

ORDINANCE NO. 080437

Condemning and taking private property in fee simple for the public purpose of widening and improving Bruce Forester Viaduct Bridge (Project Number 309-089-7271-YXX-5438) from approximately 18 feet west of the intersection of the centerline of Ninth Street and the centerline of Liberty Street to approximately 165.91 feet west of the intersection of the centerline of Bruce Forester Viaduct Bridge and the centerline of Union Avenue, over Santa Fe Street and Union Pacific railroad, and acquiring additional easements for: right of way, aerial, and for temporary access easements for construction purposes; providing for the payment of just compensation therefore; authorizing continued negotiations by the Director of City Development; consenting to the filing of the petition for condemnation by the City Attorney, on behalf of the City; and authorizing the City Clerk to file this ordinance with the Recorder of Deeds in Jackson County, Missouri.

WHEREAS, the Council finds that street right of ways, along with aerial easements and temporary construction easements must be condemned for the purpose of constructing and maintaining streets, and public utilities in Kansas City, Jackson County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Condemnation of Street Right of Way, Public Aerial Easements and Temporary Construction Easements are hereby condemned and taken for public use for the location, construction, reconstruction, maintenance, operation and repair of right of way, public utilities, and for temporary access for construction purposes in and upon the private lands hereinafter described, for Project Number 309-089-7271-YXX-5438, as Bruce Forester Viaduct, 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 by the City Engineer under the supervision of the Director of Public Works, the same being on file in the Office of the Director of Public Works and being incorporated herein by reference.

Section 3. The Street Right of Way shall be used by Kansas City as the permanent location of the, street and public improvements to be constructed therein

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including any necessary appurtenances to it; and Kansas City or its authorized agents, servants, employees or contractors and with Kansas City's permission, utility companies franchised to operate in Kansas City, Missouri, shall have the right to enter in or authorize the entry in and upon such right of way, and easements for the purpose of constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

Section 4. The Temporary Easements shall be used by Kansas City or its authorized agents, servants, employees or contractors during the construction for Aerial construction work, the storage of materials, the operation of equipment, and the movement of a working force, as well as, grading and sloping, and the removal and replacement of temporary structures (such as storage sheds, mail boxes, etc.), fencing, trees and shrubbery, sidewalks and driveways.

Kansas City shall cause the surface of lands lying within said temporary easements to be restored to substantially the same physical condition that existed at the time Kansas City or its agents entered upon it, and said temporary easements shall terminate upon completion and acceptance of the improvements by the Director of Public Works.

Section 5. There is reserved and excepted to the Grantor, it's successors and assigns, the right of ingress and egress to surface land under the bridge structure. The Grantor(s) will not permit fire hazards under the bridge structure. The Grantor will not permit fuel servicing of vehicles under the bridge structure. The Grantor will not permit the manufacture, storage, possession or use, on the surface land under the bridge structure, of hazardous, flammable, corrosive, explosive, or other dangerous substances, chemicals, or wastes, as those terms are defined in federal and state laws and regulations, or the parking thereon of vehicles, trailers, or other objects containing any quantity of such substances, chemicals or wastes (except the fuel contained in the lawful fuel tank of a vehicle in order to propel that vehicle.)

These rights include all areas occupied by the viaduct of said roadway, all the space above it, all the space below it to \_\_\_ feet below the lowest member of the super-structure, and all the space occupied by drains, supports, and foundations of said viaduct and includes any right the Grantor(s) may have to construct any structure of any kind above the aforesaid reference on the above described Right of Way.

Section 6. Kansas City, or its authorized agents, servants, employees or contractors and with Kansas City's permission, utility companies franchised to operate in Kansas City, Missouri, shall have the right to go upon the above-described easement and so much of grantor's land adjacent thereto as may be reasonably necessary for the purpose of constructing, maintaining and repairing the improvements and appurtenances thereto, including the right to cut, top and trim brush and trees, if any, on or adjacent to said easement, as may be necessary or desirable to maintain any facilities thereon. Upon completion of such construction, maintenance or repair, the land of the grantor shall be restored to approximately the same condition that existed prior to the entry upon it.

