

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 210540

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the N. Green Hills Road Improvements – N.W. 78th Street to N.W. Barry Road, Project No. 89008087, 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 public use for the N. Green Hills Road Improvements – N.W. 78th Street to N.W. Barry Road 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 public use in and upon the land hereinafter described for Project No. 89008087, N. Green Hills Road Improvements – N.W. 78th Street to NW Barry Road”, 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 as Street Right of Way and 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:

Street Right of Way

The Street Right of Way shall be taken and used by Kansas City, Missouri for the location, construction and maintenance of N. Green Hills Road, N.W. 79th Street, N.W. 79th Terrace, N.W. 80th Street, N.W. 80th Terrace and associated improved intersections, drive approaches, and other infrastructure to be constructed therein, including any necessary appurtenances thereto; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said right of way for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

Retaining Wall Easement

The Retaining Wall Easement shall be used by the City of Kansas City, Missouri, its successors and assigns, for the purposes of locating, constructing, inspecting, repairing, maintaining, reconstructing, and making improvements to a retaining wall and slope stability structures and all appurtenances incidental thereto, and the right to change the grade of the land and to establish slopes and cutbacks adjacent to said retaining wall and to keep, maintain, repair, reconstruct, and make improvements to the slope and cutbacks associated with the retaining wall.

The City of Kansas City, Missouri, its successors and assigns, shall have the right at all times to go upon the lands herein described to construct, maintain and repair the said retaining wall, as may be necessary, and while nothing in this deed shall be construed so as to grant any right to the City which shall in any way interfere with the safe and unrestricted use by property owner(s) of the land adjacent to and above said easement the property owner(s) shall not use nor attempt to use said property in such manner as would interfere with the proper, safe and continuous maintenance and use of said easement and specifically shall not build thereon or there over any structure which may interfere with the maintenance and use of said retaining wall easement by the City of Kansas City, Missouri, its successors and assigns.

Storm Drainage Easement

The Storm Drainage Easement shall be used by the City of Kansas City, Missouri, its successors and assigns, for the purposes of locating, constructing, operating, inspecting, repairing, maintaining, reconstructing, and making improvements to storm drainage facilities and structures and all appurtenances incidental thereto.

The City of Kansas City, Missouri, its successors and assigns, shall have the right at all times to go upon the lands herein described to construct, maintain and repair the said storm drainage facilities and structures, as may be necessary, and while nothing in this deed shall be construed so as to grant any right to the City which shall in any way interfere with the safe and unrestricted use by property owner(s) of the land adjacent to and above said easement the property owner(s) shall not use nor attempt to use said property in such a manner as would interfere with the proper, safe and continuous maintenance and use of said easement and specifically shall not build thereon or there over any structure which may interfere with the free flow of water over, through and across the easement and that portion of the storm drainage system there in.

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. 8

Retaining Wall Easement:

All that part of Lot 27, THE COVES EAST FIRST PLAT, a subdivision in Kansas City, Platte County Missouri, being more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 27; thence South 00 degrees 19 minutes 32 seconds West along the East line thereof a distance of 99.51 feet to the Southeast corner of said Lot 27; thence North 83 degrees 59 minutes 07 seconds West along the South line of said Lot 27 a distance of 10.05 feet; thence North 00 degrees 19 minutes 32 seconds East departing said South line a distance of 97.19 feet to the North line of said Lot 27; thence North 82 degrees 45 minutes 48 seconds East along said North line a distance of 10.09 feet to the POINT OF BEGINNING. Containing 983 square feet more or less.

