

**ORDINANCE NO. \_\_\_\_\_**

Authorizing the condemning and taking of private property for Street Right of Way purposes, Standard Utility Easements, Storm Drainage Easements, Temporary Construction Easements and Access Easements, for the construction of project number 89008174, North Chatham Avenue Improvements, in the area of Prairie View Road, North and West of Northwest 64<sup>th</sup> Street and Inter-State 29 in Kansas City, Platte County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations by the Director of Public Works; consenting to the filing of the petition for condemnation by the City Attorney, on behalf of the City; and authorizing and directing the City Clerk to file this ordinance with the Recorder of Deeds in Platte County, Missouri.

**WHEREAS**, the City of Kansas City, Missouri, with the adoption of Ordinance No. 080150 on March 6, 2008, modified the City's Major Street Plan in the vicinity of Interstate 29 and Route 45; and

**WHEREAS**, the City of Kansas City, Missouri, with the adoption of Ordinance No. 090632 on July 30, 2009, authorized the Director of Public Works to execute a Municipal/Road Relinquishment Agreement with the Missouri Highways and Transportation Commission which required the City to relocate N.W. Prairie View Road north of Route 45 by the year 2017; and

**WHEREAS**, the Council finds that it did, by Ordinance No. 120425, passed June 07, 2012, declare it necessary to change and re-establish the grades of, and the relocation, opening, establishing and dedicating of street right-of-way on N.W. Prairie View Road, all in Kansas City, Platte County, Missouri; and

**WHEREAS**, the Council finds that it did, by Resolution 130841, passed October 31, 2013, directed the City Attorney to file appropriate documents to modify the boundaries of the Park Plaza Transportation Development District ("District") to add the additional area owned and to be owned by the City for the relocation of N.W. Prairie View Road north from its current point terminating on the north side of the District for the relocation of said road and to add the second phase of the N.W. Prairie View Road Project as a transportation project of the District; and

**WHEREAS**, the Council further finds that private property must be condemned for public use for Street Right of Way purposes, Standard Utility Easements, Storm Drainage Easements, Temporary Construction Easements and Access Easements, for the construction of project number 89008174, North Chatham Avenue Improvements, in the area of Prairie View Road, North and West of Northwest 64<sup>th</sup> Street and Inter-State 29 in Kansas City, Platte County, Missouri; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:**

**Section 1.** That the following described tracts of land are hereby condemned and taken for public use as Street Right of Way, Standard Utility Easements, Storm Drainage Easements, Temporary Construction Easements and Access Easements for the construction of project number 89008174, North Chatham Avenue Improvements, in Kansas City, Platte County, Missouri, and hereby described as follows:

**Street Right of Way**

The Street Right of Way shall be used by Kansas City, Missouri as the location of North Chatham Avenue and associated improved intersections to be constructed therein including any necessary appurtenances to it; 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 constructing, reconstructing, maintaining, operating and repairing said improvements.

**Lot B, PRAIRIE BUSINESS CENTER**

Part of Lot B, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 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 B; thence North 00°00'00" East, along the West line of said Lot B, 86.64 feet; thence North 40° 15'22" East, 67.94 feet to a point on the North line of said Lot B; thence South 89°07'54" East, along said North line, 74.58 feet; thence Southwesterly, along a curve to the right, having an initial tangent bearing of South 33°24'13" West with a radius of 330.00 feet, a central angle of 06°51'09" and an arc distance of 39.47 feet; thence South 40°15'22" West, 138.63 feet to a point on the South line of said Lot B; thence North 89°56'15" West, along said South line, 5.25 feet to the Point of Beginning. Containing 7,631 square feet or 0.18 acres, more or less.

**Lot C, PRAIRIE BUSINESS CENTER**

Part of Lot C, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Southeast corner of said Lot C; thence North 89°56'15" West, along the South line of said Lot C, 47.52 feet; thence North 40°15'22" East, 73.54 feet to a point on the East line of said Lot C; thence South 00°00'00" East, along said East line, 56.17 feet to the Point of Beginning. Containing 1,335 square feet or 0.03 acres, more or less.

