



Legislation Details (With Text)

File #: 230975 **Version:** 2 **Name:**
Type: Ordinance **Status:** Passed
File created: 11/2/2023 **In control:** Council
On agenda: 12/7/2023 **Final action:** 12/7/2023
Title: Sponsor: Councilmembers Kevin O’Neill and Nathan Willett

Authorizing the Director of Water Services Department to negotiate and execute an Option to Purchase Agreement between Hunt Midwest Properties, L.L.C. and the City of Kansas City, Missouri, through its Water Services Department, for the Todd Creek Facility Land Acquisition; authorizing the expenditure of \$799,058.00 by the Director of the Water Services Department to fulfill such contract; and recognizing this ordinance as having an accelerated effective date.

Sponsors: Director of Water Services

Indexes:

Code sections:

Attachments: 1. Docket Memo 230975, 2. Hunt Midwest Option to Purchase Final, 3. 230975 TIO Presentation - PDF, 4. 230975 TIO Presentation 12-06-2023, 5. 230975 cs to org ord-com, 6. Authenticated Ordinances 230975 CS, 7. Water 230975 Power Point

Date	Ver.	Action By	Action	Result
12/7/2023	1	Council	Passed as Substituted	Pass
12/6/2023	1	Transportation, Infrastructure and Operations Committee	Adv and Do Pass as Cmte Sub	Pass
11/29/2023	1	Transportation, Infrastructure and Operations Committee		
11/9/2023	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230975

Sponsor: Councilmembers Kevin O’Neill and Nathan Willett

Authorizing the Director of Water Services Department to negotiate and execute an Option to Purchase Agreement between Hunt Midwest Properties, L.L.C. and the City of Kansas City, Missouri, through its Water Services Department, for the Todd Creek Facility Land Acquisition; authorizing the expenditure of \$799,058.00 by the Director of the Water Services Department to fulfill such contract; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the City needs to acquire real property for the future Todd Creek Facility under Project No. 81000985; and

WHEREAS, it is the City’s intention to select a site fully located within the limits of Kansas City, Missouri; and

WHEREAS, the Water Services Department has identified two tracts owned by Hunt Midwest Properties, L.L.C. that may be suitable for the Todd Creek Facility located within Kansas City, Platte County, Missouri, with Tract 1 being generally located at NW 144th Street and NW Interurban Rd., and described as

follows:

A tract of land in the East Half of the Southwest Quarter of Section 1, Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Northeast corner of the Northwest Quarter of said Section 1; thence South $00^{\circ}27'39''$ West, on the East line of said Northwest Quarter, 2,577.47 feet to the Southeast corner of the Northwest Quarter of said Section 1, said point also being the Northeast corner of the Southwest Quarter of said Section 1 and the Point of Beginning of the tract of land to be herein described; thence South $00^{\circ}27'39''$ West, on the East line of the Southwest Quarter of said Section 1, 327.63 feet to the Southeast corner of the North 10 acres of the East Half of the Southwest Quarter of said Section 1 as referenced in the General Warranty Deed recorded November 13, 2013 to Hunt Midwest Properties, LLC and recorded as Document No. 2013017415, in Book 1221, at Page 87, (Allmon Tract); thence North $89^{\circ}19'56''$ West, on the South line of the North 10 acres of the East Half of the Southwest Quarter of said Section 1, 1,329.61 feet to the Southwest corner of the North 10 acres of the East Half of the Southwest Quarter of said Section 1; thence North $00^{\circ}32'37''$ East, on the West line of the East Half of the Southwest Quarter of said Section 1, 327.62 feet to the Northwest corner of East Half of the Southwest Corner; thence South $89^{\circ}19'57''$ East, on the North line of the Southwest Quarter of said Section 1, 1,329.14 feet to the Point of Beginning. Containing 435,538 square feet or 10.00 acres, more or less.

