



Agenda

Transportation, Infrastructure and Operations Committee

Quinton Lucas, Chair
Teresa Loar, Vice Chair
Eric Bunch, Vice Chair
Katheryn Shields
Melissa Robinson
Kevin O'Neill

Wednesday, May 5, 2021

9:00 AM

26th Floor, Council Chamber

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

210374

Authorizing an \$8,829,618.38 construction contract with Enerfab Power & Industrial, Inc., for the Secondary Switchgear Improvements at the Water Treatment Plant project; authorizing a maximum expenditure of \$9,712,618.38; and authorizing a \$1,140,766.00 Design Professional Services Amendment No. 1 for the Secondary Electrical Switchgear Improvements at the Water Treatment Plant for Contract No. 9489 with HDR Engineering, Inc., for a total contract amount of \$2,571,616.00.

210396

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the "Swope Park Industrial Area 75th Street Realignment", Project No. 89005580, in Kansas City, Jackson 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 Jackson County, Missouri.

- [210400](#) Amending Chapter 76, "Vehicles for Hire," by repealing Section 76-505, Enforcement; penalty, and enacting a new section of like number and subject matter clarifying the individuals liable for corporate third-party food delivery services.

HELD IN COMMITTEE

- [210100](#) Amending Chapter 70, Code of Ordinances, by repealing Sections 70-268 and 70-706 relating to traffic and vehicles and by repealing 70-783 relating to traffic and vehicles and enacting in lieu thereof one new section of like number and subject.

- [210182](#) Amending Chapter 70, Code of Ordinances, by repealing Sections 70-365 and 70-366 relating to street and drag racing and enacting in lieu thereof two new sections of like number and subject and by adding one new Section 70-368 relating to street and drag racing.

- [210356](#) Estimating revenue in the amount of \$937,203.07 in the Street Maintenance Fund; appropriating that amount to Street Lighting Special Projects Maintenance account; and authorizing the Director of Public Works to execute the first one-year renewal option with Black and McDonald for streetlight and traffic signal repair and maintenance in the amount of \$5,824,621.81.

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Transportation, Infrastructure and Operations Committee issues.
2. Closed Session; Any closed session may be held via teleconference.
 - Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
 - Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
 - Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
 - Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
 - Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
 - Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
 - Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

Adjournment



Legislation Text

File #: 210374, Version: 1

ORDINANCE NO. 210374

Authorizing an \$8,829,618.38 construction contract with Enerfab Power & Industrial, Inc., for the Secondary Switchgear Improvements at the Water Treatment Plant project; authorizing a maximum expenditure of \$9,712,618.38; and authorizing a \$1,140,766.00 Design Professional Services Amendment No. 1 for the Secondary Electrical Switchgear Improvements at the Water Treatment Plant for Contract No. 9489 with HDR Engineering, Inc., for a total contract amount of \$2,571,616.00.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is authorized to execute Contract No. 9569 in the amount of \$8,829,618.38 with Enerfab Power & Industrial, Inc., for the Secondary Switchgear Improvements at the Water Treatment Plant project, Project No. 80002134. A copy of the contract is on file in the office of Water Services.

Section 2. That the Director of the Water Services Department is authorized a maximum expenditure of \$9,712,618.38 from Account No. AL-8077-807773-611060- 80002134, Water Treatment, to satisfy the cost of this contract.

Section 3. That the Director of the Water Services Department is authorized to execute a Design Professional Services Amendment No. 1 to Contract No. 9489 in the amount of \$1,140,766.00, for a total contract amount of \$2,571,616.00 with HDR Engineering, Inc., for the Secondary Electrical Switchgear Improvements at the Water Treatment Plant project, Project No. 80002134. A copy of the amendment is on file in the office of Water Services.

Section 4. That the Director of the Water Services Department is authorized a maximum expenditure of \$1,140,766.00 from Account No. AL-8077-807773-611040- 80002134, Water Treatment, to satisfy the cost of this amendment.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Mark P. Jones
Assistant City Attorney

CONTRACT

210374

Ordinance Fact Sheet

Construction/Misc. Form

<u>Brief Title</u>	<u>Approval Deadline</u>	<u>Reason</u>
Authorizing a Construction contract for the Secondary		Authorizing execution of a Construction contract and expenditures;
Switchgear Improvements at the Water Treatment Plant;		authorizing execution of a Design Professional Services Amendment.
and authorizing a Design Professional Services Amendment		
No. 1 to Contract No. 9489 for the Secondary Electrical		
Switchgear Improvements at the Water Treatment Plant.		

Details

Reason for Contract

The existing 2.4 KV electrical switchgear installed at Kansas City's Water Treatment Plant and Chemical Building is unreliable and difficult to maintain. The construction project will address these issues to increase reliability and capacity.

The proposed design professional services amendment will authorize funds for construction phase services and resident project representative services for this project, located at the Water Treatment Plant, 1 N.W. Briarcliff Road, Clay County, Kansas City, Missouri.

Discussion

Project Justification

The existing 2.4 KV electrical switchgear installed at Kansas City's Water Treatment Plant in 1954 is unreliable and difficult to maintain. In addition, projected pumping demand is making it necessary to increase treatment plant electrical capacity long term. This secondary electrical switchgear replacement project is the second step toward addressing these issues; with the first step being the substation work currently under construction.

The design goals are to increase electrical capacity and improve reliability of the 2,400 volt electrical power sources in the Water Treatment Plant by replacing the secondary switchgear and related supervisory control and data acquisition (SCADA) equipment. Also included in the project is the chemical building 2,400 volt switching equipment installed in 1991, which also has capacity deficiencies as well as needed configuration improvements.

Design Professional Services Contract Summary/Description

City Council approved Ordinance No. 190333 on May 2, 2019 approving a maximum expenditure of \$1,430,850.00 with HDR Engineering, Inc. for the Secondary Electrical Improvements at the Water Treatment Plant project.

The scope of services on this design professional services project includes the following:

- Developing and managing the preparation of design documents for the 2,400 volt switchgear replacement including consideration of construction sequencing and layout at the Water Treatment Plant, Secondary Pump Station, and Chemical Building;
- Studying and documenting existing plant-wide electrical loads and transfer schemes;
- Maintaining loads with a margin of safety and coordination throughout construction as required to maintain plant operations;
- Replacement of related SCADA monitoring and control equipment; and

Roles and Responsibilities

Sponsor	Water Services Department
Department or Programs Affected	Water Services Department
Recommended Awardee	Enerfab Power & Industrial, Inc. / HDR Engineering, Inc.
Contract Compliance Certification Obtained?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Opponents	Groups or Individuals None known Reason for Opposition
Responsibilities	Design Engineering: HDR Engineering, Inc. Inspections: City staff / HDR Engineering, Inc. Construction or Project Management: City staff / HDR Engineering, Inc. Service Monitoring: City Staff

Policy/Program Impact

Policy or Program Emphasis Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(Continued on reverse side)

Details

This proposed \$1,140,766.00 Amendment No. 1 is for construction phase services and resident phase services.

<u>Contract + Proposed Amendment</u>	<u>Cost Summary</u>
Original Contract:	\$1,430,850.00
<u>Proposed Amendment No. 1:</u>	<u>\$1,140,766.00</u>
Total:	\$2,571,616.00

Construction Contract Description

The scope of services for this construction project includes the following:

- Phased replacement of the Secondary Pump Station medium voltage switchgear, associated feeders, controls, and HVAC improvements;
- Phased replacement of the Chemical Building medium voltage switchgear near the West substation, replacement of Unit Substation Nos. 4 and 5, associated feeders, controls, and installation of temporary transformers and associated cables, cable trays, conduits, and supports by the Chemical Feed Building; and
- Site restoration including earthwork, drainage, paving, fencing, gates, and concrete as detailed in the drawings. This work involves the demolition and construction of 2,400-volt Secondary Pump Station Switchgear and Chemical Building Switchgear. A new outdoor Chemical Building Substation will be installed with associated works.

The amount of this construction contract is \$8,829,618.38.

Details

Construction Contract Solicitation

This Project was advertised in accordance with the City's requirements. Public bids were opened on February 2, 2021 with four bidders responding.

Grant/Loan Funding

N/A

Human Relations Approval

The Fairness in Construction Board approved project subcontracting goals of 3% MBE and 3% WBE. Subcontracting information was submitted to the Human Relations Department for review on March 3, 2021, and was approved on March 12, 2021 with 3% MBE and 3% WBE participation. See the attached docket memo.

Original goals on the Design Professional Services contract were 10% MBE and 6% WBE. The Contractor Utilization Plan was approved on April 30, 2019 with 27% MBE and 6% WBE participation.

A Request for Modification was approved by the Human Relations Department for Design Professional Services Contract No. 9489 on March 31, 2021 amending the project participation from 27% MBE and 6% WBE to 23% MBE and 6% WBE.

Fairness in Construction Board

There is no appeal on this contract pending before the Fairness in Construction Board.

Youth Employment Program

N/A

1% for Art

N/A

Bid Opening Date: 2/2/2021

Notice of Intent to Contract: TBA

Is it good for the children? Yes.

How will this contribute to a sustainable Kansas City?

This project will replace electric switchgear, which is beyond its useful life, with new, more reliable and more efficient equipment. This will allow water to be supplied to all customers in an efficient manner for years to come.