## Lot D, PRAIRIE BUSINESS CENTER

Part of Lot D, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Southwest corner of said Lot D; thence South 89°56'15" East, along the South line of said Lot D, 24.59 feet to the Point of Beginning of the tract of land to be herein described; thence North 00°53'14" West, 1.54 feet; thence Northerly, along a curve to the right, being tangent to the last described course with a radius of 295.00 feet, a central angle of 41 °08'36" and an arc distance of 211.84 feet; thence North 40°15'22" East, 43.46 feet to a point on the North line of said Lot D, said point also being on the South line of Lot C, said PRAIRIE BUSINESS CENTER; thence North 90°00'00" East, along said South line of said Lot C, 47.52 feet to the Southeast corner of said Lot C; thence North 00°00'00" East, along the East line of said Lot C, 56.12 feet; thence North 40°15'22" East, 46.42 feet to a point on the West line of Lot B, said PRAIRIE BUSINESS CENTER; thence South 00°00'00" East, along said West line of said Lot B, 86.64 feet to the Southwest corner of said Lot B; thence South 89°56'15" East, along the South line of said Lot B, 5.25 feet; thence South 40°15'22" West, 100.69 feet; thence Southerly, along a curve to the left, being tangent to the last described course with a radius of 235.00 feet, a central angle of 41 °08'36" and an arc distance of 168.75 feet; thence South 00°53'14" East, 2.53 feet to a point on the South line of said Lot D; thence North 89°56'15" West, along said South line of said Lot D, 60.01 feet to the Point of Beginning. Containing 17,902 square feet or 0.41 acres, more or less.

### **Standard Utility Easements**

The Standard Utility Easements shall be used by Kansas City, Missouri 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 , to locate, construct, reconstruct, operate, repair and maintain Public Utility facilities.

Kansas City, Missouri and the above described franchised utility companies, their agents, employees or independent contractors will have the right to go upon the described easement and so much of land adjacent thereto as may be reasonably necessary for the purpose of constructing, maintaining and repairing the improvements and appurtenances thereto, including the right to cut, top and trim brush and trees, if any, on or adjacent to said easement, as may be necessary or desirable to maintain any facilities thereon. Upon completion of such construction, maintenance or repair, the land shall be restored to approximately the same condition that existed prior to the entry upon it.

By the condemning of private property for this easement, it shall not be construed to prohibit the landowner of said condemned property from the safe and unrestricted

use of the land adjacent to and above said easement or any portion thereof; provided, however, said easement shall be kept free from additional depth of overburden, buildings, and any other structure or obstruction (except sidewalks, roadways pavement, grass, shrubs, fences, or curbs), which will interfere with the safe operation of said utilities or interfere with Kansas City, Missouri, and the above described franchised utility companies, their agents, employees or independent contractors in entering upon said adjacent land and easement for the purpose of laying, constructing, reconstructing, operating, repairing and maintaining the improvements and appurtenances thereto.

#### Lot B, PRAIRIE BUSINESS CENTER

Part of Lot B, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Northeast corner of said Lot B; thence North  $89^{\circ}07'54''$  West, along the North line of said Lot B, 49.74 feet to the Point of Beginning of the tract of land to be herein described: thence Southwesterly, along a curve to the right, having an initial tangent bearing of South  $32^{\circ}20'05''$  West with a radius of 340.00 feet, a central angle of  $07^{\circ}55'17''$  and an arc distance of 47.01 feet; thence South  $40^{\circ}15'22''$  West, 130.18 feet to a point on the South line of said Lot B; thence North  $89^{\circ}56'15''$  West, along said South line, 13.09 feet to the Southeasterly right-of-way line of Chatham Road as now established; thence North  $40^{\circ}15'22''$  East along said right-of-way, 138.63 feet; thence Northeasterly, continuing along said right-of-way on a curve to the left, being tangent to the last described course with a radius of 330.00 feet, a central angle of  $06^{\circ}51'09''$  and an arc distance of 39.47 feet to a point on said North line of said Lot B; thence South  $89^{\circ}07'54''$  East, along said North line, 11.79 feet to the Point of Beginning. Containing 1,776 square feet or 0.04 acres, more or less.

