



RE: WEST REGIONAL COLLECTION SYSTEM

Background:

As you are aware, the existing Oakmont Lift Station has exceeded its hydraulic design capacity. On multiple occasions during periods of heavy rainfall, the lift station has overflowed due to the excess flows. Because of this the city is currently unable to allow any additional capacity to flow to the lift station. This is hindering the growth potential for the west and southwest areas of town. A 2016 Wastewater Masterplan identified what improvements were needed to address the deficiencies of the existing Oakmont lift station and accommodate future growth for the area. Utilizing the recommendations in the masterplan, a CIP project was funded in 2022 for the design and construction of a new regional lift station known as the West Regional Collection System.

The project engineer completed the design layout and provided easement descriptions for the easements required to complete the project. Staff began working with affected property owners to obtain the necessary easements. Several meetings were held with property owners to address concerns as thoroughly as possible while continuing to move the project forward.

This is a large project affecting multiple property owners, and thorough good-faith negotiations, staff was able to obtain most of the required easements. Unfortunately, staff has been unable to reach an agreement with four property owners to acquire the easements needed to proceed with the project.

Analysis:

Working within the parameters given, staff negotiated in good faith with all property owners affected to not only establish an agreeable dollar amount but to also include any special conditions necessary to gain support from the property owner to execute the easement. In all but four cases, staff was successful in reaching an agreement that benefited the property owner while also ensuring that the City was being good stewards with taxpayer monies.

In the case of the property owners identified in the ordinance for the condemnation request, staff was either unable to secure a commitment for the needed acquisition, or the property owners requested compensation that far exceeded the appraised amount for the property. To pay such extraordinary amounts would not be good use of taxpayer money.

Recommendation:

With the majority of the easements necessary for the lift station relocation obtained, and to alleviate the existing problems with the Oakmont lift station and secure future growth for the area, staff is recommending approval of the ordinance authorizing condemnation for easements needed to move the project forward.

MEMO PREPARED BY:

Travis Cossey | Interim Director Nixa Utilities & Public Works
417-725-2353

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA DECLARING THE**
2 **NECESSITY OF ACQUIRING BY CONDEMNATION CERTAIN PERMANENT AND**
3 **TEMPORARY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF**
4 **THE WEST REGIONAL COLLECTION SYSTEM; AND AUTHORIZING THE CITY**
5 **ATTORNEY AND OTHER CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO**
6 **SECURE SUCH PROPERTY RIGHTS.**

7
8 **WHEREAS** the City owns and operates the Oakmont Lift Station, which has now
9 exceeded its hydraulic design capacity; and

10
11 **WHEREAS** due to these capacity constraints, the lift station has overflowed on
12 multiple occasions during periods of heavy rainfall; and

13
14 **WHEREAS** to prevent further overflows, the City is currently unable to allow
15 additional capacity to flow into the lift station, which is hindering growth potential in the
16 west and southwest areas of the City; and

17
18 **WHEREAS** the City's 2016 Wastewater Masterplan identified specific
19 improvements required to address these deficiencies and accommodate future growth;
20 and

21
22 **WHEREAS** pursuant to the Masterplan recommendations, the City Council funded
23 a Capital Improvement Project ("CIP") in 2022 for the design and construction of a new
24 regional lift station known as the West Regional Collection System; and

25
26 **WHEREAS** the City's project engineer has completed the design layout and
27 identified specific real property easements required to complete the project; and

28
29 **WHEREAS** City Staff have engaged in extensive, good-faith negotiations with
30 affected property owners to acquire the necessary easements, including holding multiple
31 meetings to address property owner concerns; and

32
33 **WHEREAS** through these negotiations, Staff successfully reached agreements
34 with the majority of affected property owners; and

35
36 **WHEREAS** despite these good-faith efforts, the City has been unable to reach an
37 agreement with four specific property owners, either because a commitment could not be
38 secured or because the owners requested compensation far exceeding the appraised
39 value of the property; and

40
41 **WHEREAS** the City Council finds that paying extraordinary amounts above the
42 appraised value would not be a responsible use of taxpayer funds; and

43
44 **WHEREAS** the acquisition of these specific property rights is necessary to
45 alleviate existing overflows at the Oakmont Lift Station and to secure future growth for the
46 area; and

47
48 **WHEREAS** the City Council desires to move the project forward to protect the
49 public health, safety, and welfare by authorizing the use of condemnation to acquire the
50 remaining necessary easements.

