



Legislation Text

File #: 220052, Version: 1

ORDINANCE NO. 220052

Declaring certain real property generally located east of Maplewoods Parkway north of Shoal Creek Parkway, surplus to the City's needs; authorizing the Director of Public Works to offer the sale of the City's interest in this real property in accordance with City regulations, and execute related documents to complete the transfer of the real property while reserving easements, as necessary, for any existing City owned sewer, storm water, and water line infrastructure on the said property; Authorizing the negotiation, execution and the implementation of a Cooperative Agreement for an exchange and transfer of real property for the construction, location and maintenance of the "N. Woodland Complete Streets Project North of Shoal Creek Parkway", in the vicinity of N. Woodland Avenue and Shoal Creek Parkway, in Kansas City, Clay County, Missouri with Hunt Midwest Real Estate Development Inc.; directing the City Clerk to record this Ordinance with the Office of the Recorder of Deeds of Clay County, Missouri; and recognizing an accelerated effective date.

WHEREAS, the City owns rights in certain real property generally located east of and adjacent to Maplewoods Parkway north of Shoal Creek Parkway, Kansas City, Clay County, Missouri; and

WHEREAS, the real property was acquired by the City by General Warranty Deed, recorded on May 21, 2008, Document Number 2008018527, Book 5980 Page 34; and

WHEREAS, the City proposes to construct, locate, and maintain road improvements, including any necessary structures or appurtenances, for the "N. Woodland Complete Streets Project North of Shoal Creek Parkway", and as a part of the surplus property process will request proposers to offer right-of-way, permanent easements, and temporary easements for such road improvements; and

WHEREAS, all City Departments have been notified and no interest has been expressed in retaining the real property for future public purposes, and no objections from said City departments have been received; and

WHEREAS, all existing easements, right of way, and/or any other encumbrances affecting the real property, shall remain in effect as set forth in the Special Warranty Deed executed as a part of the subsequent transfer; and

WHEREAS, the City reserves, as necessary, a ten (10) foot wide easement, five feet on either side of the center line of any City owned sewer, storm water, and/or water line infrastructure located on the said property and existing on or before the execution of the Special Warranty Deed as a part of the subsequent transfer;

WHEREAS, the City and Hunt Midwest Real Estate Development Inc. have negotiated the terms and conditions of a Cooperative Agreement between them to implement an exchange of property to facilitate the construction, operation and maintenance of road improvements, including any necessary structures or appurtenances, for the "N. Woodland Complete Streets Project North of Shoal Creek Parkway"; and

WHEREAS, Hunt Midwest Real Estate Development Inc has also requested that the City authorize the

Cooperative Agreement so that it may be tendered by them in response to the request for proposals for the Surplus Property; and

WHEREAS, the Council finds that the Cooperative Agreement serves the public purpose for the construction, operation and maintenance of road improvements, including any necessary structures or appurtenances, for the “N. Woodland Complete Streets Project North of Shoal Creek Parkway” in Kansas City, Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the parcels described below, are hereby declared surplus to the City’s needs.

Section 2. That the Director of the Public Works Department is hereby authorized to currently offer for sale in accord with City regulations, and make available through an open and public competition, with such conditions determined appropriate by the Director of Public Works, the City’s rights in the property located east of and adjacent to Maplewoods Parkway, north of Shoal Creek Parkway, Kansas City, Clay County, Missouri, in one transaction, to a single purchaser, legally described as follows:

A tract of land in the Northeast Quarter of Section 25, Township 52N, Range 33W in Kansas City, Clay County, Missouri described as follows:

Commencing at the Southwest corner of the Northeast Quarter of Section 25; thence North 00 degrees, 35 minutes, 00 seconds East, along the West line of the Northeast Quarter, 303.20 feet; thence South 89 degrees, 25 minutes, 00 seconds East, leaving the West line, 103.88 feet to a point on the existing East Right-Of-Way of N. Woodland Ave. and the North Right-Of-Way of NE Shoal Creek Parkway and the POINT OF BEGINNING; thence along the east Right-Of-Way of N. Woodland Ave. the following 10 courses:

- 1) North 83 degrees, 34 minutes, 51 seconds West, 6.42 feet to a Point of Curvature;
- 2) Curve right, radius of 36.00 feet, arc length of 27.32 feet to a Point of Tangency;
- 3) North 40 degrees, 05 minutes, 56 seconds West, 10.60 feet to a Point of Curvature;
- 4) Curve right, radius of 76.00 feet, arc length of 40.80' feet to a Point of Tangency;
- 5) North 09 degrees, 20 minutes, 30 seconds West, 48.55 feet to a Point of Curvature;
- 6) Curve right, radius of 68.00 feet, arc length of 16.41 feet to a Point of Tangency;
- 7) North 04 degrees, 29 minutes, 04 seconds East, 13.72 feet;
- 8) North 06 degrees, 15 minutes, 39 seconds East, 29.51 feet;
- 9) North 08 degrees, 02 minutes, 13 seconds East, 168.77 feet to a Point of Curvature;
- 10) Curve left, radius of 1037.33 feet, arc length of 134.95 feet;

thence South 00 degrees, 35 minutes, 00 seconds West, leaving the Right-Of-Way, 373.88 feet to

a Point of Curvature; thence on a curve to the left having a radius of 50.00 feet and an arc length of 78.24 feet to a Point of Reverse Curve; thence on a curve to the right having a radius of 2812.00 feet and an arc length of 406.42 feet to a point on the existing North Right-Of-Way of NE Shoal Creek Parkway; thence along the North Right-Of-Way the following 4 courses:

- 1) North 89 degrees, 38 minutes, 19 seconds West, 128.34 feet;
- 2) Curve left having an Initial Tangent Bearing of South 84 degrees, 59 minutes, 16 seconds West, radius of 1857.92 feet, and an arc length of 100.83 feet;
- 3) South 85 degrees, 17 minutes, 16 seconds West, 32.51 feet;
- 4) North 87 degrees, 39 minutes, 13 seconds West, 164.97 feet to the

POINT OF BEGINNING, containing 21,901 square feet or 0.503 acres, more or less.

Further subject to any and all other existing easements, right of way, and/or any other encumbrances, recorded or non-recorded, affecting the real property, and also subject to a reservation of easements, as necessary, for City owned sewer, storm water, and/or water line infrastructure located on the said property and existing on or before the execution of this Special Warranty Deed, said easements being ten (10) feet wide, five feet on either side of the center line of said City owned infrastructure.

Section 3. That the Director of Public Works is hereby authorized to execute any real estate or other documents needed to effectuate this transaction.

Section 4. That the Director of the Public Works Department, or his designee, is hereby authorized to negotiate and execute on behalf of the City, the Cooperative Agreement, substantially in the form of Exhibit A attached hereto, with the final signed form to be maintained on file with the Director, and such signed form of the Cooperative Agreement will be controlling, and with the express authorization given to such Director to modify, amend, and extend the terms and conditions of such Cooperative Agreement as deemed appropriate by the Director due to circumstances determined to exist.

Section 5. That the City Council determines that the exchange of the Surplus Property described herein, and the subsequent transfer serves the City's interests to ensure and enable the construction, operation and maintenance of road improvements, including any necessary structures or appurtenances, for the "N. Woodland Complete Streets Project North of Shoal Creek Parkway", if Hunt Midwest Real Estate Development Inc. offer in response to such request for proposals a signed form of the Cooperative Agreement, substantially in the form of Exhibit A.

Section 6. That the City Manager, or his designee, is hereby authorized to accept, on behalf of the City, special warranty deeds or other form of deeds, and various easements for all of the parcels of real property described in and contemplated by the Cooperative Agreement.

Section 7. That the Director of the Public Works Department, or his designee, is hereby authorized to execute the Special Warranty Deed and all other closing documents related to the transfer and conveyance of the Surplus Property as set forth in the Cooperative Agreement.

Section 8. That this ordinance is recognized as having an accelerated effective date within the provisions of Section 503(a)(3)(D) of the City Charter in that it relates to the design, repair, maintenance, or construction of a public improvement, and shall take effect in accordance with that section.

Approved as to form and legality:

Matthew
Assistant City Attorney

W.

Cooper