



Legislation Details (With Text)

File #: 230324 **Version:** 2 **Name:**
Type: Ordinance **Status:** Held
File created: 4/6/2023 **In control:** Council
On agenda: 8/17/2023 **Final action:** 8/17/2023
Title: Sponsor: Director of the Parks and Recreation Department

Calling for submission to the voters of Kansas City, at a special election to be held on November 7, 2023, a question to remove certain city property devoted to park use in the park system generally located between North Oak Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace; directing the City Clerk to notify the responsible election authorities on or before August 29, 2023 for the November election; and recognizing this ordinance with an accelerated effective date.

Sponsors: Director of Parks & Recreation

Indexes:

Code sections:

Attachments: 1. Park Property Location Map N.Oak to N. Holmes @NE 32nd Ter, 2. December Park Board Resolution #32061, 3. TMP 2993 Docket Memo, 4. 230324 cs to org ord-com, 5. Authenticated Ordinance 230324 CS

Date	Ver.	Action By	Action	Result
8/17/2023	1	Council	Passed as Substituted	Pass
8/16/2023	1	Finance, Governance and Public Safety Committee		
7/11/2023	1	Special Committee for Legal Review	Hold off Agenda	
5/9/2023	1	Special Committee for Legal Review	Hold on Agenda	
4/13/2023	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230324

Sponsor: Director of the Parks and Recreation Department

Calling for submission to the voters of Kansas City, at a special election to be held on November 7, 2023, a question to remove certain city property devoted to park use in the park system generally located between North Oak Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace; directing the City Clerk to notify the responsible election authorities on or before August 29, 2023 for the November election; and recognizing this ordinance with an accelerated effective date.

WHEREAS, certain vacant land containing approximately 5.399 acres was obtained by the City and dedicated for park purposes (“Land”); and

WHEREAS, certain property is undeveloped wooded land with steep terrain and which is divided by existing North Cherry Street, and borders existing levee to the south.

WHEREAS, the legal description for the land is as follows: Generally located between North Oak

Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace for park purposes and more specifically described as follows; A tract of land located in the Southeast Quarter of Section 11, Township 50 North, Range 33 West, in Kansas City, Clay County, Missouri, being more particularly described as follows: Sec 11-50-33 Se1/4 Braecklein's Subdivision pt Lts 6 & 15 beg 120' n of nw cor N Holmes & N.E. 32nd St, n 450, w 655, nw 632, s 100, se to pob; and

WHEREAS, pursuant to City Charter Section 1004(b), if any property is determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use, such property may be removed from the park system by a vote of the people; and

WHEREAS, on December 13, 2022, the Board of Parks and Recreation Commissioners approved Resolution No. 32061 which allows the removal of certain property from the park system in since it was deemed no longer needed for park purposes; and

WHEREAS, such removal would allow the City to dispose of the property as surplus property pursuant to City Charter Section 1210 and any disposal will be made on an open and public competition; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That an election is called on November 7, 2023, for the purpose of submitting to the voters of Kansas City the question of removing property from the park system.

Section 2. BALLOT TITLE. The ballot title shall be:

Should the City of Kansas City remove from the park system vacant property containing approximately 5.399 acres serving as undeveloped parkland which is generally located between North Oak Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace which has been determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use?

Section 3. NOTICE OF ELECTION. The notice of election shall read as follows:

NOTICE OF ELECTION
KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called a special election to be held on Tuesday, November 7, 2023, between the hours of 6:00 a.m. and 7:00 p.m., at which election all qualified voters residing within Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

OFFICIAL BALLOT
CITY OF KANSAS CITY

GENERAL ELECTION, November 7, 2023

QUESTION NO. []
(Park Property)

Should the City of Kansas City remove from the park system vacant property containing approximately 5.399 acres serving as undeveloped parkland which is generally located between North Oak Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace which has been determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use?

YES _____
NO _____

(Instructions to voters will be supplied by the election authorities.)

A full and complete copy of Committee Substitute for Ordinance No. 230324 (as it may be amended) submitting the above question to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where the same is open for inspection and copying.

The polling places for the election will be (INSERT LIST OF POLLING PLACES IN LAST PUBLICATION ONLY)

I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo, as amended.

Given under my hand and the official seal of the Kansas City, Missouri, this day of _____, 20__.

(SEAL)

MARILYN SANDERS
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My Commission Expires: _____

Section 4. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK. That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, on or before August 29, 2023 for the November election which shall be the authority of each election authority of the City to submit the amendment to the electors of Kansas City and to give public notice as provided by law.

Section 5. ACCELERATED EFFECTIVE DATE RECOGNIZED. This ordinance, providing for the

submission of a question to the people of Kansas City, Missouri, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(A) of the City Charter, and shall take effect in accordance with Section 503.

Section 6. EFFECTIVE DATE. If a majority of the qualified voters voting at the election shall vote in favor of the approval of the question, then the authority of the Council to adopt an ordinance implementing this grant of authority shall become effective immediately upon certification of the election results by the election authorities.

Approved as to form:

Lana K. Torczon
Senior Associate City Attorney