

## RE: First Reading Council Bill 2026-12

### To Acquire an easement on Leann Drive in West Nixa

#### Background:

City staff has been working to obtain an easement necessary to provide power needed for the Police Station facility currently under construction. The easement in question is located on the 20-acre parcel directly north of the new facility. The proposed easement will allow the Electric Dept. to extend an existing feeder located on the 20-acre parcel to serve the Police Station with necessary power. This extension will also have the added bonus of connecting to the existing electric infrastructure along Leanne Dr. providing a dual feed to increase reliability for this part of town by providing the ability to back feed the area during a power outage.

Passage of this council bill will authorize staff to pursue condemnation litigation to acquire the easement which will accommodate the future growth of West Nixa.

#### Analysis:

Acquiring an easement requires staff to work within policies and procedures laid out by the city as well as Chapter 523 of the Revised Statutes of Missouri. Working within these parameters, staff has attempted to negotiate in good faith with the affected property owners. In this case, the property in question is in a trust with 3 individuals as trustees. We have been successful in reaching an agreement with two of the three trustees but unfortunately have been unable to gain an audience with the third trustee. All attempts to have a discussion have failed, with an unwillingness to communicate we are unable to successfully negotiate for the needed easement.

Staff enlisted the services of a Missouri licensed appraiser, National Valuation Services of Springfield, Inc. to determine the value for the easement needed for the project. As indicated above, staff has negotiated in good faith with two of the three owners of the parcel but have been unable to get a response from the third. With an inability to make contact, staff is in the unfortunate situation of needing authorization to pursue condemnation.

#### Recommendation:

Staff recommends passage of the ordinance authorization the city to pursue condemnation for the needed easement.

MEMO SUBMITTED BY:

**Travis Cossey** | Director Nixa Utilities and Public Works

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1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA DECLARING THE  
2 NECESSITY OF ACQUIRING BY CONDEMNATION A CERTAIN PERPETUAL  
3 UTILITY EASEMENT FOR PROVIDING A LOOP FEED TO ACCOMMODATE FUTURE  
4 GROWTH IN WEST NIXA; AND AUTHORIZING THE CITY ATTORNEY AND OTHER  
5 CITY OFFICIALS TO TAKE ALL NECESSARY STEPS TO SECURE SUCH  
6 PROPERTY RIGHTS.

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8 WHEREAS the City is in the process of designing electric infrastructure necessary  
9 to increase reliable power to its customers; and

10 WHEREAS the project is being constructed to provide a loop feed necessary to  
11 accommodate existing and planned future growth in west Nixa and to provide a back feed  
12 in case of an emergency; and

13 WHEREAS the City is in the process of building a new Police Station on Leann  
14 Drive and there is a need to extend utility service to the new facility; and

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16 WHEREAS in order to extend utility service and to accommodate for future growth,  
17 the City will need to acquire a perpetual utility easement; and

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19 WHEREAS City Staff have engaged in extensive, good-faith negotiations with two  
20 of the owners of the affected property to acquire the necessary easement; and

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22 WHEREAS through these negotiations, Staff successfully reached agreements  
23 with two of the three owners of the affected property; and

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25 WHEREAS despite these good-faith efforts, the City has been unable to reach an  
26 agreement with all owners of the affected property as there has been no responsive  
27 communication from the third owner; and

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29 WHEREAS the acquisition of this easement is necessary for the public purpose of  
30 increasing reliable power to accommodate future growth in west Nixa and to extend utility  
31 service the new Police Station; and

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33 WHEREAS the City Council desires to move the project forward to protect the  
34 public health, safety, and welfare by authorizing the use of condemnation to acquire the  
35 remaining necessary easement.

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37 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
38 NIXA, AS FOLLOWS, THAT:

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40 SECTION 1: The City Council hereby declares it necessary to condemn the  
41 property interest described below for the purpose of increasing reliable power to  
42 accommodate growth in west Nixa and to provide a back feed for emergencies:

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44 Tract 1 (Perpetual Utility Easement):

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

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50 A 15.00 FOOT PERPETUAL UTILITY EASEMENT LYING IN PART OF THE  
51 NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15,  
52 TOWNSHIP 27 NORTH, RANGE 22 WEST IN CHRISTIAN COUNTY MISSOURI AND  
53 BEING PART OF A TRACT OF LAND DESCRIBED IN BOOK 371, PAGE 7681 OF THE  
54 CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE AND SAID EASEMENT  
55 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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57 COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF  
58 THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 27 NORTH, RANGE 22  
59 WEST THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE  
60 NORTHEAST QUARTER NORTH 88°21'01" WEST, 25.00 FEET TO A POINT ON THE  
61 WEST LINE OF AN EXISTING ELECTRIC EASEMENT AS RECORDED IN BOOK 312,  
62 PAGE 7354 OF SAID CHRISTIAN COUNTY RECORDER'S OFFICE AND SAID POINT  
63 BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH  
64 LINE NORTH 88°21'01" WEST, 15.00 FEET; THENCE LEAVING SAID SOUTH LINE  
65 NORTH 01°48'05" EAST, 280.00 FEET; THENCE SOUTH 88°21'01" EAST, 15.00 FEET  
66 TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED EXISTING ELECTRIC  
67 EASEMENT; THENCE ALONG SAID WEST LINE SOUTH 01°48'05" WEST, 280.00  
68 FEET TO THE POINT OF BEGINNING. CONTAINING 4,200 SQUARE FEET (0.10  
69 ACRES). ALL LYING IN SECTION 15, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN  
70 CHRISTIAN COUNTY, MISSOURI.

71  
72 Together with the right, privilege, and authority to remove from said premises any  
73 obstructions which interfere with the construction, maintenance, or operation of said  
74 purposes and the right of ingress and egress to, from, and over the above-described real  
75 estate for doing anything necessary or useful for the enjoyment of the easement interest  
76 and together with all rights, privileges, and appurtenances which may be required for full  
77 enjoyment of the easement interests, including, without limitation, the right, privilege, and  
78 authority of the City to excavate, place, bury, construct, operate, patrol, inspect, repair,  
79 maintain, relocate, and replace on, in, through or under the property described above,  
80 utilities involving electric distribution facilities, which may include, but are not limited to,  
81 poles, structures, crossarms, guys, anchors, wires, cables, conduits, junction boxes,  
82 markers, and other components or appurtenances.

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

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

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96 **SECTION 2:** The City Council hereby finds and declares that the property interest  
97 sought to be condemned and the improvements to be made once said property interest  
98 is acquired serves a legitimate public purpose for the reasons that the proposed  
99 improvements, once completed, will accommodate future growth and will provide a back  
100 feed in case of emergencies.

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102 **SECTION 3:** The City Attorney, or designee, is hereby authorized to proceed with  
103 condemnation proceedings against the property described herein. The Officers of the City  
104 are further authorized to exercise all powers necessary or convenient to carry out the  
105 terms and intent of this Ordinance.

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

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111 **[Remainder of page intentionally left blank. Signature page follows.]**

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136 **ADOPTED BY THE COUNCIL THIS 26<sup>th</sup> DAY OF MAY, 2026.**

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PRESIDING OFFICER

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144 **APPROVED BY THE MAYOR THIS 26<sup>th</sup> DAY OF MAY, 2026.**

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MAYOR

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152 APPROVED AS TO FORM:

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INTERIM CITY ATTORNEY

ATTEST:

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CITY CLERK

ATTEST:

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CITY CLERK