

ORDINANCE NO. _____

Sponsor: Director of Public Works

Authorizing condemnation and taking of private property interests for public use for Street Right Of Way, Stormwater Drainage, and Temporary Construction Easement purposes, for the construction, location and maintenance of the "N Topping Ave Improvements", Project No. 89060772, in Kansas City, Clay County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Director of the Department of Public Works; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

WHEREAS the Council finds that the property interests herein described must be condemned for public use for the "N Topping Ave Improvements" project, and associated improved intersections, drive approaches, and infrastructure in Kansas City, Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY, MISSOURI:

Section 1. That the property interests herein described are hereby authorized condemned and taken for public use in and upon the land hereinafter described for Project No. 89060772, "N Topping Ave Improvements", including any necessary structures or appurtenances, all in Kansas City, Clay County, Missouri.

Section 2. Said improvements shall be of the nature described and specified in, and shall be done in accordance with, the plans and specifications certified under the supervision of the Director of the Department of Public Works, the same being on file in the Office of the Director of the Department of Public Works and being incorporated herein by reference.

Section 3. That the properties obtained by condemnation shall be used by the City of Kansas City, Missouri as street right of way, storm drainage easements, and temporary construction easements for the location of improvements and utilities to be constructed therein including any necessary appurtenances to it; and Kansas City or its authorized agents, employees or independent contractors, and with Kansas City, Missouri's permission, utility companies franchised to operate in Kansas City, Missouri and their authorized agents, employees or independent contractors shall have the right to enter in or authorize the entry in and upon said properties for the purpose of constructing, reconstructing, maintaining, operating and repairing the following said improvements and utilities:

Street Right-of-Way

The Street Right of Way shall be taken and used by Kansas City, Missouri for the location, construction and maintenance of N Topping Ave and associated improved intersections, drive approaches, and other infrastructure to be constructed therein, including any necessary appurtenances thereto; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said right of way for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto. Furthermore, with Kansas City's permission, utility companies franchised to operate in Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said right of way to locate, construct, reconstruct, operate, repair and maintain their facilities and infrastructure including,

but not limited to, water, gas, electricity, sewerage, telephone, cable TV, storm drainage, underground conduits, pad mounted transformers, service pedestals, poles, pipes, ducts and wires.

Permanent Drainage Easement

The Permanent Drainage Easements shall be used by the City of Kansas City, Missouri for the location, construction and maintenance of storm drainage systems and associated improved infrastructure to be constructed therein, including any necessary appurtenances thereto for the purpose of managing storm water runoff; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said Permanent Drainage Easement for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

By the condemning of private property for this easement, it shall not be construed to prohibit the landowner of said condemned property from the safe and unrestricted use of the land adjacent to said Permanent Drainage Easement; provided, however, said easement shall be kept free from any structure or obstruction as would interfere with the proper, safe and continuous operation and maintenance of said drainage facilities and specifically shall not build thereon or there over any structure which may interfere with the operation, maintenance and use thereof.

Temporary Construction Easement

The Temporary Construction Easements shall be used by the City of Kansas City, Missouri or its authorized agents, servants, employees, or independent contractors, during the construction of said project, for grading and sloping, removal of trees and shrubbery, removal and replacement of fencing, sidewalks and driveways, utility construction work, the storage of materials, the operation of equipment, and the movement of a working force.

The City of Kansas City, Missouri shall cause the surface of lands lying within said Temporary Construction Easements to be restored to substantially the same physical condition that existed at the time the City or its agents entered upon it, and said temporary construction easement shall terminate five (5) years from the date this document is recorded by the Recorder of Deeds in the county in which the lands are located, or upon completion and acceptance of the improvements by the Director of Department of Public Works.