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By the granting of this easement, it shall not be construed to prohibit the grantor from developing any adjoining property or from the laying out, establishing and constructing pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof; provided, however, said easement shall be kept free from buildings, and any other structure or obstruction (except sidewalks, roadways, pavement, grass, shrubs, fences, or curbs), which will interfere with the grantee in entering upon said adjacent land and easement for the purpose of constructing, reconstructing, operating, repairing and maintaining such improvements and appurtenances.

Grantors further state that they are lawfully seized of any indefeasible title in fee of the lands through which said easement is granted, and that they have good and lawful title and right to convey said easement to the grantee aforesaid.

Section 7. The Street Right of Ways, Aerial Easements and Temporary Construction Easements are hereby condemned and taken for public use and hereby described as follows:

**TRACT: 2**

**Temporary Construction Easement A**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Southwest (SW) corner of Lot Twenty-five (25), Block Twenty-four (24), of An Extension of West Kansas Addition Number 1, a Sub-division in Kansas City, Jackson County, Missouri; thence N87°45'17"W along the North Right-of-Way line of Ninth Street, a distance of 72.31 feet to the point of beginning; thence continuing N87°45'17"W, a distance of 67.00 feet; thence N02°03'54"E parallel to the East Right of Way line of Liberty Street, a distance of 10.00 feet; thence S87°45'17"E parallel to the North Right-of-Way line of Ninth Street, a distance of 67.00 feet; thence S02°03'54"W, a distance of 10.00 feet to the point of beginning.

The above described tract contains 0.02 acres, or 670 square feet, more or less.

**also,**

**Temporary Construction Easement B**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being the South 10.00 feet of Lots 20, 21, 22, 23, 24, & 25, Block Twenty-four (24), of An Extension of West Kansas Addition Number 1, a Sub-division in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Beginning at the Southeast (SE) corner of said Lot 20; thence N87°45'17"W along the South line of said Block 24, a distance of 159.13 feet to the Southwest (SW) corner of said Lot 25; thence N02°03'54"E along the West line of said Lot 25, a distance of 10.00 feet; thence S87°45'17"E parallel to the South line of said Block 24, a distance of 159.13 feet to the East line of said Lot 20; thence S02°03'54"W along the East line of said lot 20, a distance of 10.00 feet to the point of beginning.

The above described tract contains 0.04 acres, or 1591 square feet, more or less.

**TRACT: 4**

**New Right of Way (General Warranty Deed)**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being adjacent to and a part of Lots 8 & 9, Block 31, of West Kansas Addition Number 1, a Sub-division in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Beginning at the Northeast (NE) corner of said Lot 9; thence S02°03'54"W along the East line of said Lot 9, a distance of 26.38 feet; thence on a non-tangent curve to the Left having a Radius of 365.00 feet, a Delta of 15°10'23", a Long Chord of which bears N73°38'38"W and measures 96.38 feet, a distance of 96.66 feet; thence N02°14'43"E, a distance of 2.89 feet to the South Right of Way line of 9<sup>th</sup> Street; thence S87°45'17"E along the South Right of Way line of 9<sup>th</sup> Street, a distance of 93.39 feet to the point of beginning.

The above described tract contains 0.03 acres, or 1161 square feet, more or less.

**Temporary Construction Easement**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being adjacent to and a part of Lots 8 & 9, Block 31, of West Kansas Addition Number 1, a Sub-division in

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Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Northeast (NE) corner of Lot 9, of said Block 31, thence S02°03'54"W along the East line of said Lot 9, a distance of 26.38 feet to the point of beginning; thence on a non-tangent curve to the Left having a Radius of 365.00 feet, a Delta of 8°56'32", a Long Chord of which bears N70°31'42"W and measures 56.91 feet, a distance of 56.97 feet, thence S15°00'02"W, a distance of 5.00 feet; thence on a non-tangent curve to the Right having a Radius of 360.00 feet, a Delta of 9°15'44", a Long Chord of which bears S70°22'06"E and measures 58.13 feet, a distance of 58.20 feet to the East line of said Lot 9; thence N02°03'54"E along the East line of said Lot 9, a distance of 5.39 feet to the point of beginning.

