

ORDINANCE NO. 050069

Condemning and taking private property for flood protection improvements, for the purpose of construction, reconstruction, maintenance, operation, patrol, and repair of flood protection improvements, recreational and related purposes and any and all appurtenances incidental thereto in, under, along, upon, over and through that reach of the Blue River known as Byram's Ford Industrial Park; providing for the payment of just compensation thereof; and authorizing negotiations by the Director of City Development and the Director of Water Services, all in Kansas City, Jackson County, Missouri.

WHEREAS, the Council finds that it did, by Resolution No. 44436, passed September 13, 1974, reaffirmed Kansas City's intent to remain as local sponsor of the Blue River Improvement Project and agreed to acquire right-of-way necessary for said project, and;

WHEREAS, the Council further finds that it did, by Ordinance No. 921244, passed November 22, 1992, authorized the Director of Public Works, on behalf of the City of Kansas City, to enter into and execute a four party cooperative agreement between and among the United States of America, through its Army Corps of Engineers; the City of Kansas City, Missouri, a Missouri municipality; Byram's Ford Industrial Park Association, an unincorporated association; and the Monnett Battle of Westport Fund, Inc., a not-for profit corporation of the state of Missouri relating to channel work, on the Blue River, adjacent to Byram's Ford Industrial and Historic Area for the purpose of acquiring lands, easements and right-of-way to construct a flood protection improvements in the Byram's Ford Industrial Park and;

WHEREAS, George Satterlee, as Director of Public Works for the City of Kansas City, Missouri, Colonel Wilbur H. Boutin, Jr., as District Engineer of the U.S. Army Corps of Engineers for the United States of America, Ray Hines, President of the Byram's Ford Industrial Park Association, and Orvis Fitts, Chairman of the Monnett Battle of Westport Fund, Inc., did execute and sign the "Alternate Dispute Resolution / Partnering Agreement" on December 1, 1992; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the following described tract of land is hereby condemned and taken in fee simple for public use for construction, reconstruction, maintenance, operation, patrol, and repair of flood protection improvements, recreational and related purposes and any and all appurtenances incidental thereto in, under, along, upon, over and through that reach of the Blue River known as the Byram's Ford Industrial Park, in Kansas City, Jackson County, Missouri:

Parts of Lots 7 and 8, "BYRAM FORD PARK ADDITION", a subdivision in Kansas City, Jackson County, Missouri according to the recorded plat thereof, described more particularly as follows: Beginning at the Northwest corner of said Lot 7; thence South 02° 28' 33" West



Authenticated as Passed

Kary Barnes

BARNES, Mayor

Theresa D. ...
City Clerk

DATE PASSED FEB 03 2005

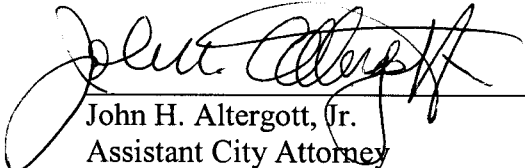
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along the Westerly line of said Lot 7, a distance of +/- 200.00 feet to an angle point therein; thence South 34° 01' 07" West along said Westerly line, a distance of +/- 79.20 feet to the Northeast Right of Way line of 60th Street, said point being the most Westerly corner of Lot 7; thence Southeasterly along the Northeast Right of Way line of 60th Street, a distance of +/- 56.30 feet, to the Northwest corner of a tract of land described in Document B 340807, Book 5300, Page 610, as recorded in the office of the Recorder of Deeds for Jackson County, Missouri; thence Easterly along the North line of said tract of land described in Document B 340807, Book 5300, Page 610, South 87° 29' 06" East, a distance of 365.00 feet; thence departing said deed line North 02° 08' 33" East, a distance of 165.00 feet; thence North 87° 29' 06" West, a distance of 80.00 feet; thence North 45° 37' 07" West, a distance of +/- 206.32 feet to a point on the North line of said Lot 7, said point also being 134.00 feet East of the Northwest corner of said lot; thence North 87° 33' 37" West, along said North line, to the point of beginning.

Section 2. That just compensation for the property taken or damaged 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 at Kansas City, pursuant to the provisions of Chapter 523 of the Revised Statutes of Missouri, 1994, 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 in cash from funds appropriated for such purposes.

Section 3. That pending the acquisition of said lands by condemnation, the Director of City Development and the Director of Water Services are hereby authorized to purchase said land out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

Approved as to form and legality:


John H. Altergott, Jr.
Assistant City Attorney