along said land as herein described, being fee simple property rights, temporary construction easements, and a permanent access easement.

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

SEE EXHIBITS C1 AND C2

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, and is authorized to submit legal charges at the rate of ONE HUNDRED TWENTY-FIVE DOLLARS (\$125.00) per hour for said legal work.

Read this first time this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Read this second time, passed, and truly agreed to by the Board of Aldermen of the City of Branson, Missouri, on this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
LOUIS E. SCHAEFER - Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
LISA K. WESTFALL- City Clerk


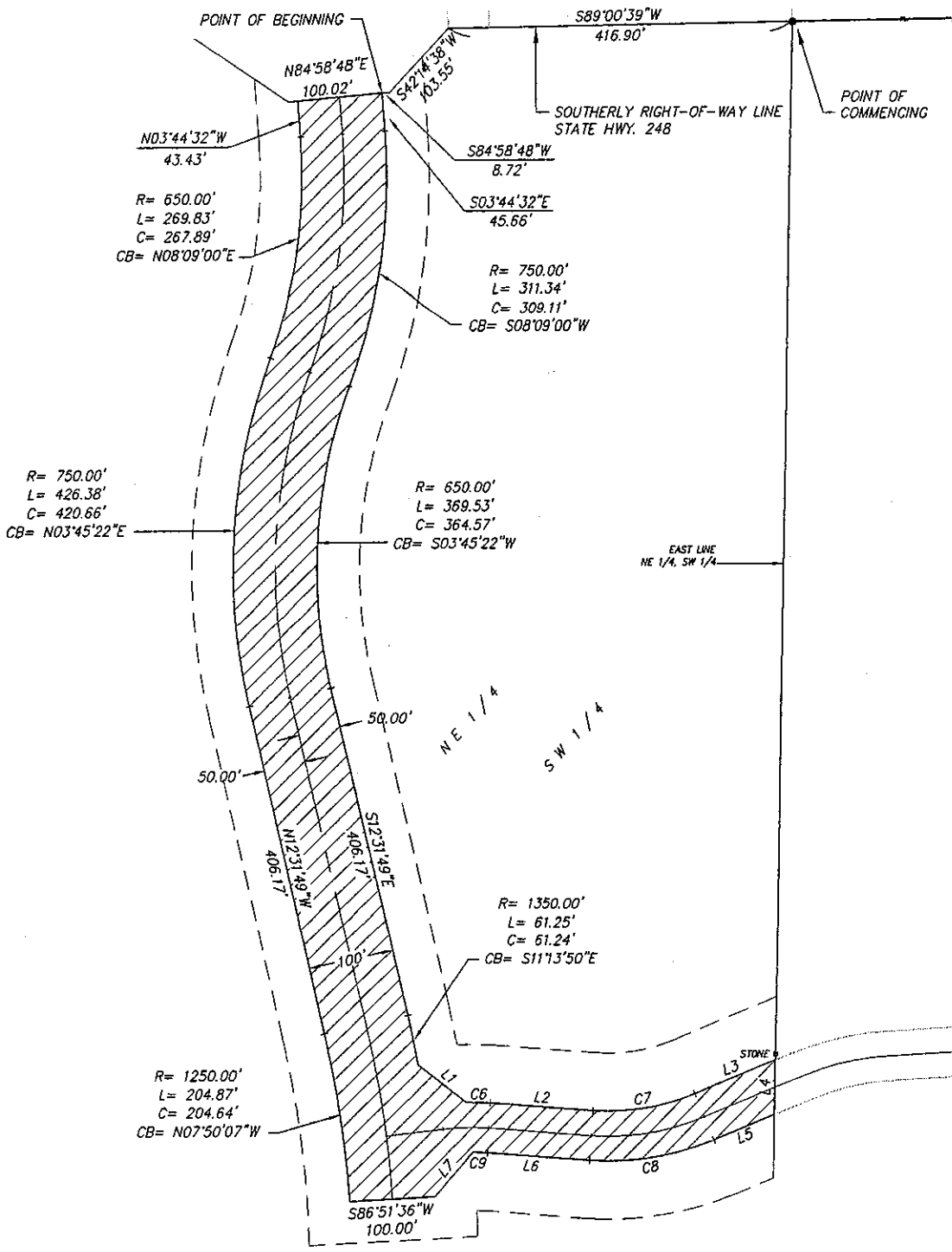
  
\_\_\_\_\_  
MATTHEW F. TROKEY  
Cantwell, Smith & Trokey, LLP  
115 West Atlantic Street  
Branson, MO 65616  
Phone: 417-334-2222  
Facsimile: 417-334-2777  
Attorney for the City of Branson  
MO BAR #38252