The above described tract contains 0.01 acres, or 288 square feet, more or less.

**TRACT: 8**

**New Right of Way (General Warranty Deed)**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being a portion of Lot 11 and a portion of the North – South alley, all in Block 29, of West Kansas Addition Number 1, a Sub-division in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Northeast (NE) corner of said Block 29; thence N87°45'17"W along the North line of said Block 29, a distance of 120.05 feet to the Northeast (NE) corner of said Lot 11; thence S02°00'12"W along the East line of said Lot 11, a distance of 95.15 feet to the Northerly line of the Union Pacific Railroad Right of Way and the point of beginning; thence S27°35'06"E along said Railroad Right of Way, a distance of 15.68 feet; thence N87°50'54"W, a distance of 30.75 feet; thence N61°28'59"E, a distance of 26.70 feet to the Northerly line of said Railroad Right of Way and the point of beginning.

The above described tract contains 0.00 acres, or 209 square feet, more or less.

**Temporary Construction Easement**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being a portion of Lot 11 and a portion of the North – South alley, all in Block 29, of West Kansas Addition

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Number 1, a Sub-division in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Northeast (NE) corner of said Block 29; thence N87°45'17"W along the North line of said Block 29, a distance of 120.05 feet to the Northeast (NE) corner of said Lot 11; thence S02°00'12"W along the East line of said Lot 11, a distance of 95.15 feet to the Northerly line of the Union Pacific Railroad Right of Way and the point of beginning; thence S27°35'06"E along said Railroad Right of Way, a distance of 15.68 feet; thence N87°50'54"W, a distance of 30.75 feet; thence N61°28'59"E, a distance of 26.70 feet to the Northerly line of said Railroad Right of Way and the point of beginning.

The above described tract contains 0.00 acres, or 209 square feet, more or less.

**TRACT: 9**

**Aerial Easement**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being a portion of Blocks 28 & 29 and a part of Santa Fe Street, all in West Kansas Addition Number 1, a Sub-division in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Northeast (NE) corner of said Block 29; thence S01°58'34"W along the East line of said Block 29, a distance of 56.85 feet to the North Right of Way line of the Union Pacific Railroad and the point of beginning; thence N61°31'02"E along the North Right of Way line of the Union Pacific Railroad, a distance of 35.87 feet; thence S87°50'54"E, a distance of 169.15 feet to the East line of said Block 28; thence S01°53'30"W along the East line of said Block 28, a distance of 62.22 feet to the Southeast (SE) corner of Lot 4 of said Block 28; thence N87°43'56"W along the South line of said Lot 4, a distance of 120.16 feet to the Southwest (SW) corner of said Lot 4; thence S69°47'20"W, a distance of 21.10 feet; thence N87°50'54"W, a distance of 147.96 feet to the North Right of Way line of the Union Pacific Railroad; thence N61°31'02"E along the North Right of Way line of the Union Pacific Railroad, a distance of 101.51 feet to the point of beginning.

The above described tract contains 0.34 acres, or 14960 square feet, more or less.

**Temporary Construction Easement**

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A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being a portion of Blocks 28 & 29 and a part of Santa Fe Street, all in West Kansas Addition Number 1, a Sub-division in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Northeast (NE) corner of said Block 29; thence S01°58'34"W along the East line of said Block 29, a distance of 56.85 feet to the North Right of Way line of the Union Pacific Railroad and the point of beginning; thence N61°31'02"E along the North Right of Way line of the Union Pacific Railroad, a distance of 35.87 feet; thence S87°50'54"E, a distance of 169.15 feet to the East line of said Block 28; thence S01°53'30"W along the East line of said Block 28, a distance of 62.22 feet to the Southeast (SE) corner of Lot 4 of said Block 28; thence N87°43'56"W along the South line of said Lot 4, a distance of 120.16 feet to the Southwest (SW) corner of said Lot 4; thence S69°47'20"W, a distance of 21.10 feet; thence N87°50'54"W, a distance of 147.96 feet to the North Right of Way line of the Union Pacific Railroad; thence N61°31'02"E along the North Right of Way line of the Union Pacific Railroad, a distance of 101.51 feet to the point of beginning.

