



Legislation Text

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File #: 210932, Version: 1

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ORDINANCE NO. 210932

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the “Lee’s Summit Road - N.W. Lakewood Blvd. to Anderson Drive“, Project No. 89008194, 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 “Lee’s Summit Road - N.W. Lakewood Blvd. to Anderson Drive“ Project 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. 89008194, “Lee’s Summit Road - N.W. Lakewood Blvd. to Anderson Drive“, 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 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 Lee’s Summit Road and associated improved intersections, drive approaches and

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.

#### Permanent Drainage Easement

The Permanent Drainage Easements shall be used by the City of Kansas City, Missouri for the location, construction and maintenance of storm drainage systems and associated improved infrastructure to be constructed therein, including any necessary appurtenances thereto for the purpose of managing storm water runoff; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said Permanent Drainage Easement for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

By the condemning of private property for this easement, it shall not be construed to prohibit the landowner of said condemned property from the safe and unrestricted use of the land adjacent to and above said Permanent Drainage Easement provided, however, said easement shall be kept free from any structure or obstruction as would interfere with the proper, safe and continuous operation and maintenance of said drainage facilities and specifically shall not build thereon or there over any structure which may interfere with the operation, maintenance and use thereof.

#### Retaining Wall Easement

The Retaining Wall Easements shall be used by the City of Kansas City, Missouri for the location, construction and maintenance of a retaining wall system and associated improved infrastructure to be constructed therein, including any necessary appurtenances thereto for the purpose of slope maintenance; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said Retaining Wall Easement for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making modifications thereto.

By the condemning of private property for this easement, it shall not be construed to prohibit the landowner of said condemned property from the safe and unrestricted use of the land adjacent to and above said Retaining Wall Easement provided, however, said easement shall be kept free from any structure or obstruction as would interfere with the proper, safe and continuous operation and maintenance of said retaining wall system and specifically shall not build thereon or there over any structure which may interfere with the stability, operation, maintenance and use thereof.

#### 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, and said temporary construction easement shall terminate three (3) years from the date of taking in the condemnation action.

Section 4. That said property interests are hereby authorized condemned and taken for public use and are described as follows:

**Tract No. 8**

Street Right Of Way:

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 6, Township 48 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 6; thence South 87 degrees, 46 minutes, 42 seconds East, along the South line of the Northwest Quarter of the Southwest Quarter, 198.90 feet to a point on the existing East Right-of-Way of Lee's Summit Road and the POINT OF BEGINNING; thence North 01 degree, 50 minutes, 52 seconds East, along the East right of way, 284.01 feet; thence South 87 degrees, 46 minutes, 42 seconds East, leaving the right of way, 13.71 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 284.28 feet to a point on the South line of the Northwest Quarter of the Southwest Quarter; thence North 87 degrees, 46 minutes, 42 seconds West, along the South line, 24.55 feet to the POINT OF BEGINNING, containing 5,432.91 square feet, or 0.12 acres, more or less.

Temporary Construction Easement (3 year duration):

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 6, Township 48N, Range 31W in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Southwest corner of the Northwest Quarter of Section 6; thence South 87 degrees, 46 minutes, 42 seconds East, along the South line of the Northwest Quarter of the Southwest Quarter, 223.45 feet to the POINT OF BEGINNING; thence North 00 degrees, 20 minutes, 16 seconds West, 284.28 feet; thence South 87 degrees, 46 minutes, 42 seconds East, 20.02 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 4.93 feet; thence South 89 degrees, 39 minutes, 44 seconds West, 5.00 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 146.09 feet; thence North 89 degrees, 39 minutes, 44 seconds East, 10.00 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 40.00 feet; thence North 89 degrees, 39 minutes, 44 seconds East, 10.00 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 92.05 feet; thence South 26 degrees, 05 minutes, 26 seconds West, 2.05 feet to a point on the South line of the Northwest Quarter of the Southwest Quarter; thence North 87 degrees, 46 minutes, 42 seconds West, along the South line, 34.12 feet to the POINT OF BEGINNING,

containing 6,558.22 square feet, or 0.15 acres, more or less.