Temporary Construction Easement (3 years duration):

All that part of Lot 27, THE COVES EAST FIRST PLAT, a subdivision in Kansas City, Platte County Missouri, being more particularly described as follows:

COMMENCING at the Northeast corner of said Lot 27; thence South 82 degrees 45 minutes 48 seconds West along the North line thereof a distance of 10.09 feet to the POINT OF BEGINNING; thence South 00 degrees 19 minutes 32 seconds West departing said North line a distance of 97.19 feet to the South line of said Lot 27; thence North 83 degrees 59 minutes 07 seconds West along said South line a distance of 5.02 feet; thence North 00 degrees 19 minutes 32 seconds East departing said South line a distance of 96.02 feet to the North line of said Lot 27; thence North 82 degrees 45 minutes 48 seconds East along said North line a distance of 5.04 feet to the POINT OF BEGINNING. Containing 483 square feet more or less.

Tract No. 25

Right of Way:

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West situated in Kansas City, Platte County Missouri and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter; thence South 88 degrees 41 minutes 29 seconds East along the North line thereof a distance of 50.91 feet; thence South 01 degrees 18 minutes 31 seconds West departing said North line a distance of 59.12 feet to the POINT OF BEGINNING; thence South 00 degrees 25 minutes 58 seconds West a distance of 600.89 feet; thence North 88 degrees 40 minutes 02 seconds West a distance of 10.00 feet; thence North 00 degrees 25 minutes 58 seconds East a distance of 594.00 feet; thence North 56 degrees 27 minutes 08 seconds East a distance of 12.06 feet to the POINT OF BEGINNING. Containing 5,974 square feet more or less.

Temporary Construction Easement (3 years duration):

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West situated in Kansas City, Platte County Missouri and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter; thence South 88 degrees 41 minutes 29 seconds East along the North line thereof a distance of 85.62 feet; thence South 01 degrees 18 minutes 31 seconds West departing said North line a distance of 40.00 feet to the POINT OF BEGINNING; thence South 00 degrees 25 minutes 58 seconds West a distance of 200.16 feet; thence North 89 degrees 34 minutes 02 seconds West a distance of 23.00 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 270.86 feet; thence South 89 degrees 34 minutes 02 seconds East a distance of 13.00 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 148.85 feet; thence North 88 degrees 40 10 2 seconds West a distance of 25.00 feet; thence North 00 degrees 25 15 8 seconds East a distance of 600.89 feet; thence North 56 degrees 27 minutes 08 seconds East a distance of 33.46 feet; thence South 88 degrees 41 minutes 29 seconds East a distance of 7.26 feet to the POINT OF BEGINNING. Containing 13,717 square feet more or less.

Tract No. 25 A

Temporary Construction Easement (3 years duration):

All that part of Lot 1, GREEN HILLS PLAZA – LOT 1, a subdivision in Kansas City, Platte County Missouri and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter; thence South 88 degrees 41 minutes 29 seconds East along the North line thereof a distance of 56.24 feet; thence South 01 degrees 18 minutes 31 seconds West departing said North line a distance of 407.92 feet to the Northwest corner of said Lot 1 and the POINT OF BEGINNING; thence South 88 degrees 41 minutes 47 seconds East along the North line thereof a distance of 12.00 feet; thence South 00 degrees 25 minutes 58 seconds West departing said North line a distance of 103.41 feet; thence South 89 degrees 34 minutes 02 seconds East a distance of 13.00 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 148.85 feet to the South line of said Lot 1; thence North 88 degrees 40 minutes 02 seconds West along said South line a distance of 25.00 feet to the Southwest corner thereof and the East right of way line of North Green Hills Road as it currently exists; thence North 00 degrees 25 minutes 58 seconds East along said East right of way line a distance of 252.06 feet to the POINT OF BEGINNING. Containing 4,958 square feet more or less.

Tract No. 28

Storm Drainage Easement 1:

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, lying in Kansas City, Platte County Missouri and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter; thence South 00 degrees 25 minutes 58 seconds West along the West line thereof a distance of 1267.75 feet; thence South 89 degrees 34 minutes 02 seconds East departing said West line a distance of 40.00 feet to the POINT OF BEGINNING; thence South 88 degrees 25 minutes 09 seconds East a distance of 80.02 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 20.00 feet; thence North 88 degrees 25 minutes 09 seconds West a distance of 80.02 feet; thence North 00 degrees 25 minutes 58 seconds East a distance of 20.00 feet to the POINT OF BEGINNING. Containing 1,600 square feet more or less.