The above described tract contains 0.34 acres, or 14960 square feet, more or less.

**Tract: 11**

**Aerial Easement**

A tract of land lying in the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West, in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Southwest (SW) corner of the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West; thence N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 1255.29 feet to the Southerly line of the Kansas City Terminal Railroad Property as described in Document No. 2003K0093192 filed at the Jackson County Register of Deeds on December 3, 2003 and the point of beginning; thence continuing N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 25.86 feet; thence S87°50'54"E, a distance of 42.12 feet; thence on a tangent curve to the Left having a Radius of 340.00 feet, a Delta of 00°16'49", a Long Chord of which bears S87°59'19"E and measures 1.66 feet, a distance of 1.66 feet to the Southerly line of the said Kansas City Terminal Railroad Property; thence S61°31'02"W along the said Southerly line of the Kansas City Terminal Railroad property, a distance of 50.75 feet to the point of beginning.

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The above described tract contains 0.01 acres, or 566 square feet, more or less.

**Temporary Construction Easement**

A tract of land lying in the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West, in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Southwest (SW) corner of the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West; thence N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 1281.15 feet to the point of beginning; thence continuing N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 10.00 feet; thence S87°50'54"E, a distance of 42.17 feet; thence on a tangent curve the Left having a Radius of 330.00 feet, a Delta of 03°23'26", a Long Chord of which bears S89°32'37"E and measures 19.53 feet, a distance of 19.53 feet to the Southerly line of the Kansas City Terminal Railroad Property as described in Document No. 2003K0093192 filed at the Jackson County Register of Deeds on December 3, 2003; thence S61°31'02"W along the said Southerly line of the Kansas City Terminal Railroad property, a distance of 20.75, thence on a non-tangent curve the Left having a Radius of 340.00 feet, a Delta of 00°16'49", a Long Chord of which bears N87°59'19"W and measures 1.66 feet, a distance of 1.66 feet; thence N87°50'54"W, a distance of 42.12 feet to the point of beginning.

The above described tract contains 0.01 acres, or 526 square feet, more or less.

**TRACT: 12**

**New Right of Way (General Warranty Deed)**

A tract of land lying in the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West, in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Southwest (SW) corner of the Northeast Quarter (NE ¼) of Section Six (6); thence N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 1255.29 feet to the point of beginning; thence continuing N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 86.59 feet to the Southerly line of the Kansas City Terminal Railroad Property as described in Document No. 2003K0093192 filed at the Jackson County Register of Deeds on December 3, 2003; thence N61°31'02"E along the said Southerly line of

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the Kansas City Terminal Railroad Property, a distance of 50.75 feet; thence on a non-tangent curve to the Left having a Radius of 340.00 feet, a Delta of 29°47'37", a Long Chord of which bears N76°58'29"E and measures 174.81 feet, a distance of 176.80 feet; thence N62°04'40"E, a distance of 231.79 feet; thence S27°55'20"E, a distance of 0.39 feet to North Right of Way line of St. Louis Avenue as established by document No. 2002K0032811 filed on May 29, 2002 at the Jackson County Register of Deeds; thence S51°41'25"W along said North Right of Way line, a distance of 175.60 feet; thence S28°09'51"E along said North Right of Way line, a distance of 10.64 feet; thence S62°11'56"W along said North Right of Way line, a distance of 259.48 feet; thence S42°29'53"W along said North Right of Way line, a distance of 54.93 feet; thence N47°30'07"W, a distance of 31.70 feet to the point of beginning.