**Tract No. 12**

Street Right Of Way:

A tract of land in the Northwest Quarter and the Southwest Quarter of Section 6, Township 48 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 6; thence South 01 degree, 59 minutes, 12 seconds West, along the West line of the Northwest Quarter of the Southwest Quarter, 824.90 feet; thence South 88 degrees, 00 minutes, 48 seconds East, 197.54 feet to a point on the existing East right of way of Lee's Summit Road and the POINT OF BEGINNING; thence along the East Right-of-Way the following 10 courses:

- 1) curve left, Initial Tangent Bearing of North 00 degrees, 25 minutes, 20 seconds East, radius of 1530.00 feet, arc length of 330.87 feet to Point of Tangency;
- 2) North 11 degrees, 58 minutes, 06 seconds West, 394.36 feet to Point of Curvature;
- 3) curve right, radius of 364.00 feet, arc length of 232.87 feet to Point of Tangency;
- 4) North 24 degrees, 41 minutes, 13 seconds East, 348.38 feet to Point of Curvature;
- 5) curve left, radius of 790.00 feet, arc length of 287.25 feet to Point of Tangency;
- 6) North 03 degrees, 51 minutes, 13 seconds East, 138.63 feet to Point of Curvature;
- 7) curve right, radius of 3275.00 feet, arc length of 274.85 feet to Point of Tangency;
- 8) North 08 degrees, 39 minutes, 44 seconds East, 407.54 feet;
- 9) South 81 degrees, 20 minutes, 16 seconds East, 15.00 feet;
- 10) North 08 degrees, 39 minutes, 43 seconds East, 611.68 feet;

thence South 76 degrees, 11 minutes, 56 seconds East, leaving the right of way, 20.08 feet; thence South 08 degrees, 39 minutes, 43 seconds West, 352.85 feet; thence South 06 degrees, 51 minutes, 25 seconds East, 74.75 feet; thence South 08 degrees, 39 minutes, 43 seconds West 177.98 feet; thence South 12 degrees, 14 minutes, 18 seconds West, 400.78 feet; thence South 08 degrees, 39 minutes, 44 seconds West, 14.59 feet to a Point of curvature; thence on a curve to the left having a radius of 3245.00 feet and an arc length of 231.49 feet; thence North 85 degrees, 25 minutes, 31 seconds West, non-tangent to the curve, 15.00 feet; thence on a curve to the left having an Initial Tangent Bearing of South 04 degrees, 34 minutes, 29 seconds West, a radius of 3260.00 feet, and an arc length of 41.02 feet

to a Point of Tangency; thence South 03 degrees, 51 minutes, 13 seconds West, 191.77 feet to a Point of Curvature; thence on a curve to the right having a radius of 1080.00 feet, and an arc length of 225.04 feet; thence South 74 degrees, 12 minutes, 27 seconds East, non-tangent to the curve, 20.00 feet; thence on a curve to the right having an Initial Tangent Bearing of South 15 degrees, 47 minutes, 33 seconds West, a radius of 1100.00 feet, and an arc length of 168.01 feet to a Point of Reverse Curve; thence on a curve to the left having a radius of 980.00 feet, and an arc length of 640.16 feet to a Point of Reverse Curve; thence on a curve to the right having a radius of 1100.00 feet, and an arc length of 118.25 feet; thence South 00 degrees, 49 minutes, 30 seconds West, non-tangent to the curve, 156.47 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 50.00 feet; thence South 89 degrees, 39 minutes, 44 seconds West, 10.00 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 148.54 feet; thence North 87 degrees, 54 minutes, 10 seconds West, 5.89 feet to the POINT OF BEGINNING, containing 130,044.53 square feet, or 2.99 acres, more or less.

and

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 31, Township 49 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 31; thence North 01 degree, 50 minutes, 25 seconds East, along the West line of the Southwest Quarter of the Southwest Quarter, 103.10 feet; thence South 88 degrees, 09 minutes, 35 seconds East, 542.31 feet to a point on the existing East right of way of Lee's Summit Road and the POINT OF BEGINNING; thence North 09 degrees, 01 minute, 09 seconds East, along the East right of way, 723.18 feet; thence South 80 degrees, 58 minutes, 51 seconds East, 10.00 feet; thence South 09 degrees, 01 minute, 09 seconds West, 10.00 East of and parallel with the East Right-of-Way, 722.09 feet; thence North 87 degrees, 14 minutes, 01 second West, 10.06 feet to the POINT OF BEGINNING, containing 7,226.35 square feet, or 0.17 acres, more or less.

Permanent Drainage Easement:

A tract of land in the Northwest Quarter of Section 6, Township 48 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 6; thence South 01 degree, 29 minutes, 10 seconds West, along the West line of the Southwest Quarter of the Northwest Quarter, 218.19 feet; thence South 88 degrees, 30 minutes, 50 seconds East, 336.91 feet; thence North 12 degrees, 14 minutes, 18 seconds East, 300.58 feet to the POINT OF BEGINNING; thence North 12 degrees, 14 minutes, 18 seconds East, 100.20 feet; thence North 08 degrees, 39 minutes, 43 seconds East, 100.00 feet; thence South 81 degrees, 20 minutes, 17 seconds East, 10.00 feet; thence South 08 degrees, 39 minutes, 43 seconds West, 100.00 feet; thence South 12 degrees, 13

minutes, 38 seconds West, 100.19 feet; thence North 81 degrees, 23 minutes, 06 seconds West, 10.02 feet to the POINT OF BEGINNING, containing 2,000.97 square feet, or 0.05 acres, more or less.