#### Lot D, PRAIRIE BUSINESS CENTER

Part of Lot D, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Southeast corner of said Lot D; thence North  $89^{\circ}56'15''$  West, along the South line of said Lot D, 410.40 feet to the Point of Beginning of the tract of land to be herein described; thence continuing North  $89^{\circ}56'15''$  West along said South line, 10.00 feet to a point on the Southeasterly right-of-way line of Chatham Road, as now established; thence North  $00^{\circ}53'14''$  West, along said right-of-way, 2.53 feet; thence Northerly, along said right-of-way on a curve to the right, being tangent to the last described course with a radius of 235.00 feet, a central angle of  $41^{\circ}08'35''$  and an arc distance of 168.75 feet; thence North  $40^{\circ}15'22''$  East, along said right-of-way 100.69 feet to a point on the North line of said Lot D; thence South  $89^{\circ}56'15''$  East, along said North line, 13.09 feet; thence South  $40^{\circ}15'22''$  West, 109.13 feet; thence Southerly,

along a curve to the left, being tangent to the last described course with a radius of 225.00 feet, a central angle of 41°08'36" and an arc distance of 161.57 feet; thence South 00°53'14" East, 2.70 feet to the Point of Beginning. Containing 2,727 square feet or 0.06 acres, more or less.

### **Storm Drainage Easements**

The Storm Drainage Easements shall be used by Kansas City, Missouri or its authorized agents, servants, employees or independent contractors to construct storm drainage facilities for the purpose of managing storm water runoff, and shall include the right to go upon said easement to build, construct, keep, maintain, repair and improve said drainage facilities as may be necessary

By the condemning of private property for this easement, it shall not be construed to prohibit the landowner of said condemned property from the safe and unrestricted use of the land adjacent to and above said Storm Drainage Easements; provided, however, said easement shall be kept free from any structure or obstruction as would interfere with the proper, safe and continuous operation and maintenance of said drainage facilities and specifically shall not build thereon or there over any structure which may interfere with the operation, maintenance and use thereof.

#### **Lot C, PRAIRIE BUSINESS CENTER**

Part of Lot C, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Lot C; thence South 00°00'00" East, along the West line of said Lot C, 101.14 feet to the Point of Beginning of the tract of land to be herein described; thence North 90°00'00" East, 157.15 feet to the West right-of-way line of Chatham Road, as now established; thence South 40°15'22" West, along said West right-of-way line, 19.66 feet; thence South 90°00'00" West, 144.45 feet to a point on said West line of said Lot C; thence North 00°00'00" East, along said West line, 15.00 feet to the Point of Beginning. Containing 2,262 square feet or 0.05 acres, more or less.

#### **Lot E, PRAIRIE BUSINESS CENTER**

Part of Lot E, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Northeast corner of said Lot E; thence South 00°03'45" West, along the East line of said Lot E, 101.14 feet to the Point of Beginning of the tract of land to be herein described; thence continuing South 00°03'45" West along said East line, 15.00 feet; thence South 90°00'00" West, 63.42 feet; thence North 00°00'00" East, 15.00 feet; thence North 90°00'00" East,

63.44 feet to the Point of Beginning. Containing 951 square feet or 0.02 acres, more or less.

### **Temporary Construction Easements**

The Temporary Construction Easements shall be used by Kansas City, Missouri or its authorized agents, servants, employees or independent contractors during the construction of project number 89008174, North Chatham Avenue, 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.

Kansas City, Missouri shall cause the surface of lands lying within said temporary easements to be restored to substantially the same physical condition that existed at the time Kansas City, Missouri or its agents entered upon them, and said temporary easements shall terminate upon completion and acceptance of the improvements by the Director of Public Works.

#### **Lot B, PRAIRIE BUSINESS CENTER Property Description B-1**

All that part of Lot B, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Northwest corner of said Lot B; thence South 89°07'54" East, 14.45 feet; thence North 00°52'06" East, 5.00 feet; thence South 89°07'54" East, 29.38 feet; thence South 40°15'22" West, 67.94 feet; thence North 00°00'00" East, 47.51 feet to the Point of Beginning. Containing 1,080 square feet or 0.02 acres, more or less.

