



Legislation Text

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File #: 220478, Version: 1

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ORDINANCE NO. 220478

Authorizing condemnation and taking of private property interests for public use for street right-of-way purposes and for temporary construction easements, for the construction, location and maintenance of the “Front Street, I-35 to Universal Avenue Improvements”, Project No. 89008088, 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 “Front Street, I-35 to Universal Avenue Improvements” project, and associated improved intersections, drive approaches, and infrastructure 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. 89008088, “Front Street, I-35 to Universal Avenue 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 properties obtained by condemnation shall be used by the City of Kansas City, Missouri as street right of way and temporary construction 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:

Street Right-of-Way

The Street Right-of-Way shall be taken and used by Kansas City, Missouri for the location, construction and maintenance of Front Street, Chouteau Trafficway and associated improved intersections, 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 right of way for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

and

#### 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. 18

#### Right-of-Way:

A tract of land situated in the Southeast Quarter of the Northwest Quarter of Section 26, Township 50 North, Range 33 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 26, said point being on the South Right-of-Way line of Front Street, as now established; thence South 87 degrees 34 minutes 32 seconds East 2,469.06 feet, along said South Right-of-Way line and the North line of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter of said Section 26, to the Point of Beginning; thence continuing South 87 degrees 34 minutes 32 seconds East 12.99 feet, along said South Right-of-Way line, to the Southwesterly Right-of-Way line of North Chouteau Trafficway (Formerly Manchester Trafficway), as now established, by Doc. No. 31779, dated September 24, 1965; thence South 28 degrees 11 minutes 26 seconds East 317.30 feet, along said Southwesterly Right-of-Way line, to a point on the East line of the Southeast Quarter of the Northwest Quarter of said Section 26 and the West Right-of-Way line of North Chouteau Trafficway (Formerly Manchester Trafficway), as now established, by Doc. No. 31779, dated September 24, 1965; thence South 02 Degrees 12 Minutes 35 Seconds West 23.19 feet along said West Right-of-Way line and said East line; thence North 28 Degrees 05 Minutes 53 Seconds West 343.91 feet, to the Point of Beginning of the tract herein described, containing 3,785 square feet or 0.0869 acres, more or less.

Temporary Construction Easement #1 (3-year duration):

A tract of land situated in the Southeast Quarter of the Northwest Quarter of Section 26, Township 50 North, Range 33 West of the 5th Principal Meridian, in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 26, said point being on the South Right-of-Way line of Front Street, as now established; thence South 87 degrees 34 minutes 32 seconds East 2,359.06 feet, along said South Right-of-Way line and the North line of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter of said Section 26, to the Point of Beginning; thence continuing South 87 degrees 34 minutes 32 seconds East 110.00 feet along said South Right-of-Way line; thence South 28 degrees 05 minutes 53 seconds East 343.91, to a point on the East line of the Southeast Quarter of the Northwest Quarter of said Section 26 and the West Right-of-Way line of North Chouteau Trafficway (Formerly Manchester Trafficway), as now established, by Doc. No. 31779, dated September 24, 1965; thence South 02 degrees 12 minutes 35 seconds West 17.05 feet along said West Right-of-Way line and said East line; thence North 27 degrees 31 minutes 29 seconds West 350.00 feet; thence North 83 degrees 55 minutes 58 seconds West 110.22 feet; thence North 02 degrees 25 minutes 28 seconds East 3.04 feet, along a line perpendicular to said South Right-of-Way line, to the Point of Beginning of the tract herein described, containing 3,076 square feet or 0.0706 acres, more or less. Subject to all easements and restrictions of record.

Temporary Construction Easement #2 (3-year duration):

A tract of land situated in the Southeast Quarter of the Northwest Quarter of Section 26, Township 50 North, Range 33 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 26, said point being on the South Right-of-Way line of Front Street, as now established; thence South 87 degrees 34 minutes 32 seconds East 1,729.06 feet, along said South Right-of-Way line and the North line of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter of said Section 26, to the Point of Beginning; thence continuing South 87 degrees 34 minutes 32 seconds East 95.00 feet along said South Right-of-Way line; thence South 02 degrees 25 minutes 28 seconds West 25.00 feet along a line perpendicular to said South Right-of-Way line; thence North 87 degrees 34 minutes 32 seconds West 95.00 feet along a line 25.00 feet South of and parallel with said South Right-of-Way line; thence North 02 degrees 25 minutes 28 seconds East 25.00 feet, along a line perpendicular to said South Right-of-Way line, to the Point of Beginning of the tract herein described, containing 2,375 square feet or 0.0545 acres, more or less. Subject to all easements and restrictions of record.

