



Legislation Details (With Text)

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Title: Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the Stark Avenue Road Improvements - N.E. 112th Street to N.E. 114th Terrace, Project No. 89008700, in Kansas City, Clay 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 Clay County, Missouri.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 210538 Fact Sheet, 2. 210538 Improvement Map, 3. 210538 Map

Date	Ver.	Action By	Action	Result
7/25/2024	1	Council	Released	Pass
6/30/2021	1	Transportation, Infrastructure and Operations Committee	Hold off Agenda	

ORDINANCE NO. 210538

Authorizing condemnation and taking of private property interests for public use for the construction, location and maintenance of the Stark Avenue Road Improvements - N.E. 112th Street to N.E. 114th Terrace, Project No. 89008700, in Kansas City, Clay 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 Clay County, Missouri.

WHEREAS, the Council finds that the property interests herein described must be condemned for public use for the Stark Avenue Road Improvements - N.E. 112th Street to N.E. 114th Terrace Project in Kansas City, Clay 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. 89008700, Stark Avenue Road Improvements - N.E. 112th Street to N.E. 114th Terrace”, including any necessary structures or appurtenances, all in Kansas City, Clay 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 Stark Avenue and associated improved intersections, drive approaches, 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.

Retaining Wall and Grading Easement

The Retaining Wall and Grading Easement shall be used by the City of Kansas City, Missouri, its successors and assigns, for the purposes of locating, constructing, inspecting, repairing, maintaining, reconstructing, and making improvements to retaining wall and slope stability structures and all appurtenances incidental thereto, with the right to change the grade of the land and to establish slopes and cutbacks adjacent to the road right-of-way and to keep, maintain, repair, reconstruct, and make improvements to the slope and cutbacks in connection with associated with the retaining wall and established slopes.

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 construct, maintain repair, reconstruct, and make improvements to the said slopes and cutbacks, retaining wall, and slope stability structures and all appurtenances incidental thereto, as may be necessary,

By the condemning of private property for this easement, it shall not be construed so as to grant any right to the City which shall in any way interfere with the safe and unrestricted use by property owner(s) of the land adjacent to said easement, the property owner(s) 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 maintenance and use of said Retaining Wall and Grading Easement by the City of Kansas City, Missouri, its successors and assigns.

Storm Drainage Easement

The Storm Drainage Easement shall be used by the City of Kansas City, Missouri, its successors and

assigns, for the purposes of locating, constructing, operating, inspecting, repairing, maintaining, reconstructing, and making improvements to storm drainage facilities and structures and all appurtenances incidental thereto.

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 construct, maintain and repair the said storm drainage facilities and structures, as may be necessary, and while nothing in this deed 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 property owner(s) of the land adjacent to said easement the property owner(s) shall not use nor attempt to use said property in such a 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 free flow of water over, through and across the easement and that portion of the storm drainage system there in.

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. 13

Right of Way No. 1:

All that part of the Southwest Quarter of Section 23, Township 52, Range 32, Kansas City, Clay County, Missouri, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 23; thence South 89 degrees 17 minutes 47 seconds East, along the south line of said Southwest Quarter, 29.70 feet; thence North 00 degrees 42 minutes 13 seconds East, 30.00 feet to the intersection of the north Right of Way line of N.E. 112th street with the east Right of Way line of N. Stark Avenue as they are both now established, said point being the Point of Beginning; thence in a northerly direction, along the east Right of Way line of said N. Stark Avenue (25 feet from the centerline thereof), along a curve to the right with an initial tangent bearing of North 02 degrees 29 minutes 38 seconds East and a radius of 1425.00 feet through a central angle of 01 degrees 46 minutes 39 seconds, an arc distance of 44.21 feet; thence South 36 degrees 15 minutes 31 seconds East, 55.26 feet to the north Right of Way line of said N.E. 112th Street; thence North 89 degrees 17 minutes 47 seconds West, along said north Right of Way line, 30 feet north of and parallel with the south line of said Southwest Quarter, 35.29 feet to the Point of Beginning, containing 784 square feet, more or less.

Right of Way - 02:

All that part of the Southwest Quarter of Section 23, Township 52, Range 32, Kansas City, Clay County, Missouri, more particularly described as follows:

Beginning at the Southwest corner of Tract A, Hunter's Glen First Plat, a subdivision in Kansas City, Clay County, Missouri; thence South 15 Degrees 30 Minutes 33 Seconds East, 41.68 feet to the east Right of Way line of N. Stark Avenue as now established; thence in a northerly direction, along the east Right of Way line of said N. Stark Avenue (25 feet from the centerline thereof), along a curve to the right with an initial tangent bearing of North 26 degrees 44 minutes 02 seconds West and a radius of 275.00 feet through a central angle of 09 degrees 03 Minutes 25 seconds, an arc distance of 43.47 feet to the westerly prolongation of the south line of said Tract A; thence South 89 degrees 30 minutes 06 seconds East, along the westerly prolongation of said south line, 5.27 feet to the Point of Beginning, containing 130 square feet, more or less.