#### **Property Description B-2**

All that part of Lot B, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Southeast corner of said Lot B; thence North 89°56'15" West, along the South line of said Lot B, 174.75 feet; thence North 40°15'22" East, 138.63 feet; thence Northeasterly on a curve to the left being tangent to the last described course with a radius of 330.00 feet, a central angle of 06°51'09" and an arc distance of 39.47 feet; thence South 89°07'54" East, 61.53 feet; thence South 00°00'00" East, 136.62 feet to the Point of Beginning. Containing 16,037 square feet or 0.37 acres, more or less.

Lot C, PRAIRIE BUSINESS CENTER

All that part of Lot C, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Northeast corner of said Lot C; thence South 00°00'00" East along the East line of said Lot C, 83.40 feet; thence South 40°15'22" West, 73.54 feet; thence North 89°56'15" West, along the South line of said Lot C, 122.48 feet to the Southwest corner of said Lot C; thence North 00°00'00" East, along said West line, 141.96 feet to a point on the North line of said Lot C; thence South 89°07'54" East, along said North line of said Lot C, 170.02 feet to the Point of Beginning. Containing 22,596 square feet or 0.52 acres, more or less.

Lot D, PRAIRIE BUSINESS CENTER

Property Description D-1:

All that part of Lot D, PRAIRIE BUSINESS CENTER a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Northwest corner of said Lot D; thence South 89°56'15" East, along the North line of said Lot D, 122.48 feet; thence South 40°15'22" West, 43.46 feet; thence Southerly on a curve to the left being tangent to the last described course with a radius of 295.00 feet, a central angle of 41 °08'36" and an arc distance of 211.84 feet; thence South 00°53'14" East, 1.54 feet to a point on the South line of said Lot D; thence North 89°56'15" West, along said South line, 24.59 feet to the Southwest corner of said Lot D; thence North 00°00'00" East, along the West line of said Lot, 230.01 feet to the Point of Beginning. Containing 12,636 square feet or 0.29 acres, more or less.

Property Description D-2:

All that part of Lot D, PRAIRIE BUSINESS CENTER a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the most Northerly Northeast corner of Lot D, said corner also being the Northwest corner of Lot B of said PRAIRIE BUSINESS CENTER; thence South 00°00'00" East, along the East line of said Lot D, 47.51 feet; thence South 40°15'22" West, 46.42 feet to a point on the West line of said Lot D, said point also being on the East Line of Lot C of said PRAIRIE BUSINESS CENTER; thence North 00°00'00" East, along said West line, 83.40 feet to the Northerly most North line of said Lot D; thence South 89°07'54" East, along said North line, 30.00 feet to the Point of Beginning. Containing 1,964 square feet or 0.05 acres. more or less.

Property Description D-3:

All that part of Lot D, PRAIRIE BUSINESS CENTER a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Northeast corner of said Lot D; thence South 00°03'45" West, along the East line of said Lot D, 54.89 feet; thence North 89°56'15" West, 15.88 feet; thence North 00°03'45" East, 54.89 feet to a point on the North line of said Lot D; thence South 89°56'15" East, along the North line of said Lot D, 15.88 feet to the Point of Beginning. Containing 872 square feet or 0.02 acres, more or less.

Property Description D-4:

All that part of Lot D, PRAIRIE BUSINESS CENTER a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Southeast corner of said Lot D; thence North 89°56'15" West, along the South line of said Lot D, 298.13 feet to the Point of Beginning of the tract of land to be herein described; thence continuing North 89°56'15" West along said line, 122.27 feet; thence North 00°53'14" West, 2.53 feet; thence on a curve to the right being tangent to the last described course with a radius of 235.00 feet, a central angle of 41°08'36" and an arc distance of 168.75 feet; thence North 40°15'22" East, 100.69 feet to a point on the North line of said Lot D; thence South 89°56'15" East, along said North line, 184.19 feet; thence South 00°03'45" West, 13.00 feet; thence North 89°56'15" West, 118.74 feet; thence South 00°03'45" West, 53.92 feet; thence South 52°26'18" West, 80.27 feet; thence South 00°03'45" West, 119.08 feet to the Point of Beginning. Containing 26,682 square feet or 0.61 acres, more or less.