All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, all lying above Bethany Falls Ledge of Limestone Rock. In areas where the Bethany Falls Ledge is absent, all lying above the Elevation 720 (NAVD 88); and

A tract of land in the East Half of the Northwest Quarter of Section 1, Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Northeast corner of said Northwest Quarter of Section 1; thence South $00^{\circ}27'39''$ West, on the East line of said Northwest Quarter, 172.64 feet to the Point of Beginning of the tract of land to be herein described; said point being on the centerline of NW 144th Street, as now established and exists as referenced in the General Warranty Deed recorded November 13, 2013 to Hunt Midwest Properties, LLC and recorded as Document No. 2013017415, in Book 1221, at Page 87, (Gann Tract and Allmon Tract); thence continuing South $00^{\circ}27'39''$ West along said East line of said Northwest Quarter, 2,404.83 feet to the Southeast corner of the Northwest Quarter of said Section 1; thence North $89^{\circ}19'57''$ West, on the South line of said Northwest Quarter, 1,329.14 feet to the Southwest corner of the East Half of said Northwest Quarter; thence North $00^{\circ}17'57''$ East, on the West line of the East Half of said Northwest Quarter, 2,002.34 feet to a point on the centerline of aforesaid NW 144th Street, thence South $82^{\circ}21'47''$ East, on said centerline, 537.75 feet; thence Easterly on said centerline, along a curve to the left being tangent to the last described course with a radius of 117.42 feet, a central angle of $37^{\circ}45'05''$ and an arc distance of 77.37 feet; thence North $59^{\circ}53'08''$ East, on said centerline, 185.06 feet; thence Northeasterly on said centerline, along a curve to the left being tangent to the last described course with a radius of 226.62 feet, a central angle of $19^{\circ}21'51''$ and an arc distance of 76.59 feet; thence North $40^{\circ}31'17''$ East, on said centerline, 282.48 feet; thence Northeasterly on said centerline, along a curve to the right being tangent to the last described course with a radius of 124.77 feet, a central angle of $39^{\circ}22'41''$ and an arc distance of 85.75 feet; thence North $79^{\circ}53'58''$ East, on said centerline, 259.32 feet to the

Point of Beginning. Containing 2,806,468 square feet or 64.428 acres, more or less. Except that part in right of way for NW 144th Street situated along the Northerly property line.

All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, all lying above Bethany Falls Ledge of Limestone Rock. In areas where the Bethany Falls Ledge is absent, all lying above the Elevation 720 (NAVD 88).

and Tract 2 described as follows:

A tract of land located in the Southwest Quarter of Section Thirty-six (S36), Township Fifty-three North (T53N), Range Thirty-four West (R34W) of the Fifth Principal Meridian (5th P.M.), located in the County of Platte, State of Missouri and located in the City of Kansas City, County of Platte, State of Missouri, more particularly described by Randy G. Zerr, Missouri PLS-2018016442, December 16, 2022 as follows:

Commencing at the Southeast corner of the Southwest Quarter, thence North 89°41 '59" West, along the South line of said Southwest Quarter, 101.67 feet to the point of beginning, said point of beginning is also the center line of North Todd Creek Road.

From the point of beginning, continuing along said South line, North 89°41 '59" West, 1916.22 feet; thence departing said South line, North 29°24'46" East, 206.25 feet; thence North 74°15'11" East, 594.38 feet; thence North 01°00'23" East, 900.00 feet; thence South 89°40'33" East, 1336.08 feet to the center line of North Todd Creek Road; thence South 00°20'23" West, along said center line, 831.58 feet; thence South 42°22'21" West, along said center line, 106.67 feet; thence southwesterly, continuing along said center line, along a non-tangent curve to the left having an arc length of 75.51 feet, a radius of 125.00 feet, a delta angle of 34°36'40", and a chord that bears South 25°04'01" West, 74.37 feet; thence South 07°45'44" West, along said center line, 176.33 feet; thence southeasterly, continuing along said center line, along a tangent curve to the left having an arc length of 96.11 feet, a radius of 125.00 feet, a delta angle of 44°03 '09", and a chord that bears South 14°15'50" East, 93.76 feet to the point of beginning, containing 1,789,684 square feet or 41.085 acres, said tract being subject to county and city road right-of-way along its east boundary. All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, all lying above Bethany Falls Ledge of Limestone rock. In areas where the Bethany Falls Ledge is absent, all lying above the Elevation 720 (NAVD88).

