



## Legislation Text

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**File #: 220372, Version: 2**

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### COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220372

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the “N. Fremont Avenue Roadway Improvements - N.E. 52nd Street Sidewalk Addition”, Project No. 89060771, 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; directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the Council finds that the property interests herein described must be condemned for public use for the “N. Fremont Avenue Roadway Improvements - N.E. 52nd Street Sidewalk Addition” 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 public use in and upon the land hereinafter described for Project No. 89060771, “N. Fremont Avenue Roadway Improvements - N.E. 52nd Street Sidewalk Addition”, 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 as 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:

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

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. 4**

Temporary Construction Easement (3-year duration):

All that part of the South 30 feet of the West 138 feet of Lot 17 and the North 41 feet of the West 138 feet of Lot 18, of "NALL ADDITION" plat, a subdivision in the City of Kansas City, Missouri, recorded in the Clay County, Missouri, Register of Deeds Office at book 6, page 11, and more particularly described as follows:

Commencing at the Northwest corner of said Lot 18, also the east right-of-way line of N. Fremont Avenue; thence south 00 degrees 57 minutes 30 seconds west along said east right-of-way line, a distance of 36.00 feet, to the Point of Beginning; thence south 89 degrees 02 minutes 30 seconds east a distance of 9.00 feet; thence south 00 degrees 57 minutes 30 seconds a distance 5.00 feet to a point on the South property line of said original parcel; thence north 89 degrees 02 minutes 30 seconds west along said south property line, a distance of 9.00 feet, to a point on said east right-of-way line; thence north 00 degrees 57 minutes 30 seconds east along said east right-of-way line, a distance of 5.00 feet to the Point of Beginning.

The above-described parcel contains 45 square feet or 0.001 acres, more or less.

**Tract No. 13**

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

All that part of the North 52 feet of Lot 4, except the East 100 feet of "NALL ADDITION" plat, a subdivision in the City of Kansas City, Missouri, recorded in the Clay County, Missouri, Register of Deeds Office at book 6, page 11, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 4, also the east right-of-way line of N. Fremont Avenue; thence south 89 degrees 02 minutes 31 seconds east leaving said east right-of-way line and along the north property line of said original parcel, a distance of 5.50 feet; thence south 00 degrees 57 minutes 29 seconds west leaving said north property line, a distance of 12.00 feet; thence north 89 degrees 02 minutes 31 seconds west a distance of 5.50 feet to a point on said east right-of-way line; thence north 00 degrees 57 minutes 30 seconds east along said east right-of-way line, a distance 12.00 feet to the Point of Beginning.

The above-described parcel contains 66 square feet or 0.002 acres, more or less.

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

All that part of the North 52 feet of Lot 4, except the East 100 feet of "NALL ADDITION" plat, a subdivision in the City of Kansas City, Missouri, recorded in the Clay County, Missouri, Register of Deeds Office at book 6, page 11, and more particularly described as follows:

Commencing at the Northwest corner of said Lot 4, also the east right-of-way line of N. Fremont Avenue; thence south 00 degrees 57 minutes 30 seconds west along said east right-of-way line, a distance of 24.00 feet to the Point of Beginning; thence south 89 degrees 02 minutes 31 seconds east leaving said east right-of-way

line, a distance of 5.00 feet; thence south 00 degrees 57 minutes 30 seconds west a distance of 28.00 feet to a point on the south property line of said original parcel; thence north 89 degrees 02 minutes 31 seconds west along said south property line, a distance of 5.00 feet to a point on said east right-of-way line; thence north 00 degrees 57 minutes 30 seconds east along said east right-of-way line, a distance 28.00 feet to the Point of Beginning.

The above-described parcel contains 140 square feet or 0.003 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 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.

Section 9. 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 that section.

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Approved as to form and legality:

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Matthew W. Cooper  
Assistant City Attorney