Lot E, PRAIRIE BUSINESS CENTER

All of Lot E, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Northeast corner of said Lot E; thence South 00°00'00" East, along the East line of said Lot, 371.97 feet to the Southeast corner of said Lot E; thence North 89°56'15" West, along the South line of said Lot E, 72.76 feet to the Southwest corner of said Lot; thence North 00°03'45" East, along the West line of said Lot E, 321.84 feet; thence North 71°03'13" West, 34.91 feet; thence North 00°52'06" East, 33.55 feet to the Northwesterly corner of said Lot E; thence Easterly along a curve to the left having an initial tangent bearing of South 59°38'06" East with a radius of 140.74 feet, a central angle of 29°29'48" and an arc distance of 72.45 feet; thence North 00°52'06" East, 25.00 feet to the North line of said Lot E; thence South 89°07'54" East, along said



North line, 35.53 feet; to the Point of Beginning. Containing 27,203 square feet or 0.62 acres, more or less.

**Lot F, PRAIRIE BUSINESS CENTER**

All that part of Lot F, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19 Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Southeast corner of said Lot F; thence along the South line of said Lot F being a curve to the right, having an initial tangent bearing of South 74°23'48" West with a radius of 140.74 feet, a central angle of 29°29'48", and an arc distance of 72.45 feet; thence North 00°52'06" East, 33.76 feet; thence South 89°07'54" East, 47.51 feet; thence South 00°52'06" West, 10.00 feet; thence South 89°07'54" East, 21.78 feet to a point on the East line of said Lot F; thence South 00°52'06" West, along said East line, 42.00 feet to the Point of Beginning. Containing 2,976 square feet or 0.07 acres, more or less.

**Access Easements**

The Access Easements shall be used by Kansas City, Missouri, its authorized agents, employees or independent contractors and with Kansas City, Missouri's permission, utility companies franchised to operate in Kansas City, Missouri, their agents, employees or independent contractors, during the construction of project number 89008174, North Chatham Avenue, to go upon said easement for the operation of and the movement of equipment and a working force to and from the afore mentioned project site.

By the condemning of private property for this easement, it shall not be construed to prohibit the landowner of said condemned property from the safe and unrestricted use of the land adjacent to said easement; provided, however, said easement shall be kept free from any structures or obstructions which will interfere with Kansas City, Missouri, its authorized agents, employees or independent contractors and with Kansas City, Missouri's permission, utility companies franchised to operate in Kansas City, Missouri, their agents, employees or independent contractors , in entering upon said easement for the purpose accessing the project site.

**Lot C, PRAIRIE BUSINESS CENTER**

Part of Lot C, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Lot C; thence South 00°00'00" East, along the West line of said Lot C, 25.00 feet to the Point of Beginning of the tract of land to be herein described; thence South 89°07'54" East, 59.05 feet; thence South 01°33'43" West, 2.58 feet; thence North 88°26'17" West, 2.00 feet; thence Southwesterly, along a curve to the left, being tangent to

the last described course with a radius of 18.00 feet, a central angle of 119°11'43" and an arc distance of 37.45 feet; thence Southerly, along a curve to the right, having a common tangent with the last described course with a radius of 117.00 feet, a central angle of 20°40'52" and an arc distance of 42.23 feet; thence Southeasterly, along a curve to the left, having a common tangent with the last described course with a radius of 18.00 feet, a central angle of 64°05'52" and an arc distance of 20.14 feet; thence Southeasterly, along a curve to the right, having a common tangent with the last described course with a radius of 87.00 feet, a central angle of 21°18'22" and an arc distance of 32.35 feet; thence South 49°44'38" East, 11.14 feet; thence Easterly, along a curve to the left, being tangent to the last described course with a radius of 28.00 feet, a central angle of 51°47'12" and an arc distance of 25.31 feet to the West right-of-way line of Chatham Road as now established; thence South 40°15'22" West, along said right-of-way, 4.22 feet to a point on the South line of said Lot C; thence North 89°56'15" West, along said South line, 68.05 feet; thence Westerly, along a curve to the left, having an initial tangent bearing of North 70°34'03" West with a radius of 53.00 feet, a central angle of 19°22'12" and an arc distance of 17.92 feet; thence North 89°56'15" West, 36.85 feet to a point on the West line of said Lot C; thence North 00°00'00" East, along said West line, 34.00 feet; thence South 89°56'15" East, 4.76 feet; thence Northeasterly, along a curve to the left, being tangent to the last described course with a radius of 13.00 feet, a central angle of 104°10'27" and an arc distance of 23.64 feet; thence Northwesterly, along a curve to the left, having a common tangent with the last described course with a radius of 83.00 feet, a central angle of 26°23'11" and an arc distance of 38.22 feet to a point on the said West line of said Lot C; thence North 00°00'00" East, along said West line, 30.13 feet to the Point of Beginning. Containing 6,311 square feet or 0.14 acres, more or less.