Finances

City's Estimate of Costs	\$	10,200,000.00
Bid or Proposal Data	Lowest and Best Contract Costs Submitted	\$ 8,829,618.38
Recommended Awardee: Enerfab Power & Industrial, Inc.		
Bid Date:	2/2/2021	No. of Bids Submitted: 4
Reason for rejecting lowest contract cost submitted: N/A		
Other Bidders or Contractors Considered		
		Contract Costs Submitted
Mark One Electric Co.	\$	9,646,198.91
Wachter, Inc.	\$	10,702,183.91
Capital Electric Const	\$	11,109,925.00
	\$	
	\$	
Fund Sources and Appropriation Account Codes For These Contracts		
AL-8077-807773-611060-80002134		-\$9,712,580.22
AL-8077-807773-611040-80002134		-\$1,140,766.00
Source of Future Operating Funds	Water Revenue Bond Series2020A	
Proposed Construction Contract	\$	8,829,618.38
Construction Contingency	\$	883,000.00
Proposed DPS Amendment 1	\$	1,140,766.00
Engineering & Administration	\$	
TOTAL	\$	10,853,384.38

Council Committee Actions

Do Pass	<input type="checkbox"/>	<input type="checkbox"/> Hold
Do Pass (as amended)	<input type="checkbox"/>	<input type="checkbox"/> W/o Recommendation
Committee Sub.	<input type="checkbox"/>	<input type="checkbox"/> Do Not Pass

Estimated Duration of Contract: 854 calendar days (Construction);
1,520 calendar days (Design Professional Services)

Fact Sheet Prepared by: Leona Walton
Contracts Manager
Date: 4/15/2021

Reviewed by: D. Matt Bond
Deputy Director
Date: 4/16/2021

Reference Numbers: Contract No. 9569/Project No. 80002134 (Construction) /
Contract No. 9489 Amendment No. 1/Project No. 80002134 (Design Professional Services)

Inter-Departmental Communication

Date: March 8, 2021

To: Mayor Quinton Lucas Chair: Transportation, Infrastructure & Operations Committee

From: Phillip Yelder Director Human Relations Department

Subject: Docket Memo #:

CONTRACTOR:

Address: Enerfab Power & Industrial, Inc.
7500 E. Front St.
Kansas City, MO 64120

Contract # 9569 / 80002134 – Secondary Switchgear Improvements at Water Treatment Plant

Contract Amount: \$8,829,618.38*

MBE Goal 3%

WBE Goal: 3%

Total MBE Achieved: 3%

Total WBE Achieved: 3%

MBE SUBCONTRACTORS:

Name: Alpha Energy & Electric, Inc.
Address: 1100 E. 34th St.
Kansas City, MO 64109

Scope of Work: Provide & Install Ductbank Conduit & Access Panels (Manholes)

Dollar Amount: \$233,662

Ownership: Nwabuonwu, Ike

Structure: African-American Male Code 15

MBE SUBCONTRACTORS:

Name: Pro Metals, LLC
Address: 8203 Hickman Mills Dr.
Kansas City, MO 64132

Scope of Work: HVAC

Dollar Amount: \$105,125

Ownership: Olivarez, John

Structure: Hispanic-American Male Code 16

WBE SUBCONTRACTORS:

Name: Kansas City Electrical Supply Co.
Address: 4451 Troost Ave.
Kansas City, MO 64110
Scope of Work: Conduit / Electrical Materials Supply
Dollar Amount: \$270,000 (\$450,000 X 60%)
Ownership: Crain, Kaylin
Structure: Caucasian Female Code 13

Comments:

***Note:** Contract amount includes two (2) allowances and one (1) alternate as follows:

Bid Amount:	\$7,241,889.48
Allowance 1:	\$1,330,471.91
Allowance 2:	\$ 75,000.00
Alternate 1:	<u>\$ 182,256.99</u>
Total Contract:	\$8,829,618.38

Note on the Goals set by FICB:

The FICB set the goals at 3% MBE and 3% WBE based on the fact that the majority of the work (approximately 81%) on the project involves the procurement and installation of the 2400V Switchgear that will be performed by the prime contractor. The FICB indicated that the remaining work would not represent a high enough percentage to justify the goals recommended by HRD of 7% MBE and 4% WBE. HRD had recommended that the Electrical Demolition scopes be segregated for MBE/WBE participation, but the FICB indicated that that work would be more likely to have to be performed by the prime contractor.



REQUEST FOR MODIFICATION OR SUBSTITUTION

(This Form **must** be submitted to HRD to request substitutions for an MBE/WBE listed in the Contractor Utilization Plan or for modification of the amount of MBE/WBE participation listed in the Contractor Utilization Plan. This Form shall be an amendment to the Contractor Utilization Plan.)

BIDDER/PROPOSER/CONTRACTOR: HDR Engineering, Inc.
ADDRESS: 10450 Holmes Rd, Kansas City, MO 64131
PROJECT NUMBER OR TITLE: 9489 Secondary Switchgear Improvements at the WTP
AMENDMENT/CHANGE ORDER NO: (if applicable) _____

Project Goals: _____ 27 % MBE 6 % WBE
Contractor Utilization Plan: _____ 22.8 % MBE 6.1 % WBE

1. I am the duly authorized representative of the above Bidder/Contractor/Proposer and am authorized to request this substitution or modification on behalf of the Bidder/Contractor/Proposer.

2. I hereby request that the Director of HRD recommend or approve: (check appropriate space(s))

a. _____ A substitution of the certified MBE/WBE firm _____,
(Name of new firm)
to perform _____,
(Scope of work to be performed by new firm)

for the MBE/WBE firm _____ which is currently
(Name of old firm)
listed on the Bidder's/Contractor's/Proposer's Contractor Utilization Plan to
perform the following scope of work: _____
(Scope of work of old firm)

b. A modification of the amount of MBE/WBE participation currently listed on the Bidder's/Contractor's/Proposer's Contractor Utilization Plan from

27 % MBE 6 % WBE (Fill in % of MBE/WBE Participation currently listed on Contractor Utilization Plan)

TO

22.8 % MBE 6.1 % WBE (Fill in New % of MBE/WBE Participation requested for Contractor Utilization Plan)

- c. Attach 00450.01 Letter of Intent to Subcontract letter for each new MBE/WBE to be added.
- d. Attach a copy of the most recent 00485.01 or on-line M/WBE Monthly Utilization Report

3. Bidder/Contractor/Proposer states that a substitution or modification is necessary because: (check applicable reason(s))

- The MBE/WBE listed on the Contractor Utilization Plan is non-responsive or cannot perform.
- The MBE/WBE listed on the Contractor Utilization Plan has increased its previously quoted price without a corresponding change in the scope of work.
- The MBE/WBE listed on the Contractor Utilization Plan has committed a material default or breach of its contract.
- Requirements of the scope of work of the contract have changed and make subcontracting not feasible or not feasible at the levels required by the goals established for the contract.
- The MBE/WBE listed on the Contractor Utilization Plan is unacceptable to the City contracting department.
- Bidder/Contractor/Proposer has not attempted intentionally to evade the requirements of the Act and it is in the best interests of the City to allow a modification or substitution.

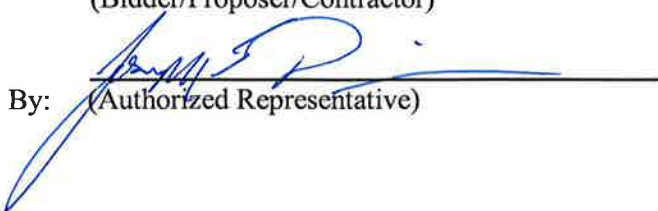
4. The following is a narrative summary of the Bidder's/Contractor's/Proposer's good faith efforts exhausted in attempts to substitute the MBE/WBE firm named above which is currently listed on the Contractor Utilization Plan with other qualified, certified MBE/WBE firms for the listed scope of work or any other scope of work in the project:

The original HRD goals for this project were 10% MBE and 6% WBE. Just prior to executing the contract for Design and Bid Phase Services, Water Services requested the DP to include specialty high voltage wire tracing that only 1 or 2 firms in the area are qualified to complete. The DP added an additional MBE subcontractor (WITEC) for this specialty services which increased the DP's actual MBE participation to 28.2% rather than the original 10%. The DP was able to slightly exceed the original WBE goal of 6%. For this Construction Phase Services Amendment, the subconsultants skill sets do not align with the Scope of Services so we are requesting a net project goal of 22.8% MBE goal and 6.1% WBE goal.

5. Bidder/Proposer/Contractor will present documentation when requested by the City to evidence its good faith efforts.

Dated: 3/16/21

Joseph E. Drimmel, P.E.
Sr. Vice President
HDR Engineering, Inc.
 (Bidder/Proposer/Contractor)

By: 
 (Authorized Representative)



Legislation Text

File #: 210396, Version: 1

ORDINANCE NO. 210396

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the “Swope Park Industrial Area 75th Street Realignment”, Project No. 89005580, in Kansas City, Jackson 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 Jackson County, Missouri.

WHEREAS, the Council finds that the property interests herein described must be condemned for public use for the “Swope Park Industrial Area 75th Street Realignment” project in Kansas City, Jackson 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. 89005580, “Swope Park Industrial Area 75th Street Realignment”, including any necessary structures or appurtenances, all in Kansas City, Jackson 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 East 75th Street, East 75th Terrace, Manchester Trafficway and associated improved intersections, drive approaches, bridge construction, 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.

Permanent Access Easement

The Permanent Access Easement shall be used by the City of Kansas City, Missouri, its successors and assigns, for the operation and movement of equipment and supplies, and the movement of a working force to and from the

adjoining public right of way to be known as "Manchester Trafficway" for the purposes of locating, constructing, inspecting, repairing, maintaining, reconstructing, and making improvements to city infrastructure located within said adjoining right of way, and for access by public safety and public service equipment and personnel.

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 access said public right of way, and while nothing in the acquisition of this easement through eminent domain 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 the property owner or owners of the land within said easement, except that the property owner or owners 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 use of the easement by the City of Kansas City, Missouri, its successors and assigns.

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, and said temporary construction easement shall terminate three (3) years from the date the easement is acquired through eminent domain, or upon completion and acceptance of the improvements by the Director of Department of Public Works.

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

Tract No. 1

All of LOT 31, SWOPE PARK GROVE, a subdivision of land in the City of Kansas City, Jackson County, Missouri, according to the recorded plat thereof, containing 37,763.4 square feet or 0.87 acres, more or less.

Tract No. 2

Right-of-Way:

All that part of LOT 30, SWOPE PARK GROVE, a subdivision of land in the City of Kansas City, Jackson County, Missouri, according to the recorded plat thereof, more particularly described as follows:

All of the South 60 feet of said LOT 30, containing 18,426.6 square feet or 0.423 acres, more or less.

Temporary Construction Easement (3 year duration):

All that part of LOT 30, SWOPE PARK GROVE, a subdivision of land in the City of Kansas City, Jackson County, Missouri, according to the recorded plat thereof, more particularly described as follows:

All of the North 10.00 feet of the West 112.00 feet of the South 70.00 feet of said LOT 30, containing 1,118.5 square feet or 0.026 acres, more or less.

Tract No. 3

Right-of-Way:

All that part of the North half of the Northeast quarter of Section 15, Township 48, Range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the northeast corner of Section 15, Township 48, Range 33;

thence north 86 degrees 30 minutes 49 seconds west along the north line of said northeast quarter, a distance of 656.72 feet; thence south 04 degrees 13 minutes 30 seconds west, departing the north line of said northeast quarter, a distance of 25.00 feet, to a point on the south right-of-way line of East 75th Street, as now established, said point also being the POINT OF BEGINNING; thence continuing south 04 degrees 13 minutes 30 seconds west, departing said right-of-way line, a distance of 193.20 feet; thence north 76 degrees 30 minutes 26 seconds west, a distance of 392.79 feet; thence northwesterly along a curve to the right, having a radius of 590.00 feet, a central angle of 20 degrees 53 minutes 27 seconds and an arc length of 215.12 feet; thence north 02 degrees 15 minutes 08 seconds east,

a distance of 50.20 feet, to a point on the south right-of-way line of said East 75th Street; thence south 86 degrees 30 minutes 49 seconds east, along said right-of-ORDINANCE NO.

way line, a distance of 590.83 feet, to the POINT OF BEGINNING, containing 80,742.8 square feet or 1.85 acres, more or less.