Retaining Wall Easement:

A tract of land in the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 6, Township 48 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 6; thence South 01 degree, 59 minutes, 12 seconds West, along the West line of the Southwest Quarter, 282.58 feet; thence South 88 degrees, 00 minutes, 48 seconds East, 161.91 feet to the POINT OF BEGINNING; thence on a curve to the right having an Initial Tangent Bearing of North 08 degrees, 36 minutes, 04 seconds West, a radius of 980.00 feet and an arc length of 467.37 feet; thence South 71 degrees, 16 minutes, 34 seconds East, non-tangent to curve, 15.00 feet; thence on a curve to the left having an Initial Tangent Bearing of South 18 degrees, 43 minutes, 26 seconds West, a radius of 965.00 feet, and an arc length of 460.22 feet; thence South 81 degrees, 23 minutes, 56 seconds West, 15.00 feet to the POINT OF BEGINNING, containing 6,956.92 square feet, or 0.16 acres, more or less.

Temporary Construction Easement (3 year duration):

Four tracts of land in the Northwest Quarter of Section 6, Township 48 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 6; thence South 01 degree, 59 minutes, 12 seconds West, along the West line of the Southwest Quarter, 824.86 feet; thence South 88 degrees, 00 minutes, 48 seconds East, 203.42 feet to the POINT OF BEGINNING; thence North 00 degrees, 20 minutes, 16 seconds West, 148.54 feet; thence North 89 degrees, 39 minutes, 44 seconds East, 5.00 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 148.76 feet; thence North 87 degrees, 54 minutes, 10 seconds West, 5.01 feet to the POINT OF BEGINNING, containing 743.51 square feet, or 0.02 acres, more or less.

and

Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 6; thence South 01 degree, 59 minutes, 12 seconds West, along the West line of the Northwest Quarter of the Southwest Quarter, 676.09 feet; thence South 88 degrees, 00 minutes, 48 seconds East, 207.39 feet to the POINT OF BEGINNING; thence North 00 degrees, 20 minutes, 16 seconds West, 50.00 feet; thence North 00 degrees, 49 minutes, 30 seconds East, 156.47 feet; thence on a curve to the left having an Initial Tangent Bearing of North 06 degrees, 43 minutes, 25 seconds West, a radius of 1100.00 feet,

and an arc length of 118.25 feet to a Point of Reverse Curve; thence on a curve to the right having a radius of 980.00 feet, and an arc length of 73.24 feet; thence North 81 degrees, 23 minutes, 56 seconds East, non-tangent to curve, 10.00 feet; thence on a curve to the left having an Initial Tangent Bearing of South 08 degrees, 36 minutes, 04 seconds East, a radius of 970.00 feet, and an arc length of 72.49 feet to a Point of Reverse Curve; thence on a curve to the right having a radius of 1110.00 feet, and an arc length of 119.33 feet; thence South 15 degrees, 54 minutes, 40 seconds East, non-tangent to curve, 54.52 feet; thence on a curve to the right having an Initial Tangent Bearing of South 03 degrees, 58 minutes, 08 seconds East, a radius of 1120.00 feet, and an arc length of 53.85 feet; thence South 16 degrees, 06 minutes, 09 seconds West, non-tangent to curve, 105.54 feet to the POINT OF BEGINNING, containing 5,815.15 square feet, or 0.13 acres, more or less.

and

Commencing at the Southwest corner of the Northwest Quarter of Section 6; thence North 01 degree, 29 minutes, 10 seconds East, along the West line of the Northwest Quarter, 329.42 feet; thence South 88 degrees, 30 minutes, 50 seconds East, 245.33 feet to the POINT OF BEGINNING; thence on a curve to the left having an Initial Tangent Bearing of North 21 degrees, 18 minutes, 06 seconds East, a radius of 1100.00 feet, and an arc length of 105.77 feet; thence North 74 degrees, 12 minutes, 27 seconds West, non-tangent to curve, 20.00 feet; thence on a curve to the left having an Initial Tangent Bearing of North 15 degrees, 47 minutes, 33 seconds East, a radius of 1080.00 feet, and an arc length of 225.04 feet to a Point of Tangency; thence North 03 degrees, 51 minutes, 13 seconds East, 191.77 feet to a Point of Curvature; thence on a curve to the right having a radius of 3260.00 feet, and an arc length of 41.02 feet; thence South 85 degrees, 25 minutes, 31 seconds East, non-tangent to curve, 15.00 feet; thence on a curve to the left having an Initial Tangent Bearing of South 04 degrees, 34 minutes, 29 seconds West, a radius of 3245.00 feet, and an arc length of 40.84 feet to a Point of Tangency; thence South 03 degrees, 51 minutes, 13 seconds West, 158.47 feet; thence South 86 degrees, 08 minutes, 47 seconds East, 10.00 feet; thence South 03 degrees, 51 minutes, 13 seconds West, 33.29 feet to a Point of Curvature; thence on a curve to the right having a radius of 1105.00 feet, and an arc length of 336.50 feet; thence North 68 degrees, 41 minutes, 54 seconds West, non-tangent to curve, 5.00 feet to the POINT OF BEGINNING, containing 10,044.57 square feet, or 0.23 acres, more or less.