The above described tract contains 0.50 acres, or 21975 square feet, more or less.

**Aerial Easement**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being a part of Lot 5, Block 28, of West Kansas Addition Number 1, a Sub-division in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Beginning at the Northwest (NW) corner of Lot 5, of said Block 28; thence S87°43'56"E along the North line of said Lot 5, a distance of 120.16 feet to the Northeast corner of said Lot 5; thence S01°53'30"W along the East line of said Lot 5, a distance of 7.78 feet; thence N87°50'54"W, a distance of 120.17 feet to the West line of said Lot 5; thence N01°58'34"E along the West line of said Lot 5, a distance of 8.03 feet to the point of beginning.

The above described tract contains 0.02 acres or 950 square feet, more or less.

**Temporary Construction Easement A**

A tract of land lying in the Northwest Quarter (NW ¼) of Section Six (6), Township 49 North, Range 33 West, being a part of Lot 5, Block 28, of West Kansas Addition Number 1, a Sub-division in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Beginning at the Northwest (NW) corner of Lot 5, of said Block 28; thence S87°43'56"E along the North line of said Lot 5, a distance of 120.16 feet to the Northeast corner of said Lot 5; thence S01°53'30"W along the East line of said Lot 5, a distance of 7.78 feet; thence N87°50'54"W, a distance of

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120.17 feet to the West line of said Lot 5; thence N01°58'34"E along the West line of said Lot 5, a distance of 8.03 feet to the point of beginning.

The above described tract contains 0.02 acres or 950 square feet, more or less.

**and**

**Temporary Construction Easement B**

A tract of land lying in the North Half (N ½ ) of Section Six (6), Township 49 North, Range 33 West, being a part of, Block 28, of West Kansas Addition Number 1, a Sub-division in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Northwest (NW) corner of Lot 5, of said Block 28; thence S01°58'34"W along the West line of said Block 28, a distance of 8.03 feet to the point of beginning; thence S87°50'54"E, a distance of 120.17 feet to the East line of said Block 28; thence S01°53'30"W along the East line of said Block 28, a distance of 42.45 feet to the Southwest (SW) corner of Lot 6 of said Block 28; thence S47°30'07"E, a distance of 31.70 feet to the North Right of Way line of St. Louis Avenue as established by Ordinance No. 63077, filed as document No. K-896399 in Book K-1957 at Page 262 on September 28, 1989; thence S42°29'53"W along the said North Right of Way line of St. Louis Avenue, a distance of 107.48 feet to a deflection point in the said North Right of Way line; thence N87°41'55"W along the said North Right of Way line of St. Louis Avenue, a distance of 74.50 feet to the East Right of Way line of Santa Fe Street; thence N01°58'34"E along the East line of Santa Fe Street, a distance of 144.69 feet to the point of beginning.

The above described tract contains 0.39 acres or 16,773 square feet, more or less.

**and**

**Temporary Construction Easement C**

A tract of land lying in the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West, in Kansas City, all in Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Southwest (SW) corner of the Northeast Quarter (NE ¼) of said Section Six (6); thence N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 1255.29 feet; thence N61°31'02"E, a distance of 50.75 feet to the point of beginning; thence continuing

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N61°31'02"E, a distance of 20.75 feet; thence on a non-tangent curve the Left having a Radius of 330.00 feet, a Delta of 26°40'59", a Long Chord of which bears N75°25'10"E and measures 152.30 feet, a distance of 153.68 feet; thence N62°04'40"E, a distance of 706.94 feet; thence S36°43'26"E, a distance of 41.08 feet to the North Right of Way line of St. Louis Avenue as established by document No 2002K0032811 filed on May 29, 2002 at the Jackson County Register of Deeds; thence N83°36'16"W along said North Right of Way line, a distance of 56.83 feet; thence S61°50'09"W along said North Right of Way line, a distance of 434.50 feet; thence N27°55'20"W, a distance of 0.39 feet; thence S62°04'40"W, a distance of 231.79 feet ; thence on a curve to the right having a Radius of 340.00 feet, a Delta of 29°47'37", a Long Chord of which bears S76°58'29"W and measures 174.81 feet, a distance of 176.80 feet to the point of beginning.