51
52 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
53 **NIXA, AS FOLLOWS, THAT:**

54
55 **SECTION 1:** The City Council hereby declares it necessary to condemn the
56 property interests described below for the purpose of constructing, operating, and
57 maintaining the West Regional Collection System and related public utilities:

58
59 Tract 1 (Perpetual Electric Utility Easement):

60
61 A perpetual electric utility easement, for the purpose of providing the right to construct
62 and maintain electric distribution facilities and other related public utility improvements as
63 deemed necessary by the City, in, on, through, over, under, and across the following
64 described property:

65
66 A TRACT OF LAND LYING IN PART OF SECTION 22, TOWNSHIP 27N,
67 RANGE 22W AND BEING MORE PARTICULARLY DESCRIBED AS
68 FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE
69 NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER
70 (SW 1/4) OF SAID SECTION 22, THENCE SOUTH 88°19'56" EAST
71 ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4)
72 OF THE SOUTHWEST QUARTER (SW 1/4), 61.71 FEET TO THE POINT
73 OF BEGINNING; THENCE SOUTH 88°19'56" EAST CONTINUING
74 ALONG SAID NORTH LINE, 21.00 FEET; THENCE LEAVING SAID
75 NORTH LINE SOUTH 42°44'53" EAST, 42.02 FEET TO THE NORTH LINE
76 OF AN EXISTING UTILITY EASEMENT RECORDED IN BOOK 2012 AT
77 PAGE 4041; THENCE SOUTH 88°19'36" EAST ALONG SAID NORTH
78 EASEMENT LINE, 1221.51 FEET TO THE EAST PROPERTY LINE;
79 THENCE SOUTH 01°40'24" WEST ALONG SAID EAST PROPERTY LINE,
80 15.00 FEET TO THE SOUTH LINE OF AN EXISTING UTILITY EASEMENT
81 RECORDED IN BOOK 2012 AT PAGE 4041; THENCE NORTH 88°19'36"
82 WEST ALONG SAID SOUTH EASEMENT LINE, 1227.82 FEET; THENCE
83 LEAVING SAID SOUTH EASEMENT LINE NORTH 42°44'53" WEST,
84 63.02 FEET TO THE POINT OF BEGINNING, CONTAINING 19,158
85 SQUARE FEET (0.44 ACRES), ALL LYING IN SECTION 22, TOWNSHIP
86 27N, RANGE 22W, IN CHRISTIAN COUNTY, MISSOURI.

87
88 Together with the right, privilege, and authority to remove from said premises any
89 obstructions which interfere with the construction, maintenance, or operation of said
90 purposes and the right of ingress and egress to, from, and over the above-described real
91 estate for doing anything necessary or useful for the enjoyment of the easement interest
92 and together with all rights, privileges, and appurtenances which may be required for full

93 enjoyment of the easement interests, including, without limitation, the right, privilege, and
94 authority of the City to excavate, place, bury, construct, operate, patrol, inspect, repair,
95 maintain, relocate, and replace on, in, through or under the property described above,
96 utilities involving electric distribution facilities, which may include, but are not limited to,
97 poles, structures, crossarms, guys, anchors, wires, cables, conduits, junction boxes,
98 markers, and other components or appurtenances.

99
100 Further, with the right to remove, using any means typically used, including, but not limited
101 to, machinery, cutting, or trimming means, any trees, shrubbery, brush or other vegetation
102 within 20 feet of the centerline of the easement area; and to cut down and remove from
103 time to time all dead, weak, leaning or dangerous trees and other obstructions that are
104 tall enough to strike or endanger the electrical distribution facilities, or any lines, wires or
105 components thereof.

106
107 The property owner(s) their tenants, heirs, successors, and assigns shall have the right
108 to use and enjoy the property fully, except for the rights and privileges sought by the City,
109 provided however that no building, structure, or improvement shall be erected or placed
110 upon said easement, nor shall the terrain be altered without the prior written consent of
111 City.