and

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 6; thence South 01 degree, 29 minutes, 10 seconds West, along the West line of the Southwest Quarter of the Northwest Quarter, 218.19 feet; thence South 88 degrees, 30 minutes, 50 seconds East, 336.91 feet to the POINT OF BEGINNING; thence North 12 degrees, 14 minutes, 18 seconds East, 300.58 feet; thence South 81 degrees, 23 minutes, 06 seconds East, 10.02 feet; thence North 12 degrees, 13 minutes, 38 seconds East, 100.19 feet; thence North 08 degrees, 39 minutes, 43 seconds East, 100.00 feet; thence North 81 degrees, 20 minutes, 17 seconds West, 10.00 feet; thence North 08 degrees, 39 minutes, 43 seconds East, 77.98 feet; thence North 06 degrees, 51 minutes, 25 seconds West, 74.75 feet; thence North 08 degrees, 39 minutes, 43 seconds East, 352.85 feet; thence South 76 degrees, 11 minutes, 56 seconds East, 10.04 feet; thence South 08 degrees, 39 minutes, 43 seconds West, 351.95 feet; thence South 24 degrees, 40 minutes, 57 seconds East, 72.77 feet; thence South 08 degrees, 39

minutes, 43 seconds West, 189.21 feet; thence South 15 degrees, 04 minutes, 51 seconds West, 402.52 feet; thence North 81 degrees, 20 minutes, 17 seconds West, 10.00 feet to the POINT OF BEGINNING, containing 16,517.58 square feet, or 0.38 acres, more or less.

### Tract No. 13

#### Street Right Of Way:

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 6, Township 48 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 6; thence North 01 degree, 59 minutes, 12 seconds East, along the West line of the Northwest Quarter of the Southwest Quarter, 585.26 feet; thence South 88 degrees, 00 minutes, 48 seconds East, 109.91 feet to the POINT OF BEGINNING; thence North 00 degrees, 20 minutes, 16 seconds West, 79.59 feet; thence North 13 degrees, 09 minutes, 29 seconds East, 42.85 feet; thence North 00 degrees, 20 minutes, 16 seconds West, 9.94 feet to a Point of Curvature; thence on a curve to the left having a radius of 1000.00 feet and an arc length of 62.64 feet to a point on the existing West Right-of-Way of Lee's Summit Road; thence, along the West Right-of-Way, on a curve to the right having an Initial Tangent Bearing of South 10 degrees, 13 minutes, 38 seconds East, a radius of 1480.00 feet, and an arc length of 161.97 feet; thence South 39 degrees, 00 minutes, 41 seconds West, leaving the Right-of-Way, 42.71 feet to the POINT OF BEGINNING, containing 2616.32 square feet, or 0.06 acres, more or less.

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

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 6, Township 48 North, Range 31 West in Kansas City, Jackson County, Missouri, described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter of Section 6; thence North 01 degree, 59 minutes, 12 seconds East, along the West line of the Northwest Quarter of the Southwest Quarter, 585.26 feet; thence South 88 degrees, 00 minutes, 48 seconds East, 109.91 feet to the POINT OF BEGINNING; thence South 39 degrees, 00 minutes, 41 seconds West, 31.54 feet; thence North 00 degrees, 18 minutes, 53 seconds West, 121.62 feet; thence North 30 degrees, 50 minutes, 21 seconds East, 57.72 feet; thence on a curve to the right having an Initial Tangent Bearing of South 01 degree, 12 minutes, 51 seconds East, a radius of 1000.00 feet, and an arc length of 15.30 feet to a Point of Tangency; thence South 00 degrees, 20 minutes, 16 seconds East, 9.94 feet; thence South 13 degrees, 09 minutes, 29 seconds West, 42.85 feet; thence South 00 degrees, 20 minutes, 16 seconds East, 79.59 feet to the POINT OF BEGINNING, containing 2896.30 square feet, or 0.07 acres, 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