Tract No. 23

Temporary Construction Easement (3-year duration):

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 26, Township 50 North, Range 33 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 26; thence North 87 degrees 34 minutes 22 seconds West 369.90 feet, along the North line of the Southeast Quarter of the Northeast Quarter of said Section 26 and the South Right-of-Way line of Front Street, as now established, to a point on the West line of a 200 foot x 500 foot tract to Kansas City Southern Railway Company for a wye track recorded in Doc. No. A-786128 in Book B-3730 at Page 492, said point also being the Point of Beginning; thence South 00 degrees 10 minutes 28 seconds East 12.01 feet, along said West line, to a point being 12.00 feet South of and at right angles to said South Right-of-Way line; thence North 87 degrees 34 minutes 22 seconds West 501.41 feet, along a line 12.00 feet South of and parallel with said South Right-of-Way line, to a point on the Easterly line of a certain tract of land conveyed by Warranty Deed recorded in Doc. No. 2005K-0033500, said point being on a non-tangent curve concave to the East having a radius of 484.28 feet; thence Northerly 12.88 feet, along said Easterly line and said curve to the right having a chord bearing of North 18 degrees 53 minutes 12 seconds West 12.88 feet, to a point on said South Right-of-Way line; thence South 87 degrees 34 minutes 22 seconds East 505.54 feet, along said South Right-of-Way line and the North line of the Southeast Quarter of the Northeast Quarter of said Section 26, to the Point of Beginning of the tract herein described, containing 6,042 square feet or 0.1387 acres, more or less. Subject to all easements and restrictions of record.

Tract No. 23A

Temporary Construction Easement #1 (3-year duration):

A tract of land situated in the Southeast Quarter of the Northeast Quarter of Section 26, Township 50 North, Range 33 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 26; thence North 87 degrees 34 minutes 22 seconds West 169.69 feet, along the North line of the Southeast Quarter of the Northeast Quarter of said Section 26 and the South Right-of-Way line of Front Street, as now established, to a point on the East line of a 200 foot x 500 foot tract to Kansas City Southern Railway Company for a wye track recorded in Doc. No. A-786128 in Book B-3730 at Page 492, said point also being the Point of Beginning; thence South 00 degrees 10 minutes 28 seconds East 10.01 feet to a point being 10.00 feet South of and at right

angles to said South Right-of-Way line; thence North 87 degrees 34 minutes 22 seconds West 125.86 feet along a line 10.00 feet South of and parallel with said South Right-of-Way line; thence South 02 degrees 25 minutes 38 seconds West 10.00 feet to a point being 20.00 feet South of and at right angles to said South Right-of-Way line; thence North 87 degrees 34 minutes 22 seconds West 73.89 feet, along a line 20.00 feet South of and parallel with said South Right-of-Way line, to a point on the West line of said 200 foot x 500 foot tract to Kansas City Southern Railway Company for a wye track recorded in Doc. No. A-786128 in Book B-3730 at Page 492; thence North 00 degrees 10 minutes 28 seconds West 20.02 feet, along said West line, to a point on said South Right-of-Way line; thence South 87 degrees 34 minutes 22 seconds East 200.21 feet, along said South Right-of-Way line and the North line of the Southeast Quarter of the Northeast Quarter of said Section 26, to the Point of Beginning of the tract herein described, containing 2,743 square feet or 0.0630 acres, more or less. Subject to all easements and restrictions of record.

