



## Legislation Text

---

**File #: 210539, Version: 1**

---

### ORDINANCE NO. 210539

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the 89th Street Sidewalk Improvements, Project No. 89060793 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, the Council finds that the property interests herein described must be condemned for public use for the 89th Street Sidewalk Improvements project 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 Project No. 89060793, 89th Street Sidewalk Improvements, 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, 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 easements obtained by condemnation shall be used by the City of Kansas City, Missouri for public sidewalks and storm drainage to be constructed therein including any necessary appurtenances to it; and Kansas City or its 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:

#### **Public Sidewalk Easement**

The Public Sidewalk Easement shall be taken and used by Kansas City, Missouri for the location, construction and maintenance of public sidewalks and associated improved pedestrian ramps, 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 Sidewalk Easement for the purpose of locating, constructing, reconstructing, maintaining, operating and

repairing said improvements or making connections thereto.

The City of Kansas City, Missouri, its successors and assigns, shall have the right at all times to go upon the lands herein described to construct, maintain and repair the said sidewalk, as may be necessary, and while nothing in this deed shall be construed so as to grant any right to the City which shall in any way interfere with the safe and unrestricted use by property owner(s) of the lands adjacent to and above said easement the property owner(s) shall not use nor attempt to use said property in such manner as would interfere with the free flow of the public, through and across the easement and that portion of the sidewalk there on; or with the City of Kansas City, Missouri, its successors and assigns in entering upon said adjacent land and easement for the purpose of laying, constructing, reconstructing, operating, repairing, improving, and maintaining said sidewalk and its appurtenances.

The City of Kansas City, Missouri shall cause the surface of lands lying within this easement to be restored to substantially the same physical condition that existed at the time the City of Kansas City, Missouri or its agents entered upon it, subject to the aforementioned conditions, and with the exception of any appurtenances and said sidewalk improvement that will be upon said surface.

#### **Storm Drainage Easement**

The Storm Drainage Easement shall be used by the City of Kansas City, Missouri, its successors and assigns, for the purposes of locating, constructing, operating, inspecting, repairing, maintaining, reconstructing, and making improvements to storm drainage facilities and structures and all appurtenances incidental thereto.

The City of Kansas City, Missouri, its successors and assigns, shall have the right at all times to go upon the lands herein described to construct, maintain and repair the said storm drainage facilities and structures, as may be necessary, and while nothing in this deed shall be construed so as to grant any right to the City which shall in any way interfere with the safe and unrestricted use by property owner(s) of the land adjacent to and above said easement the property owner(s) shall not use nor attempt to use said property in such a manner as would interfere with the proper, safe and continuous maintenance and use of said easement and specifically shall not build thereon or there over any structure which may interfere with the free flow of water over, through and across the easement and that portion of the storm drainage system there in.

#### **Temporary Construction Easement (3 years duration):**

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.

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

**Tract No. 25**

**Public Sidewalk Easement**

All that part of Lot 1, of NORMAN RAY'S SUBDIVISION, a subdivision located in the Southeast Quarter of Section 20, Township 48 North, Range 33 West of the Fifth Principal Meridian all being situated in Kansas City, Jackson County, Missouri, as surveyed and more particularly described by Jeffrey B. Lovelace of Lovelace and Associates, LLC., License number as 2580 as follows:

The North 9.00 feet of said Lot 1. Containing: 720 Square Feet or 0.017 Acres

**Temporary Construction Easement (3 years duration):**

All that part of Lot 1, of NORMAN RAY'S SUBDIVISION, a subdivision located in the Southeast Quarter of Section 20, Township 48 North, Range 33 West of the Fifth Principal Meridian all being situated in Kansas City, Jackson County, Missouri, as surveyed and more particularly described by Jeffrey B. Lovelace of Lovelace and Associates, LLC., License number 2580 as follows:

The South 2.00 feet of the North 11.00 feet of said Lot 1. Containing: 160 Square Feet or 0.004 Acres

**Tract No. 26**

**Public Sidewalk Easement**

All that part of the Southeast Quarter of Section 20, Township 48 North, Range 33 West of the Fifth Principal Meridian, all being situated in Kansas City, Jackson County, Missouri, as surveyed and more particularly described by Jeffrey B. Lovelace of Lovelace and Associates, LLC., License number 2580 as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence along the South line of said Southeast Quarter, North 86 degrees 45 minutes 34 seconds West, a distance of 1,316.91 feet to the Southeast corner of the Southwest Quarter of said Southeast Quarter; thence along the East line of said Southwest Quarter, North 02 degrees 01 minutes 05 seconds East, a distance of 1,275.96 feet; thence departing said East line, North 87 degrees 58 minutes 55 seconds West, a distance of 30.00 feet to the West right of way line of Holmes Road and the Point of Beginning; thence departing said West Right of Way line, North 87 degrees 01 minutes 09 seconds West, a distance of 14.00 feet; thence North 69 degrees 31 minutes 08 seconds West, a distance of 33.25 feet; thence North 87 degrees 01 minutes 09 seconds West, a distance of 167.00 feet; thence South 77 degrees 31 minutes 14 seconds West, a distance of 26.26 feet; thence North 87 degrees 01 minutes 09 seconds West, a distance of 45.00 feet to the East line of Lot 1, NORMAN RAY'S SUBDIVISION, a subdivision in said City, County and State; thence along said East line, North 02 degrees 01 minutes 05 seconds East, a distance of 9.00 feet to the South right of way line of 89th Street; thence along said South right of way line, South 87 degrees 01