Tract No. 4

Right-of-Way:

All that part of the Northeast Quarter of Section 15, Township 48, Range 33, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 15; thence North 86°30'49" West, along the North line of said Northeast Quarter section, a distance of 656.72 feet; thence South 04°13'30" West, departing the North line of said Northeast Quarter section, a distance of 75.01 feet, to the POINT OF BEGINNING; thence South 86°30'49" East, a distance of 310.64 feet; thence South 03°29'11" West, a distance of 136.58 feet; thence South 76°30'26" East, a distance of 103.88 feet; thence North 20°16'47" East, a distance of 31.54 feet; thence South 61°37'26" East, a distance of 143.17 feet; thence Southwesterly along a curve to the left having an initial tangent bearing of South 49°16'42" West, a radius of 1570.50 feet, a central angle of 03°21'48" and an arc length of 92.19 feet; thence Westerly along a curve to the left having an initial tangent bearing of North 59°16'32" West, a radius of 467.39 feet, a central angle of 17°13'54" and an arc length of 140.57 feet; thence North 76°30'26" West, a distance of 362.42 feet; thence North 04°13'30" East, a distance of 143.20 feet, to the POINT OF BEGINNING, containing 69,734.5 square feet or 1.60 acres, more or less.

Temporary Construction Easement (3 year duration):

All that part of the Northeast Quarter of Section 15, Township 48, Range 33, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 15; thence North 86°30'49" West, along the North line of said Northeast Quarter section, a distance of 656.72 feet; thence South 04°13'30" West, departing the North line of said Northeast Quarter section, a distance of 75.01 feet; thence South 86°30'49" East, a distance of 310.64 feet; thence South 03°29'11" West, a distance of 136.58 feet; thence South 76°30'26" East, a distance of 103.88 feet; thence North 20°16'47" East, a distance of 31.54 feet; thence South 61°37'26" East, a distance of 36.59 feet, to the POINT OF BEGINNING; thence North 28°22'34" East, a distance of 10.00 feet; thence South 61°37'26" East, a distance of 66.00 feet; thence South 28°22'34" West, a distance of 10.00 feet; thence North 61°37'26" West, a distance of 66.00 feet, to the POINT OF BEGINNING, containing 660.0 square feet, more or less.

Tract No. 6

Right-of-Way:

All that part of the north half of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 656.72 feet; thence south 04 degrees 13 minutes 30 seconds west, departing the north line of said northeast quarter, a distance of 25.00 feet, to a point on the south right-of-way line of East 75th Street, as now established; thence continuing south 04 degrees 13 minutes 30 seconds west, departing said right of way line, a distance of 193.20 feet, to the POINT OF BEGINNING; thence south 76 degrees 30 minutes 26 seconds east, a distance of 170.53 feet; thence south 80 degrees 53 minutes 04 seconds west, a distance of 87.52 feet; thence south 09 degrees 06 minutes 56 seconds east, a distance of 91.14 feet; thence north 85 degrees 50 minutes 52 seconds west, a distance of 104.17 feet; thence north 04 degrees 13 minutes 30 seconds east, a distance of 136.47 feet, to the POINT OF BEGINNING, containing 13,162.8 square feet or 0.30 acres, more or less.

Temporary Construction Easement (3 year duration):

All that part of the north half of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49

seconds west, along the north line of said northeast quarter, a distance of 656.72 feet; thence south 04 degrees 13 minutes 30 seconds west, departing the north line of said northeast quarter, a distance of 25.00 feet, to a point on the south right-of-way line of East 75th Street, as now established; thence continuing south 04 degrees 13 minutes 30 seconds west, departing said right-of-way line, a distance of 193.20 feet; thence south 76 degrees 30 minutes 26 seconds east, a distance of 170.53 feet, to the POINT OF BEGINNING; thence south 12 degrees 12 minutes 34 seconds west, a distance of 30.53 feet; thence south 05 degrees 08 minutes 02 seconds east, a distance of 66.69 feet; thence south 50 degrees 49 minutes 25 seconds west, a distance of 18.59 feet; thence north 85 degrees 50 minutes 52 seconds west, a distance of 57.23 feet; thence north 09 degrees 06 minutes 56 seconds west, a distance of 91.14 feet; thence north 80 degrees 53 minutes 04 seconds east, a distance of 87.52 feet, to the POINT OF BEGINNING, containing 7,488.6 square feet or 0.17 acres, more or less.

Tract No. 7

Permanent Access Easement 1:

All that part of the north half of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the Northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 169.92 feet; thence south 03 degrees 29 minutes 11 seconds west, departing the north line of said northeast quarter, a distance of 325.89 feet; thence southwesterly along a curve to the left having an initial tangent bearing of south 45 degrees 54 minutes 53 seconds west, a radius of 1570.50 feet, a central angle of 13 degrees 45 minutes 55 seconds and an arc length of 377.31 feet, to the POINT OF BEGINNING; thence continuing southwesterly along said curve to the left having a radius of 1570.50 feet, a central angle of 03 degrees 03 minutes 58 seconds and an arc length of 84.05 feet; thence north 45 degrees 44 minutes 50 seconds west, a distance of 28.75 feet; thence north 26 degrees 15 minutes 10 seconds east, a distance of 85.87 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 35.47 feet, to the POINT OF BEGINNING, containing 2,591.0 square feet or 0.06 acres, more or less.

and

Permanent Access Easement 2:

All that part of the north half of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 169.92 feet; thence south 03 degrees 29 minutes 11 seconds west, departing the north line of said northeast quarter, a distance of 325.89 feet; thence southwesterly along a curve to the left having an initial tangent bearing of south 45 degrees 54 minutes 53 seconds west, a radius of 1570.50 feet, a central angle of 18 degrees 45 minutes 20 seconds and an arc length of 514.10 feet, to the POINT OF BEGINNING; thence continuing southwesterly along said curve having a radius of 1570.50 feet, a central angle of 03 degrees 22 minutes 43 seconds and an arc length of 92.61 feet; thence north 45 degrees 44 minutes 50 seconds west, a distance of 28.27 feet; thence north 26 degrees 15 minutes 10 seconds east, a distance of 92.18 feet; thence south 45

degrees 44 minutes 50 seconds east, a distance of 26.94 feet, to the POINT OF BEGINNING, containing 2,378.2 square feet or 0.06 acres, more or less.

Right-of-Way:

All that part of the North half of the Northeast quarter of Section 15, Township 48, Range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 399.56 feet; thence south 03 degrees 29 minutes 11 seconds west, departing the north line of said northeast quarter, a distance of 264.06 feet; thence south 50 degrees 49 minutes 25 seconds west, a distance of 136.45 feet; thence south 16 degrees 49 minutes 49 seconds west, a distance of 119.30 feet, to the POINT OF BEGINNING; thence southeasterly along a curve to the left having an initial tangent bearing of south 18 degrees 21 minutes 21 seconds east, a radius of 270.00 feet, a central angle of 27

degrees 23 minutes 29 seconds and an arc length of 129.08 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 49.53 feet; thence south 26 degrees 15 minutes 10 seconds west, a distance of 85.87 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 28.75 feet; thence southwesterly along a curve to the left having an initial tangent bearing of south 29 degrees 05 minutes 00 seconds west, a radius of 1570.50 feet, a central angle of 01 degrees 55 minutes 27 seconds and an arc length of 52.75 feet; thence north 45 degrees 44 minutes 50 seconds west, a distance of 26.94 feet; thence south 26 degrees 15 minutes 10 seconds west, a distance of 92.18 feet; thence north 45 degrees 44 minutes 50 seconds west, a distance of 128.50 feet; thence north 17 degrees 52 minutes 28 seconds east, a distance of 147.75 feet; thence north 86 degrees 08 minutes 57 seconds west, a distance of 48.81 feet; thence north 51 degrees 11 minutes 35 seconds east, a distance of 100.14 feet; thence north 16 degrees 49 minutes 49 seconds east, a distance of 56.48 feet, to the POINT OF BEGINNING, containing 35,999.4 square feet or 0.83 acres, more or less.

Temporary Construction Easement 1 (3 year duration):

All that part of the north half of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 399.56 feet; thence south 03 degrees 29 minutes 11 seconds west, departing the north line of said northeast quarter, a distance of 264.06 feet; thence south 50 degrees 49 minutes 25 seconds west, a distance of 117.86 feet, to the POINT OF BEGINNING; thence south 05 degrees 08 minutes

02 seconds east, a distance of 52.30 feet; thence south 80 degrees 53 minutes 04 seconds west, a distance of 33.31 feet; thence north 16 degrees 49 minutes 49 seconds east, a distance of 47.66 feet thence north 50 degrees 49 minutes 25 seconds east, a distance of 18.59 feet, to the POINT OF BEGINNING, containing 1,116.5 square feet, more or less.

and

Temporary Construction Easement 2 (3 year duration):

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 399.56 feet; thence south 03 degrees 29 minutes 11 seconds west, departing the north line of said northeast quarter, a distance of 264.06 feet; thence south 76 degrees 30 minutes 26 seconds east, a distance of 98.44 feet; thence easterly along a curve to the right having a radius of 467.39 feet, a central angle of 07 degrees 46 minutes 30 seconds and an arc length of 63.42 feet, to the POINT OF BEGINNING; thence continuing easterly along said curve to the right having a radius of 467.39 feet, a central angle of 07 degrees 59 minutes 11 seconds and an arc length of 65.15 feet; thence south 28 degrees 22 minutes 34 seconds west, a distance of 31.26 feet; thence north 61 degrees 37 minutes 26 seconds west, a distance of 65.00 feet; thence north 28 degrees 22 minutes 34 seconds east, a distance of 27.72 feet, to the POINT OF BEGINNING, containing 1,966.1 square feet or 0.05 acres, more or less.

and

Temporary Construction Easement 3 (3 year duration):

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 169.92 feet; thence south 03 degrees 29 minutes 11 seconds west, departing the north line of said northeast quarter, a distance of 325.89 feet; thence southwesterly along a curve to the left having an initial tangent bearing of south 45 degrees 54 minutes 53 seconds west, a radius of 1570.50 feet, a central angle of 08 degrees 06 minutes 54 seconds and an arc length of 222.43 feet, to the POINT OF BEGINNING; thence continuing along said curve to the left having a radius of 1570.50, a central angle of 05 degrees 39 minutes 01 seconds and an arc length of 154.88 feet; thence north 45 degrees 44 minutes 50 seconds west, a distance of 52.97 feet; thence north 40 degrees 16 minutes 19 seconds east, a distance of 150.48 feet; thence south 49 degrees 43 minutes 41 seconds east, a distance of 38.55 feet, to the POINT OF BEGINNING, containing 6,750.2 square feet, more or less.

and

Temporary Construction Easement 4 (3 year duration):

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 399.56 feet; thence south 03 degrees 29 minutes 11 seconds west, departing the north line of said northeast quarter, a distance of 264.06 feet; thence south 50 degrees 49 minutes 25 seconds west, a distance of 136.45 feet; thence south 16 degrees 49 minutes 49 seconds west, a distance of 175.78 feet; thence south 51 degrees 11 minutes 35 seconds west, a distance of 100.14 feet; thence south 86 degrees 08 minutes 57 seconds east, a distance of 48.81 feet; thence south 17 degrees 52 minutes 28 seconds west, a distance of 147.75 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 27.12 feet, to the POINT OF BEGINNING; thence continuing South 45 degrees 44 minutes 50 seconds east, a distance of 126.93 feet; thence north 85 degrees 36 minutes 57 seconds west, a distance of 97.42 feet; thence north 04 degrees 23 minutes 03 seconds east, a distance of 81.36 feet, to the POINT OF BEGINNING, containing 3,963.1 square feet or 0.09 acres, more or less.

