

ORDINANCE NO. 160719

Authorizing the condemnation and taking of private property in fee simple for public use for Street Improvement Project No. 89008121 Englewood Blvd Complete Streets Upgrade, in the vicinity of Englewood Road, from NW Waukomis Drive east to 169 Highway, in Kansas City, Clay County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Director of the Public Works Department; 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.

WHEREAS, the Council finds that the fee interest in private property must be condemned for public use for the Englewood Blvd Complete Streets Upgrade project in Kansas City, Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the fee interest in private properties are hereby authorized condemned and taken for public use in and upon the land hereinafter described for Project No. 89008121 Englewood Blvd Complete Streets Upgrade, including any necessary structures or appurtenances, 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 Public Works Department, the same being on file in the Office of the Director of the Public Works Department, and being incorporated herein by reference.

Section 3. That the property shall be used by Kansas City as the location of improvements to be constructed therein including any necessary appurtenances to it; and Kansas City shall have the right to enter in or authorize the entry in and upon said property for the purpose of constructing, reconstructing, maintaining, operating and repairing said improvements.

Section 4. That the private property is hereby authorized condemned and taken for public use and hereby described as follows:

Tract 34

Property Description:

Beginning at a point 35 feet North and 490.0 feet East of the Southwest corner of the Southeast Quarter of Section 27, Township 51, Range 33, Clay County, Missouri; thence North parallel with the North and South centerline of Section 27, 448.28 feet to a point on the South line of the North 65 acres of the West half of the Southeast Quarter of said Section 27; thence South 89 degrees 56 minutes East along said South line of the North 65 acres of the West half of the Southeast Quarter 693.70 feet to a point on the Westerly right-of-way line U.S. Highway 169; thence South 09 degrees 25 minutes 05 seconds West along said Westerly right-of-way line 433.52 feet; thence North 89 degrees 18 minutes 45 seconds West 150.01 feet; thence South 0 degrees 36 minutes 35 seconds West, 23.57 feet to a point that is 35 feet North of the South line of said Section 27; thence North 89 degrees 46 minutes West parallel with the South line of said Section, 472.37 feet to the point of beginning.

Containing 293,740 square feet or 6.74 acres more or less.

Section 5. That just compensation for the property 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 Clay 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 6. That pending the acquisition of said lands by condemnation, the Director of the Public Works Department 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 property be condemned and conveyed to Kansas City, Missouri, in fee simple.

Section 8. That upon the effective date of this ordinance, the City Clerk is hereby directed to record this ordinance in the office of the Recorder of Deeds of Clay County, Missouri.

Approved as to form and legality:

Dustin E. Johnson
Assistant City Attorney