Storm Drainage Easement 2:

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, lying in Kansas City, Platte County Missouri and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter; thence South 00 degrees 25 minutes 58 seconds West along the West line thereof a distance of 1767.45 feet; thence South 89 degrees 34 minutes 02 seconds East departing said West line a distance of 50.00 feet to the POINT OF BEGINNING; thence South 89 degrees 34 minutes 02 seconds East a distance of 75.00 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 28.90 feet; thence North 89 degrees 33 minutes 58 seconds West a distance of 75.00 feet; thence North 00 degrees 25 minutes 58 seconds East a distance of 28.90 feet to the POINT OF BEGINNING. Containing 2,167 square feet more or less.

Temporary Construction Easement (3 years duration):

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, lying in Kansas City, Platte County Missouri and being more particularly described as follows:

COMMENCING at the Northwest corner of said Southeast Quarter; thence South 00 degrees 25 minutes 58 seconds West along the West line thereof a distance of 1287.75 feet; thence South 89 degrees 34 minutes 02 seconds East departing said West line a distance of 40.00 feet to the POINT OF BEGINNING; thence South 88 degrees 25 minutes 09 seconds East a distance of 80.02 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 10.00 feet; thence North 88 degrees 25 minutes 09 seconds West a distance of 60.01 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 42.54 feet; thence North 64 degrees 59 minutes 02 seconds West a distance of 21.99 feet; thence North 00 degrees 25 minutes 58 seconds East a distance of 43.79 feet to the POINT OF BEGINNING. Containing 1,563 square feet more or less.

Tract No. 30

Retaining Wall Easement:

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, lying in Kansas City, Platte County, Missouri and being more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence South 00 degrees 25 minutes 58 seconds West, along the west line thereof a distance of 1681.01 feet; thence South 89 degrees 34 minutes 02 seconds East departing said west line a distance of 40.00 feet to the Point of Beginning; thence South 89 degrees 34 minutes 02 seconds East a distance of 10.00 feet; thence South 00 degrees 25 minutes 58 seconds West a

distance of 15.43 feet; thence North 89 degrees 34 minutes 02 seconds West a distance of 10.00 feet; thence North 00 degrees 25 minutes 58 seconds East a distance of 15.43 feet to the Point of Beginning. Containing 154 square feet more or less. Subject to all easements and restrictions of record.

Storm Drainage Easement:

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, lying in Kansas City, Platte County, Missouri and being more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence South 00 degrees 25 minutes 58 seconds West along the West line thereof a distance of 1742.45 feet; thence South 89 degrees 34 minutes 02 seconds East departing said West line a distance of 50.00 feet to the Point of Beginning; thence South 89 degrees 34 minutes 02 seconds East a distance of 45.00 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 25.00 feet; thence North 89 degrees 34 minutes 02 seconds West a distance of 45.00 feet; thence North 00 degrees 25 minutes 58 seconds East a distance of 25.00 feet to the Point of Beginning. Containing 1,125 square feet more or less. Subject to all easements and restrictions of record.

Temporary Construction Easement (3 years duration):

All that part of the Southeast Quarter of Section 8, Township 51 North, Range 33 West, lying in Kansas City, Platte County, Missouri and being more particularly described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence South 00 degrees 25 minutes 58 seconds West along the West line thereof a distance of 1609.55 feet; thence South 89 degrees 34 minutes 02 seconds East departing said West line a distance of 40.00 feet to the Point of Beginning; thence South 89 degrees 34 minutes 02 seconds East a distance of 6.36 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 58.47 feet; thence South 89 degrees 34 minutes 02 seconds East a distance of 3.64 feet; thence South 00 degrees 25 minutes 58 seconds West a distance of 13.00 feet; thence North 89 degrees 34 minutes 02 seconds West a distance of 10.00 feet; thence North 00 degrees 25 minutes 58 seconds East a distance of 71.47 feet to the Point of Beginning. Containing 502 square feet more or less. Subject to all easements and restrictions of record.