EXHIBIT "A"

DARRELL T. & VIRGINIA LEDBETTER

STATE HIGHWAY 248

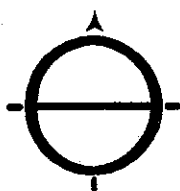


LINE TABLE		
LINE	LENGTH	BEARING
L1	73.20	S51'46'57"E
L2	124.84	S85'49'02"E
L3	104.72	N67'22'58"E
L4	65.63	S01'17'12"W
L5	78.13	S67'22'58"W
L6	124.84	N85'49'02"W
L7	70.75	S40'42'51"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA ANGLE
C6	29.44	330.00	14.73	29.43	S88'22'24"E	5'06'43"
C7	126.29	270.00	64.32	125.14	N80'46'58"E	26'48'00"
C8	154.36	330.00	78.62	152.95	S80'46'58"W	26'48'00"
C9	18.22	270.00	9.11	18.21	N87'45'01"W	3'51'58"



EXHIBIT "B"



**GRE**  
**GREAT RIVER**  
**ENGINEERING**  
 2826 S. INGRAM HILL ROAD, SPRINGFIELD, MO 65804  
 PHONE: (417) 886-7171 FAX: (417) 886-7591  
 www.greatrivereng.com

RIGHT-OF-WAY  
 EXHIBIT

## RIGHT-OF-WAY

A RIGHT-OF-WAY FOR A ROAD SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE¼, SW¼) OF SECTION 30, TOWNSHIP 23 NORTH, RANGE 21 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN FOUND IRON PIN AT THE INTERSECTION OF THE EAST LINE OF SAID NE¼, SW¼ AND THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 248; THENCE S89°00'39"W ALONG SAID RIGHT-OF-WAY LINE, 416.90 FEET; THENCE S42°14'38"W, 103.55 FEET; THENCE S84°58'48"W, 8.72 FEET FOR THE POINT OF BEGINNING; THENCE S03°44'32"E, 45.66 FEET; THENCE 311.34 FEET ALONG A 750.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S08°09'00"W, 309.11 FEET; THENCE 369.53 FEET ALONG A 650.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS S03°45'22"W, 364.57 FEET; THENCE S12°31'49"E, 406.17 FEET; THENCE 61.25 FEET ALONG A 1350.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S11°13'50"E, 61.24 FEET; THENCE S51°46'57"E, 73.20 FEET; THENCE 29.44 FEET ALONG A 330.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS S88°22'24"E, 29.43 FEET; THENCE S85°49'02"E, 124.84 FEET; THENCE 126.29 FEET ALONG A 270.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N80°46'58"E, 125.14 FEET; THENCE N67°22'58"E, 104.72 FEET TO A POINT ON THE EAST LINE OF SAID NE¼, SW¼; THENCE S01°17'12"W ALONG SAID EAST LINE, 65.63 FEET; THENCE S67°22'58"W, 78.13 FEET; THENCE 154.36 FEET ALONG A 330.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S80°46'58"W, 152.95 FEET; THENCE N85°49'02"W, 124.84 FEET; THENCE 18.22 FEET ALONG A 270.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N87°45'01"W, 18.21 FEET; THENCE S40°42'51"W, 70.75 FEET; THENCE S86°51'36"W, 100 FEET; THENCE 204.87 FEET ALONG A 1250.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT WHOSE CHORD BEARS N07°50'07"W, 204.64 FEET; THENCE N12°31'49"W, 406.17 FEET; THENCE 426.38 FEET ALONG A 750.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS N03°45'22"E, 420.66 FEET; THENCE 269.83 FEET ALONG A 650.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N08°09'00"E, 267.89 FEET; THENCE N03°44'32"W, 43.43 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 248; THENCE N84°58'48"E, 100.02 FEET TO THE POINT OF BEGINNING. CONTAINING 3.75 ACRES, MORE OR LESS (163,526 S.F.).