minutes 09 seconds East, a distance of 282.97 feet to the intersection of said South right of way line with said West right of way line; thence along said West right of way line, South 02 degrees 01 minutes 05 seconds West, a distance of 12.00 feet to the Point of Beginning. Containing: 1,268 Square Feet or 0.029 Acres

### **Storm Drainage Easement**

All that part of the Southeast Quarter of Section 20, Township 48 North, Range 33 West of the Fifth Principal Meridian, all being situated in Kansas City, Jackson County, Missouri, as surveyed and more particularly described by Jeffrey B. Lovelace of Lovelace and Associates, LLC., License number 2580 follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence along the South line of said Southeast Quarter, North 86 degrees 45 minutes 34 seconds West, a distance of 1,316.91 feet to the Southeast corner of the Southwest Quarter of said Southeast Quarter; thence along the East line of said Southwest Quarter, North 02 degrees 01 minutes 05 seconds East, a distance of 1,287.46 feet to the intersection of said East line with the Easterly projection of the South right of way line of 89th Street; thence departing said East line and along said Easterly projection and said South right of way line, North 87 degrees 58 minutes 55 seconds West, a distance of 38.88 feet to the Point of Beginning; thence departing said south Right of Way line, South 00 degrees 04 minutes 04 seconds West, a distance of 161.00 feet; thence North 89 degrees 55 minutes 56 seconds West, a distance of 15.00 feet; thence North 00 degrees 04 minutes 04 seconds East, a distance of 161.76 feet to said south Right of Way line; thence along said south Right of Way line South 87 degrees 01 minutes 09 seconds East, a distance of 15.02 feet to the Point of Beginning. Containing: 2,421 Square Feet or 0.056 Acres

### **Temporary Construction Easement (3 years duration):**

All that part of the Southeast Quarter of Section 20, Township 48 North, Range 33 West of the Fifth Principal Meridian, all being situated in Kansas City, Jackson County, Missouri, as surveyed and more particularly described by Jeffrey B. Lovelace of Lovelace and Associates, LLC., License number 2580 as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence along the South line of said Southeast Quarter, North 86 degrees 45 minutes 34 seconds West, a distance of 1,316.91 feet to the Southeast corner of the Southwest Quarter of said Southeast Quarter; thence along the East line of said Southwest Quarter, North 02 degrees 01 minutes 05 seconds East, a distance of 1,275.96 feet; thence departing said East line, North 87 degrees 58 minutes 55 seconds West, a distance of 30.00 feet to the west Right of Way line of Holmes Road and the Point of Beginning; thence along said west Right of Way line, South 02 degrees 01 minutes 05 seconds West, a distance of 151.00 feet; thence departing said west Right of Way line, North 87 degrees 58 minutes 55 seconds West, a distance of 21.00 feet; thence North 00 degrees 13 minutes 21 seconds West, a distance of 152.57 feet; thence North 87 degrees 01 minutes 09 seconds West, a distance of 256.00 feet to the East line of Lot 1, NORMAN RAY'S SUBDIVISION, a subdivision in said City, County and State; thence along said East line, North 02 degrees 01 minutes 05 seconds East, a distance of 2.00 feet; thence departing said East line, South 87 degrees 01 minutes 09 seconds East, a distance of 45.00 feet; thence North 77 degrees 31 minutes 14 seconds East, a distance of 26.26 feet; thence South 87 degrees 54 minutes 58 seconds East, a distance of 167.00 feet; thence South 69 degrees 31 minutes 08 seconds East, a distance of 33.25 feet; thence

South 87 degrees 01 minutes 09 seconds East, a distance of 14.00 feet to said West right of way line and the Point of Beginning. Containing: 5,495 Square Feet or 0.126 Acres

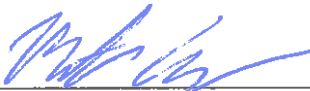
Section 5. That just compensation for the property interests taken shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Jackson County, Missouri, pursuant to the provisions of Chapter 523 of the Revised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

Approved as to form and legality:



Matthew Cooper  
Assistant City Attorney



Authenticated as Passed

  
Quinton Lucas Mayor  
Marilyn Sanders City Clerk

JUL 15 2021  
Date Passed