



Legislation Details (With Text)

File #: 220984 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 10/28/2022 **In control:** Council
On agenda: 12/1/2022 **Final action:** 12/1/2022
Title: Sponsor: Director of the Public Works Department

Authorizing condemnation and taking of private property interests for public use for Recreational Trail Easements for the construction, location and maintenance of the "Shoal Creek Trail Segment 3", Project No. 89020370, from 7301 N. Brighton Avenue, southeasterly, to 5400 N.E. Pleasant Valley Road in Kansas City, Clay 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 Clay County, Missouri.

Sponsors: Director of Public Works

Indexes:

Code sections:

Attachments: 1. 220984 Fact Sheet, 2. 220984 Fiscal Note, 3. 220984 Air Photo, 4. 220984 Map B, 5. PW NPD ordinance slides 11302022, 6. Authenticated Ordinance 220984, 7. 220984.Recorded Information 12.2.2022

| Date | Ver. | Action By | Action | Result |
|------------|------|---|-----------------|--------|
| 12/1/2022 | 1 | Council | Passed | Pass |
| 11/30/2022 | 1 | Neighborhood Planning and Development Committee | Adv and Do Pass | Pass |
| 11/10/2022 | 1 | Council | referred | |

ORDINANCE NO. 220984

Sponsor: Director of the Public Works Department

Authorizing condemnation and taking of private property interests for public use for Recreational Trail Easements for the construction, location and maintenance of the "Shoal Creek Trail Segment 3", Project No. 89020370, from 7301 N. Brighton Avenue, southeasterly, to 5400 N.E. Pleasant Valley Road in Kansas City, Clay 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 Clay County, Missouri.

WHEREAS, the Council finds that the property interests herein described must be condemned for permanent and temporary public use for the "Shoal Creek Trail Segment 3" project in Kansas City, Clay 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 permanent and temporary public use in and upon the land hereinafter described for Project No. 89020370, "Shoal Creek Trail Segment 3", including any necessary structures or appurtenances, all in Kansas City, Clay 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 for Pedestrian Right of Way Easements and for Temporary Construction Easements for the location of a public recreational trail as part of the Metro Green regional recreational trails/greenway system to be constructed therein including any necessary appurtenances to it; and Kansas City or its authorized agents, employees or independent contractors shall have the right to enter in and upon, or authorize the entry in and upon, said properties for the purpose of constructing, maintaining, operating, repairing, reconstructing, and making improvements to the following said improvements:

Recreational Trail Easement

The Recreational Trail Easement shall be used by the City of Kansas City, Missouri for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system, through part of the City of Kansas City, Clay County, Missouri. Said Recreational Trail Easement shall include the right to clear, cut, fell, remove, and dispose of any and all timber, trees, underbrush, and/or other obstructions there from; to grade, excavate, cut away, and remove any of said land and to replace thereon other material; to construct and maintain the greenway system for trails for walking, running, bicycling, and other recreational purposes; to post signs on the easement property notifying the public of their rights and responsibilities in the use and enjoyment of the recreational trail; for the movement and operation of public safety personnel and vehicles: and for such other purposes as may be required in connection with said work of improvement: reserving, however to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby established.

The acquisition of this Recreational Trail Easement, shall not be construed to prohibit the owners, their heirs and assigns from developing any adjoining property as long as said development does not extend into, under, on, or over said easement without first acquiring written approval from the Director of Public Works; or inhibit the Grantee, or its agents, in entering upon said easement for the purpose of laying, constructing, operating, maintaining, repairing, reconstructing, and making improvements to the Infrastructure there in; or in any way interfere with the safe, unrestricted and continuous use of the easement by the public.

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

Tract No. 1: 7301 N. Brighton Avenue

Recreational Trail Easement:

A strip of land 50 feet wide, to be used for public recreational purposes and is part of the Metro

Green regional recreational trails/greenway system, in the Southeast Quarter of Section 17, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri lying 25.0 feet each side of the following described centerline. The sidelines which are running parallel and 25.0 feet on each side of said centerline shall begin and terminate on the property lines.