Section 4. That said property interests are hereby authorized condemned and taken for public use and are described as follows:

Tract No. 5

Temporary Construction Easement:

A strip of land over part of LOT 66, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

COMMENCING at the Northeast corner of said LOT 66, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 42.09 feet to the POINT OF BEGINNING; thence continuing South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 157.72 feet; thence North 89 Degrees 35 Minutes

19 Seconds West, departing said West right-of-way line, and on the South line of said lot, a distance of 16.60 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, departing said South lot line, a distance of 157.77 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 16.60 feet to the POINT OF BEGINNING, containing 2,618.3 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 6

Temporary Construction Easement:

A strip of land over a part of LOT 65, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

COMMENCING at the Northeast corner of said LOT 65, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 32.28 feet to the POINT OF BEGINNING; thence continuing South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 17.67 feet; thence North 89 Degrees 35 Minutes 19 Seconds West, departing said West right-of-way line, a distance of 6.53 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, a distance of 17.69 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 6.53 feet to the POINT OF BEGINNING, containing 115.5 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 7

Temporary Construction Easement:

A strip of land over part of LOT 65, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

COMMENCING at the Southeast corner of said LOT 65, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence North 00 Degrees 39 Minutes 41 Seconds East, along said West right of way line, a distance of 27.62 feet, to the POINT OF BEGINNING; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right-of-way line, a distance of 6.53 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, a distance of 22.31 feet; thence South 89 Degrees 35 Minutes 19 Seconds East, a distance of 6.53 feet, to a point on said West right of way line; thence South 00 Degrees 39 Minutes 41 Seconds West, a distance of 22.33 feet to the POINT OF BEGINNING, containing 145.8 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 8

Temporary Construction Easement:

A strip of land over part of LOT 63, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

Temporary Construction Easement No. 1:

BEGINNING at the Northeast corner of said LOT 63, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 47.47 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right-of-way line, a distance of 11.37 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, a distance of 47.43 feet, to a point on the North line of said lot; thence South 89 Degrees 35 Minutes 19 Seconds East, along said North lot line, a distance of 11.37 feet to the POINT OF BEGINNING, containing 539.5 square feet, more or less.

AND ALSO,

Temporary Construction Easement No. 2:

COMMENCING at the Northeast corner of said LOT 63, corner being on the Westerly right of way line of NORTH TOPPING AVENUE, thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 77.47 feet to the POINT OF BEGINNING; thence South 00 Degrees 39 Minutes 41 Seconds West, continuing along said West right of way line, a distance of 15.43 feet; thence North 89 Degrees 35 Minutes 19 Seconds West, departing said West right of way line, a distance of 31.29 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, a distance of 15.54 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 31.29 feet to the POINT OF BEGINNING, containing 484.5 square feet, more or less.
Travis Biddinger - Mo PLS 2009016944

Tract No. 11

Temporary Construction Easement:

A strip of land over part of LOT 60, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

COMMENCING at the Northeast corner of said LOT 60, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 7.76 feet to the POINT OF BEGINNING; thence continuing South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 40.00 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right-of-way line, a distance of 11.09 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, a distance of 40.00 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 11.09 feet to the POINT OF BEGINNING, containing 443.7 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 12

Temporary Construction Easement:

A strip of land over part of LOT 1, MIXON HILLS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northwest corner of said LOT 1, corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence South 89 Degrees 30 Minutes 16 Seconds East, departing said East right of way line and along the North line of said LOT 1, a distance of 13.87 feet; thence South 00 Degrees 39 Minutes 41 Seconds West, departing said North lot line and parallel with said East right of way line, a distance of 12.90 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 17.02 feet; thence South 00 Degrees 36 Minutes 31 Seconds West, a distance of 27.00 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, a distance of 16.60 feet; thence South 00 Degrees 36 Minutes 31 Seconds West, 18.83 feet to a point on the South line of said LOT 1; thence North 89 Degrees 32 Minutes 13 Seconds West, along said South lot line, a distance of 14.34 feet, to the Southwest corner of said LOT 1, corner being on said East right of way line of NORTH TOPPING AVENUE; thence North 00 Degrees 39 Minutes 41 Seconds East, along said East right of way line, a distance of 58.74 feet to the POINT OF BEGINNING, containing 1,283.5 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 13

Temporary Construction Easement:

A strip of land over part of LOT 2, MIXON HILLS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

Temporary Construction Easement No. 1:

BEGINNING at the Northwest corner of said LOT 2, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established, thence South 89 Degrees 20 Minutes 21 Seconds East, departing said East right of way line and along the North line of said LOT 2, a distance of 18.93 feet; thence South 00 Degrees 39 Minutes 41 Seconds West, departing said North line, a distance of 0.07 feet; thence South 65 Degrees 11 Minutes 07 Seconds West, a distance of 20.96 feet, to a point on said East right of way line of said NORTH TOPPING AVENUE; thence North 00 Degrees 39 Minutes 41 Seconds East, along said East right of way line, a distance of 9.02 feet to the POINT OF BEGINNING, containing 85.3 square feet, more or less.