Tract No. 8

Permanent Access Easement No. 1:

All that part of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 154.95 feet: thence south 03 degrees 29 minutes 11 seconds west, departing said north line, a distance of 334.35 feet, to a point on the south right-of-way line of East 75th Terrace, as established by Ordinance No. 25234 and the POINT OF BEGINNING; thence south 57 degrees 03 minutes 07 seconds east, along said right-of-way line, a distance of 35.01 feet; thence south 34 degrees 21 minutes 13 seconds west, departing said right-of-way line, a distance of 390.90 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 18.28 feet, to a point on the west right-of-way line of the Union Pacific Railroad, as surveyed; thence southwesterly along said right-of-way line and along a curve to the left having an initial tangent bearing of south 31 degrees 18 minutes 46 seconds west, a radius of 1470.50 feet, a central angle of 03 degrees 17 minutes 18 seconds and an arc length of 84.80 feet, to a point hereinafter to be referred to as POINT "A"; thence north 45 degrees 44 minutes 50 seconds west, departing said right-of-way line, a distance of 103.87 feet; thence northeasterly along a curve to the right having an initial tangent bearing of north 29 degrees 05 minutes 00 seconds east, a radius of 1570.50 feet, a central angle of 03 degrees 03 minutes 58 seconds and an arc length of 84.05 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 48.62 feet; thence north 34 degrees 21 minutes 13 seconds east, a distance of 383.93 feet, to the

POINT OF BEGINNING, containing 21,980.9 square feet or 0.50 acres, more or less.

and

Permanent Access Easement No. 2:

Commencing at aforesaid POINT "A"; thence southwesterly along the west line of said Union Pacific Railroad and along a curve to the left having an initial tangent bearing of south 28 degrees 01 minutes 28 seconds west, a radius of 1470.50 feet, a central angle of 02 degrees 04 minutes 03 seconds and an arc length of 53.05 feet, to the POINT OF BEGINNING; thence continuing along said right-of-way line and along a curve to the left having a radius of 1470.50, a central angle of 03 degrees 38 minutes 18 seconds and an arc length of 93.36 feet; thence north 45 degrees 44 minutes 50 seconds west, departing said right-of-way line, a distance of 107.25 feet; thence northeasterly along a curve to the right having an initial tangent bearing of north 23 degrees 46 minutes 50 seconds east, a radius of 1570.50 feet, a central angle of 03 degrees 22 minutes 43 seconds and an arc length of 92.60 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 104.96 feet, to the POINT OF BEGINNING, containing 9,298.0 square feet or 0.21 acres, more or less.

Right-of-way:

All that part of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 154.95 feet: thence south 03 degrees 29

minutes 11 seconds west, departing said north line, a distance of 334.35 feet, to a point on the south right-of-way line of East 75th Terrace, as established by Ordinance No. 25234; thence south 57 degrees 03 minutes 07 seconds east, along said right-of-way line, a distance of 35.01 feet; thence south 34 degrees 21 minutes 13 seconds west, departing said right-of-way line, a distance of 390.90 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 18.28 feet, to a point on the west right-of-way line of the Union Pacific Railroad, as surveyed; thence southwesterly along said right-of-way line and along a curve to the left having an initial tangent bearing of south 31 degrees 18 minutes 46 seconds west, a radius of 1470.50 feet, a central angle of 03 degrees 17 minutes 18 seconds and an arc length of 84.80 feet, to the POINT OF BEGINNING; thence continuing along said right-of-way line and along a curve to the left having a radius of 1470.50, a central angle of 02 degrees 04 minutes 03 seconds and an arc length of 53.05 feet; thence north 45 degrees 44 minutes 50 seconds west, departing said right-of-way line, a distance of 104.96 feet; thence northeasterly along a curve to the right having an initial tangent bearing of north 27 degrees 09 minutes 33 seconds east,

a radius of 1570.50 feet, a central angle of 01 degrees 55 minutes 27 seconds and an arc length of 52.74 feet; thence south 45 degrees 44 minutes 50 seconds east, a distance of 103.87 feet, to the POINT OF BEGINNING, containing 5,289.7 square feet or 0.12 acres, more or less.

Tract No. 10

Right-of-way:

All that part of the north half of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 656.72 feet; thence south 04 degrees 13 minutes 30 seconds west, departing the north line of said northeast quarter, a distance of 354.68 feet, to the POINT OF BEGINNING; thence south 85 degrees 50 minutes 52 seconds east, a distance of 104.17 feet; thence south 09 degrees 06 minutes 56 seconds east, a distance of 77.05 feet; thence southeasterly along a curve to the left having a radius of 270.00 feet, a central angle of 09 degrees 14 minutes 25 seconds and an arc length of 43.54 feet; thence south 16 degrees 49 minutes 49 seconds west, a distance of 56.48 feet; thence south 51 degrees 11 minutes 35 seconds west, a distance of 100.14 feet; thence north 86 degrees 08 minutes 57 seconds west, a distance of 49.84 feet; thence north 04 degrees 13 minutes 30 seconds east, a distance of 240.00 feet, to the POINT OF BEGINNING, containing 26,804.5 square feet or 0.62 acres, more or less.

Temporary Construction Easement (3 year duration):

All that part of the north half of the northeast quarter of Section 15, township 48, range 33, in Kansas City, Jackson County, Missouri, more particularly described as follows:

Commencing at the northeast corner of Section 15, township 48, range 33; thence north 86 degrees 30 minutes 49 seconds west, along the north line of said northeast quarter, a distance of 656.72 feet; thence south 04 degrees 13 minutes 30 seconds west, departing the north line of said northeast quarter, a distance of 354.68 feet; thence south 85 degrees 50 minutes 52 seconds east, a distance of 104.17 feet, to the POINT OF BEGINNING; thence continuing south 85 degrees 50 minutes 52 seconds east, a distance of 57.23 feet; thence south 16 degrees 49 minutes 49 seconds west, a distance of 47.66 feet; thence south 80 degrees 53 minutes 04 seconds west, a distance of 34.85 feet; thence north 09 degrees 06 minutes 56 seconds west, a distance of 55.99 feet, to the POINT OF BEGINNING, containing 2,306.1 square feet or 0.05 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 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 Jackson County, Missouri.

Approved as to form and legality:

Matthew Cooper
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

210396

Ordinance Number

Brief Title

Condemning private properties for the Swope Park Industrial Area 75th Street Realignment project.

Approval Deadline

Reason

Condemning private properties for public use as part of the Swope Park Industrial Area 75th Street Realignment project.

Details

Reason for Legislation

The Council finds that the fee interest in private properties must be condemned for public use as Street Right of Way and for Permanent Access, and Temporary Construction Easements required for the construction and maintenance of streets, a bridge, and other improvements as part of the Swope Park Industrial Area 75th Street Realignment project. in Kansas City, Jackson County, Missouri;

Discussion

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.

The properties being condemned will be used by the City of Kansas City, Missouri for Street Right of Way purposes and for Permanent Access, and Temporary Construction Easements .

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.

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.

Positions/Recommendations

Sponsor	City Manager
Programs, Departments, or Groups Affected	Public Works
Applicants / Proponents	Applicant City Department Public Works Other
Opponents	Groups or Individuals Basis of opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

Discussion (continued)

Details

Policy/Program Impact

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Finances

Cost & Revenue Projections -- Including Indirect Costs	
Financial Impact	
Fund Source (s) and Appropriation Account Codes	

Applicable Dates:

Fact Sheet Prepared by:

Homer Janssens,
Right of Way Reviewer
Department of Public Works

Reviewed by:

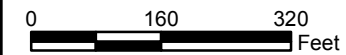
Don Frank
Capital Projects Division
Department of Public Works