Commencing at the Southeast corner of Section of said Quarter, thence North 89 degrees 11 minutes 21 seconds West along the south line of said Quarter a distance of 1475.37 feet to the Point of Beginning of the land to be described; thence northwest a distance of 42.13 feet along a non-tangential curve concave northeast with an initial tangent bearing of North 39 degrees 8 minutes 36 seconds West having a radius of 100.00 feet and a central angle of 24 degrees 08 minutes 11 seconds; thence North 15 degrees 00 minutes 25 seconds West a distance of 334.75 feet, thence north a distance of 291.62 feet along a tangential curve concave west having a radius of 249.99 feet and a central angle of 66 degrees 50 minutes 12 seconds; thence west a distance of 170.24 feet along a tangential curve concave north having a radius of 200.01 feet and a central angle of 48 degrees 46 minutes 03 seconds; thence northwest a distance of 65.17 feet along a tangential curve concave northeast having a radius of 299.94 feet and a central angle of 12 degrees 26 minutes 54 seconds; thence north a distance of 113.68 feet along a tangential curve concave west having a radius of 200.01 feet and a central angle of 32 degrees 33 minutes 57 seconds; thence North 53 degrees 11 minutes 37 seconds West a distance of 146.32 feet; thence northwest a distance of 126.35 feet along a tangential curve concave southwest having a radius of 200.00 feet and a central angle of 36 degrees 11 minutes 51 seconds; thence North 89 degrees 23 minutes 28 seconds West a distance of 56.47 feet; thence west a distance of 168.55 feet along a tangential curve concave north having a radius of 200.00 feet and a central angle of 48 degrees 17 minutes 14 seconds; thence North 41 degrees 06 minutes 14 seconds West a distance of 30.86 feet to a Point of Termination on the easterly right of way of North Brighton Avenue as now established.

Containing 77,397 square feet or 1.78 acres, more or less and subject to all easements and restrictions of record.

Tract No. 2: 5215 N.E. 71st Place

Recreational Trail Easement:

A strip of land 50 feet wide, to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system located in the Northeast Quarter of Section 20, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri said tract also being within Tract C of Charleston Harbor 6th Plat, a subdivision in Kansas City, Clay County, Missouri described as follows:

The North 60.0 feet of the east 150.0 feet of Tract C of Charleston Harbor 6th Plat, a subdivision in Kansas City, Clay County Missouri.

Containing 12,000 square feet or 0.28 acres of land more or less and subject to all easements and restrictions of record.

Tract No. 3: 5410 N.E. 69th Terrace

Recreational Trail Easement:

A strip of land 30 feet wide, to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system, in the Northeast Quarter of Section 20, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of Section of said Quarter, thence North 89 degrees 11 minutes 21 seconds West along the north line of said Quarter, a distance of 655.46 feet to the Point of Beginning of the land to be described; thence North 89 degrees 11 minutes 21 seconds West along the north line of said Quarter a distance of 655.42 feet; thence South 00 degrees 50 minutes 26 seconds West a distance of 30.00 feet; thence South 89 degrees 11 minutes 21 seconds East a distance of 655.37 feet; thence North 00 degrees 56 minutes 10 seconds East a distance of 30.00 feet to the Point of Beginning.

Containing 19,664 square feet or 0.45 acres of land more or less and subject to all easements and restrictions of record.

Tract No. 4A: 5405 N.E. 69th Terrace

Recreational Trail Easement (1):

A tract of land to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system, in the Northeast Quarter of Section 20, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri being more particularly described as follows:

Commencing at the Northeast corner of Section of said Quarter, thence North 89 degrees 11 minutes 21 seconds West along the north line of said Quarter, a distance of 98.56 feet to the Point of Beginning of the land to be described; thence North 89 degrees 11 minutes 21 seconds West along the north line of said Quarter, a distance of 556.90 feet; thence South 00 degrees 56 minutes 09 seconds West a distance of 30.00 feet; thence South 89 degrees 11 minutes 21 seconds East a distance of 527.84 feet; thence South 61 degrees 58 minutes 42 seconds East a distance of 66.86 feet; thence South 28 degrees 14 minutes 21 seconds East a distance of 67.50 feet; thence South 52 degrees 58 minutes 35 seconds East a distance of 43.26 feet to a point on the east line of said Quarter; thence North 01 degrees 01 minutes 24 seconds East along the east line of said Quarter a distance of 44.80 feet; thence North 28 degrees 14 minutes 26 seconds West a distance of 79.84 feet; thence North 61 degrees 59 minutes 06 seconds West a distance of 66.81 feet to the Point of Beginning.

Containing 22,675 square feet or 0.52 acres of land more or less and subject to all easements and restrictions of record.

AND:

Recreational Trail Easement (1):

A tract of land to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system, in the Northeast Quarter of Section 20, Township

51 North, Range 32 West, Kansas City, Clay County, Missouri being more particularly described as follows:

Commencing at the Southeast corner of said Quarter, thence North 89 degrees 27 minutes 29 seconds West along the southerly line of said Quarter a distance of 122.64 feet to the Point of Beginning; thence North 13 degrees 54 minutes 15 seconds East a distance of 37.87 feet; thence North 00 degrees 29 minutes 11 seconds East a distance of 55.36 feet to a point along the right of way of an existing access road; thence North 59 degrees 42 minutes 56 seconds West long the westerly right of way line of said existing access road a distance of 69.15 feet; thence South 00 degrees 29 minutes 06 seconds West a distance of 82.70 feet; thence South 13 degrees 55 minutes 53 seconds West a distance of 45.02 feet to the southerly line of said Quarter; thence South 89 degrees 27 minutes 29 seconds East along southerly line of said Quarter a distance of 61.68 feet to the Point of Beginning.