AND ALSO,

Temporary Construction Easement No. 2:

COMMENCING at the Northwest corner of said LOT 2, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established, thence South 00 Degrees 39 Minutes 41 Seconds West, along said East right of way line, a distance of 19.02 feet to the POINT OF BEGINNING; thence South 89 Degrees 23 Minutes 29 Seconds East, departing said East right of way line, a distance of 3.98 feet; thence South 00 Degrees 39 Minutes 41 Seconds West, parallel with said East right of way line, a distance of 35.00 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, a distance of 3.98 feet to a point on said East right of way line of said NORTH TOPPING AVENUE; thence North 00 Degrees 39 Minutes 41 Seconds East, along said East right of way line, a distance of 35.00 feet to the POINT OF BEGINNING, containing 139.3 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 15

Temporary Construction Easement:

A strip of land over part of LOT 4, MIXON HILLS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northwest corner of said LOT 4, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence South 89 Degrees 32 Minutes 13 Seconds East, departing said East right of way line and along the North line of said LOT 4, a distance of 19.08 feet; thence South 00 Degrees 39 Minutes 41 Seconds West, departing said North lot line and parallel with said East right of way line, a distance of 44.07 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, a distance of 14.99 feet; thence South 00 Degrees 39 Minutes 41 Seconds West, parallel with said East right of way line, a distance of 15.97 feet, to a point on the South line of said LOT 4; thence North 89 Degrees 32 Minutes 13 Seconds West, along said South lot line, a distance of 4.09 feet, to the Southwest corner of said LOT 4, said corner being on said East right of way line of said NORTH TOPPING AVENUE; thence North 00 Degrees 39 Minutes 41 Seconds East, along said East right of way line, a distance of 60.00 feet to the POINT OF BEGINNING, containing 905.7 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 16

Temporary Construction Easement:

A strip of land over part of LOT 59, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southeast corner of said LOT 59, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence North 89 Degrees 35 Minutes 19 Seconds West, departing said West right-of-way line and on the South line of said lot, a distance of 15.90 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, departing said South lot line, a distance of 47.11 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 15.90 feet to said West right-of-way line; thence South 00 Degrees 39 Minutes 41 Seconds West, on said West right-of-way line, a distance of 47.05 feet to the POINT OF BEGINNING, containing 748.3 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 17

Temporary Construction Easement:

A strip of land over part of LOT 58, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northeast corner of said LOT 58, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 62.95 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right-of-way line, a distance of 15.90

feet; thence North 00 Degrees 39 Minutes 41 Seconds East, a distance of 62.89 feet, to a point on the North line of said lot; thence South 89 Degrees 35 Minutes 19 Seconds East, along said North lot line, a distance of 15.90 feet to the POINT OF BEGINNING, containing 1,002.0 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 18

Temporary Construction Easement:

A strip of land over part of LOT 57, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

COMMENCING at the Northeast corner of said LOT 57, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 23.04 feet to the POINT OF BEGINNING; thence continuing South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 50.00 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right-of-way line, a distance of 20.79 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, parallel with said West right of way line, a distance of 50.00 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 20.79 feet to the POINT OF BEGINNING, containing 1,039.5 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 21

Temporary Construction Easement:

Strips of land over part of LOT 54, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strips being more particularly described as follows:

Temporary Construction Easement No. 1:

BEGINNING at the Northeast corner of said LOT 54, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 43.22 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right of way line, a distance of 15.51 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, parallel with said West right of way line, a distance of 43.24 feet, to a point on the North line of said LOT 54; thence South 89 Degrees 18 Minutes 04 Seconds East, along said North lot line, a distance of 15.51 feet to the POINT OF BEGINNING, containing 670.5 square feet, more or less.

