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**File #: 230116**

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ORDINANCE NO. 230116

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 "N. Holmes Sidewalk – N.E. Greenfield Rd. to N.E. 42nd St.", Project No. 89060545, from the intersection of N.E. Greenfield Road and N. Holmes Street, south to the intersection of N.E. 42nd Street and N. Holmes Street 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. Holmes Sidewalk – N.E. Greenfield Rd. to N.E. 42nd St." project 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. 89060545, "N. Holmes Sidewalk – N.E. Greenfield Rd. to NE 42nd St.", 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 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. Holmes Street - N.E. Greenfield Rd. to NE 42nd St. and associated improved 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.

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

**Tract No. 1: Street Right of Way**

All of the West 8.00 feet of Lot 41, lying East of and parallel with the West line of said Lot 41 and its southerly extension thereof, RUSSELL MANOR, a subdivision of record in the City of Kansas City, Clay County, Missouri. Except for all that part lying within the South 10.00 of said Lot 41 lying North of and parallel with the South line thereof. Containing 880 square feet, more or less. This description prepared by: J. Aubrey Meyer, MO PLS #2007017966, Affinis Corp, Land Surveying: MO CLS #2000175358


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:

  
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Abigail Judah  
Assistant City Attorney



Authenticated as Passed

  
\_\_\_\_\_  
Quinton Lucas, Mayor

  
\_\_\_\_\_  
Marilyn Sanders, City Clerk

FEB 09 2023

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Date Passed