Reference Numbers

Swope Park Industrial Area 75th Street Realignment



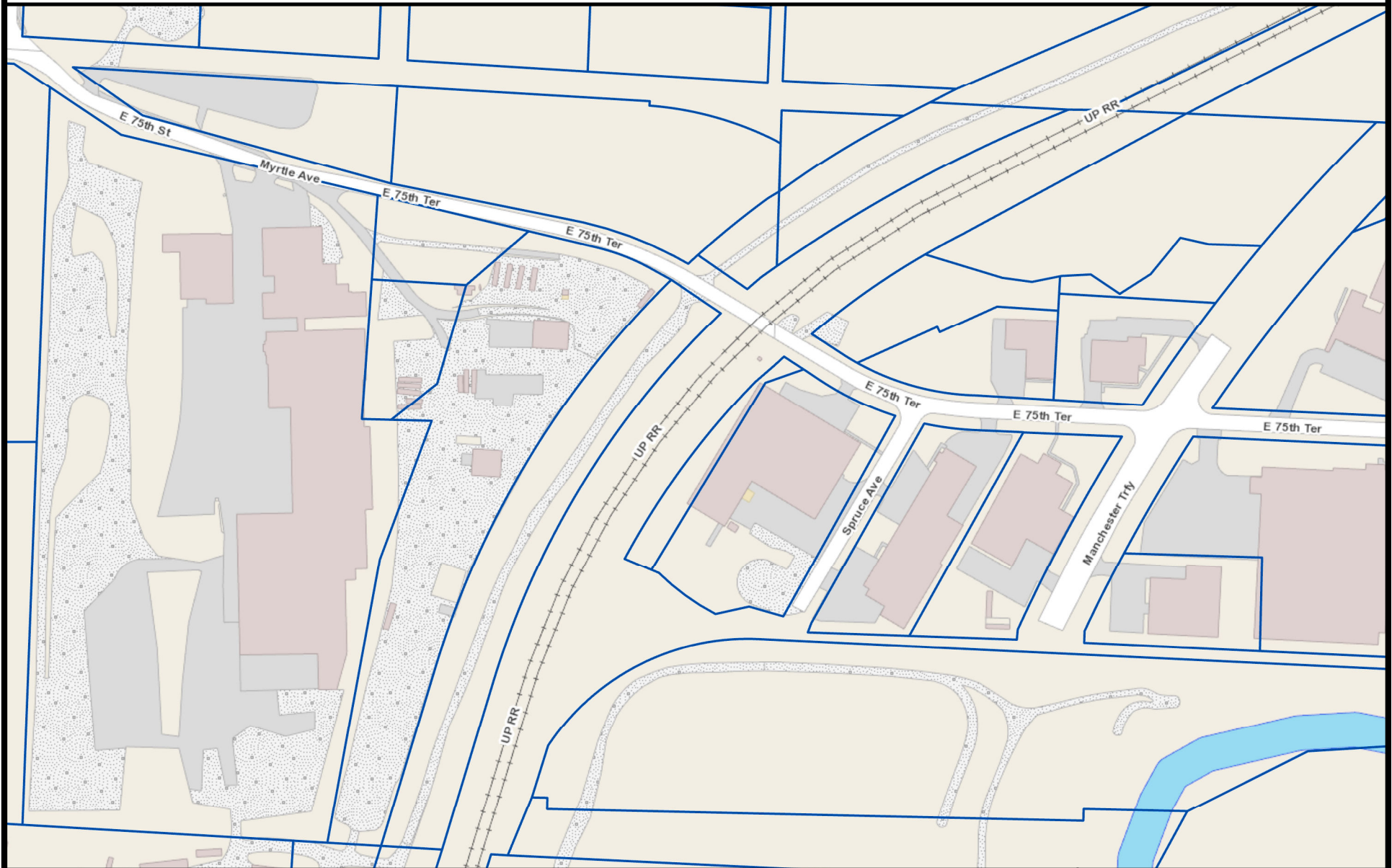
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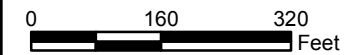
Printed Date: 4/20/2021



Swope Park Industrial Area 75th Street Realignment



While the City of Kansas City, Missouri makes every effort to maintain and distribute accurate information, no warranties and/or representations of any kind are made regarding information, data or services provided. In no event shall the City of Kansas City, MO, be liable in any way to the users of this data. Users of this data shall hold the City of Kansas City, MO harmless in all matters and accounts arising from the use and/or accuracy of this data. © 2021 City of Kansas City, Missouri.



Printed Date: 4/20/2021





Legislation Text

File #: 210400, Version: 1

ORDINANCE NO. 210400

Amending Chapter 76, "Vehicles for Hire," by repealing Section 76-505, Enforcement; penalty, and enacting a new section of like number and subject matter clarifying the individuals liable for corporate third-party food delivery services.

WHEREAS, the COVID-19 virus spreads between people who are in close contact with each other; and
WHEREAS, on March 12, 2020, Mayor Quinton Lucas issued a Proclamation of State of Emergency to allow the City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of City residents; and
WHEREAS, restrictions imposed to prevent the spread of COVID-19 have severely impacted restaurants and caused a shift to increased carry out and delivery of restaurant food; and
WHEREAS, third-party food delivery services can charge a fee constituting a significant portion of the total of a bill to a local restaurant as a service charge and said fees are often unknown to consumers; and
WHEREAS, third-party food delivery services rely on residents of Kansas City for delivery of orders and the pay structures for third-party delivery services are often unknown to consumers; and
WHEREAS, the City Council wishing to protect restaurants and delivery providers in the City from unfair and harmful third-party delivery service fee and pay structures, enacted a new article entitled "Third-Party Food Delivery Services" with Ordinance No. 210054 on February 4, 2021; and
WHEREAS, the City wishes to clarify that corporations and the individuals who manage and control them are responsible for ensuring that their corporations are in compliance with this article; NOW, THEREFORE,
BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 76, "Vehicles for Hire," is hereby amended by repealing Section 76-505, Enforcement; penalty, and enacting a new section of like number and subject matter, to read as follows:

Section 76-505. Enforcement; penalty.

(a) The director shall be charged with the administration and enforcement of this article and is authorized to issue such reasonable rules and regulations as may be necessary.

(b) Any responsible party who violates any provision of this article, or who neglects or fails to comply with any such provision, shall be guilty of an ordinance violation, and shall, upon conviction, be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Each violation on each day shall constitute a separate and distinct offense.

(c) When a third party delivery service is a corporation and violates any provision of this article, any officer of such corporation or the person in charge of the local office of such corporation who has been previously notified of the same type of violation at least seven (7) days prior, shall be guilty of violating the provisions of this chapter, and shall, upon conviction, be fined not less than \$100.00 and not more than \$1,000.00 for each offense. For purposes of this section "the same type of violation" shall mean a violation of the same section of the ordinance in the same manner. Each violation on each day shall constitute a separate and distinct offense.

(d) Nothing contained in this article shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement.

Approved as to form and legality:

Emalea Black
Assistant City Attorney

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 210400

Amending Chapter 76, “Vehicles for Hire,” by repealing Section 76-505, Enforcement; penalty, and enacting a new section of like number and subject matter clarifying the individuals liable for corporate third-party food delivery services.

WHEREAS, the COVID-19 virus spreads between people who are in close contact with each other; and

WHEREAS, on March 12, 2020, Mayor Quinton Lucas issued a Proclamation of State of Emergency to allow the City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of City residents; and

WHEREAS, restrictions imposed to prevent the spread of COVID-19 have severely impacted restaurants and caused a shift to increased carry out and delivery of restaurant food; and

WHEREAS, third-party food delivery services can charge a fee constituting a significant portion of the total of a bill to a local restaurant as a service charge and said fees are often unknown to consumers; and

WHEREAS, third-party food delivery services rely on residents of Kansas City for delivery of orders and the pay structures for third-party delivery services are often unknown to consumers; and

WHEREAS, the City Council wishing to protect restaurants and delivery providers in the City from unfair and harmful third-party delivery service fee and pay structures, enacted a new article entitled “Third-Party Food Delivery Services” with Ordinance No. 210054 on February 4, 2021; and

WHEREAS, the City wishes to clarify that corporations and the individuals who manage and control them are responsible for ensuring that their corporations are in compliance with this article; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 76, “Vehicles for Hire,” is hereby amended by repealing Section 76-505, Enforcement; penalty, and enacting a new section of like number and subject matter, to read as follows:

ORDINANCE NO. 210400

Sec. 76-505. Enforcement; penalty.

(a) The director shall be charged with the administration and enforcement of this article and is authorized to issue such reasonable rules and regulations as may be necessary.

(b) Any responsible party who violates any provision of this article, or who neglects or fails to comply with any such provision, shall be guilty of an ordinance violation, and shall, upon conviction, be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Each violation on each day shall constitute a separate and distinct offense.

(c) When a third party delivery service is a corporation and violates any provision of this article, any officer of such corporation or the person in charge of the local office of such corporation who has been previously notified of the same type of violation at least seven (7) days prior, shall be guilty of violating the provisions of this chapter, and shall, upon conviction, be fined not less than \$100.00 and not more than \$1,000.00 for each offense. For purposes of this section "the same type of violation" shall mean a violation of the same section of the ordinance in the same manner. Each violation on each day shall constitute a separate and distinct offense.

(d) Nothing contained in this article shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement.

Approved as to form and legality:

Emalea Black
Assistant City Attorney

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**No Fact Sheet
for
Ordinance
No. 210400**



Legislation Text

File #: 210100, Version: 1

ORDINANCE NO. 210100

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-268 and 70-706 relating to traffic and vehicles and by repealing 70-783 relating to traffic and vehicles and enacting in lieu thereof one new section of like number and subject.

WHEREAS, Code of Ordinances 70-268, requires wheels and tires to be clean within the city, allowing an individual, who may not be aware of the condition of their wheels or tires, to be ticketed for “dirty” cars or bicycles which carry mud, dirt, sticky substances, litter or foreign matter of any kind onto streets, alleys, highways or other public places; and

WHEREAS, Code of Ordinances 70-706, allows inspection of a bicycle “at any time” upon reasonable cause to believe a bicycle is unsafe or not equipped as required by law, yet it does not define “reasonable cause” or ensure law enforcement officers are uniformly trained to determine if a bicycle is unsafe or not equipped as required by law; and

WHEREAS, Code of Ordinances 70-783, commonly known as “jaywalking,” can expose individuals to unnecessary interactions with police and studies have shown jaywalking and similar laws are disproportionately enforced on communities of color (see a 2019 New York, New York study showing 90% of jaywalking tickets went to Black and Latinx individuals; and a Sacramento, California study showing Black individuals received 5 times more jaywalking tickets than White individuals); and

WHEREAS, the City Council does not believe these ordinances contribute to the safety of motorists, pedestrians, or bicyclists, nor promote the safe operation of vehicles; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing the Sections 70-268, Wheels and tires to be clean, and 70-706, Inspection of bicycles, relating to traffic and vehicles.

Section 2. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing 70-783 relating to traffic and vehicles and enacting in lieu thereof one new section of like number and subject, to read as follows:

Sec. 70-783. Crossing at points other than crosswalks.

- (a) No persons shall purposefully or negligently walk into traffic or into a public street in a manner that puts themselves in danger of bodily harm or causes a motor vehicle accident.

ORDINANCE NO. 210100

(b) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk

Approved as to form and legality:

Alan Holtkamp
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

210100

Ordinance Number

Brief Title:

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-26 and 70-706 relating to traffic and vehicles and by repealing 70-783 relating to traffic and vehicles and enacting in lieu thereof one new section of like number and subject.