#### Lot D, PRAIRIE BUSINESS CENTER

Part of Lot D, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Commencing at the Northwest corner of said Lot D; thence South 89°56'15" East, along the North line of said Lot D, 54.57 feet to the Point of Beginning of the tract of land to be herein described; thence continuing South 89°56'15" East along said North line, 67.91 feet to the West right-of-way line of Chatham Road, as now established; thence South 40°02'35" West, along said right-of-way, 50.17 feet; thence Northwesterly, along a curve to the left, having an initial tangent bearing of North 00°25'43" West with a radius of 28.00 feet, a central angle of 49°18'55" and an arc distance of 24.10 feet; thence North 49°44'38" West, 12.13 feet; thence Northwesterly, along a curve to the left, being tangent to the last described course with a radius of 53.00 feet, a central angle of 20°39'19" and an arc distance of 19.11 feet to the Point of Beginning. Containing 1,047 square feet or 0.02 acres, more or less.

Lot E, PRAIRIE BUSINESS CENTER

Part of Lot E, PRAIRIE BUSINESS CENTER, a subdivision of land in the Southeast Quarter of Section 19, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows: Beginning at the Northeast corner of said Lot E; thence South 00°00'00" East, along the East line of said Lot E, 55.13 feet; thence Northwesterly, along a curve to the left, having an initial tangent bearing of North 40°29'53" West with a radius of 83.00 feet, a central angle of 24°55'14" and an arc distance of 36.10 feet; thence North 65°25'07" West, 24.27 feet to a point on the North line of said Lot E; thence Easterly, along said North line, on a curve to the left, having an initial tangent bearing of South 83°06'25" East with a radius of 140.74 feet, a central angle of 06°01'29" and an arc distance of 14.80 feet; thence North 00°52'06" East, along the West line of said lot E, 25.00 feet; thence South 89°07'54" East, along the North line of said lot E, 35.53 feet to the Point of Beginning. Containing 1,500 square feet or 0.03 acres, more or less.

Kansas City, Missouri shall cause the surface of lands lying within said Access Easements and Temporary Construction Easements to be restored to substantially the same physical condition that existed at the time Kansas City, Missouri or its agents entered upon them, and said Access Easements and Temporary Construction Easements shall terminate upon completion and acceptance of the improvements by the Director of Public Works.

There shall be reserved to the owners of the land in which such permanent easements are taken and condemned the right to use the land in any way which will not interfere with the proper, safe and continuous use of the storm drainage structures to be built and utilities placed in, under, along, upon, over and through such easements. Said easements shall be kept free from additional depth of overburden, buildings, and any other structure or obstruction, which will interfere with the proper, safe and continuous use of the structures and utilities placed therein or with Kansas City, Missouri or its authorized agents, employees or independent contractors, and the above described franchised utility companies, and their authorized agents, employees or independent contractors in entering upon said adjacent lands and easements for the purpose of constructing, reconstructing, operating, repairing, patrolling, and maintaining said improvements and appurtenances.

**Section 2.** That 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 Public Works, the same being on file in the Office of the Director of Public Works and being incorporated herein by reference.

**Section 3.** 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 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, Missouri from funds appropriated for such purposes.

**Section 4.** That pending the acquisition of said lands by condemnation, the Director 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 5.** That said right of way be condemned and conveyed to Kansas City, Missouri, in fee simple.

**Section 6.** 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.

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Approved as to form and legality:

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Theodore T. Anderson

Assistant City Attorney