



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
File created: 1/17/2023 **In control:** Council
On agenda: 2/2/2023 **Final action:** 2/2/2023
Title: Sponsor: Councilmember(s) Katheryn Shields and Eric Bunch

Limiting for a period of twenty (20) years the use, character, and location of buildings and other improvements in a portion of Coleman Highlands, a subdivision in Kansas City, Missouri; creating a benefit district; providing for the bringing of condemnation proceedings and the assessment of payment of damages; describing the method for initiating the repeal of this ordinance; and establishing a delayed effective date.

Sponsors: Eric Bunch, Katheryn Shields

Indexes:

Code sections:

Attachments: 1. 230046 Docket Memo, 2. No Fact Sheet 230046, 3. Authenticated Ordinance 230046

Date	Ver.	Action By	Action	Result
2/2/2023	1	Council	Passed	Pass
2/1/2023	1	Neighborhood Planning and Development Committee		
1/25/2023	1	Neighborhood Planning and Development Committee		
1/19/2023	1	Council	referred	

ORDINANCE NO. 230046

Sponsor: Councilmember(s) Katheryn Shields and Eric Bunch

Limiting for a period of twenty (20) years the use, character, and location of buildings and other improvements in a portion of Coleman Highlands, a subdivision in Kansas City, Missouri; creating a benefit district; providing for the bringing of condemnation proceedings and the assessment of payment of damages; describing the method for initiating the repeal of this ordinance; and establishing a delayed effective date.

WHEREAS, Coleman Highlands is a subdivision in Kansas City, Jackson County, State of Missouri, described as follows:

A subdivision of the west half of the Southeast Quarter of Section 18, Township 49, Range 33, the plat of which was filed in the office of the Recorder of Jackson County, Missouri, August 19, 1907; and

WHEREAS, on September 25, 1908, building restrictions limiting use of property to detached residences were placed upon each and every lot in said Coleman Highlands, which restrictions were to expire on July 1, 1923; and

WHEREAS, Kansas City, Missouri, by Ordinance No. 45416 approved May 22, 1923, imposed for a period of twenty (20) years restrictions which did not permit the erection of any building except detached residences and outbuildings usually appurtenant thereto; and

WHEREAS, pursuant to the terms of Committee Substitute for Ordinance No. 7696, passed May 10, 1943, said area was restricted for a period of twenty (20) years in substantially the same manner as provided in this ordinance; and

WHEREAS, pursuant to the terms of Committee Substitute for Ordinance No. 28961, passed December 6, 1963, said area was again restricted for a period of twenty (20) years in substantially the same manner as is provided in this ordinance; and

WHEREAS, pursuant to the terms of Ordinance No. 54760, as amended, effective December 6, 1983, said area was again restricted for a period of twenty (20) years in substantially the same manner as provided in this ordinance; and

WHEREAS, pursuant to the terms of Ordinance No. 030221, effective December 6, 2003, said area was again restricted for a period of twenty (20) years in substantially the same manner as provided in this ordinance; and

WHEREAS, all the buildings on the various streets in said Coleman Highlands are used exclusively for residential purposes and the overwhelming sentiment and belief of the property owners immediately interested, and all citizens who desire to make Kansas City a good place in which to live, and of the Council are that the enactment and enforcement of this ordinance will enhance and stabilize the value and utility of each and every piece of property within the district herein described and will maintain property values for the purposes of public taxation and will promote the health and welfare of the City, as well as add to the beautification of the City and of said Coleman Highlands Addition; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That from and after the effective date of this ordinance and for a period of twenty (20) years thereafter, the lots, tracts, and parcels of land in Coleman Highlands, a subdivision in Kansas City, Jackson County, Missouri, and described as follows:

A subdivision of the west half of the Southeast Quarter of Section 18, Township 49, Range 33, the plat of which was filed in the office of the Recorder of Jackson County, Missouri, August 19, 1907; except Lot 89, Lots 223 to 237, both inclusive, Lots 239 to 244, both inclusive, the north 25 feet of Lot 245, and all of Lot 311, shall be restricted in the use in the following respects:

No house or buildings, other than single detached residences, each for the use of one family only, or for purposes that are incidental or appurtenant to residential uses, shall be constructed or used in whole or in part on any lot or any portion of a lot in said subdivision, and no such building shall be constructed on any tract of ground having a ground area of less than 6,000 square feet appurtenant thereto, and no buildings shall be built closer to the street line than the building line already established by users in said Coleman Highlands. No billboards shall be erected, maintained, or used during that period within the said district. No gasoline tank or gasoline tanks used in connection with each other, having a capacity of more than one hundred gallons, shall be placed at one locality within the said district during said period, nor shall any gasoline filling station be erected or maintained within said district during said period.

Section 2. Inasmuch as the owners of property within the said district described in Section 1 hereof may claim that the enactment and enforcement of this ordinance will take or damage their properties for public use, all rights of the owners to use any of said private property within the district described in Section 1 hereof, contrary to the provisions of this ordinance, are hereby taken and condemned for public use, and just compensation and damages shall be assessed and paid for the taking of such property rights, all in the manner provided by Chapter 523, RSMo., or as otherwise provided by law. Condemnation proceedings shall be begun in the Circuit Court of Jackson County in the first instance and prosecuted to final determination to ascertain and determine the compensation and damages, if any, which the several properties and the owners thereof, respectively, within the said district may sustain by reason of the enactment and enforcement of this ordinance, and for the assessment of benefits.

Section 3. The private property rights to be taken and condemned as aforesaid shall be paid for as provided in Chapter 523, RSMo.

Section 4. The Council determines and prescribes the limits within which private property shall be deemed benefitted by the improvements herein proposed and may be assessed and charged to pay compensation and damages therefor as follows:

All of the area within Coleman Highlands, a subdivision of the west half of the Southeast Quarter of Section 18, Township 49 North, Range 33 West, according to the recorded plat thereof filed in the office of the Recorder of Jackson County, Missouri, August 19, 1907; except Lot 89, Lots 223 to 237, both inclusive, Lots 239 to 244, both inclusive, the north 25 feet of Lot 245, and all of Lot 311.

Section 5. This ordinance may be repealed and shall only be repealed within said period of twenty (20) years upon the petition of a majority of the owners of private property abutting upon the streets and boulevards within said benefit district, and who shall be the owners of a majority of the front feet of private property abutting upon said streets and boulevards in the benefit district hereinabove stated; and such petition or petitions may be directed to the Council of Kansas City and it is hereby constituted as the sole authority to determine the sufficiency of such a petition or petitions.

Section 6. This ordinance shall be in effect notwithstanding any provision of Ordinance No. 45608, approved June 4, 1923, as amended known as the Zoning Ordinance, and during the period while this ordinance is in effect, the restrictions provided in this ordinance may not be set aside under any provisions of the Zoning Ordinance, or any amendments thereto, including Chapter 88 of the Code of Ordinances.

Section 7. This Ordinance shall take effect December 6, 2023.

Approved as to form:

Abigail Judah
Assistant City Attorney