



## Legislation Text

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**File #: 220637, Version: 2**

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### COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220637

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the “KCI Corridor Trail Segments 2 and 3”, Project No. 89020301, in Kansas City, Platte 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 Platte County, Missouri.

WHEREAS, the Council finds that the property interests herein described must be condemned for permanent and temporary public use for the “KCI Corridor Trail Segments 2 and 3” Project in Kansas City, Platte 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. 89020301, “KCI Corridor Trail Segments 2 and 3”, including any necessary structures or appurtenances, all in Kansas City, Platte 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

#### **Pedestrian Right of Way Easement**

The Pedestrian Right of Way 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, Platte County, Missouri. Said Pedestrian Right of Way 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 Pedestrian Right of Way 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.

### **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.

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

### **Tract No. 2**

#### **Pedestrian Right-of-Way Easement:**

A tract of land to be used for public recreational purpose and is part of the Metro Green regional recreational trails/greenway system, through part of Lot 2, EXECUTIVE HILLS NORTH 2ND PLAT, a subdivision of land in the Northwest Quarter of Section 36, Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows:

Beginning at the Southwest corner of said Lot 2, point also being on the Easterly right-of-way line of Interstate Highway No. 29; thence North 37 degrees 36 minutes 34 seconds west on the Southwesterly line of said Lot 2, 152.56 feet; thence North 29 degrees 28 minutes 46 seconds west on said Southwesterly line, 604.06 feet; thence leaving said Southwesterly line South 54 degrees 38 minutes 52 seconds east, 162.53 feet; thence South 29 degrees 01 minutes 21 seconds east, 225.63 feet; thence South 11 degrees 10 minutes 57 seconds east, 65.28 feet; thence South 29 degrees 00 minutes 52 seconds east, 70.55 feet; thence South 42 degrees 49 minutes 16 seconds east, 95.45 feet; thence South 35 degrees 43 minutes 10 seconds east, 154.25 feet to a point on the Southeasterly line of said Lot 2; thence South 57 degrees 15 minutes 00 seconds

west on said Southeasterly line, 63.57 feet to the Point of Beginning.

Containing 42,934 square feet or 0.99 acres, more or less.

#### **Tract No. 4**

##### **Pedestrian Right-of-Way Easement:**

A tract of land to be used for public recreational purpose and is part of the Metro Green regional recreational trails/greenway system, through part of Lot 4, EXECUTIVE HILLS NORTH 2ND PLAT, a subdivision of land in the Northwest Quarter of Section 36, Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows:

Beginning at the Southwest corner of said Lot 4, point also being on the Easterly right-of-way line of Interstate Highway No. 29; thence North 30 degrees 44 minutes 23 seconds west on the southwesterly line of said Lot 4, 335.00 feet; thence North 29 degrees 28 minutes 46 seconds west on said southwesterly line, 64.22 feet to the Northwest corner of said Lot 4; thence North 60 degrees 00 minutes 00 seconds east on the northwesterly line of said Lot 4, 26.15 feet; thence leaving said Northwesterly line South 30 degrees 07 minutes 52 seconds east, 26.83 feet; thence South 50 degrees 52 minutes 39 seconds east, 56.48 feet; thence South 30 degrees 08 minutes 02 seconds east, 69.22 feet; thence South 52 degrees 10 minutes 51 seconds East, 79.93 feet; thence South 30 degrees 07 minutes 45 seconds east, 77.71 feet; thence South 12 degrees 56 minutes 17 seconds east, 103.18 feet to a point on the Southeasterly line of said Lot 4; thence South 60 degrees 00 minutes 00 seconds west on said Southeasterly line of said Lot 4, 42.84 feet to the Point of Beginning. Containing 21,932 square feet or 0.50 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 Platte 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 Platte County, Missouri.

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Approved as to form and legality:

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Matthew Cooper  
Associate City Attorney