



Legislation Details (With Text)

File #: 211113 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 11/30/2021 **In control:** Neighborhood Planning and Development Committee

On agenda: 12/16/2021 **Final action:** 1/13/2022

Title: Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the N. Green Hills Road Improvements - N.W. 78th Street to N.W. Barry Road, Project No. 89008087, in Kansas City, Platte 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 Platte County, Missouri.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 211113 Fiscal Note, 2. 211113 Fact Sheet, 3. Authenticated Ordinance 211113, 4. 211113.Recorded Information 2.7.2022

| Date | Ver. | Action By | Action | Result |
|------------|------|---------------------------------------------------------|----------------|--------|
| 1/13/2022 | 1 | Council | | |
| 1/5/2022 | 1 | Transportation, Infrastructure and Operations Committee | Hold on Agenda | |
| 12/16/2021 | 1 | Council | referred | |

ORDINANCE NO. 211113

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the N. Green Hills Road Improvements - N.W. 78th Street to N.W. Barry Road, Project No. 89008087, in Kansas City, Platte 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 Platte County, Missouri.

WHEREAS, the Council finds that the property interests herein described must be condemned for public use for the N. Green Hills Road Improvements - N.W. 78th Street to N.W. Barry Road Project in Kansas City, Platte 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. 89008087, N. Green Hills Road Improvements - N.W. 78th Street to N.W. Barry Road", including any necessary structures or appurtenances, all in Kansas City, Platte 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 and Easements 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:

Temporary Construction Easement

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. 32

Temporary Construction Easement (3 years duration):

All that part of Lot 2, WEATHERWOOD COVE, a subdivision in Kansas City, Platte County Missouri and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 2; thence North 00 degrees 25 minutes 58seconds east along the west line thereof a distance of 178.57 feet; thence along a curve to the right with a Radius of 15.00 feet a Central Angle of 89 degrees 59 minutes 33 seconds and an arc length of 23.56 feet to the North line of said Lot 2; thence South 89 degrees 34 minutes 02 seconds east along said North line a distance of 140.30 feet; thence South 00 degrees 25 minutes 58 seconds west departing said North line a distance of 24.46 feet; thence South 67 degrees 16 minutes 38 seconds west a distance of 158.03 feet; thence South 00 degrees 25 minutes 58 seconds west a distance of 106.97 feet to the South line of said Lot 2; thence North 89 degrees 34 minutes 02 seconds West along said South line a distance of 10.00 feet to the POINT OF BEGINNING. Containing 9,956 square feet more or less. Subject to all easements and restrictions of record.

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 Platte County, Missouri.

Approved as to form and legality:

Matthew Cooper
Assistant City Attorney