AND ALSO,

Temporary Construction Easement No. 2:

BEGINNING at the Southeast corner of said LOT 54, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence North 89 Degrees 18 Minutes 04 Seconds West, departing said West right of way line and on the South line of said LOT 54, a distance of 10.44 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, departing said

South lot line and parallel with said West right of way line, a distance of 9.67 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 10.44 feet, to a point on said West right of way line; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 9.69 feet to the POINT OF BEGINNING, containing 101.0 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 22

Temporary Construction Easement:

A strip of land over part of LOT 53, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northeast corner of said LOT 53, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 20.31 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right of way line, a distance of 10.44 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, a distance of 20.33 feet, to a point on the North line of said LOT 53; thence South 89 Degrees 18 Minutes 04 Seconds East, along said North lot line, a distance of 10.44 feet to the POINT OF BEGINNING, containing 212.2 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 23

Temporary Construction Easement:

A strip of land over part of LOT 52, WINNWOOD GARDENS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southeast corner of said LOT 52, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence North 89 Degrees 18 Minutes 04 Seconds West, departing said West right of way line and along the South line of said LOT 52, a distance of 25.77 feet; thence North 00 Degrees 39 Minutes 47 Seconds East, departing said South lot line, a distance of 31.55 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 25.76 feet, to a point on said West right of way line; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 31.59 feet to the POINT OF BEGINNING, containing 813.3 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 25

Temporary Construction Easement:

A strip of land over part of LOT 1, BLOCK 1, SEARCY VALLEY ESTATE-FIRST PLAT, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

COMMENCING at the Northeast corner of said LOT 1, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 13.79 feet to the POINT OF BEGINNING; thence continuing South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 30.00 feet; thence North 89 Degrees 23 Minutes 29 Seconds West, departing said West right of way line, a distance of 5.64 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, parallel with said West right of way line, a distance of 30.00 feet; thence South 89 Degrees 23 Minutes 29 Seconds East, a distance of 5.64 feet to the POINT OF BEGINNING, containing 169.2 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 26

Temporary Construction Easement:

A strip of land over part of LOT 2, BLOCK 1, SEARCY VALLEY ESTATE-FIRST PLAT, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southeast corner of said LOT 2, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence North 89 Degrees 21 Minutes 23 Seconds West, departing said West right of way line and along the South line of said LOT 2, a distance of 5.56 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, departing said lot line and parallel with said West right of way line, a distance of 12.91 feet; thence South 89 Degrees 22 Minutes 04 Seconds East, a distance of 5.56 feet, to a point on said West right of way line; thence South 00 Degrees 39 Minutes 41 Seconds West, along said West right of way line, a distance of 12.92 feet to the POINT OF BEGINNING, containing 71.8 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 28

Temporary Construction Easement:

A strip of land over part of LOT 43, MIXON HILLS, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southwest corner of said LOT 43, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence North 00 Degrees 39 Minutes 41 Seconds East, on said East right of way line and along the West line of said LOT 43, a distance of 35.98 feet; thence South 89 Degrees 32 Minutes 13 Seconds East, departing said East right of way line, a distance of 4.59 feet; thence South 00 Degrees 39 Minutes 41 Seconds West, a distance of 35.98 feet, to a point on the South line of said LOT 43; thence North 89 Degrees 32 Minutes 13 Seconds West, along said South lot line, a distance of 4.59 feet to the POINT OF BEGINNING, containing 165.1 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 29

Street Right-of-Way:

A strip of land over part of the Northwest Quarter of Section 4, Township 50 North, Range 32 West, in Kansas City, Clay County, Missouri, said strip being more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest quarter of said Section 4; thence South 89 Degrees 29 Minutes 33 Seconds East, a distance of 30.00 feet, to the Northwest corner of LOT 1, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri, according to the recorded plat thereof, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence South 89 Degrees 29 Minutes 33 Seconds East, along the North line of said LOT 1, a distance of 5.00 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, departing said North lot line and along said East right of way line, a distance of 84.56 feet to the POINT OF BEGINNING; thence continuing North 00 Degrees 39 Minutes 41 Seconds East, along said East right of way line, a distance of 465.56 feet to the Southwest corner of LOT 43, MIXON HILLS, a subdivision of land in Kansas City, Clay County, Missouri, according to the recorded plat thereof; thence South 89 Degrees 32 Minutes 13 Seconds East, along the South line of said LOT 43, a distance of 4.59 feet; thence South 00 Degrees 36 Minutes 31 Seconds West, departing said South lot line, a distance of 113.89 feet; thence South 00 Degrees 35 Minutes 38 Seconds West, a distance of 279.64 feet; thence South 04 Degrees 39 Minutes 00 Seconds West, a distance of 72.22 feet to the POINT OF BEGINNING, containing 22,668.7 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 29