Tract No. 32

Temporary Construction Easement (3 years duration):

All that part of Lot 2, WEATHERWOOD COVE, a subdivision in Kansas City, Platte County Missouri and being more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 2; thence North 00°25'58" East along the West line thereof a distance of 178.57 feet; thence along a curve to the right with a Radius of 15.00 feet a Central Angle of 89°59'33" and an arc length of 23.56 feet to the North line of said Lot 2; thence South 89°34'02" East along said North line a distance of 130.30 feet; thence South 00°25'58" West departing said North line a distance of 17.86 feet; thence South 67°16'38" West a distance of 147.15 feet; thence South 00°25'58" West a distance of 117.85 feet to the South line of said Lot 2; thence North 89°34'02" West along said South line a distance of 10.00 feet to the POINT OF BEGINNING. Containing 8,218 square feet more or less. Subject to all easements and restrictions of record.

Tract No. 35

Temporary Construction Easement (3 years duration):

All that part of Lot 1, CANDLEWYCK, a subdivision in Kansas City, Platte County, Missouri and being more particularly described as follows:

Commencing at the Northwest corner of said Lot 1; thence South 00 degrees 19 minutes 34 seconds West along the West line thereof a distance of 148.19 feet to the Point of Beginning; thence South 89 degrees 40 minutes 27 seconds East departing said West line a distance of 10.00 feet; thence South 00 degrees 19 minutes 34 seconds West a distance of 351.61 feet; thence South 88 degrees 28 minutes 48 seconds East a distance of 107.96 feet; thence North 01 degrees 31 minutes 12 seconds East a distance of 15.00 feet; thence South 88 degrees 28 minutes 48 seconds East a distance of 25.76 feet; thence along a curve to the right with a Radius of 640.00 feet a Central Angle of 02 degrees 10 minutes 27 seconds and an Arc length of 24.29 feet to the East line of said Lot 1; thence along said East line on a curve to the left whose Initial Tangent bears South 04 degrees 31 minutes 44 seconds West with a Radius of 200.00 feet a Central Angle of 00 degrees 50 minutes 12 seconds and an Arc length of 2.92 feet; thence South 03 degrees 41 minutes 33 seconds West a distance of 17.08 feet to the South line of said Lot 1; thence along said South line on a curve to the left whose Initial Tangent bears North 86 degrees 18 minutes 28 seconds West with a Radius of 620.00 feet a Central Angle of 02 degrees 10 minutes 21 seconds and an Arc length of 23.51 feet; thence North 88 degrees 28 minutes 48 seconds West continuing along said South line a distance of 143.61 feet to the Southwest corner of said Lot 1; thence North 00 degrees 19 minutes 34 seconds East along the West line of said Lot 1 a distance of 356.40 feet to the Point of Beginning. Containing 5,098 square feet more or less. Subject to all easements and restrictions of record.

Tract No. 36

Temporary Construction Easement (3 years duration):