Approval Deadline:

Reason:

Details

Positions / Recommendations

<p>Reason for Legislation To Amend Chapter 70, Code of Ordinances, by repealing Sections 70-26 and 70-706 relating to traffic and vehicles and by repealing 70-783 relating to traffic and vehicles and enacting in lieu thereof one new section of like number and subject.</p>	<p>Sponsor(s) Mayor Quinton Lucas</p>	
	<p>Programs, Departments, or Groups Affected</p>	
	<p>Applicants/Proponents</p>	<p>Applicant City Department Other</p>
	<p>Opponents</p>	<p>Groups or Individuals Basis of Opposition</p>
<p>Discussion <i>(including relationship to other Council actions)</i> Code of Ordinances 70-258, requires wheels and tires to be clean within the city, allowing an individual, who may not be aware of the condition of their wheels or tires, to be ticketed for “dirty” cars or bicycles which carry mud, dirt, sticky substances, litter or foreign matter of any kind onto streets, alleys, highways or other public places. Code of Ordinances 70-706, allows inspection of a bicycle “at any time” upon reasonable cause to believe a bicycle is unsafe or not equipped as required by law, yet it does not define “reasonable cause” or ensure law enforcement officers are uniformly trained to determine if a bicycle is unsafe or not equipped as required by law. Code of Ordinances 70-783, commonly known as “jaywalking,” can expose individuals to unnecessary interactions with police and studies have shown jaywalking and similar laws are disproportionately enforced on communities of color (see a 2019 New York, New York study showing 90% of jaywalking tickets went to Black and Latinx individuals; and a Sacramento, California study showing Black</p>	<p>Staff Recommendation</p>	<p><input type="checkbox"/> For <input type="checkbox"/> Against Reasons Against:</p>
	<p>Board or Commission Recommendation</p>	<p><input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions</p>

individuals received 5 times more jaywalking tickets than White individuals). The City Council does not believe these ordinances contribute to the safety of motorists, pedestrians, or bicyclists, nor promote the safe operation of vehicles.		Council Committee Action <input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass

Details

Policy / Program Impact

<p><u>Is it good for the children?</u> Yes.</p> <p><u>How will this contribute to a sustainable Kansas City?</u> This legislation is not intended to address the issue of sustainability.</p>		Policy or Program Change <input type="checkbox"/> No <input type="checkbox"/> Yes	
		Operational Impact Assessment	
	Finances		
		Cost and Revenue Projections	Cost of Legislation Increase/Decrease in Revenue Expected Annually
		Fund Sources	

Applicable Dates:

Fact Sheet Prepared By:

Alan L. Holtkamp, Assistant City Attorney

Reviewed By:

Reference Numbers

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 210100

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-268 and 70-706 relating to traffic and vehicles and by repealing 70-783 relating to traffic and vehicles and enacting in lieu thereof one new section of like number and subject.

WHEREAS, Code of Ordinances 70-268, requires wheels and tires to be clean within the city, allowing an individual, who may not be aware of the condition of their wheels or tires, to be ticketed for “dirty” cars or bicycles which carry mud, dirt, sticky substances, litter or foreign matter of any kind onto streets, alleys, highways or other public places; and

WHEREAS, Code of Ordinances 70-706, allows inspection of a bicycle “at any time” upon reasonable cause to believe a bicycle is unsafe or not equipped as required by law, yet it does not define “reasonable cause” or ensure law enforcement officers are uniformly trained to determine if a bicycle is unsafe or not equipped as required by law; and

WHEREAS, Code of Ordinances 70-783, commonly known as “jaywalking,” can expose individuals to unnecessary interactions with police and studies have shown jaywalking and similar laws are disproportionately enforced on communities of color (see a 2019 New York, New York study showing 90% of jaywalking tickets went to Black and Latinx individuals; and a Sacramento, California study showing Black individuals received 5 times more jaywalking tickets than White individuals); and

WHEREAS, the City Council does not believe these ordinances contribute to the safety of motorists, pedestrians, or bicyclists, nor promote the safe operation of vehicles; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing the Sections 70-268, Wheels and tires to be clean, and 70-706, Inspection of bicycles, relating to traffic and vehicles.

~~Sec. 70-268. Wheels and tires to be clean.~~

~~No person shall operate any vehicle within this city, the wheels or tires of which carry onto or deposit in any street, highway, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.~~

ORDINANCE NO. 210100

~~Sec. 70-706. Inspection of bicycles.~~

~~A uniformed police officer may at any time, upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with referene thereto as may be appropriate.~~

~~an inspection and such test with reference thereto as may be appropriate.~~

Section 2. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing 70-783 relating to traffic and vehicles and enacting in lieu thereof one new section of like number and subject, to read as follows:

Sec. 70-783. Crossing at points other than crosswalks.

~~(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.~~

~~(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.~~

~~(e)(a) No persons shall purposefully or negligently walk into traffic or into a public street in a manner that puts themselves in danger of bodily harm or causes a motor vehicle accident.~~

~~(b) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.~~

~~(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices. When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movement.~~

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Approved as to form and legality:

Alan Holtkamp
Assistant City Attorney



02/09/2021

Mayor Quinton Lucas and
Members of the City Council
KCMO City Hall
414 E. 12th Street, Kansas City, MO 64106

Dear Mayor Lucas and Members of the City Council:

KC 4 Safe Streets wishes to submit the following letter in support of the proposed legislation to decriminalize walking and biking in Kansas City. We support this measure as a step to limit the over-policing of Black and Brown people in Kansas City. The measures targeted in this legislation, including jaywalking, dirty tires, and bike inspection, do nothing to actually make our streets safer for people who walk or bike. It doesn't make sense for us to allow these measures to remain in place, especially if there is no evidence they protect the people who fall under their scope.

KC 4 Safe Streets works to make our streets, sidewalks, and public space safe and accessible to all users. We seek to eliminate all traffic fatalities through policies such as Vision Zero, engineering, education, and better public transit. We do not believe these laws do anything to keep people safe and can be used as a way to target demographics that are already at risk of being profiled and targeted.

In conclusion, KC 4 Safe Streets supports the adoption of this measure and asks the City Council to do the same.

Thank you,



[Facebook.com/kc4safestreeets](https://www.facebook.com/kc4safestreeets)



[@kc4safestreeets](https://twitter.com/kc4safestreeets)



March 16, 2021

Mayor Quinton Lucas and
Members of the City Council
KCMO City Hall
414 E. 12th Street, Kansas City, MO 64106

Dear Mayor Lucas and Members of the City Council:

KC Tenants wishes to submit the following letter in **support** of the proposed legislation to decriminalize walking and biking in Kansas City.

We support this measure as a step to limit the over-policing of Black and Brown people in Kansas City. The measures targeted in this legislation, including jaywalking, dirty tires, and bike inspection, do nothing to actually make our streets safer for people who walk or bike. It doesn't make sense for us to allow these measures to remain in place, especially if there is no evidence they protect the people who fall under their scope.

Many KC Tenants leaders do not have cars. We get to work, pick up our children, and buy our groceries on foot, by bike, or by public transit. Archaic laws which criminalize everyday activities of your poor and working class neighbors furthers the idea that our wellbeing is not a priority. Passing Ordinance 210100 would be one step in the right direction to ensure that we can feel safe in our city, free to live our lives and take care of our families without the fear of being stopped and fined by an officer for doing just that.

In conclusion, KC Tenants stands with BikeWalkKC and other organizations across the metro to support the adoption of this measure and asks the City Council to do the same.

Thank you,

Wilson Vance,
KC Tenants Campaign Manager
Resident, Fourth District, KCMO



KANSAS CITY
REGIONAL TRANSIT ALLIANCE

February 13, 2021

Mayor Quinton Lucas and
Members of the City Council
KCMO City Hall
414 E. 12th Street, Kansas City, MO 64106

Dear Mayor Lucas and Members of the City Council:

The Kansas City Regional Transit Alliance (KCRTA) wishes to submit the following letter in **support** of the proposed legislation to decriminalize walking and biking in Kansas City.

We support this measure as a step to limit the over-policing of Black and Brown people in Kansas City. The measures targeted in this legislation, including jaywalking, dirty tires, and bike inspection, do nothing to actually make our streets safer for people who walk or bike. It doesn't make sense for us to allow these measures to remain in place, especially if there is no evidence they protect the people who fall under their scope.

Kansas City, Missouri is often a leader in the region on equity and mobility, including innovative ideas like zero-fare transit. A core part of the KCRTA's mission is to help make transit's complementary modes like walking, biking, and rolling safer and more enjoyable. By taking these steps, Kansas City, Missouri will correct unjust laws while supporting sustainable and healthy mobility choices.

In conclusion, KCRTA supports the adoption of this measure and asks the City Council to do the same.

Thank you,

A handwritten signature in black ink, appearing to read "Matt Staub", is written over a light gray horizontal line.

Matt Staub
KCRTA Chair

February 8, 2021

Mayor Quinton Lucas and
Members of the City Council Transportation, Infrastructure and Operations Committee
KCMO City Hall
414 E. 12th Street, Kansas City, MO 64106

Dear Mayor Lucas and Members of the City Council Transportation, Infrastructure and Operations Committee:

The Legislative Committee of the Thomas Hart Benton Group of the Missouri Chapter of Sierra Club wishes to submit the following letter in support of the proposed Ordinance No. 210100 to decriminalize walking and biking in Kansas City. We support this measure as a step to limit the over-policing of Black and Brown people in Kansas City. The measures targeted in this legislation, including jaywalking, dirty tires, and bike inspection, do nothing to actually make our streets safer for people who walk or bike. It doesn't make sense for us to allow these measures to remain in place, especially if there is no evidence they protect the people who fall under their scope.

As Sierra Club members, who promote efforts in our community that will address the challenges of climate change, we see the need to encourage modes of transportation that are alternatives to motor vehicles. Kansas City should make efforts to ensure that these alternative modes do not become tools of needless policing. The resources the community devotes to law enforcement can be better placed.

In conclusion, the Legislative Committee of the Thomas Hart Benton Group of the Missouri Chapter of Sierra Club supports the adoption of this measure and asks the City Council to do the same.

Thank you,



Don Wallace,
Co-chair Legislative Committee
THB Group of Missouri Chapter of Sierra Club
Resident, Fourth District, KCMO



Legislation Text

File #: 210182, Version: 1

ORDINANCE NO. 210182

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-365 and 70-366 relating to street and drag racing and enacting in lieu thereof two new sections of like number and subject and by adding one new Section 70-368 relating to street and drag racing.

WHEREAS, street racing has caused vehicle crashes, deaths and injuries to drivers, passengers, onlookers, or innocent bystanders, and property damage in Kansas City; and

WHEREAS, street racing causes noise disturbances to residences and businesses near the street racing from racing vehicles and crowds; and

WHEREAS, street racing can cause vandalism and litter at racing locations, including businesses where racers commonly gather; and

WHEREAS, street racing can cause a loss of commercial revenue if racing crowds obstruct or intimidate potential customers; and

WHEREAS, street racing will cause excess wear and tear to Kansas City public streets where continual racing occurs, including areas with painted street markings commonly are damaged by the burning rubber of vehicle tires; and

WHEREAS, street racing has caused damage to curbs and bus stops in Kansas City, and to areas maintained by the City, including sidewalk cutaways and grassy areas; and

WHEREAS, public streets are created and maintained by Kansas City for public use and not for individuals to engage in the sport of street racing: NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 70 of the Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 70-365 and 70-366 relating to street and drag racing and enacting in lieu thereof two new sections of like number and subject, to read as follows:

Sec. 70-365. Racing on streets and highways.

