



Kansas City  
Legislation Text

414 E. 12th Street  
Kansas City, MO  
64106

File #: 260308

ORDINANCE NO. 260308

Authorizing condemnation and taking of private property interests for public use for Street Right Of Way purposes, for the construction, location and maintenance of the Lee's Summit Valley Garden Drive/Quarry Park Road Project, in Kansas City, Jackson 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 Jackson County, Missouri.

WHEREAS, due to the failure of Quarry Park Road within the boundaries of Lee's Summit which has prevented residents from accessing their properties through public rights of way, the City of Lee's Summit is undertaking construction and maintenance of Valley Garden Drive and N.W. Quarry Park Road; and

WHEREAS, a portion of the Lee's Summit Valley Garden Drive/Quarry Park Road Project is located within the boundaries of Kansas City; and

WHEREAS, the Council adopted Committee Substitute for Ordinance No. 251007 authorizing the Director of Public Works to enter into a cooperative agreement for acquisition of property interests, construction, and maintenance for Lee's Summit's Valley Garden Drive/Quarry Park Road project; and

WHEREAS the Council finds that the property interests herein described must be condemned for public use for the "Lee's Summit Valley Garden Drive Street Improvements Project" associated improved intersections, drive approaches, and infrastructure in Kansas City, Jackson 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 the "Lee's Summit Valley Garden Dr Street Improvements Project," including any necessary structures or appurtenances, all in Kansas City, Jackson 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 of Lee's Summit, Missouri, the same being on file

in the Office of the Director of the Department of Public Works and being incorporated herein by reference and in accordance with the Cooperative Agreement between the City of Kansas City and the City of Lee's Summit on file in the Office of the Director of the Department of Public Works.

Section 3. That the properties obtained by condemnation shall be used by the City of Kansas City, and/or the City of Lee's Summit as street right of way and temporary construction easements for the location of improvements and utilities to be constructed therein including any necessary appurtenances to it; and Lee's Summit, Kansas City, or their authorized agents, employees or independent contractors, and with Lee's Summit and/or Kansas City's permission, utility companies franchised to operate in Kansas City 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 Valley Garden Drive and associated improved intersections, and other infrastructure to be constructed therein, including any necessary appurtenances thereto; and the City of Lee's Summit 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.

**Temporary Construction Easement**

The Temporary Construction Easements shall be used by the City of Kansas City, the City of Lee's Summit, or their 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 and/or Lee's Summit 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. 1**

**Right-of-Way:**

All that part of the tract of lands described by the Corporation Quit-Claim Deed filed January 4, 1966 as document no. 877164 in book 1804 at page 463 and Missouri Warranty Deed filed February 10, 1975 as document no. I-203550 in book I-575 at page 691, recorded in Jackson County, Missouri, and being located in part of the Southwest Quarter of Section 26, Township 48 North, Range 32 West, City of Kansas City, Jackson County, Missouri and being more particularly described as follows:

A Fee Simple Right of Way; Commencing at the South Quarter corner of said Section 26, being a found iron bar; thence N86°46'23"W along the South line of said Southwest Quarter, a distance of 511.76 feet to the Southeast property corner of a tract of land described by Missouri Warranty Deed as document no. 877161 in book 1804 at page 466; thence along the East property line N02°58'36"E a distance of 632.85 feet to a point on the South line of Lot 1, of R.K. White Addition, a subdivision, recorded in book 24 at page 24 in Jackson County, Missouri; thence N86°28'56"W along said South line, a distance of 40.57 feet to the **Point of Beginning**; thence continuing N86°28'56"W along said South line, a distance of 60.00 feet, to the Southwest corner of said Lot 1; thence N02°58'36"E along the West line of said Lot 1 and the West line of the East 10 feet of Lot 2, as described in said book I-5751 at page 691, a distance of 534.45 feet to a point on the South right-of-way of Bannister Road, as now established; thence S79°11'40"E along said South right-of-way line, a distance of 70.00 feet; thence leaving said South right-of-way line, S03°59'45"W a distance of 525.56 feet to the **Point of Beginning**.

Said Tract containing 34,298 square feet, more or less.

Jayson A. Potts, licensed as a Professional Land Surveyor in the state of Missouri with license number PLS No. 2010018905, prepared this written description. See exhibits "A" & "B" attached hereto and made a part hereof.

**Temporary Construction Easement:**

All that part of the tract of lands described by the Corporation Quit-Claim Deed filed January 4, 1966 as document no. 877164 in book 1804 at page 463 and Missouri Warranty Deed filed February 10, 1975 as document no. I-203550 in book I-575 at page 691, recorded in Jackson County, Missouri, and being located in part of the Southwest Quarter of Section 26, Township 48 North, Range 32 West, City of Kansas City, Jackson County, Missouri and being more particularly described as follows:

A Temporary Construction Easement; Commencing at the South Quarter corner of said Section 26, being a found iron bar; thence N86°46'23"W along the South line of said Southwest Quarter, a distance of 511.76 feet to the Southeast property corner of a tract of land described by Missouri Warranty Deed as document no. 877161 in book 1804 at page 466; thence along the East property line N02°58'36"E a distance of 632.85 feet to a point on the South line of Lot 1, of R.K. White Addition, a subdivision, recorded in book 24 at page 24 in Jackson County, Missouri, and the Point of Beginning; thence N86°28'56"W along said South line, a distance of 40.57 feet; thence leaving said South line N03°59'45"E a distance of 525.56 feet to a point on the South right-of-way of Bannister Road, as now established; thence S79°11'40"E along said South right-of-way line, a distance of 56.17 feet to the Northeast corner of said Lot 1; thence leaving said South right-of-way line, S02°58'36"W and along the East line of said Lot 1, a distance of 518.44 feet to the Southeast corner of said Lot 1; thence N86°28'56"W along said South line of said Lot 1, a distance of 24.42 feet to the Point of Beginning.