**TEMPORARY CONSTRUCTION EASEMENT**

A TEMPORARY CONSTRUCTION EASEMENT SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE¼, SW¼) OF SECTION 30, TOWNSHIP 23 NORTH, RANGE 21 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN FOUND IRON PIN AT THE INTERSECTION OF THE EAST LINE OF SAID NE¼, SW¼ AND THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 248; THENCE S89°00'39"W ALONG SAID RIGHT-OF-WAY LINE, 416.90 FEET; THENCE S42°14'38"W, 46.15 FEET FOR THE POINT OF BEGINNING; THENCE S03°44'32"E, 85.74 FEET; THENCE 332.10 FEET ALONG A 800.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S08°09'00"W, 329.72 FEET; THENCE 341.10 FEET ALONG A 600.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS S03°45'22"W, 336.53 FEET; THENCE S12°31'49"E, 406.17 FEET; THENCE 47.46 FEET ALONG A 1400.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S11°33'33"E, 47.46 FEET; THENCE 45.67 FEET ALONG A 400.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS S89°05'19"E, 45.65 FEET; THENCE S85°49'02"E, 124.84 FEET; THENCE 93.55 FEET ALONG A 200.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N80°46'58"E, 92.70 FEET; THENCE N67°22'58"E, 135.75 FEET TO A POINT ON THE EAST LINE OF SAID NE¼, SW¼; THENCE S01°17'12"W ALONG SAID EAST LINE, 218.76 FEET; THENCE S67°22'58"W, 47.10 FEET; THENCE 187.10 FEET ALONG A 400.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S80°46'58"E, 185.40 FEET; THENCE N85°49'02"W, 124.84 FEET; THENCE 8.41 FEET ALONG A 200.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N87°01'21"W, 8.41 FEET; THENCE 30.79 FEET ALONG A 1400.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS S01°43'24"E, 30.79 FEET; THENCE S86°51'36"W, 200.15 FEET; THENCE 246.69 FEET ALONG A 1200.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT WHOSE CHORD BEARS N06°38'28"W, 246.25 FEET; THENCE N12°31'49"W, 406.17 FEET; THENCE 454.80 FEET ALONG A 800.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS N03°45'22"E, 448.70 FEET; THENCE 249.07 FEET ALONG A 600.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N08°09'00"E, 247.29 FEET; THENCE N03°44'32"W, 73.44 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 248; THENCE S55°45'11"E ALONG SAID RIGHT-OF-WAY LINE, 49.17 FEET; THENCE N84°58'48"E, 120.00 FEET; THENCE N42°14'38"E, 57.40 FEET TO THE POINT OF BEGINNING.

EXCEPT:

COMMENCING AT AN FOUND IRON PIN AT THE INTERSECTION OF THE EAST LINE OF SAID NE¼, SW¼ AND THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 248; THENCE S89°00'39"W ALONG SAID RIGHT-OF-WAY LINE, 416.90 FEET; THENCE S42°14'38"W, 103.55 FEET; THENCE S84°58'48"W,

8.72 FEET FOR THE POINT OF BEGINNING; THENCE S03°44'32"E, 45.66 FEET; THENCE 311.34 FEET ALONG A 750.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S08°09'00"W, 309.11 FEET; THENCE 369.53 FEET ALONG A 650.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS S03°45'22"W, 364.57 FEET; THENCE S12°31'49"E, 406.17 FEET; THENCE 61.25 FEET ALONG A 1350.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S11°13'50"E, 61.24 FEET; THENCE S51°46'57"E, 73.20 FEET; THENCE 29.44 FEET ALONG A 330.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS S88°22'24"E, 29.43 FEET; THENCE S85°49'02"E, 124.84 FEET; THENCE 126.29 FEET ALONG A 270.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N80°46'58"E, 125.14 FEET; THENCE N67°22'58"E, 104.72 FEET TO A POINT ON THE EAST LINE OF SAID NE¼, SW¼; THENCE S01°17'12"W ALONG SAID EAST LINE, 65.63 FEET; THENCE S67°22'58"W, 78.13 FEET; THENCE 154.36 FEET ALONG A 330.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS S80°46'58"W, 152.95 FEET; THENCE N85°49'02"W, 124.84 FEET; THENCE 18.22 FEET ALONG A 270.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N87°45'01"W, 18.21 FEET; THENCE S40°42'51"W, 70.75 FEET; THENCE S86°51'36"W, 100 FEET; THENCE 204.87 FEET ALONG A 1250.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT WHOSE CHORD BEARS N07°50'07"W, 204.64 FEET; THENCE N12°31'49"W, 406.17 FEET; THENCE 426.38 FEET ALONG A 750.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS N03°45'22"E, 420.66 FEET; THENCE 269.83 FEET ALONG A 650.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N08°09'00"E, 267.89 FEET; THENCE N03°44'32"W, 43.43 FEET TO A POINT ON THE SAID SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 248; THENCE N84°58'48"E, 100.02 FEET TO THE POINT OF BEGINNING. CONTAINING 4.467 ACRES, MORE OR LESS (194,589 S.F.).