(a) Except as provided elsewhere in this chapter, no person shall drive or otherwise engage in, aid or abet any vehicle on a street or highway in any drag race or speed competition or exhibition of speed or acceleration. No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or drag race upon any street or highway, in any manner obstruct a street or highway or place any barricade or obstruction upon any street or highway. However, the director may issue a

ORDINANCE NO. 210182

permit for any such race, competition, contest, test or exhibition in accordance with the terms and conditions specifically approved for such event by ordinance by the city council.

(b) Violations of this section shall result in the following:

(1) First violation: Up to a \$150.00 fine and/or up to 30 days in jail

(2) Second violation: Up to a \$300.00 fine and/or up to 60 days in jail

(3) Third and subsequent violation: Up to a \$500.00 fine and/or and up to six months in jail

Sec. 70-366. Spectator or unlawful assembly at drag race or speed competition.

(a) Except as provided elsewhere in this chapter, no person shall knowingly be present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at a drag race or illegal motor vehicle speed competition.

(b) Except as provided elsewhere in this chapter, no person shall be present as a spectator, either on a public street or highway, or on private property without the consent of the owner, operator, or agent thereof, where preparations are being made for a drag race or illegal motor vehicle speed competition

(c) An individual is present at the drag race or illegal motor vehicle speed competition if that individual is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event.

(d) When two or more persons assemble to witness or participate in a drag race or illegal motor vehicle speed competition such assembly is an unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

(e) Exemption: Nothing in this section prohibits law enforcement officers or their agents from being spectators at drag races or speed contests in the course of their official duties.

(f) Violations of this section shall result in up to a \$100.00 fine.

Section 2. That Chapter 70 of the Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by adding one new Section 70-368 relating to street and drag racing, to read as follows:

2

Sec. 70-368. Vehicles located later-impounded.

(a) If a vehicle involved in racing on streets and highways is identified and located later, that vehicle may be towed, impounded and kept as evidence of an earlier violation of street racing until a determination is made as part of an investigation determining whether a violation of Sec. 70-365 or Sec. 70-366 of this Code has been committed. After that determination, the vehicle shall be returned to the owner.

(b) If the owner of the vehicle claims the vehicle was loaned to another person the car shall remain in impound until the investigation is complete and a determination is made who was driving the car and whether there was a violation of Sec 70-173 or Sec. 70-179 of this Code. After that determination, the vehicle shall be returned to the owner.

(c) If the owner of the vehicle claims the vehicle was stolen, the car shall remain in impound until the stolen vehicle investigation is complete and a determination is made of who was driving the car. After that determination, the vehicle shall be returned to the owner.

Approved as to form and legality:

Alan Holtkamp
Assistant City Attorney

GENERAL

Ordinance Fact Sheet

210182

Ordinance Number

Brief Title:

Approval Deadline:

Reason:

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-365 and 70-366 relating to street and drag racing and enacting in lieu thereof two new sections of like number and subject and by adding one new section 70-368 relating to street and drag racing.

Details

Positions / Recommendations

<p>Reason for Legislation To amend Chapter 70, Code of Ordinances, by repealing Sections 70-365 and 70-366 relating to street and drag racing and enacting in lieu thereof two new sections of like number and subject and by adding one new section 70-368 relating to street and drag racing.</p>	<p>Sponsor(s) Mayor Lucas</p>	
	<p>Programs, Departments, or Groups Affected Municipal Court and the Kansas City Police Department.</p>	
<p>Discussion <i>(including relationship to other Council actions)</i> Street racing has caused vehicle crashes, deaths and injuries to drivers, passengers, onlookers, or innocent bystanders; and property damage in Kansas City. Street racing also causes noise disturbances to residences and businesses near the street racing from racing vehicles and crowds. Street racing can cause vandalism and litter at racing locations, including</p>	<p>Applicants/Proponents</p>	<p>Applicant City Department Other</p>
	<p>Opponents</p>	<p>Groups or Individuals Basis of Opposition</p>

<p>businesses where racers commonly gather. Street racing can cause a loss of commercial revenue if racing crowds obstruct or intimidate potential customers. Street racing causes excess wear and tear to Kansas City public streets where continual racing occurs, including areas with painted street markings commonly are damaged by the burning rubber of vehicle tires. Street racing has caused damage to curbs and bus stops in Kansas City, and to areas maintained by the city, including sidewalk cutaways and grassy areas. Public streets are created and maintained by Kansas City for public use and not for individuals to engage in the sport of street racing. This legislation will address the above concerns.</p>		Staff Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against Reasons Against:
		Board or Commission Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions
		Council Committee Action	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Substitute <input type="checkbox"/> No Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do Not Pass

Details

Policy / Program Impact

<p><u>Is it good for the children?</u> Yes.</p> <p><u>How will this contribute to a sustainable Kansas City?</u> This legislation is not intended to address the issue of sustainability.</p>		Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
		Operational Impact Assessment	
		Finances	
		Cost and Revenue Projections	Cost of Legislation Increase/Decrease in Revenue Expected Annually

		Fund Sources	
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Applicable Dates:

Fact Sheet Prepared By:

Alan L. Holtkamp, Assistant City Attorney

Reviewed By:

Reference Numbers

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 210182

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-365 and 70-366 relating to street and drag racing and enacting in lieu thereof two new sections of like number and subject and by adding one new section 70-368 relating to street and drag racing.

WHEREAS, street racing has caused vehicle crashes, deaths and injuries to drivers, passengers, onlookers, or innocent bystanders, and property damage in Kansas City; and

WHEREAS, street racing causes noise disturbances to residences and businesses near the street racing from racing vehicles and crowds; and

WHEREAS, street racing can cause vandalism and litter at racing locations, including businesses where racers commonly gather; and

WHEREAS, street racing can cause a loss of commercial revenue if racing crowds obstruct or intimidate potential customers; and

WHEREAS, street racing will cause excess wear and tear to Kansas City public streets where continual racing occurs, including areas with painted street markings commonly are damaged by the burning rubber of vehicle tires; and

WHEREAS, street racing has caused damage to curbs and bus stops in Kansas City, and to areas maintained by the City, including sidewalk cutaways and grassy areas; and

WHEREAS, public streets are created and maintained by Kansas City for public use and not for individuals to engage in the sport of street racing: NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 70 of the Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 70-365 and 70-366 relating to street and drag racing and enacting in lieu thereof two new sections of like number and subject, to read as follows:

Sec. 70-365. Racing on streets and highways.

(a) Except as provided elsewhere in this chapter, no person shall drive or otherwise engage in, aid or abet any vehicle on a street or highway in any drag race or

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ORDINANCE NO. 210182

speed competition or exhibition of speed or acceleration. No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or drag race upon any street or highway, in any manner obstruct a street or highway or place any barricade or obstruction upon any street or highway. However, the director may issue a permit for any such race, competition, contest, test or exhibition in accordance with the terms and conditions specifically approved for such event by ordinance by the city council.

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(b) Violations of this section shall result in the following:

(1) First violation: Up to a \$150.00 fine and/or up to 30 days in jail

(2) Second violation: Up to a \$300.00 fine and/or up to 60 days in jail

(3) Third and subsequent violation: Up to a \$500.00 fine and/or and up to six months in jail

Sec. 70-366. Spectator or unlawful assembly at drag race or speed competition.

(a) Except as provided elsewhere in this chapter, no person shall knowingly be present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at a drag race or illegal motor vehicle speed competition.

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(b) Except as provided elsewhere in this chapter, no person shall be present as a spectator, either on a public street or highway, or on private property without the consent of the owner, operator, or agent thereof, where preparations are being made for a drag race or illegal motor vehicle speed competition

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(c) An individual is present at the drag race or illegal motor vehicle speed competition if that individual is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event.

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(d) When two or more persons assemble to witness or participate in a drag race or illegal motor vehicle speed competition such assembly is an unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

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(e) Exemption:- Nothing in this section prohibits law enforcement officers or their agents from being spectators at drag races or speed contests in the course of their official duties.

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(f) Violations of this section shall result in up to a \$100.00 fine.

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Section 2. That Chapter 70 of the Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by adding one new Section 70-368 relating to street and drag racing, to read as follows:

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ORDINANCE NO. 210182

Sec. 70-368. Vehicles located later-impounded.

(a) If a vehicle involved in racing on streets and highways is identified and located later, that vehicle may be towed, impounded and kept as evidence of an earlier violation of street racing until a determination is made as part of an investigation determining whether a violation of Sec. 70-365 or Sec. 70-366 of this Code has been committed. After that determination, the vehicle shall be returned to the owner.

(b) If the owner of the vehicle claims the vehicle was loaned to another person the car shall remain in impound until the investigation is complete and a determination is made who was driving the car and whether there was a violation of Sec 70-173 or Sec. 70-179 of this Code. After that determination, the vehicle shall be returned to the owner.

(c) If the owner of the vehicle claims the vehicle was stolen, the car shall remain in impound until the stolen vehicle investigation is complete and a determination is made of who was driving the car. After that determination, the vehicle shall be returned to the owner.

Approved as to form and legality:

Alan Holtkamp
Assistant City Attorney

Dear Honorable Mayor Lucas & TIO Committee Members,

I am writing to express my opposition and concern over ordinance 210182...

I fear this ordinance will not solve the issue attempting to be addressed but rather will disproportionately punish and ultimately incarcerate young members of the african american and hispanic community.

Years of 'tough on crime' approaches demonstrated by the state of Missouri have proven to fail to deter crimes while also exacerbating our over incarceration crisis. I see this resolution having the same result.

On almost exactly the one year anniversary of the police killing of Donnie Sanders, this ordinance will embolden the police force to carry out the very same actions for the very same reasons that led to the unnecessary and cruel killing of Mr. Sanders.

I fear that not only will this ordinance fail to address the issue while also punishing young members of our community but it also neglects measures that are proven to reduce this type of behavior. As a practicing urban designer I have seen first hand how design impacts behavior. Taking a preventative design approach to this issue can help remediate the problem without further compounded the chronic issues observed between the community and the police system. In addition, taking preventative design measures can also provide benefits to the community as a whole by creating safer, more walkable, healthier communities. Taking a design approach to this issue can help us meet our Vision Zero, sustainability, and overall quality of life goals.

Unfortunately, from my perspective this ordinance provides no benefits to the community, fails to prevent the issue at hand and further jeopardizes the youth and young adults largely of the african american and hispanic community.

Please consider dropping this ordinance and focusing efforts on a preventative design approach to remediate the problem and provide community benefits to all of Kansas City.

