



Legislation Text

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COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220636

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the “KCI Corridor Trail Segment 1”, Project No. 89020225, in Kansas City, Platte County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Director of the Department of Public Works; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Platte County, Missouri.

WHEREAS, the Council finds that the property interests herein described must be condemned for permanent and temporary public use for the “KCI Corridor Trail Segment 1” Project in Kansas City, Platte County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY, MISSOURI:

Section 1. That the property interests herein described are hereby authorized condemned and taken for permanent and temporary public use in and upon the land hereinafter described for Project No. 89020225, “KCI Corridor Trail Segment 1”, including any necessary structures or appurtenances, all in Kansas City, Platte County, Missouri.

Section 2. Said improvements shall be of the nature described and specified in, and shall be done in accordance with, the plans and specifications certified under the supervision of the Director of the Department of Public Works, the same being on file in the Office of the Director of the Department of Public Works, and being incorporated herein by reference.

Section 3. That the properties obtained by condemnation shall be used by the City of Kansas City, Missouri for Pedestrian Right of Way Easements and for Temporary Construction Easements for the location of a public recreational trail as part of the Metro Green regional recreational trails/greenway system to be constructed therein including any necessary appurtenances to it; and Kansas City or its authorized agents, employees or independent contractors shall have the right to enter in and upon, or authorize the entry in and upon, said properties for the purpose of constructing, maintaining, operating, repairing, reconstructing, and making improvements to the following said improvements:

**Pedestrian Right of Way Easement**

The Pedestrian Right of Way Easement shall be used by the City of Kansas City, Missouri for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system, through part of the City of Kansas City, Platte County, Missouri. Said Pedestrian Right of Way Easement shall include the right to clear, cut, fell, remove, and dispose of any and all timber, trees, underbrush, and/or other obstructions there from; to grade, excavate, cut away, and remove any of said land and to replace thereon other material; to construct and maintain the greenway system for trails for walking, running, bicycling, and other recreational

purposes; to post signs on the easement property notifying the public of their rights and responsibilities in the use and enjoyment of the recreational trail; for the movement and operation of public safety personnel and vehicles; and for such other purposes as may be required in connection with said work of improvement: reserving, however to the owners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby established.

The acquisition of this Pedestrian Right of Way Easement, shall not be construed to prohibit the owners, their heirs and assigns from developing any adjoining property as long as said development does not extend into, under, on, or over said easement without first acquiring written approval from the Director of Public Works; or inhibit the Grantee, or its agents, in entering upon said easement for the purpose of laying, constructing, operating, maintaining, repairing, reconstructing, and making improvements to the Infrastructure there in; or in any way interfere with the safe, unrestricted and continuous use of the easement by the public.

### **Permanent Water Main Easement**

The Permanent Water Main Easement shall be used by the City of Kansas City, Missouri for the location, construction and maintenance of waterlines and associated improved 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 Permanent Water Main Easement for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

By the condemning of private property for this easement, it shall not be constructed to prohibit the landowner of said condemned property from the safe and unrestricted use of the land adjacent to and above said Permanent Water Main Easement; provided, however, said easement shall be kept free from any structure or obstruction as would interfere with the proper, safe and continuous operation and maintenance of said water lines and associated improved infrastructure and specifically shall not build thereon or there over any structure which may interfere with the operation, maintenance and use thereof.

### **Temporary Construction Easement**

The Temporary Construction Easements shall be used by the City of Kansas City, Missouri or its authorized agents, servants, employees, or independent contractors, during the construction of said project, for grading and sloping, removal of trees and shrubbery, removal and replacement of fencing, sidewalks and driveways, utility construction work, the storage of materials, the operation of equipment, and the movement of a working force.

The City of Kansas City, Missouri shall cause the surface of lands lying within said Temporary Construction Easements to be restored to substantially the same physical condition that existed at the time the City or its agents entered upon it.

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

### **Tract No. 1-B4**

### **Pedestrian Right-of-Way:**

A tract of land to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system located in part of Tract A, TIFFANY SPRINGS MARKETCENTER WEST DETENTION FACILITY, a subdivision of land in the Southeast Quarter of Section 1, Township 51 North, Range 34 West and the Southwest Quarter of Section 6, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri, being bounded and described as follows:

Commencing at the Northeast corner of said Southeast Quarter; thence South 88 degrees 56 minutes 40 seconds East, along the North line of said Southwest Quarter, 11.51 feet to a point on the West Right-of-Way line of Missouri Route W, as now established; thence South 07 degrees 21 minutes 31 seconds West, along said West Right-of-Way line, 40.52 feet to the Point of Beginning of the tract of land to be herein described; thence continuing South 07 degrees 21 minutes 31 seconds West along said West Right-of-Way line, 123.96 feet to the Southeast corner of said Tract A; thence South 63 degrees 58 minutes 23 seconds West, along the South line of said Tract A, 16.39 feet; thence North 13 degrees 14 minutes 07 seconds East, 133.68 feet to the Point of Beginning. Containing 848 square feet or 0.02 acres, more or less.

