



Legislation Text

File #: 220257, **Version:** 1

ORDINANCE NO. 220257

Authorizing condemnation and taking of private property interest for public use for the construction of a Storm Sewer and Appurtenances for a sewer separation improvement project, "Sewer Separation: 40th and Monroe", Project No. 81000832, in the City of Kansas City, Jackson County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Director of the Water Services Department; authorizing the filing of the petition for condemnation by the City Attorney; 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 certain interests in private property must be condemned for public use for the construction of a sewer improvement project, "Sewer Separation: 40th and Monroe", Project No. 81000832, in the City of Kansas City, Jackson County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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. 81000832, "Sewer Separation: 40th and Monroe", including any necessary structures or appurtenances, in the City of 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 Water Services Department, the same being on file in the Office of the Director of the Water Services Department, 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 the location of a storm water main and improvements and utilities to be constructed therein including any necessary appurtenances to it.

Section 4. That the private property is hereby authorized condemned and taken for public use and hereby described as follows:

Tract No. 9

Fee Simple

Situs Address: 4016 Cleveland Avenue (Tax ID 31-340-12-21-00-0-00-000)

Also legally described as: All of Lot 17, Seven Oaks Gardens, a Subdivision in Kansas City, Jackson County, Missouri

Section 5. That just compensation for the property 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 for such purposes.

Section 6. That pending the acquisition of said property by condemnation, the City Director of the Water Services Department is hereby authorized to continue negotiation on the purchase of said property and pay for it 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 property interests herein described be condemned and conveyed to the City of Kansas City, Missouri.

Section 8. That upon the effective date of this ordinance the City Clerk is hereby directed to record this ordinance in the office of the Recorder of Deeds for Jackson County, Missouri.

Approved as to form and legality:

Matthew Cooper
Assistant City Attorney