Temporary Construction Easement:

A strip of land over part of the Northwest Quarter of Section 4, Township 50 North, Range 32 West, in Kansas City, Clay County, Missouri, said strip being more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest quarter of said Section 4; thence South 89 Degrees 29 Minutes 33 Seconds East, a distance of 30.00 feet, to the Northwest corner of LOT 1, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri, according to the record plat thereof, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence South 89 Degrees 29 Minutes 33 Seconds East, along the North line of said LOT 1, a distance of 5.00 feet; thence North 00 Degrees 39 Minutes 41 Seconds East, departing said North lot line and along said East right of way line, a distance of 29.43 feet to the POINT OF BEGINNING; thence continuing North 00 Degrees 39 Minutes 41 Seconds East, along said East right of way line, a distance of 520.69 feet to the Southwest corner of LOT 43, MIXON HILLS, a subdivision of land in Kansas City, Clay County, Missouri, according to the record plat thereof; thence South 89 Degrees 32 Minutes 13 Seconds East, along the South line of said LOT 43, a distance of 59.08 feet; thence South 02 Degrees 07 Minutes 27 Seconds East, departing said South lot line, a distance of 70.86 feet; thence South 88 Degrees 21 Minutes 58 Seconds West, a distance of 30.00 feet; thence South 01 Degrees 38 Minutes 02 Seconds East, a distance of 41.02 feet; thence South 00 Degrees 36 Minutes 31 Seconds West, a distance of 171.13 feet; thence South 89 Degrees 26 Minutes 08 Seconds East, a distance of 40.00 feet; thence South 00 Degrees 36 Minutes 31 Seconds West, a distance of 105.03 feet; thence South 56 Degrees 11 Minutes 55 Seconds West, a distance of 67.05 feet; thence South 04 Degrees 39 Minutes 53 Seconds West, a distance of 95.00 feet; thence North 85 Degrees 20 Minutes 09 Seconds West, a distance of 12.56 feet to the POINT OF

BEGINNING, containing 22,668.7 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 30

Temporary Construction Easement:

A strip of land over part of LOT 2, BLOCK 2, SEARCY VALLEY ESTATES-FIRST PLAT, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southeast corner of said LOT 2, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence North 89 Degrees 58 Minutes 44 Seconds West, departing said West right of way line and on the South line of said LOT 2, a distance of 15.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, departing said South lot line and parallel with said West right of way line, a distance of 41.04 feet; thence South 89 Degrees 23 Minutes 30 Seconds East, a distance of 15.00 feet, to a point on said West right of way line; thence South 00 Degrees 37 Minutes 38 Seconds West, along said West right of way line, a distance of 40.88 feet to the POINT OF BEGINNING, containing 614.5 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 31

Temporary Construction Easement:

A strip of land over part of LOT 3, BLOCK 2, SEARCY VALLEY ESTATE-FIRST PLAT, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northeast corner of said LOT 3, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 37 Minutes 38 Seconds West, along said West right of way line, a distance of 51.20 feet, to the Southeast corner of said LOT 3; thence North 89 Degrees 21 Minutes 23 Seconds West, departing said right of way line and on the South line of said LOT 3, a distance of 5.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, departing said South lot line and parallel with said West right of way line, a distance of 11.74 feet; thence North 89 Degrees 23 Minutes 30 Seconds West, a distance of 10.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, parallel with said West right of way line, a distance of 39.30 feet, to a point on the North line of said LOT 3; thence South 89 Degrees 58 Minutes 44 Seconds East, along said North lot line, a distance of 15.00 feet to the POINT OF BEGINNING, containing 649.4 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 33

Temporary Construction Easement:

A strip of land over part of LOT 33, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northeast corner of said LOT 33, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 37 Minutes 38 Seconds West, along the West right of way line of said NORTH TOPPING AVENUE, a distance of 8.24 feet; thence North 89 Degrees 22 Minutes 27 Seconds West, departing said West right of way line, a distance of 20.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, parallel with said West right of way line, a distance of 8.24 feet to a point on the North line of said LOT 33; thence South 89 Degrees 22 Minutes 27 Seconds East, along said North lot line, a distance of 20.00 feet to the POINT OF BEGINNING, containing 164.8 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 34

Temporary Construction Easement:

A strip of land over part of LOT 5, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southwest corner of said LOT 5, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence North 00 Degrees 37 Minutes 38 Seconds East, along said East right of way line, a distance of 50.00 feet, to the Northwest corner of said LOT 5; thence South 89 Degrees 29 Minutes 33 Seconds East, departing said East right of way line and along the North line of said LOT 5, a distance of 15.03 feet; thence South 00 Degrees 37 Minutes 38 Seconds West, departing said North lot line, a distance of 50.00 feet, to a point on the South line of said LOT 5; thence North 89 Degrees 29 Minutes 33 Seconds West, along said South lot line, a distance of 15.03 feet to the POINT OF BEGINNING, containing 751.5 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 36

Temporary Construction Easement:

A strip of land over part of LOT 7, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northwest corner of said LOT 7, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence South 89 Degrees 29 Minutes 33 Seconds East, along the North line of said LOT 7, a distance of 15.03 feet; thence South 00 Degrees 37 Minutes 38 Seconds West, departing said North lot line, a distance of 3.30 feet; thence North 89 Degrees 23 Minutes 30 Seconds West, a distance of 15.03 feet, to a point on said East right of way line; thence North 00 Degrees 37 Minutes 38 Seconds East, along said East right of way line, a distance of 3.28 feet to the POINT OF BEGINNING, containing 49.4 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 38

Temporary Construction Easement:

A strip of land over part of LOT 38, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northeast corner of said LOT 38, said corner being on the Westerly right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 37 Minutes 38 Seconds West, along said West right of way line, a distance of 49.99 feet, to the Southeast corner of said LOT 38; thence North 89 Degrees 22 Minutes 21 Seconds West, departing said West right of way line and on the South line of said LOT 38, a distance of 15.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, departing said South lot line and parallel with said West right of way line, a distance of 36.31 feet; thence South 89 Degrees 22 Minutes 21 Seconds East, a distance of 10.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, parallel with said West right of way line, a distance of 13.68 feet, to a point on the North line of said LOT 38; thence South 89 Degrees 22 Minutes 21 Seconds East, along said North lot line, a distance of 5.00 feet to the POINT OF BEGINNING, containing 613.1 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 39

Temporary Construction Easement:

A strip of land over part of LOT 39, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northeast corner of said LOT 39, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 37 Minutes 38 Seconds West, along said West right of way line, a distance of 50.00 feet, to the Southeast corner of said LOT 39; thence North 89 Degrees 22 Minutes 21 Seconds West, departing said West right of way line and on the South line of said LOT 39, a distance of 5.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, departing said South lot line and parallel with said West right of way line, a distance of 50.00 feet, to a point on the North line of said LOT 39; thence South 89 Degrees 22 Minutes 21 Seconds East, along said North lot line, a distance of 5.00 feet to the POINT OF BEGINNING, containing 250.0 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 40

Temporary Construction Easement:

A strip of land over part of the Southwest Quarter of Section 4, Township 50 North, Range 32 West, in Kansas City, Clay County, Missouri, more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of said Section 4; thence South 00 Degrees 37 Minutes 38 Seconds West, on the West line of said section, a distance of 640.98 feet; thence South 89 Degrees 34 Minutes 33 Seconds East, departing said West section line, a distance of 30.00 feet, to the Northwest corner of a tract of land as described in Book 6939 at Page 130, in the office of the Recorder of Deeds, Clay County, Missouri, said corner being on the East right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 37 Minutes 38 Seconds West, along said East right of way line, a distance of 17.34 feet, to the POINT OF BEGINNING; thence South 89 Degrees 23 Minutes 30 Seconds East, departing

said East right of way line, a distance of 5.16 feet; thence South 00 Degrees 37 Minutes 38 Seconds West, parallel with said East right of way line, a distance of 30.00 feet; thence North 89 Degrees 23 Minutes 30 Seconds West, a distance of 5.16 feet, to a point on said East right of way line; thence North 00 Degrees 37 Minutes 38 Seconds East, along said East right of way line, a distance of 30.00 feet to the POINT OF BEGINNING, containing 154.8 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 41

