



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 230975

Submitted Department/Preparer: Water

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing a \$799,058.00 Option to Purchase Agreement between Hunt Midwest Properties, L.L.C. and the City of Kansas City, Missouri, through its Water Services Department, for the Todd Creek Facility Land Acquisition; and recognizing this ordinance as having an accelerated effective date.

Discussion

Project Justification

To accommodate growth in the Todd Creek and Second Creek watersheds, implement biological nutrient removal to address more stringent water quality requirements and to meet the service level commitments in this area for the wastewater utility a new Todd Creek WWTP will be necessary. This land purchase will be the location of a new Todd Creek WWTP and will have enough land available for the full 70,000 people buildout of the watersheds. Additionally, this land will be outside of the floodplain reducing the risks to City Assets.

Project Description

The City of Kansas City, Missouri, through its Water Services Department, is seeking to purchase land in the following location in Platte County, Missouri for the purpose of...

A tract of land located in the Southwest Quarter of Section Thirty-six (S36), Township Fifty-three North (T53N), Range Thirty-four West (R34W) of the Fifth Principal Meridian (5th P.M.), located in the County of Platte, State of Missouri and located in the City of Kansas City, County of Platte, State of Missouri, more particularly described by Randy G. Zerr, Missouri PLS-2018016442, December 16, 2022 as follows:

Commencing at the Southeast corner of the Southwest Quarter, thence North 89°41 '59" West, along the South line of said Southwest Quarter, 101.67 feet to the point of beginning, said point of beginning is also the center line of North Todd Creek Road.

From the point of beginning, continuing along said South line, North 89°41 '59" West, 1916.22 feet; thence departing said South line, North 29°24'46" East, 206.25 feet; thence North 74°15'11" East, 594.38 feet; thence North 01°00'23" East, 900.00 feet; thence South 89°40'33" East, 1336.08 feet to the center line of North Todd Creek Road; thence South 00°20'23" West, along said center line, 831.58 feet; thence South 42°22'21" West, along said center line, 106.67 feet; thence southwesterly, continuing along said center line, along a non-tangent curve to the left having an arc length of 75.51 feet, a radius of 125.00 feet, a delta angle of 34°36'40", and a chord that bears South 25°04'01" West, 74.37 feet; thence South 07°45'44" West, along said center line, 176.33 feet; thence southeasterly, continuing along said center line, along a tangent curve to the left having an arc length of 96.11 feet, a radius of 125.00 feet, a delta angle of 44°03 '09", and a chord that bears South 14°15'50" East, 93.76 feet to the point of beginning, containing 1,789,684 square feet or 41.085 acres, said tract being subject to county and city road right-of-way along its east boundary. All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, all lying above Bethany Falls Ledge of Limestone rock. In areas where the Bethany Falls Ledge is absent, all lying above the Elevation 720 (NAVD88).

AND

A tract of land located in the Northwest Quarter of Section One (SO1), Township Fifty-two North (T52N), Range Thirty-four West (R34W) of the Fifth Principal Meridian (5th P.M.), all in the County of Platte, State of Missouri, more particularly described by Randy G. Zerr, Missouri PLS-2018016422, December 16, 2022 as follows:

Beginning at the Northeast corner of the Northwest Quarter, thence South 00°27' 19" West, along the East line of said Northwest Quarter, 173.74 feet to the center line of NW 144th Street; thence South 79°54'02" West, along said center line. 259.34 feet; thence southwesterly, continuing along said center line, along a tangent curve to the left having an arc length of 85.75 feet, a radius of 124.77 feet, a delta angle of 39°22'38", and a chord that bears South 60°12'43" West. 84.07 feet; thence continuing along said center line, South 40°31 '21" West, 282.48 feet; thence southwesterly. continuing along said center line, along a tangent curve to the right having an arc length of 76.59 feet, a radius of 226.62 feet, a delta angle of 19°21'51", and a chord that bears South 50°12'17" West, 76.23 feet; thence continuing along said center line, South 59°53'12" West, 185.06 feet; thence westerly, continuing along said center line, along a tangent curve to the right having an arc length of 77.37 feet, a radius of 117.42 feet, a delta angle of 37°45'11", and a chord that bears South 78°45'48" West, 75.98 feet; thence continuing along said center line, North 82°21'43" West. 585.40 feet; thence northwesterly, continuing along said center line, along a tangent curve to the right having an arc length of 56.68 feet, a radius of 121.67 feet, a delta angle of 26°41'29",