All that part of Lot 2, CANDLEWYCK, a subdivision in Kansas City, Platte County, Missouri and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 2; thence North 03 degrees 41 minutes 33 seconds East along the West line thereof a distance of 17.08 feet; thence along a curve to the right with a Radius of 200.00 feet a Central Angle of 00 degrees 50 minutes 12 seconds and an Arc length of 2.92 feet; thence along a curve to the right whose Initial Tangent bears South 86 degrees 18 minutes 21 seconds East with a radius of 640.00 feet a Central Angle of 04 degrees 28 minutes 44 seconds and an Arc length of 50.03 feet; thence South 08 degrees 10 minutes 23 seconds West a distance of 15.00 feet; thence along a curve to the right with whose Initial Tangent bears South 81 degrees 49 minutes 37 seconds East a radius of 625.00 feet a Central Angle of 12 degrees 45 minutes 55 seconds and an Arc length of 139.25 feet; thence South 69 degrees 03 minutes 40 seconds East a distance of 101.80 feet; thence along a curve to the left with a radius of 555.00 feet a Central Angle of 19 degrees 25 minutes 08 seconds and an Arc length of 188.10 feet; thence South 88 degrees 28 minutes 48 seconds East a distance of 77.16 feet; thence South 01 degrees 31 minutes 12 seconds West a distance of 5.00 feet to the South line of said Lot 2; thence North 88 degrees 28 minutes 48 seconds West along said South line a distance of 77.17 feet; thence along a curve to the right with a radius of 560.00 feet a Central Angle of 19 degrees 25 minutes 10 seconds and an Arc length of 189.79 feet; thence North 69 degrees 03 minutes 40 seconds West a distance of 101.80 feet; thence along a curve to the left with a radius of 620.00 feet Central Angle of 17 degrees 14 minutes 47 seconds and an Arc length of 186.63 feet to the Point of Beginning. Containing 3,518 square feet more or less. Subject to all easements and restrictions of record.

Tract No. 37

Right of Way:

All that part of Tract A, CANDLEWYCK, a subdivision in Kansas City, Platte County, Missouri and being more particularly described as follows:

Beginning at the Northwest corner of said Tract A; thence South 88 degrees 28 minutes 48 seconds East along the North line thereof a distance of 142.36 feet; thence along a curve to the right with a Radius of 560.00 feet a Central Angle of 19 degrees 25 minutes 08 seconds and an Arc length of 189.80 feet; thence South 69 degrees 03 minutes 40 seconds East a distance of 101.80 feet; thence along a curve to the left with a Radius of

620.00 feet a Central Angle of 19 degrees 25 minutes 07 seconds and an Arc length of 210.13 feet; thence North 88 degrees 28 minutes 49 seconds West departing said North line a distance of 112.42 feet; thence along a curve to the right whose Initial Tangent bears North 78 degrees 14 minutes 36 seconds West with a radius of 616.00 feet a Central Angle of 09 degrees 10 minutes 56 seconds and an Arc length of 98.72 feet; thence North 69 degrees 03 minutes 40 seconds West a distance of 30.75 feet; thence along a curve to the left with a Radius of 310.00 feet a Central Angle of 20 degrees 36 minutes 46 seconds and an Arc length of 111.53 feet; thence North 89 degrees 40 minutes 26 seconds West a distance of 283.35 feet to the West line of said Tract A; thence North 00 degrees 19 minutes 34 seconds East along said West line a distance of 53.86 feet to the Point of Beginning. Containing 17,179 square feet more or less. Subject to all easements and restrictions of record.

Temporary Construction Easement (3 years duration):

All that part of Tract A, CANDLEWYCK, a subdivision in Kansas City, Platte County, Missouri and being more particularly described as follows:

Commencing at the Northwest corner of said Tract A; thence South 00 degrees 19 minutes 34 seconds West along the West line thereof a distance of 53.86 feet to the Point of Beginning; thence South 89 degrees 40 minutes 26 seconds East departing said West line a distance of 283.35 feet; thence along a curve to the right with a Radius of 310.00 feet a Central Angle of 20 degrees 36 minutes 46 seconds and an Arc length of 111.53 feet; thence South 69 degrees 03 minutes 40 seconds East a distance of 28.84 feet; thence North 89 degrees 40 minutes 26 seconds West a distance of 419.48 feet to the West line of said Tract A; thence North 00 degrees 19 minutes 34 seconds East along said West line a distance of 30.00 feet to the Point of Beginning. Containing 11,199 square feet more or less. 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 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, 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.
..end

Approved as to form and legality:



Matthew Cooper
Assistant City Attorney



Authenticated as Passed



Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

JUL 15 2021

Date Passed