Containing 6,629 square feet or 0.15 acres of land more or less and subject to all easements and restrictions of record.

Tract No. 4B: No Address

Recreational Trail Easement:

A tract of land to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system, in the Northwest Quarter of Section 21, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri being more particularly described as follows:

Commencing at the Northwest corner of said Quarter, thence South 01 degrees 01 minutes 29 seconds West along the west line of said Quarter a distance of 100.65 feet to the Point of Beginning; thence South 71 degrees 31 minutes 52 seconds East a distance of 64.18 feet; thence South 89 degrees 17 minutes 13 seconds East a distance of 134.99 feet; thence North 70 degrees 40 minutes 35 seconds East a distance of 165.37 feet; thence North 60 degrees 40 minutes 52 seconds East a distance of 64.23 feet; thence North 40 degrees 40 minutes 13 seconds East a distance of 48.70 feet to the northerly line of said Quarter; thence North 89 degrees 56 minutes 06 seconds East along the northerly line of said Quarter a distance of 52.81 feet; thence South 40 degrees 40 minutes 50 seconds West a distance of 90.22 feet; thence South 60 degrees 40 minutes 04 seconds West a distance of 34.09 feet; thence South 20 degrees 47 minutes 46 seconds East a distance of 319.45 feet thence South 76 degrees 07 minutes 54 seconds West a distance of 47.19 feet; thence South 13 degrees 52 minutes 27 seconds East a distance of 150.01 feet; thence North 45 degrees 00 minutes 00 seconds West a distance of 85.53 feet; thence North 20 degrees 47 minutes 51 seconds West a distance of 297.04 feet; thence North 36 degrees 47 minutes 51 seconds West a distance of 87.13 feet; thence South 70 degrees 40 minutes 49 seconds West a distance of 92.16 feet; thence North 89 degrees 17 minutes 20 seconds West a distance of 148.27 feet; thence North 71 degrees 31 minutes 39 seconds West a distance of 57.85 feet to a point on the westerly line of said Quarter; thence North 01 degrees 00 minutes 41 seconds East a distance of 41.93 feet to the Point of Beginning.

Containing 57,760 square feet or 1.33 acres of land more or less and subject to all easements and restrictions of record.

Tract No. 4C: No Address

Recreational Trail Easement:

A strip of land 60 feet wide, to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system, in the Southeast Quarter of Section 20, Township 51 North, Range 32 West, Kansas City, Clay County, Missouri lying 30.0 feet each side of the following described centerline. The sidelines which are running parallel and 30.0 feet on each side of said centerline shall begin and terminate on the property lines.

Commencing at the Northeast corner of said Quarter, thence North 89 degrees 27 minutes 31 seconds West along the northerly line of said Quarter a distance of 153.49 feet to the Point of Beginning; thence South 14 degrees 04 minutes 11 seconds West a distance of 33.15 feet; thence south a distance of 158.89 feet along a tangential curve concave west having a radius of 300.00 feet and a central angle of 30 degrees 20 minutes 45 seconds; thence South 44 degrees 24 minutes 56 seconds West a distance of 176.07 feet; thence southwest a distance of 144.35 feet along a tangential curve concave northwest having a radius of 400.00 feet and a central angle of 20 degrees 40 minutes 36 seconds; thence South 65 degrees 05 minutes 32 seconds West a distance of 166.09 feet; thence southwest a distance of 135.17 feet along a tangential curve concave northwest having a radius of 200.00 feet and a central angle of 38 degrees 43 minutes 24 seconds; thence west a distance of 98.55 feet along a tangential curve concave south having a radius of 100.00 feet and a central angle of 56 degrees 27 minutes 56 seconds; thence South 47 degrees 21 minutes 00 seconds West a distance of 265.55; thence southwest a distance of 72.20 feet along a tangential curve concave southeast having a radius of 100.00 feet and a central angle of 41 degrees 21 minutes 57 seconds; thence South 05 degrees 59 minutes 04 seconds West a distance of 128.73 feet; thence south a distance of 32.77 feet along a tangential curve concave east having a radius of 100.00 feet and a central angle of 18 degrees 46 minutes 35 seconds; thence South 12 degrees 47 minutes 32 seconds East a distance of 12.53 feet to a Point of Termination along the northerly right of way of Pleasant Valley Road as now established.

Containing 85,448 square feet or 1.96 acres of land more or less and 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 Clay 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 Clay County, Missouri.

Approved as to form and legality:

Dustin Johnson
Assistant City Attorney