Temporary Construction Easement #2 (3-year duration):

A tract of land situated in the Southwest Quarter of the Northeast Quarter of Section 26, Township 50 North, Range 33 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the intersection of the South Right-of-Way line of Front Street, as now established, by Doc. No. B-110404 in Book B-4779 at Page 567 and the Northeasterly Right-of-Way line of the jointly owned Kansas City Southern Railway Company and the Chicago, Milwaukee, St. Paul & Pacific Railroad, as shown on the Certificate of Survey recorded in Doc. No. K-798380 in Book S-2 at Page 117; thence South 87 degrees 34 minutes 22 seconds East 632.88 feet, along said South Right-of-Way line and the North line of the Southwest Quarter of the Northeast Quarter of said Section 26, to the Northwest corner of a railroad right-of-way, 33.50 feet in width, to Southern Development Company, as recorded in Doc. No. B-282451 in Book B-5133 at Page 426, said point also being the Point of Beginning; thence continuing South 87 degrees 34 minutes 22 seconds East 34.80 feet, along said South Right-of-Way line and said North line, to the Northeast corner of said railroad Right-of-Way, 33.50 feet in width, to Southern Development Company, as recorded in Doc. No. B-282451 in Book B-5133 at Page 426, said point being the beginning of a non-tangent curve concave to the East having a radius of 371.20 feet; thence Southerly 25.30 feet, along the Easterly line of said railroad Right-of-Way and said curve to the left having a chord bearing of South 15 degrees 57 minutes 32 seconds East 25.29 feet, to a point being 24.00 feet South of and at right angles to said South Right-of-Way line; thence North 87 degrees 34 minutes 22 seconds West 35.53 feet, along a line 24.00 feet South of and parallel with said South Right-of-Way line, to a point on the Westerly line of said railroad Right-of-Way, 33.50 feet in width, to Southern Development Company, as recorded in Doc. No. B-282451 in Book B-5133 at Page 426, said point being on a non-tangent curve concave to the East having a radius of 404.70 feet; thence Northerly 25.08 feet, along the Westerly line of said railroad Right-of-Way and said curve to the right having a chord bearing of North 14 degrees 23 minutes 16 seconds West 25.07 feet, to the Point of Beginning of the tract herein described, containing 844 square feet or 0.0194 acres, more or less. Subject to all easements and restrictions of record.

Tract No. 40

### Right of Way

A tract of land in the Southwest Quarter of the Northeast 1/4 and the Southeast Quarter of the Northwest Quarter of Section 26, Township 50 North Range 33 West of the 5th Principal Meridian being more particularly described as follows:

(Note: The bearing system in the following description is based on grid north, Missouri Coordinate System of 1983/97).

Beginning at the Northwest Corner of said Southwest Quarter; thence South 87 degrees 34 minutes 19 seconds East, along the north line of said Southwest Quarter, a distance 41.98 feet to a point on the east Right-of-Way line of Chouteau Trafficway as it now exists; thence South 35 degrees 39 minutes 53 seconds East, along said east Right-of-Way line, a distance of 13.92 feet; thence South 21 degrees 39 minutes 04 seconds West, a distance of 59.41 feet; thence North 35 degrees 39 minutes 53 seconds West, a distance of 85.19 feet to a point on the north line of said Northwest Quarter; thence South 87 degrees 34 minutes 30 seconds East, along said north line, a distance of 21.56 feet to the Point Of Beginning, of the tract herein described, containing 2,477.81 square feet more or less.

### Temporary Construction Easement (3-year duration):

A tract of land in the Southwest Quarter of the Northeast 1/4 of Section 26, Township 50 North, Range 33 West of the 5th P.M. being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence South 02 degrees 12 minutes 35 seconds West, along the West Line of said Southwest Quarter, a distance of 27.63 feet; thence South 35 degrees 39 minutes 53 seconds East, a distance of 50.08 feet to the Point of Beginning of herein described tract; thence North 21 degrees 41 minutes 19 seconds East, a distance of 29.70 feet; thence South 35 degrees 39 minutes 53 seconds East, a distance of 507.48 feet; thence South 54 degrees 46 minutes 27 seconds West, a distance of 25.00 feet; thence North 35 degrees 39 minutes 55 seconds West, a distance of 491.27 feet to the Point Of Beginning. Contains 12,485.51 square feet more or less.

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.

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Approved as to form and legality:

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Matthew Cooper  
Assistant City Attorney