**Permanent Water Main Easement:**

A tract of land in the Southeast Quarter of Section 1, Township 51 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described as follows:

Commencing at the Northeast corner of said Southeast Quarter; thence South 89°59'47" West, along the South line of said Southeast Quarter, 284.21 feet; thence South 00°00'13" East, 44.85 feet to the Point of Beginning of the tract of land to be herein described; thence South 30°28'01" East, 49.05 feet; thence South 17°01'47" East, 25.63 feet; thence North 39°54'03" West, 83.43 feet; thence North 82°31'28" East, 21.33 feet to the Point of Beginning. Containing 897 square feet or 0.02 acres, more or less.

**Temporary Construction Easement (3 Year Duration):**

A tract of land to be used for temporary construction purposes for construction of part of the Metro Green regional recreational trails/greenway system located in part of Tract A, TIFFANY SPRINGS MARKETCENTER WEST DETENTION FACILITY, a subdivision of land in the Southeast Quarter of Section 1, Township 51 North, Range 34 West and the Southwest Quarter of Section 6, Township 51 North, Range 33 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri, being bounded and described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence South 88 degrees 56 minutes 40 seconds East, along the North line of said Southwest Quarter, 11.51 feet to a point on the West Right-of-Way line of Missouri Route W, as now established; thence South 07 degrees 21 minutes 31 seconds West, along said West Right-of-Way line, 40.52 feet to the Point of Beginning of the tract of land to be herein described; thence South 13 degrees 14 minutes 07 seconds West, 133.68 feet to the South line of said Tract A; thence South 63 degrees 58 minutes 23 seconds West, along the South line of said Tract A, 19.58 feet; thence North 12 degrees 54

minutes 23 seconds East, 142.91 feet, thence South 87 degrees 59 minutes 15 seconds East, 16.29 feet to the Point of Beginning. Containing 2,074 square feet or 0.05 acres, more or less.

**Tract No. 5**

**Pedestrian Right of Way Easement:**

A tract of land to be used for public recreational purposes and is part of the Metro Green regional recreational trails/greenway system located in Part of Tract C, Lot Split Survey of Lots 12D, 12E and 12F, Block 12, EXECUTIVE HILLS NORTH, a subdivision of land in the Southeast Quarter of Section 36, Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri, being bounded and described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence North 00 degrees 42 minutes 40 seconds east, along the East line of said Southeast Quarter, 1,086.78 feet; thence North 89 degrees 17 minutes 20 seconds west, 2,252.87 feet to a point on the South line of said Tract C, said point also being the Point of Beginning of the tract of land to be herein described; thence South 44 degrees 09 minutes 39 seconds west, along said South line, 27.61 feet to the Southwest corner of said Tract C, said point being on the East Right-of-Way line of Interstate 29, as now established; thence North 20 degrees 42 minutes 25 seconds west, along said East Right-of-Way line, 252.97 feet to the Northwest corner of said Tract C; thence North 56 degrees 08 minutes 50 seconds east, along said North line, 25.67 feet; thence South 20 degrees 42 minutes 25 seconds east, 247.08 feet to the Point of Beginning.

Containing 6,661 square feet or 0.15 acres, more or less.

**Tract No. 7**

**Pedestrian Right of Way Easement:**

Part of Tract A, Lot Split Survey of Lots 12D, 12E and 12F, Block 12, EXECUTIVE HILLS NORTH, a subdivision of land in the Southeast Quarter of Section 36 Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri, being bounded and described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence North 00 degrees 42 minutes 40 seconds east, along the East line of said Southeast Quarter, 1,815.20 feet; thence North 89 degrees 17 minutes 20 seconds west, 2,481.44 feet to a point on the South line of said Tract A said point also being the Point of Beginning of the tract of land to be herein described; thence South 88 degrees 18 minutes 00 seconds west, along said South line, 61.17 feet to a point on the East Right-of-Way line of Interstate 29, as now established; thence North 13 degrees 32 minutes 44 seconds east, along said East Right-of-Way line, 476.72 feet; thence North 25 degrees 46 minutes 55 seconds east, continuing along said East Right-of-Way line, 60.13 feet to a point on the South Right-of-way line of Tiffany Springs Parkway, as now established; thence Easterly, along said South Right-of-Way line, on a curve to the right having an initial tangent bearing of South 72 degrees 26 minutes 23 seconds East with a radius of 272.00 feet, a central angle of 02 degrees 52 minutes 30 seconds and an arc distance of 13.65 feet; thence South 13

degrees 03 minutes 27 seconds west, 396.47 feet; thence South 00 degrees 00 minutes 00 seconds east, 125.13 feet to the Point of Beginning.

Containing 16,630 square feet or 0.38 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 Platte County, Missouri, pursuant to the provisions of Chapter 523 of the Revised Statutes of Missouri, as supplemented or amended by Section 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by Kansas City from funds appropriated, or to be appropriated, for such purposes.

Section 6. That pending the acquisition of said lands by condemnation, the Director of the Department of Public Works is hereby authorized to negotiate the purchase of said land and pay for them out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

Section 7. That said tracts and interests be condemned and conveyed to Kansas City, Missouri.

Section 8. That upon the effective date of this ordinance, the City Clerk is hereby directed to cause this ordinance to be recorded in the office of the Recorder of Deeds for Platte County, Missouri.

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Approved as to form and legality:

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Matthew Cooper  
Associate City Attorney