112
113 Tract 2 (Perpetual Utility Easement & Temporary Construction Easement):

114
115 A perpetual utility easement, for the purpose of constructing, and maintaining sanitary
116 sewer lines, water lines, water meters, electric lines, and other public utility improvements
117 as deemed necessary by the City, in, on, through, over, under, and across the following
118 described property:

119
120 A PERPETUAL UTILITY EASEMENT BEING A PART OF A TRACT OF
121 LAND DESCRIBED IN BOOK 2016 AT PAGE 10042 IN THE CHRISTIAN
122 COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING A PART
123 OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST
124 QUARTER (NW1/4) OF SECTION 23, TOWNSHIP 27 NORTH, RANGE 22
125 WEST, CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL UTILITY
126 EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
127 BEGINNING AT AN EXISTING IRON PIN CAPPED "LS 2671" AT THE
128 SOUTHEAST CORNER OF SAID NW1/4 OF THE NW1/4; THENCE
129 N89°47'36"W, ALONG THE SOUTH LINE OF SAID NW1/4 OF THE
130 NW1/4, A DISTANCE OF 1289.78 FEET TO A POINT ON THE EAST
131 RIGHT-OF-WAY OF GREGG ROAD AS DESCRIBED IN BOOK 343 AT
132 PAGE 6595 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE;
133 THENCE N01°49'56"E, ALONG SAID EAST RIGHT-OF-WAY LINE OF
134 GREGG ROAD, A DISTANCE OF 172.93 FEET; THENCE S88°10'23"E,
135 LEAVING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 10.00
136 FEET; THENCE S01°49'56"W, A DISTANCE OF 152.63 FEET TO A
137 POINT 20.00 FEET NORTH OF THE SOUTH LINE OF SAID NW1/4 OF
138 THE NW1/4; THENCE S89°47'36"E, PARALLEL WITH THE SOUTH LINE

139 OF SAID NW1/4 OF THE NW1/4, A DISTANCE OF 1279.75 FEET TO A
140 POINT ON THE EAST LINE OF THE SOUTH ONE-HALF (S1/2) OF THE
141 SAID NW1/4 OF THE NW1/4; THENCE S01°43'55"W, ALONG SAID EAST
142 LINE OF SAID S1/2 OF THE NW1/4 OF THE NW1/4, A DISTANCE OF
143 20.01 FEET TO THE POINT OF BEGINNING. SAID PERPETUAL UTILITY
144 EASEMENT CONTAINS 27,323 SQUARE FEET (MORE OR LESS).
145

146 Together with the right, privilege, and authority to remove from said premises any
147 obstructions which interfere with the construction, maintenance, or operation of said
148 purposes and the right of ingress and egress to, from, and over the above-described real
149 estate for doing anything necessary or useful for the enjoyment of the interests sought,
150 and together with all rights, privileges, and appurtenances which may be required for full
151 enjoyment of the rights sought.
152

153 The property owner(s) their tenants, heirs, successors, and assigns shall have the right
154 to use and enjoy the property fully, except for the rights and privileges sought by the City,
155 provided however that no building, structure, or improvement shall be erected or placed
156 upon said easement, nor shall the terrain be altered without the prior written consent of
157 City.
158

159 AND ALSO,
160

161 A temporary construction easement, which shall expire upon the completion of the
162 construction of the West Regional Collection System improvements, for the purpose of
163 constructing public utility improvements related to the West Regional Collection System
164 or such other purposes as deemed necessary by City, in, on, through, over, under, and
165 across the following described property:
166