Said Tract containing 33,966 square feet, more or less.

Jayson A. Potts, licensed as a Professional Land Surveyor in the state of Missouri with license number PLS No. 2010018905, prepared this written description. See exhibits "A" & "B" attached hereto and made a part hereof.

## Tract No. 2

### Right-of-Way:

All that part of the tract of land described by the Missouri Warranty Deed filed January 4, 1966 as document no. 877161 in book 1804 at page 466, recorded in Jackson County, Missouri, and being located in part of the Southwest Quarter of Section 26, Township 48 North, Range 32 West, City of Kansas City, Jackson County, Missouri and being more particularly described as follows:

A Fee Simple Right of Way; Commencing at the South Quarter corner of said Section 26, being a found iron bar; thence N86°46'23"W along the South line of said Southwest Quarter, a distance of 919.79 feet to the Southwest property corner of a tract of land described in said book 1804 at page 466; thence N02°48'00"E along the West property line, a distance of 133.30 feet to the Point of Beginning; thence continuing N02°48'00"E along said West property line, a distance of 79.99 feet; thence leaving said West property line N51°59'36"E a distance of 21.88 feet to a point of curvature; thence Northeasterly along a curve to the left, said curve having a radius of 470.00 feet, an arc length of 37.78 feet, a chord bearing of N49°41'26"E, with a chord length of 37.77 feet, and a point of tangency; thence N47°23'17"E a distance of 271.26 feet to a point of curvature; thence Northerly along a curve to the left, said curve having a radius of 260.00 feet, an arc length of 201.53 feet, a chord bearing of N25°10'57"E, with a chord length of 196.53 feet to

a point of tangency; thence N02°58'36"E a distance of 2.77 feet to a point on the North property line of said tract of land; thence S86°28'56"E along the said North property line, a distance of 60.00 feet; thence leaving said North property line S02°58'36"W a distance of 2.21 feet to a point of curvature; thence Southwesterly along a curve to the right, said curve having a radius of 320.00 feet, an arc length of 248.04 feet, a chord bearing of S25°10'57"W, with a chord length of 241.88 feet to a point of tangency; thence S47°23'17"W a distance of 271.26 feet to a point of curvature; thence Southwesterly along a curve to the right, said curve having a radius of 530.00 feet, an arc length of 42.60 feet, a chord bearing of S49°41'26"W, with a chord length of 42.59 feet to a point of tangency; thence S51°59'36"W a distance of 51.48 feet to a point of curvature; thence Southwesterly along a curve to the right, said curve having a radius of 470.00 feet, an arc length of 22.68 feet, a chord bearing of S50°36'40"W, with a chord length of 22.67 feet to the Point of Beginning.

Said Tract containing 35,194 square feet, more or less.

Jayson A. Potts, licensed as a Professional Land Surveyor in the state of Missouri with license number PLS No. 2010018905, prepared this written description. See exhibits "A" & "B" attached hereto and made a part hereof.

**Tract No. 3**

**Right-of-Way:**

All that part of the tract of land described by the General Warranty Deed filed July 18, 2022 as instrument no. 2022E0067248, recorded in Jackson County, Missouri, and being located in part of the Southwest Quarter of Section 26, Township 48 North, Range 32 West, City of Kansas City, Jackson County, Missouri and being more particularly described as follows:

A Fee Simple Right of Way; Commencing at the South Quarter corner of said Section 26, being a found iron bar; thence N86°46'23"W along the South line of said Southwest Quarter, a distance of 919.79 feet to the Southwest property corner of a tract of land described in said book 1804 at page 466, also being the Southeasterly property corner of said tract of land and the Point of Beginning; thence continuing N86°46'23"W along said South line, also being the Southerly property line of said tract of land, a distance of 170.69 feet; thence leaving said Southerly property line N34°46'37"E a distance of 85.09 feet to a point of curvature; thence Northeasterly along a curve to the right, said curve having a radius of 530.00 feet, an arc length of 159.25 feet, a chord bearing of N43°23'06"E, with a chord length of 158.66 feet, and a point of tangency; thence N51°59'36"E a distance of 29.61 feet to a point on the Southeasterly property line of said tract of land; thence S02°48'00"W along said Southeasterly property line, a distance of 213.29 feet to the Point of Beginning.

Said Tract containing 20,570 square feet, more or less.

Jayson A. Potts, licensed as a Professional Land Surveyor in the state of Missouri with license number PLS No. 2010018905, prepared this written description. See exhibits "A" & "B" attached hereto and made a part hereof.

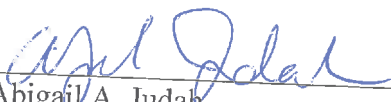
Section 5. That just compensation for the property interests taken shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Jackson County, Missouri, pursuant to the provisions of Chapter 523 of the Revised 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 the City of Kansas City or City of Lee's Summit.

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 Jackson County, Missouri.

Approved as to form:

  
Abigail A. Judah  
Associate City Attorney



Authenticated as Passed

  
Quinton Lucas, Mayor

  
Marilyn Sanders, City Clerk

APR 09 2026

Date Passed