

ORDINANCE NO. 150558

Authorizing condemnation and taking of private property interest for public use as Permanent Waterline Easements and Temporary Construction Easements along N.E. 54th Street, from N. Oak Trafficway to N. Walnut Street and along N.W. Englewood Court east of N. Broadway Avenue for a water improvement project "Arrowhead Transmission Main-Phase 3", Project No. 80001652, in Kansas City, Clay County, Missouri and the City of Gladstone, Clay County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Department of Water Services; 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 Clay County, Missouri.

WHEREAS, the Council finds that certain interests in private property must be condemned for public use for the construction of water improvement project "Arrowhead Transmission Main-Phase 3", Project No. 80001652, in Kansas City, Clay County, Missouri and the City of Gladstone, Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the following described tracts of land are hereby authorized condemned and taken for public use as Waterline Easements and Temporary Construction Easements in a proceeding instituted in Clay County, Missouri, by the City Attorney for Project No. 80001652, "Arrowhead Transmission Main-Phase 3", including any necessary structures or appurtenances, in Kansas City, Clay County, Missouri, and in the City of Gladstone, Clay County, Missouri and hereby described as follows:

Waterline Easements

The Waterline Easements shall be used by the City of Kansas City, Missouri or its authorized agents, servants, employees or independent contractors for the location, construction, reconstruction, maintenance, operation and repair of water main improvements and any and all appurtenances incidental thereto for Project No. 80001652, "Arrowhead Transmission Main-Phase 3", in, under, upon, over, across, and through the following described tracts of land situated in Kansas City, Clay County, Missouri.

By the granting of these Waterline Easements, it shall not be construed to prohibit the Grantors from developing any adjoining property, or from the laying out, establishing and constructing pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof; provided, however, said easement shall be kept free from additional depth of overburden, (no change in the earth cover over the water line will be made without the written approval of the Director of Water Services) buildings, and any other structure or obstruction (except sidewalks, roadways pavement, grass, shrubs, fences, or curbs), which will interfere with the Grantee in entering upon said adjacent land and easement for the purpose of laying, constructing, reconstructing,

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operating, repairing, improving, and maintaining said water main improvements and appurtenances.

The Grantee shall cause the surface of lands lying within the permanent waterline easements to be restored to substantially the same physical condition that existed at the time the Grantee or its agents entered upon it, subject to the aforementioned conditions, and with the exception of any appurtenances to said water main improvements and appurtenances that may need to be upon said surface.

**Tract No. 4 – Permanent Waterline Easement**

A strip of land over a part of TRACT 6, Creekwood Oaks, a subdivision of land in the City of Kansas City, Clay County, Missouri, according to the recorded plat thereof, said strip being more particularly described as follows:

BEGINNING at the Southwest corner of said Tract 6, said point also being on the North right of way line of N.E. 54th Street, as now established; thence North 30 degrees 51 minutes 39 seconds East (measure), North 30 degrees 51 minutes 36 seconds East (plat), departing said North right of way line and along the West line of said Tract 6, a distance of 18.60 feet; thence Southeasterly along a curve to the right having an initial tangent bearing of South 59 degrees 41 minutes 07 seconds East, a radius of 318.00, a central angle of 09 degrees 27 minutes 59 seconds and an arc length of 52.54 feet; thence South 50 degrees 13 minutes 06 seconds East, a distance of 225.47 feet; thence South 89 degrees 31 minutes 21 seconds East, a distance of 147.64 feet, to a point on the West right of way line of N. Oak Trafficway, as now established; thence South 00 degrees 31 minutes 49 seconds West (measure), South 00 degrees 31 minutes 46 seconds West (plat), along said right of way line, a distance of 13.07 feet; thence Southwesterly along said right of way line and along a curve to the right having a radius of 15.00 feet, a central angle of 89 degrees 59 minutes 33 seconds and an arc length of 23.56 feet, to a point on the North right of way line of said N.E. 54th Street; thence North 89 degrees 27 minutes 46 seconds West (measure), North 89 degrees 27 minutes 49 seconds (plat), along said right of way line, a distance of 81.82 feet; thence Northwesterly continuing along said right of way line and along a curve to the right having a radius of 127.37 feet, a central angle of 39 degrees 00 minutes 03 seconds and an arc length of 86.70 feet; thence North 50 degrees 27 minutes 46 seconds West (measure), North 50 degrees 27 minutes 49 seconds West (plat), a distance of 206.63 feet; thence Northwesterly along said right of way line and along a curve to the left having a radius of 300.00 feet, a central angle of 08 degrees 40 minutes 35 seconds and an arc length of 45.43 feet, to the point of beginning, containing 9,132.2 square feet, more or less.

**Tract No. 7 – Permanent Waterline Easement**

A strip of land over a part of Lot 14, Creekwood Oaks, 2nd Plat, a subdivision of land in the City of Kansas City, Clay County, Missouri, according to the recorded plat thereof, said strip of land being the South 30.00 feet of said Lot 14, containing 4,200.0 square feet, more or less.