167 A TEMPORARY CONSTRUCTION EASEMENT, BEING A PART OF A
168 TRACT OF LAND DESCRIBED IN BOOK 2016 AT PAGE 10042 IN THE
169 CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND
170 BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE
171 NORTHWEST QUARTER (NW1/4) OF SECTION 23, TOWNSHIP 27
172 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI. SAID
173 TEMPORARY CONSTRUCTION EASEMENT BEING MORE
174 PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN
175 EXISTING IRON PIN CAPPED "LS 2671" AT THE SOUTHWEST CORNER
176 OF SAID NW1/4 OF THE NW1/4; THENCE N01°43'55"E ALONG THE
177 EAST LINE OF THE SOUTH ONE-HALF (S1/2) OF THE SAID NW1/4 OF
178 THE NW1/4, A DISTANCE OF 20.01 FEET FOR A POINT OF BEGINNING;
179 THENCE N8947'36"W, PARALLEL TO THE SOUTH LINE OF THE SAID
180 NW1/4 OF THE NW1/4, A DISTANCE OF 1279.75 FEET; THENCE
181 N01°49'56"E, A DISTANCE OF 152.63 FEET; THENCE N88°10'23"W, A
182 DISTANCE OF 10.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY
183 LINE OF GREGG ROAD AS DESCRIBED IN BOOK 343 AT PAGE 6595
184 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE

185 N01°49'56"E, ALONG SAID EAST RIGHT-OF-WAY LINE OF GREGG
186 ROAD, A DISTANCE OF 15.00 FEET; THENCE S88°10'23"E, LEAVING
187 SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET;
188 THENCE S01°49'56"W, A DISTANCE OF 50.00 FEET; THENCE
189 N88°10'23"W, A DISTANCE OF 20.00 FEET; THENCE S01°49'56"W, A
190 DISTANCE OF 87.34 FEET TO A POINT 50.00 FEET NORTH OF THE
191 SOUTH LINE OF THE SAID NW1/4 OF THE NW1/4; THENCE
192 S89°47'36"E, PARALLEL WITH THE SOUTH LINE OF SAID NW1/4 OF
193 THE NW1/4, A DISTANCE OF 1269.69 FEET TO A POINT ON THE EAST
194 LINE OF THE SAID S1/2 OF THE NW1/4 OF THE NW1/4; THENCE
195 S01°43'55"W, ALONG SAID EAST LINE, A DISTANCE OF 30.01 FEET TO
196 THE POINT OF BEGINNING. SAID TEMPORARY CONSTRUCTION
197 EASEMENT CONTAINS 40,916 SQUARE FEET (MORE OR LESS).
198

199 Together with the right, privilege, and authority to remove from said premises any
200 obstructions which interfere with the construction, maintenance, or operation of said
201 purposes and the right of ingress and egress to, from, and over the above-described real
202 estate for doing anything necessary or useful for the enjoyment of the interests sought,
203 and together with all rights, privileges, and appurtenances which may be required for full
204 enjoyment of the rights sought.

205
206 The property owner(s) their tenants, heirs, successors, and assigns shall have the right
207 to use and enjoy the property fully, except for the rights and privileges sought by the City,
208 provided however that no building, structure, or improvement shall be erected or placed
209 upon said easement, nor shall the terrain be altered without the prior written consent of
210 City.

211
212 Tract 3 (Temporary Construction Easement):

213
214 A temporary construction easement, which shall expire upon the completion of the
215 construction of the West Regional Collection System improvements, for the purpose of
216 constructing public utility improvements related to the West Regional Collection System
217 or such other purposes as deemed necessary by City, in, on, through, over, under, and
218 across the following described property:

219
220 A TEMPORARY CONSTRUCTION EASEMENT, BEING A PART OF LOT
221 95 IN JACK'S PLACE PHASE THREE, A SUBDIVISION IN THE CITY OF
222 NIXA, CHRISTIAN COUNTY, MISSOURI ACCORDING TO THE
223 RECORDED PLAT FILED FOR RECORD IN PLAT BOOK H AT PAGE 428
224 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE. SAID
225 TEMPORARY CONSTRUCTION EASEMENT BEING MORE
226 PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF THE WEST 15.00
227 FEET OF THE NORTH 35.00 FEET OF LOT 95 IN JACK'S PLACE PHASE
228 THREE, EXCEPT THE NORTH 15.00 FEET THEREOF. SAID
229 TEMPORARY CONSTRUCTION EASEMENT CONTAINS 315 SQUARE
230 FEET (MORE OR LESS).

231
232 Together with the right, privilege, and authority to remove from said premises any
233 obstructions which interfere with the construction, maintenance, or operation of said
234 purposes and the right of ingress and egress to, from, and over the above-described real
235 estate for doing anything necessary or useful for the enjoyment of the interests sought,
236 and together with all rights, privileges, and appurtenances which may be required for full
237 enjoyment of the rights sought.

