

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending Chapter 50 of the Jackson County Code, 1984, relating to the allowance of easements through Jackson County Parks, with a penalty provision by enacting six (6) new sections to be known as Sections 5099., 5099.1, 5099.2, 5099.3, 5099.4 and 5099.5.

ORDINANCE # 3710, November 7, 2005

INTRODUCED BY Fred Arbanas, County Legislator

WHEREAS, the Director of Parks and Recreation recommends the development of an easement policy that will allow the County to cooperate in providing for essential public needs while protecting the irreplaceable natural resources that lie within the park boundaries regulated by the County; and,

WHEREAS, such regulation is in the best interest of the health, welfare, and safety of the citizens of Jackson County; and,

WHEREAS, it is in the best interest of the County to update and improve the procedures and requirements which govern the easement requests on park land in Jackson County; and, therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Section 5099., Jackson County Code , is hereby enacted, consisting of six (6) new sections to be known as Sections 5099., 5099.1, 5099.2, 5099.3, 5099.4, and 5099.5 to read as follows:

5099. General.

An easement through Jackson County Park real property will be granted only if it is impossible for the applicant to secure an easement on non-county owned real property to accomplish the same goal. All possible alternatives to a park land easement must be explored and proven by the applicant to the satisfaction of the Director or his designee to be impossible before the Department will enter into the process of considering an easement request.

Nothing in this policy prohibits any applicant from applying and securing a permit from the Jackson County's Public Works Department to utilize the road right of way for its intended purposes pursuant to county codes.

5099.1 Easements Requests.

No easement or construction for purposes of establishing an easement is allowed on Jackson County park lands without prior request and approval. All easement requests shall be in writing and submitted to the Director of the Parks and Recreation Department or his designee.

Each easement request shall identify the applicant, whether individual, corporate or other business entity, for profit or non-profit and shall also include the following: a letter of request including a statement of the alternatives explored and an explanation of feasibility; a map of the proposed site for construction of the easement; aerial photography of the area; plan sheet; profiles; size of easements; and legal description for the purpose of assessing each request.

The Director or his designee may request the applicant to provide (at applicant's cost) an environmental impact assessment. This assessment will provide information as to the impact of the easement on the natural environment and consideration of future uses of the park land. An independent consultant, approved in advance by the Director or his designee, must provide the impact assessment. A written summary will be provided to the Director to assist in making the decision of recommending the easement request for approval.

5099.2 Types of Easements Allowed.

Easements of any type through park land will be granted as follows:

Underground utilities will be allowed on park land within a thirty (30) feet wide corridor immediately adjacent to real property boundaries, if the laying of that line does not conflict with any current or future planned use of the park land. Any utility lines installed in park lands shall be moved by and at the expense of the utility company should it conflict with future park development. Utility companies will not have exclusive use of the established thirty (30) feet corridor on park land. This space will be shared by all approved underground utilities.

5099.3 Fee Structure.

Fees shall not be waived. Approved applications are assessed the following fees:

<u>Administrative fees</u>	<u>\$2,000.00</u>
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Permanent easement fee (other than governmental entities) Administrative fees plus \$0.40 per square foot

Permanent easement fee for governmental entities Administrative fees plus \$0.20 per square foot

Tree replacement fee Specific to easement site

Temporary Construction Easement Administrative & tree replacement fees.

For overhead utilities, the fee shall be based on 60% of property fair market value or \$0.40 per square foot, which ever is higher.

5099.4 Approval of Easements.

Upon review and approval of an easement request the Director of Parks and Recreation Department shall forward to the Jackson County Counselor all easement documents for review as to legality and form prior to recommending the approval of the easement to the Jackson County Legislature.

5099.5 Penalty Provision.

A violation of Sections 5099 through 5099.4 is punishable pursuant to § 5093., Jackson County Code, 1984.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:

Wm G Snyder
Acting Chief Deputy County Counselor

Edna L. ...
County Counselor

I hereby certify that the attached Ordinance, Ordinance # 0710 introduced on November 7, 2005, was duly passed on November 21, 2005 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for her signature.

11.22.05
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 0710.

11-23-05
Date

Katheryn J. Shields
Katheryn J. Shields, County Executive