and a chord that bears North 69°00'58" West, 56.17 feet; thence continuing along said center line, North 55°40'09" West. 558.28 feet; thence northwesterly, continuing along said center line, along a tangent curve to the right having an arc length of 27.34 feet, a radius of 180.00 feet, a delta angle of 08°42'09", and a chord that bears North 51°19'04" West. 27.31 feet; thence continuing along said center line, North 46°57'59" West, 312.94 feet to a point on the North line of said Northwest Quarter; thence, departing said center line South 89°41'59" East, along said North line, 2150.15 feet to the point of beginning, containing 887,770, square feet or 20.380 acres, said tract being subject to city road right-of-way along its southern boundary. All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, all lying above Bethany Falls Ledge of Limestone rock. In areas where the Bethany Falls Ledge is absent, all lying above the Elevation 720 (NAVD88).

For purposes of clarity, the Property Interests do **not** include any real property leased to Martin Marietta Kansas City, LLC, a Delaware limited liability company ("MM Kansas City"), including, without limitation areas lying below the top of the Winterset Ledge of limestone rock or in areas where the Winterset Ledge is absent, lying at or below Elevation 720 (NAVD 88), pursuant to that certain Amended and Restated Ground Lease Agreement by and among Martin Marietta Materials, Inc., a North Carolina corporation, Hunt Midwest Mining, Inc., a Missouri corporation, Hunt Midwest Real Estate Development, Inc., a Missouri corporation, Grantor and MC Winan Road, LLC, a Missouri limited liability company, collectively as landlord, and MM Kansas City, as tenant, as amended from time to time (collectively the "Ground Lease"). The real property leased to MM Kansas City pursuant to the Ground Lease (the "Leased Property") shall be retained by Grantor and shall not be transferred to City. Notwithstanding the foregoing, the parties hereto acknowledge and agree that the Leased Property is part of the subsurface beneath the surface of the Property Interests and that Grantor has granted to MM Kansas City certain mining rights, with respect to the Leased Property, which is part of the subsurface beneath the surface of the Property Interests.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
24-8110-807778-631980-81000985 = \$799,058.00
Sewer Treatment Facilities
3. How does the legislation affect the current fiscal year?
This ordinance is supported by the Fiscal Year 24 Water Services Annual CIP.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.

Office of Management and Budget Review
(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
 - Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
 - Build on existing strengths while developing a comprehensive transportation plan for the future.
 - Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
 - Ensure adequate resources are provided for continued maintenance of existing infrastructure.
 - Focus on delivery of safe connections to schools.

Prior Legislation

N/A

Service Level Impacts

This land purchase will allow the department to build a new wastewater treatment plant that will increase capacity, and implement biological nutrient removal to address more stringent water quality requirements. The new plant is necessary to meet the service level commitments in this area for the wastewater utility.

Other Impacts

1. What will be the potential health impacts to any affected groups?
The proposed facility will have lower effluent limits and high flows resulting in improved water quality in Todd Creek. The facility will also have improved odor control improving the attractiveness of the area.
2. How have those groups been engaged and involved in the development of this ordinance?
A public meeting was held on August 31, 2023.
3. How does this legislation contribute to a sustainable Kansas City?
This land purchase will house the new Todd Creek Wastewater Treatment Plant that was designed using the envision framework. The new plant will be all electric with no natural gas fired HVAC equipment and uses a more efficient treatment technology.
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

N/A

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

This ordinance is for land purchase.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?
No(Press tab after selecting)