AND

A tract of land located in the Northwest Quarter of Section One (SO1), Township Fifty-two North (T52N), Range Thirty-four West (R34W) of the Fifth Principal Meridian (5th P.M.), all in the County of Platte, State of Missouri, more particularly described by Randy G. Zerr, Missouri PLS-2018016422, December 16, 2022 as follows:

Beginning at the Northeast corner of the Northwest Quarter, thence South 00°27' 19" West, along the East line of said Northwest Quarter, 173.74 feet to the center line of NW 144th Street; thence South 79°54'02" West, along said center line. 259.34 feet; thence southwesterly, continuing along said center line, along a tangent curve to the left having an arc length of 85.75 feet, a radius of 124.77 feet, a delta angle of 39°22'38", and a chord that bears South 60°12'43" West. 84.07 feet; thence continuing along said center line, South 40°31 '21" West, 282.48 feet;

thence southwesterly, continuing along said center line, along a tangent curve to the right having an arc length of 76.59 feet, a radius of 226.62 feet, a delta angle of 19°21'51", and a chord that bears South 50°12'17" West, 76.23 feet; thence continuing along said center line, South 59°53'12" West, 185.06 feet; thence westerly, continuing along said center line, along a tangent curve to the right having an arc length of 77.37 feet, a radius of 117.42 feet, a delta angle of 37°45'11", and a chord that bears South 78°45'48" West, 75.98 feet; thence continuing along said center line, North 82°21'43" West, 585.40 feet; thence northwesterly, continuing along said center line, along a tangent curve to the right having an arc length of 56.68 feet, a radius of 121.67 feet, a delta angle of 26°41'29", and a chord that bears North 69°00'58" West, 56.17 feet; thence continuing along said center line, North 55°40'09" West, 558.28 feet; thence northwesterly, continuing along said center line, along a tangent curve to the right having an arc length of 27.34 feet, a radius of 180.00 feet, a delta angle of 08°42'09", and a chord that bears North 51°19'04" West, 27.31 feet; thence continuing along said center line, North 46°57'59" West, 312.94 feet to a point on the North line of said Northwest Quarter; thence, departing said center line South 89°41'59" East, along said North line, 2150.15 feet to the point of beginning, containing 887,770, square feet or 20.380 acres, said tract being subject to city road right-of-way along its southern boundary. All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, all lying above Bethany Falls Ledge of Limestone rock. In areas where the Bethany Falls Ledge is absent, all lying above the Elevation 720 (NAVD88); and

WHEREAS, upon completion of environmental site assessments, geotechnical evaluations, and other due diligence activities, the City will purchase one of the two tracts for \$13,000.00 per acre; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is authorized to negotiate and execute an Option to Purchase Agreement in the amount of \$799,058.00 with Hunt Midwest Properties, L.L.C., for the Todd Creek Facility Land Acquisition under Project No. 81000985. The \$799,058.00 paid for the Option to Purchase shall be applied to the purchase price of real property described within said Option to Purchase Agreement as a nonrefundable deposit.

Section 2. That the Director of the Water Services Department is authorized a maximum expenditure of \$799,058.00 from Account No. 24-8110-807778-631980-81000985, Sewer Treatment Facilities, to satisfy the cost of this contract.

Section 3. That the Director of the Water Services Department's authority to accept any deeds under the Option to Purchase Agreement shall be subject to the City Council passing any further ordinances required under the City Charter and the Code of ordinances.

Section 4. That this ordinance, relating to the design, repair, maintenance, or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3) (D) of the City Charter and shall take effect in accordance with Section 503, City Charter.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury,

to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Abigail Judah
Assistant City Attorney