238
239 The property owner(s) their tenants, heirs, successors, and assigns shall have the right
240 to use and enjoy the property fully, except for the rights and privileges sought by the City,
241 provided however that no building, structure, or improvement shall be erected or placed
242 upon said easement, nor shall the terrain be altered without the prior written consent of
243 City.

244
245 Tract 4 (Perpetual Utility Easement & Temporary Construction Easement):

246
247 A perpetual utility easement, for the purpose of constructing and maintaining sanitary
248 sewer lines, water lines, water meters, electric lines, and other public utility improvements
249 as deemed necessary by the City, in, on, through, over, under, and across the following
250 described property:

251
252 A PERPETUAL UTILITY EASEMENT BEING A PART OF A TRACT OF
253 LAND DESCRIBED IN BOOK 2017 AT PAGE 2960 IN THE CHRISTIAN
254 COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND BEING ALL OF
255 THE NORTHEAST QUARTER (NW1/4) OF THE NORTHWEST QUARTER
256 (NW1/4) OF SECTION 23, TOWNSHIP 27 NORTH, RANGE 22 WEST,
257 CHRISTIAN COUNTY, MISSOURI. SAID PERPETUAL UTILITY
258 EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
259 BEGINNING AT AN EXISTING IRON PIN CAPPED "LS 2671" AT THE
260 SOUTHWEST CORNER OF SAID NE1/4 OF THE NW1/4; THENCE
261 N01°43'55"E ALONG THE EAST LINE OF THE SOUTH ONE-HALF (S1/2)
262 OF THE NORTHWEST QUARTER (NW1/4) OF THE SAID NW1/4, A
263 DISTANCE OF 20.01 FEET; THENCE S89°47'25"E, LEAVING SAID EAST
264 LINE AND PARALLEL WITH THE SOUTH LINE OF SAID NE1/4 OF THE
265 NW1/4, A DISTANCE OF 105.37 FEET TO A POINT ON THE WEST LINE
266 OF AN EXISTING SANITARY SEWER EASEMENT DESCRIBED IN
267 BOOK 332 AT PAGE 7614 IN THE CHRISTIAN COUNTY RECORDER'S
268 OFFICE; THENCE S34°11'14"E, ALONG THE WEST LINE OF SAID
269 SANITARY SEWER EASEMENT, A DISTANCE OF 24.24 FEET TO A
270 POINT ON THE SOUTH LINE OF SAID NE1/4 OF THE NW1/4; THENCE
271 N89°47'25""W, ALONG THE SOUTH LINE OF SAID NE1/4 OF THE
272 NW1/4, A DISTANCE OF 119.60 FEET TO THE POINT OF BEGINNING.
273 SAID PERPETUAL UTILITY EASEMENT CONTAINS 2,250 SQUARE
274 FEET (MORE OR LESS).

275

276 Together with the right, privilege, and authority to remove from said premises any
277 obstructions which interfere with the construction, maintenance, or operation of said
278 purposes and the right of ingress and egress to, from, and over the above-described real
279 estate for doing anything necessary or useful for the enjoyment of the interests sought,
280 and together with all rights, privileges, and appurtenances which may be required for full
281 enjoyment of the rights sought.

282
283 The property owner(s) their tenants, heirs, successors, and assigns shall have the right
284 to use and enjoy the property fully, except for the rights and privileges sought by the City,
285 provided however that no building, structure, or improvement shall be erected or placed
286 upon said easement, nor shall the terrain be altered without the prior written consent of
287 City. The use of the property shall always be subject to such acts and uses by the City as
288 may be necessary for the purposes herein set forth.