Right of Way - 03:

All that part of the Southwest Quarter of Section 23, Township 52, Range 32, Kansas City, Clay County, Missouri, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 23; thence South 89 Degrees 17 Minutes 47 Seconds East, along the south line of said Southwest Quarter, 29.70 feet; thence North 00 degrees 42 minutes 13 seconds East, 30.00 feet to the intersection of the north Right of Way line of N.E. 112th Street with the east Right of Way line of N. Stark Avenue as they are both now established; thence in a northerly direction, along the east Right of Way line of said N. Stark Avenue (25 feet from the centerline thereof), along a curve to the right with an initial tangent bearing of North 02 degrees 29 minutes 38 seconds East and a radius of 1425.00 feet through a central angle of 01 degrees 46 minutes 39 seconds, an arc distance of 44.21 feet to the Point of Beginning; thence continuing along the east Right of Way line of said N. Stark Avenue the following courses and distances: in a northerly direction, continuing along said curve to the right, having a radius of 1425.00 feet through a central angle of 11 degrees 13 minutes 14 seconds, an arc distance of 279.07 feet to a point of tangent; thence North 15 degrees 29 minutes 31 seconds East, 404.37 feet to a point of curve; thence in a northerly direction along a curve to the left, having a radius of 500.00 feet through a central angle of 47 degrees 04 minutes 26 seconds, an arc distance of 410.80 feet to a point of tangent; thence North 31 degrees 34 minutes 55 seconds West, 121.97 feet to a point of curve; thence in a northerly direction along a curve to the right, having a radius of 275.00 feet through a central angle of 004 degrees 50 minutes 53 seconds, an arc distance of 23.27 feet; thence North 15 degrees 30 minutes 33 seconds West, leaving the east Right of Way line of said N. Stark Avenue, 41.68 feet to the southwest corner of Tract A, Hunter's Glen First Plat, a subdivision in said City, County and State; thence South 89 degrees 30 minutes 06 seconds East, along the south line of said tract a, 5.20 feet; thence South 15 degrees 30 minutes 33 seconds East, 39.75 feet to a point 5.00 feet easterly of, as measured perpendicular to the east Right of Way line of said N. Stark Avenue; thence along a line parallel with and 5.00 feet easterly of, as measured perpendicular to said easterly Right of Way line the following courses and distances: in a southeasterly direction along a curve to the left with an initial tangent bearing of South 26 degrees 50 minutes 16 seconds East and a radius of 270.00 feet through a central angle of 04 degrees 44 minutes 39 seconds, an arc distance of 22.36 feet to a point of tangent; thence South 31 degrees 34 minutes 55

seconds East, 121.97 feet to a point of curve; thence in a southerly direction along a curve to the right, having a radius of 505.00 feet through a central angle of 47 degrees 04 minutes 26 seconds, an arc distance of 414.91 feet to a point of tangent; thence South 15 degrees 29 minutes 31 seconds West, 404.37 feet to a point of curve; thence in a southerly direction along a curve to the left, having a radius of 1420.00 feet through a central angle of 11 degrees 08 minutes 46 seconds, an arc distance of 276.25 feet; thence South 36 degrees 15 minutes 31 seconds East, leaving the said parallel line, 57.18 feet to the north Right of Way line of said N.E. 112th Street; thence North 89 degrees 17 minutes 47 seconds West, along said north Right of Way line, 30 feet north of and parallel with the south line of the Southwest Quarter of said Section 23, 6.26 feet thence North 36 degrees 15 minutes 31 seconds West, 55.26 feet to the Point of Beginning, containing 6,683 square feet, more or less.

Retaining Wall and Grading Easement:

All that part of the Southwest Quarter of Section 23, Township 52, Range 32, Kansas City, Clay County, Missouri, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 23; thence South 89 degrees 17 minutes 47 seconds East, along the south line of said southwest quarter, 29.70 feet; thence North 00 degrees 42 minutes 13 seconds East, 30.00 feet to the intersection of the north Right of Way line of N.E. 112th Street with the east Right of Way line of North Stark Avenue as they are both now established; thence in a northerly direction, along the east Right of Way line of said North Stark Avenue (25 feet from the centerline thereof), along a curve to the right with an initial tangent bearing of North 02 Degrees 29 Minutes 38 seconds East and a radius of 1425.00 feet through a central angle of 02 degrees 43 minutes 03 seconds, an arc distance of 67.59 feet to the Point of Beginning; thence continuing along the east Right of Way line of said N. Stark Avenue the following courses and distances: in a northerly direction, continuing along said curve to the right, having a radius of 1425.00 feet through a central angle of 10 degrees 16 minutes 51 seconds, an arc distance of 255.69 feet to a point of tangent; thence North 15 degrees 29 minutes 31 seconds East, 404.37 feet to a point of curve; thence in a northerly direction along a curve to the left, having a radius of 500.00 feet through a central angle of 18 degrees 44 minutes 08 seconds, an arc distance of 163.50 feet; thence South 07 degrees 41 minutes 51 seconds East, leaving the east Right of Way line of said N. Stark Avenue, 116.31 feet; thence South 14 degrees 43 minutes 47 seconds West, 247.17 feet; thence South 00 degrees 09 minutes 18 seconds West, 130.86 feet; thence South 13 degrees 04 minutes 38 seconds West, 90.55 feet; thence South 24 degrees 13 minutes 01 seconds West, 251.47 feet to the Point of Beginning, containing 25,075 square feet, more or less.