The above described tract contains 0.21 acres, or 9,116 square feet, more or less.

**TRACT: 13**

**Temporary Construction Easement**

A tract of land lying in the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West, being the North 15.00 feet of Lots 4 & 5, D. M. Jerboas Subdivision of a part of Coats and Hopkins 2<sup>nd</sup> Addition, a Sub-division in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Beginning at the Northeast (NE) corner of said Lot 4; thence S36°49'26"E along the East line of said Lot 4, a distance of 15.26 feet; thence S42°29'53"W, a distance of 44.52 feet to the West line of said Lot 5; thence N36°49'26"W along the West line of said Lot 5, a distance of 15.26 feet to the Northwest corner of said Lot 5; thence N42°29'53"E along the North line of said Lots 4 & 5, a distance of 44.52 feet to the point of beginning.

The above described tract contains 0.02 acres, or 668 square feet, more or less.

**Tract: 14**

**Temporary Construction Easement**

A tract of land lying in the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West, being the North 15.00 feet of Lots 2 & 3, D. M. Jerboas Subdivision of a part of Coats and Hopkins 2<sup>nd</sup> Addition, a Sub-division in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

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Beginning at the Northeast (NE) corner of said Lot 2; thence S32°51'20"E along the East line of said Lot 2, a distance of 15.50 feet; thence S42°29'53"W, a distance of 46.87 feet to the West line of said Lot 3; thence N36°49'26"W along the West line of said Lot 3, a distance of 15.26 feet to the Northwest corner of said Lot 3; thence N42°29'53"E along the North line of said Lots 2 & 3, a distance of 47.96 feet to the point of beginning.

The above described tract contains 0.02 acres, or 711 square feet, more or less.

**Tract: 15**

**Temporary Construction Easement**

A tract of land lying in the Northeast Quarter (NE ¼) of Section Six (6), Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, and being more particularly described as follows:

Commencing at the Southeast (SE) corner of the said Northeast Quarter (NE ¼); thence N01°53'30"E along the West line of said Northeast Quarter (NE ¼), a distance of 679.66 feet to the South Right of Way line of Union Avenue; thence N50°05'30"E along the South Right of Way line of Union Avenue, a distance of 208.05 feet to the point of beginning; thence continuing N50°05'30"E along the South Right of Way line of Union Avenue, a distance of 362.66 feet; thence S40°15'01"E, a distance of 15.00 feet; thence S50°05'30"W parallel to the South Right of Way line of Union Avenue, a distance of 362.87 feet; thence N39°26'87"W, a distance of 15.00 feet to the point of beginning.

The above described tract contains 0.12 acres, or 5441 square feet, more or less.

Section 8. 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, 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 for such purposes.

Section 9. That pending the acquisition of said lands by condemnation, the Director of City Development is 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.

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Section 10. That in widening said street certain public Aerial corporation easements may be included within the boundaries of the lands acquired for permanent easements described herein, and in that regard Kansas City reserves unto such public Aerial corporations the right to keep and maintain such physical improvements as are presently located within such easements in conformance with the street improvement to be made by the City. Where no such physical improvements are presently located within such easements, said corporations shall have the right to locate, construct and maintain their respective improvements, subject, however, to the rights acquired herein by the City to construct and maintain the street improvements within the limits of the said lands acquired for permanent easements described herein, and in conformance with the re-established grade of the street improvements.

Section 11. That the Street Right of Ways, Public Aerial Easements and Temporary Construction Easements in the above described tracts be condemned and conveyed to Kansas City, Missouri.

Section 12. 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 Kansas City, Jackson County, Missouri.

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Approved as to form and legality:

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Theodore T. Anderson  
Assistant City Attorney