289
290 AND ALSO,

291
292 A temporary construction easement, which shall expire upon the completion of the
293 construction of the West Regional Collection System improvements, for the purpose of
294 constructing public utility improvements or such other purposes as deemed necessary by
295 City, in, on, through, over, under, and across the following described property:

296
297 A TEMPORARY CONSTRUCTION EASEMENT, BEING A PART OF A
298 TRACT OF LAND DESCRIBED IN BOOK 2017 AT PAGE 2960 IN THE
299 CHRISTIAN COUNTY RECORDER'S OFFICE. SAID TRACT OF LAND
300 BEING ALL OF THE NORTHEAST QUARTER (NE1/4) OF THE
301 NORTHWEST QUARTER (NW1/4) OF SECTION 23, TOWNSHIP 27
302 NORTH, RANGE 22 WEST, CHRISTIAN COUNTY, MISSOURI. SAID
303 TEMPORARY CONSTRUCTION EASEMENT BEING MORE
304 PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN
305 EXISTING IRON PIN CAPPED "LS 2671" AT THE SOUTHWEST CORNER
306 OF SAID NE1/4 OF THE NW1/4; THENCE N01°43'55"E ALONG THE
307 EAST LINE OF THE SOUTH ONE-HALF (S1/2) OF THE NORTHWEST
308 QUARTER (NW1/4) OF THE SAID NW1/4, A DISTANCE OF 20.01 FEET
309 FOR A POINT OF BEGINNING; THENCE CONTINUING N01°43'55"E,
310 ALONG SAID EAST LINE, A DISTANCE OF 30.01 FEET; THENCE
311 S89°47'25"E, LEAVING SAID EAST LINE AND PARALLEL WITH THE
312 SOUTH LINE OF SAID NE1/4 OF THE NW1/4, A DISTANCE OF 84.04
313 FEET TO A POINT ON THE WEST LINE OF AN EXISTING SANITARY
314 SEWER EASEMENT DESCRIBED IN BOOK 332 AT PAGE 7614 IN THE
315 CHRISTIAN COUNTY RECORDER'S OFFICE; THENCE S34°11'14"E,
316 ALONG THE WEST LINE OF SAID SANITARY SEWER EASEMENT, A
317 DISTANCE OF 36.36 FEET; THENCE N89°47'25"W, LEAVING SAID
318 WEST LINE, A DISTANCE OF 105.37 FEET TO THE POINT OF
319 BEGINNING. SAID TEMPORARY CONSTRUCTION EASEMENT
320 CONTAINS 2,841 SQUARE FEET (MORE OR LESS).

321

322 Together with the right, privilege, and authority to remove from said premises any
323 obstructions which interfere with the construction, maintenance, or operation of said
324 purposes and the right of ingress and egress to, from, and over the above-described real
325 estate for doing anything necessary or useful for the enjoyment of the interests sought,
326 and together with all rights, privileges, and appurtenances which may be required for full
327 enjoyment of the rights sought.

328
329 The property owner(s) their tenants, heirs, successors, and assigns shall have the right
330 to use and enjoy the property fully, except for the rights and privileges sought by the City,
331 provided however that no building, structure, or improvement shall be erected or placed
332 upon said easement, nor shall the terrain be altered without the prior written consent of
333 City.

334
335 **SECTION 2:** The City Council hereby finds and declares that the property interests
336 sought to be condemned and the improvements to be made once said property interests
337 are acquired serve legitimate public purposes for the reasons that the proposed
338 improvements, once completed, will:

339
340 a) Address current hydraulic capacity deficiencies at the Oakmont Lift Station
341 which currently result in overflows during heavy rainfall;

342
343 b) Relieve the strain on the existing Oakmont Lift Station to prevent future
344 environmental hazards and violations associated with sewage overflows;

345
346 c) Allow for the expansion of the collection system to accommodate future
347 residential and commercial growth in the west and southwest areas of the City,
348 which is currently halted due to the moratorium on new connections; and

349
350 d) Ensure the efficient and sanitary disposal of wastewater in accordance with the
351 City's Wastewater Masterplan and state regulations.

352
353 **SECTION 3:** The City Attorney, or designee, is hereby authorized to proceed with
354 condemnation proceedings against the properties described herein. The Officers of the
355 City are further authorized to exercise all powers necessary or convenient to carry out the
356 terms and intent of this Ordinance.

357
358 **SECTION 4:** This Ordinance shall be in full force and effect from and after its final
359 passage by the City Council and after its approval by the Mayor, subject to the provisions
360 of section 3.11(g) of the City Charter.

361
362 [Remainder of page intentionally left blank. Signature page follows.]

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