Sincerely,

DuRon Netsell
Principal, Street Smarts Design + Build
Lead, Better Block KC



Dear Chairman Lucas and Committee,

KC 4 Safe Streets does not support ordinance #210182. Street racing, reckless driving, blocking intersections, vandalism and littering are already illegal. Making something more illegal is not the solution, and often comes with undue criminalization of black, brown, and minority communities. Kansas City had a safe and legal facility in KC International Raceway until November of 2011. KCIR was an outlet for legal racing and created a safe and enjoyable facility for such activities. Unfortunately, the City of Kansas City purchased this facility, demolished it, and replaced it with a park leaving no outlet for these activities but our city streets.

Rather than further criminalizing this activity, we seek to encourage the city to work with developers and partners to find a new facility to replace KCIR, as well as address our built environment that makes it possible to drag race side by side or preform burnouts and sideshows in our intersections. By altering our built environment to reduce the ability to speed, race, or do burnouts and sideshows, we would create a safer street environment with less noise, and less vandalism, and less violence.



[Facebook.com/kc4safestreeets](https://www.facebook.com/kc4safestreeets)



[@kc4safestreeets](https://twitter.com/kc4safestreeets)



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Legislation Text

File #: 210356, Version: 1

ORDINANCE NO. 210356

Estimating revenue in the amount of \$937,203.07 in the Street Maintenance Fund; appropriating that amount to Street Lighting Special Projects Maintenance account; and authorizing the Director of Public Works to execute the first one-year renewal option with Black and McDonald for streetlight and traffic signal repair and maintenance in the amount of \$5,824,621.81.

WHEREAS, Ordinance No. 200263 authorized the City to enter into a one- year contract with seven (7) one-year renewals with contractor dated May 1, 2020, in the amount of \$5,761,248.06 to provide street light and signal repair and maintenance services; and the first year of this contract will expire April 30, 2021; NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the revenue in the following accounts of the Street Maintenance Fund is estimated in the following amounts:

22-2060-891950-485450 Street Maintenance Fund \$937,203.07

Section 2. That the sum of \$937,203.07 is appropriated from the Unappropriated Fund Balance of the Public Works Reimbursable Fund to the following account:

22-2060-891950-B Street Lighting Special
Projects Maintenance \$937,203.07

Section 3. That the Director of Public Works is authorized to execute the first one-year renewal with Black and McDonald for street lighting and signal maintenance and repair services for Fiscal Year 2021-22. The contract is approved in substantial form as that on file in the Office of the Director of Public Works.

Section 4. That the Director of Public Works is authorized to expend a total of \$5,824,621.81 to satisfy the City’s obligation under the contract for the period of May 1, 2021 through April 30, 2022 from the following accounts:

22-3090-897703-B-89007055 Streetlight Maintenance \$4,286,899.58

22-2060-891950-B Streetlight Special 937,203.07

22-2085-891318-B Streetcar Signal 71,337.00

22-2060-891318-B Streetcar Signal 21,209.94

22-2060-892020-B Signal Maintenance 507,972.22

TOTAL: \$5,824,621.81

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form and legality:

Nelson V. Munoz
Assistant City Attorney

CONTRACT

210356

Ordinance Fact Sheet

Brief Title	Approval Deadline	Reason
Annual Street Light & Traffic signal Maintenance & Repairs		To authorize the Director of Public Works to exercise an additional one-year renewal option and expend necessary funds for repair & maintenance services of streetlights & traffic signals

Details

Reason for Contract

Estimating revenues in the amount of \$937,203.07 in the Street Maintenance Fund; appropriating that amount to Street Lighting Special Projects Maintenance account; and authorizing the Director of Public Works to execute the first one-year renewal option with Black and McDonald for streetlight and traffic signal repair and maintenance in the amount of \$5,824,621.81.

Project Justification
 This contract provides for the maintenance and repair services to approximately 98,000 streetlights and 41 signalized intersections.

Project Background
 Ordinance Number 961654 (January 1997) established a City-wide program to improve illumination of all public streets. The agreement with KCPL included purchase of leased streetlights, construction of upgraded lighting and maintenance services while construction was underway. Additional funds were made available from bond issue passed in August 2004 to begin upgrading streetlights in Aquila territory. A key feature of the lighting improvement plan was, upon substantial completion of the KCPL upgrade phase, future routine maintenance would be competitively bid. The result was a one year maintenance contract with four (4) one-year renewals that was bid in October 2007 and completed April 30, 2012.

Another Request for Proposal (RFP) was released for solicitation September 26, 2011. Proposal documents were received on November 1, 2011. A Public Works Selection Committee reviewed and selected Black & McDonald based upon the best and lowest proposal submitted. The eight year contract will be completed on April 30, 2020.

Another RFP for this current contract was advertised in October 2019 and bids were received on November 5, 2019. The bids were evaluated by Public Works and Black & McDonald was selected based upon the lowest and best proposal. The eight year contract will be completed on April 30, 2028.

Repair and maintenance services are defined and paid in two categories: 1) annual unit cost for routine services such as responding to any outage or damage incident, replacing lamps, damaged fixtures, downed wires, broken or leaning poles, monthly night patrol and periodic cleaning, group relamping, inspection; and 2) unit cost for optional services such as relocation and removal of streetlights or traffic signals on an "as needed" basis to accommodate third party reimbursable and non reimbursable tasks.

Roles and Responsibilities

Sponsor	Public Works Department
Department or Programs Affected	Street Lighting and Traffic Signals
Recommended Awardee	Black and McDonald, LLC
Contract Compliance Certification Obtained?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Opponents	Groups or Individuals None Reason for Opposition
Responsibilities	Design Engineering: N/A Inspections: Public Works, Capital projects Division Construction or Project Management: Public Works, Capital Projects Division Service Monitoring: Public Works, Capital Projects Division

Policy/Program Impact

Policy or Program Emphasis Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	Maintain the traffic safety and personal security benefits achieved by increasing the uniformity and level of illumination on streets and sidewalks and operational signaled intersections

(Continued on reverse side)

Details

The agreement includes detailed performance criteria backed by financial incentives in the form of liquidated damages. An on-line system for transmitting service requests and reporting the contractor's actions has been designed to monitor the level of performance, keep records on the status, physical condition and cost of maintaining the streetlight asset. This records system is directly controlled by the City.

All Council Districts Project # 89007627

Solicitation

This project was advertised in accordance with City requirements.

Human Relations Approval

MBE/WBE subcontracting plan was approved by Human Relations Dept. Goals for this project are 15% and 10% MBE/WBE.

MBE Subs: American Legacy Construction Group, Inc. and Gil's sales company, inc. dba GSC Lighting & Supply
 WBE Subs: Night Hawk, LLC and Max Electric

Is it Good for the Children?

Safety in illuminating streetlights and having proper working traffic signals is good for everyone, especially children.

How will this contribute to a sustainable Kansas City?

Sustainability is derived from the conversion of High Intensity Discharge (HID) lamps in streetlights and incandescent bulbs in traffic signals to more energy efficient lighting such as LED.

Estimated Duration of Contract:

May 1, 2021-April 30, 2022 with six (6) one year renewal options remaining

Fact Sheet Prepared by:

Name Mahmoud Hadjian
 Title Division Manager/Assistant City Engineer

Date:

3/8/2021

Reviewed by:

Name David H. Miller
 Title

Date:

#####

Reference Numbers:

200263 200820

Finances

City's Estimate of Cost	Routine	\$ NOT APPLICABLE
	Optional	\$ FOR
		\$ AMENDMENT
Bid or Proposal Data	Lowest Cost Submitted	\$
	No. of Proposals Considered	
	Reason for rejecting lowest contract cost submitted	N/A
	Bidders or Contractors Considered	Contract Costs Submitted
		\$ NOT APPLICABLE
		\$ FOR
		\$ AMENDMENT
		\$
		\$
	\$	
Fund Sources and Appropriation	Street Lighting	
Account Codes	3090-897703	Routine Maint. \$4,286,899.58
For This	2060-891950	Special Maint. \$937,203.07 Traffic Signal
	2060-891318	Routine Maint. \$21,209.94
	2085-891318	Routine Maint. \$71,337.00
Contract	2060-892020	Special Maint. \$507,972.22
Source of Future Operating Funds	Operating Budget	
Maximum Amount of Proposed Contract		\$ 4,476,620.81
Amount of Contingency		\$ 1,348,001.00
Engineering & Administration		\$
TOTAL		\$ 5,824,621.81

Council Committee Actions

Do Pass	<input type="checkbox"/>	<input type="checkbox"/> Hold
Do Pass (as amended)	<input type="checkbox"/>	<input type="checkbox"/> W/o Recommendation
Committee Sub.	<input type="checkbox"/>	<input type="checkbox"/> Do Not Pass

LEGISLATIVE FISCAL NOTE	LEGISLATION NUMBER:	210356
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LEGISLATION IN BRIEF:

For repair and maintenance to streetlights and signals for FY22 contract with Black and McDonald.

What is the purpose of this legislation? OPERATIONAL

For the purpose of authorizing expenditures new or planned to conduct municipal services

Does this legislation spend money? Yes/No
See Section 00: " Notes" Below

Does this legislation estimate new Revenues? Yes/No
See Section 02 for new revenue estimates

Does this Legislation Increase Appropriations? Yes/No
See Section 03 for increases in appropriations

Are costs associated with this legislation ongoing (Yes)? Or one-time (No) Yes/No
See Section 00: " Notes" Below

Section 00: Notes:

Five years of operational costs for ongoing programs should be included in Section 04 below.

FINANCIAL IMPACT OF LEGISLATION

Section 01: If applicable, where are funds appropriated in the current budget?

FUND	DEPTID	ACCOUNT	PROJECT	FY 20-21 BUD	FY 21-22 EST
Various	Various	B	Various		4,887,418.74

Section 02: If applicable, where will new revenues be estimated?

FUND	DEPTID	ACCOUNT	PROJECT	FY 20-21 BUD	FY 21-22 EST
2060	891950	485450			937,203.07

Section 03: If applicable, where will appropriations be increased?

FUND	DEPTID	ACCOUNT	PROJECT	FY 20-21 BUD	FY 21-22 EST
2060	891950	616320			937,203.07

NET IMPACT ON OPERATIONAL BUDGET

-	-
RESERVE STATUS:	
REVENUE SUPPORTED	

SECTION 04: FIVE-YEAR FISCAL IMPACT (Direct and indirect)

FUND	FUND NAME	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	All Outyears
2060	Street Maintenance		937,203					
TOTAL REV		-	937,203	-	-	-	-	-

FUND	FUND NAME	FY 20-21	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26	All Outyears
3090	Capital Improvements		4,286,900					
2060	Street Maintenance		1,466,385					
2085	Street Car		71,337					
TOTAL EXP		-	5,824,622	-	-	-	-	-

NET Per-YEAR IMPACT	-	(4,887,419)	-	-	-	-	-
NET IMPACT (SIX YEARS)	(4,887,418.74)						

REVIEWED BY Jessica Oliphant DATE 4/16/2021