Temporary Construction Easement:

A strip of land over part of the Southwest Quarter of Section 4, Township 50 North, Range 32 West in Kansas City, Clay County, Missouri, more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of said Section 4; thence South 00 Degrees 37 Minutes 38 Seconds West, on the West line of said Section 4, a distance of 528.00 feet; thence South 89 Degrees 29 Minutes 33 Seconds East, departing said West section line, a distance of 30.00 feet to the Southwest corner of LOT 31, OLD WORLD ESTATES, a subdivision of land as described in Book 16 at Page 25 and the Northwest corner of a tract of land as described in Book 9484 at Page 144, in the office of the Recorder of Deeds, Clay County, Missouri, and the East right of way line of NORTH TOPPING AVENUE, as now established and the POINT OF BEGINNING; thence South 89 Degrees 29 Minutes 33 Seconds East, on the South line of said LOT 31 and the North line of said tract, a distance of 5.11 feet; thence South 00 Degrees 37 Minutes 38 Seconds West, departing said lot line and the North line of said tract, a distance of 15.28 feet; thence North 89 Degrees 23 Minutes 30 Seconds West, a distance of 5.11 feet, to a point on said East right of way line; thence North 00 Degrees 37 Minutes 38 Seconds East, along said East right of way line, a distance of 15.28 feet to the POINT OF BEGINNING, containing 78.1 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 43

Temporary Construction Easement:

A strip of land over part of LOT 41, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Northeast corner of said LOT 41, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence South 00 Degrees 37 Minutes 38 Seconds West, along said West right of way line, a distance of 50.00 feet, to the Southeast corner of said LOT 41; thence North 89 Degrees 22 Minutes 21 Seconds West, departing said right of way line and along the South line of said LOT 41, a distance of 5.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, departing said South lot line and parallel with said West right of way line, a distance of 50.00 feet, to a point on the North line of said LOT 41; thence South 89 Degrees 22 Minutes 21 Seconds East, along said North lot line, a distance of 5.00 feet to the POINT OF BEGINNING, containing 250.0 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Tract No. 45

Temporary Construction Easement:

A strip of land over part of LOT 37, OLD WORLD ESTATES, a subdivision of land in Kansas City, Clay County, Missouri according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southeast corner of said LOT 37, said corner being on the West right of way line of NORTH TOPPING AVENUE, as now established; thence North 89 Degrees 22 Minutes 21 Seconds West, departing said right of way line and on the South line of said LOT 37, a distance of 5.00 feet; thence North 00 Degrees 37 Minutes 38 Seconds East, departing said South lot line, a distance of 58.46 feet, to a point on the North line of said LOT 37; thence on a Southeasterly curve to the right, along said Westerly right of way line of NORTH TOPPING AVENUE, with an initial tangent bearing of South 47 Degrees 33 Minutes 38 Seconds East, a delta angle of 48 Degrees 11 Minutes 16 Seconds, a radius of 15.00 feet, and an arc length of 12.62 feet; thence South 00 Degrees 37 Minutes 38 Seconds West, continuing on said West right of way line, a distance of 47.28 feet to the POINT OF BEGINNING, containing 275.1 square feet, more or less. Travis Biddinger - Mo PLS 2009016944

Section 5. That just compensation for the property interests taken shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Clay County, Missouri, pursuant to the provisions of Chapter 523 of the Revised Statutes of Missouri, as supplemented or amended by Section 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by Kansas City from funds appropriated, or to be appropriated, for such purposes.

Section 6. That pending the acquisition of said lands by condemnation, the Director of the Department of Public Works is hereby authorized to negotiate the purchase of said land and pay for them out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

Section 7. That said tracts and interests be condemned and conveyed to Kansas City, Missouri.

Section 8. That upon the effective date of this ordinance, the City Clerk is hereby directed to cause this ordinance to be recorded in the office of the Recorder of Deeds for Clay County, Missouri.

Approved as to form:

Abigail A Judah
Assistant City Attorney