**Tract No. 8 – Permanent Waterline Easement**

A strip of land over a part of Lot 11, Creekwood Oaks, 2nd Plat, a subdivision of land in the City of Kansas City, Clay County, Missouri, according to the recorded plat thereof, said strip being the South 30.00 feet of said Lot 11, containing 4,537.2 square feet, more or less.

**Tract No. 15 – Permanent Waterline Easement**

A strip of land over a part of the Southwest Quarter of Section 26, Township 51, Range 33, in the City of Gladstone, Clay County, Missouri, more particularly described as follows:

BEGINNING at the southeast corner of Mazuma Credit Union, a subdivision of land in the City of Gladstone, Clay County, Missouri, according to the recorded plat thereof, said point also being on the North right of way line of Northwest Englewood Court, as now established; thence North 00 degrees 41 minutes 02 seconds East, departing said North right of way line, and along the East line of said Mazuma Credit Union, a distance of 25.00 feet; thence South 89 degrees 28 minutes 32 seconds East, a distance of 290.17 feet, to a point on the West line of Lot 1, Englewood Business Park, a subdivision of land in the City of Gladstone, Clay County, Missouri, according to the recorded plat thereof; thence South 00 degrees 41 minutes 17 seconds West, along said West line, a distance of 25.00 feet, to the Southwest corner of Lot 1 of said Englewood Business Park, said point also being on the North right of way line of said Northwest Englewood Court; thence North 89 degrees 28 minutes 32 seconds West, along said right of way line, a distance of 290.17 feet, to the point of beginning, containing 7,254.2 square feet, more or less.

**Temporary Construction Easements**

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 project number 80001652, "Arrowhead Transmission Main Phase-3", 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.

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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 Kansas City or its agents entered upon them, and said temporary construction easements shall terminate 3 (three) years from the date said easement is acquired and recorded by the Recorder of Deeds in Clay County, or upon completion and acceptance of the improvements by the Director of Water Services, whichever occurs first.

**Tract No. 7 - Temporary Construction Easement**

A strip of land over a part of Lot 14, Creekwood Oaks, 2nd Plat, a subdivision of land in the City of Kansas City, Clay County, Missouri, according to the recorded plat thereof, said strip of land being the North 30.00 feet of the South 60.00 feet of said Lot 14, containing 4,200.0 square feet, more or less.

**Tract No. 8 - Temporary Construction Easement**

A strip of land over a part of Lot 11, Creekwood Oaks, 2nd Plat, a subdivision of land in the City of Kansas City, Clay County, Missouri, according to the recorded plat thereof, said strip being the North 30.00 feet of the South 60.00 feet of said Lot 11, containing 4,329.5 square feet, more or less.

**Tract No. 15 - Temporary Construction Easement**

A strip of land over a part of the Southwest Quarter of Section 26, Township 51, Range 33, in the City of Gladstone, Clay County, Missouri, more particularly described as follows:

COMMENCING at the southeast corner of Mazuma Credit Union, a subdivision of land in the City of Gladstone, Clay County, Missouri, according to the recorded plat thereof, said point also being on the North right of way line of Northwest Englewood Court, as now established; thence North 00 degrees 41 minutes 02 seconds East, departing said North right of way line, and along the East line of said Mazuma Credit Union, a distance of 25.00 feet, to the point of beginning; thence North 00 degrees 41 minutes 02 seconds East, continuing along the East line of said Mazuma Credit Union, a distance of 25.00 feet; thence South 89 degrees 28 minutes 32 seconds East, a distance of 290.17 feet, to a point on the West line of Lot 1, Englewood Business Park, a subdivision of land in the City of Gladstone, Clay County, Missouri, according to the recorded plat thereof; thence South 00 degrees 41 minutes 17 seconds West, along said West line, a distance of 25.00 feet; thence North 89 degrees 28 minutes 32

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seconds West, a distance of 290.17 feet, to the point of beginning, containing 7,254.2 square feet, more or less.

Section 2. That Kansas City 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 Kansas City or its agents entered upon them, and said Temporary Construction Easements shall terminate upon completion and acceptance of the improvements by the Director of Water Services, or three (3) years, whichever is the first to occur.

Section 3. 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 Water Services, the same being on file in the Department of Water Services Systems Engineering Division, and being incorporated herein by reference.

Section 4. 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 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 for such purposes.

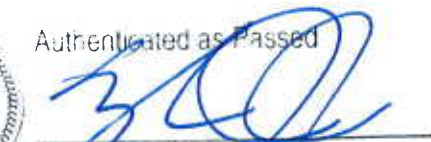

Section 5. That pending the acquisition of said property by condemnation, the Director of Water Services is hereby authorized to continue negotiation on the purchase of said property and pay for it out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

Section 6. That said property interests described in Section 1 be condemned and conveyed to the City of Kansas City, Missouri.

Section 7. 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 Clay County, Missouri.



Authenticated as Passed

  
Sly James, Mayor  
  
Marilyn Sanders, City Clerk

JUL 16 2015

Date Passed

Approved as to form and legality:



Austin Steelman  
Assistant City Attorney