

AN ORDINANCE AUTHORIZING THE USE OF EMINENT DOMAIN FOR THE PURPOSE OF OBTAINING LAND, EASEMENTS AND RIGHTS IN LAND NECESSARY FOR THE CONSTRUCTION AND EXTENSION OF MUNICIPAL SERVICES AS PART OF THE BROOKLINE UTILITY EXPANSION

WHEREAS, the City of Republic, Missouri is a city of the fourth class, duly organized and existing under the laws of the State of Missouri; and

WHEREAS, the City operates a municipal water system and sanitary sewer system and pursuant to the Consolidation Agreement with the Village of Brookline desires to extend these municipal services into the consolidated area; and

WHEREAS, the extension of said municipal services must be done in an efficient and cost effective manner which also establish provides the backbone for said utilities within the Urban Services Boundary.

WHEREAS, in order to ensure the proper development in the consolidated area and other development within the urban service boundary, and to properly serve the needs of the citizens of Republic, the Board of Aldermen deem it necessary to construct and extend the municipal water and sanitary sewer systems into the consolidated area; and

WHEREAS, the Board of Aldermen have determined that time is of the essence for the acquisition and construction of the Brookline Utility Expansion;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN of the City of Republic, Missouri, as follows:

Section 1. That the construction of the Brookline Utility Expansion is hereby approved.

Section 2. That the Board of Aldermen does hereby find, declare and determine that a public necessity exists for the extension of utility services into the consolidated area and within the City's Urban Service Boundary; and such will benefit the citizens of Republic.

Section 3. That the Board of Aldermen does further find, declare and determine that acquisitions of interests in portions of realty presently owned by those parties shown on Exhibit "A", attached hereto and incorporated herein by reference, is necessary for the extension of water and sanitary sewer services into the consolidated area and within the City's Urban Service Boundary.

Section 4. That the City Attorney is hereby authorized to proceed with obtaining fee simple interest, permanent and temporary utility easements, temporary access easements or other rights or interest in land; as set forth in Exhibit "B", attached hereto and

incorporated herein by reference, and as may hereinafter be required for the orderly construction of the Brookline Utility Expansion.

Section 5. That the City Administrator is further authorized to use the Power of Eminent Domain granted to the City by the laws of the State of Missouri as needed to acquire said land and easements and, for that purpose, to employ such attorneys, in addition to the City Attorney, engineers, surveyors, consultants and negotiators as he determines.

Section 6. That this ordinance shall be in full force and effect upon approval.

PASSED AND APPROVED at a regular meeting of the Board of Aldermen of the City of Republic, Missouri, this ___ day of _____, 2006.

ATTEST:

City Clerk Brenda Jackson

Mayor James H. Collins

Approved for Board Action: _____, City Administrator

Approved as to Form: _____, City Attorney

Date of First Reading: _____

Date of Second and Final Reading: _____