Storm Drainage Easement:

All that part of the Southwest Quarter of Section 23, Township 52, Range 32, Kansas City, Clay County, Missouri, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 23; thence South 89 degrees 17 minutes 47 seconds East, along the south line of said Southwest Quarter, 29.70 feet; thence North 00 degrees 42 minutes 13 seconds East, 30.00 feet to the intersection of the north Right of Way line of N.E. 112th Street with the east Right of Way line of N. Stark Avenue as they are both now established; thence South 89 degrees 17 minutes 47 seconds East, along the north Right of Way line of said N.E. 112th Street, 30 feet north of and parallel with the south line of said Southwest Quarter, 140.29 feet to the Point of Beginning; thence North 00 degrees 42 minutes 13 seconds East, 30.00 feet; thence South 89 degrees 17 minutes 47 seconds East, 80.00 feet; thence South 00 degrees 42 minutes 13

seconds West, 30.00 feet to the north Right of Way line of said N.E. 112th Street; thence North 89 degrees 17 minutes 47 seconds West, along said north Right of Way line, 30 feet north of and parallel with the south line of said Southwest Quarter, 80.00 feet to the Point of Beginning, containing 2,400 square feet, more or less.

Temporary Construction Easement (3 years duration) No. 1:

All that part of the Southwest Quarter of Section 23, Township 52, Range 32, Kansas City, Clay County, Missouri, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 23; thence South 89 degrees 17 minutes 47 seconds East, along the south line of said Southwest Quarter, 29.70 feet; thence North 00 degrees 42 minutes 13 seconds East, 30.00 feet to the intersection of the north Right of Way line of N.E. 112th Street with the east Right of Way line of N. Stark Avenue as they are both now established; thence in a northerly direction, along the east Right of Way line of said N. Stark Avenue (25 feet from the centerline thereof), along a curve to the right with an initial tangent bearing of North 02 degrees 29 minutes 38 seconds East and a radius of 1425.00 feet through a central angle of 01 degrees 46 minutes 39 seconds, an arc distance of 44.21 feet to the Point of Beginning; thence in a northerly direction, continuing along the east Right of Way line of said N. Stark Avenue, continuing along said curve to the right, having a radius of 1425.00 feet through a central angle of 00 degrees 56 minutes 24 seconds, an arc distance of 23.38 feet; thence North 24 degrees 13 minutes 01 seconds East, 68.36 feet; thence South 05 degrees 40 minutes 58 seconds West, 100.54 feet; thence South 89 degrees 17 minutes 47 seconds East, 118.03 feet; thence South 00 degrees 42 minutes 13 seconds West, 30.00 feet to the north Right of Way line of said N.E. 112th Street; thence North 89 degrees 17 minutes 47 seconds West, along said north Right of Way line, 30 feet north of and parallel with the south line of said Southwest Quarter, 105.00 feet to a point 35.29 feet east of the east Right of Way line of said N. Stark Avenue as measured along the north Right of Way line of said N.E. 112th Street; thence North 36 degrees 15 minutes 31 seconds West, 55.26 feet to the Point of Beginning, containing 4,896 square feet, more or less.

Temporary Construction Easement (3 years duration) No. 2:

All that part of the Southwest Quarter of Section 23, Township 52, Range 32, Kansas City, Clay County, Missouri, more particularly described as follows:

Beginning at the southwest corner of Tract A, Hunter's Glen First Plat, a subdivision in Kansas City, Clay County, Missouri; thence South 89 degrees 30 minutes 06 seconds East, along the south line of said Tract A, 52.64 feet; thence South 21 degrees 57 minutes 04 seconds East, 185.27 feet; thence South 10 degrees 10 minutes 00 seconds East, 137.82 feet to the east Right of Way line of N. Stark Avenue as now established; thence in a northerly direction, along the east Right of Way line of said N. Stark Avenue (25 feet from the centerline thereof), along a curve to the left with an initial tangent bearing of North 13 degrees 41 minutes 05 seconds West and a radius of 500.00 feet through a central angle of 17 degrees 53 minutes 50 seconds, an arc distance of 156.18 feet to a point of tangent; thence North 31 degrees 34 minutes 55 seconds West, continuing along the east Right of Way line of said N. Stark Avenue, 121.97 feet to a point of curve; thence in a northerly direction, continuing along said east Right of Way line, along a curve to the right having a radius of 275.00 feet through a central angle of 06 degrees 56 minutes 12 seconds, an arc distance of 33.29 feet; thence North 12 degrees 19 minutes 16 seconds West, 31.86 feet to the Point of Beginning, containing 9,649 square feet, 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 Clay County, Missouri.

Approved as to form and legality:

Matthew Cooper
Assistant City Attorney