

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 080986

Authorizing condemnation and the taking of certain right of way, i.e., temporary construction easements, permanent easements, fee interests for street rights-of-way and a permanent access easement on private properties for the location, construction and maintenance of street and bridge along Red Bridge Road, between Holmes Road and Blue River Road, Project Nos. 890B8054, and 890B5464, said properties all in Kansas City, Jackson County, Missouri. Providing for the payment of just compensation therefore; authorizing continued negotiations by the Director of Public Works, and the City Attorney; consenting to the filing of the petition in condemnation by the City Attorney on behalf of the City; directing the City Clerk to file this ordinance with the Recorder of Deeds in Jackson County, Missouri; and recognizing an emergency.

WHEREAS, the Council finds and determines it is necessary to condemn said right of way for the construction and maintenance in the area more specifically described hereinafter in Kansas City, Jackson County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That we hereby authorize condemnation of the private property interests noted in Paragraph 6 for public use for the construction, reconstruction, maintenance, operation and repair of said road and bridge in and upon the private lands hereinafter described, in the area of Red Bridge Road, between Holmes Road and Blue River Road, in Kansas City, Jackson County, Missouri, as shown in Project 890B8054, and 890B5464, Federal Project no. STP-3424 (401) and BRM-3424 (402).

Section 2. That the road and bridge improvements shall be of the nature described and specified in, and shall be done generally in accord with, the plans and specifications certified by the City Engineer, the same being on file in the Office of the Director of Public Works and being incorporated herein by this reference.

Section 3. The permanent takings shall be used by Kansas City as the permanent location of the road and bridge improvements to be constructed therein including any necessary appurtenances thereto; and Kansas City shall have the right to enter in, or authorize entry, in and upon such easements, and right of way for the purpose of

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constructing, reconstructing, maintaining, operating and repairing said road and bridge improvements or making other improvements therein.

Section 4. There shall be reserved to the owners of the land in which permanent easements are taken and condemned the right to use the land in any way which will not interfere with the proper, safe and continuous use of any appurtenances to be constructed in and upon such easements.

Section 5. The temporary easements shall be used by Kansas City or its authorized agents, servants, employees or contractors during the construction for grading and sloping, removal and replacement of storage sheds, fencing, trees and shrubbery, sidewalks and driveways, utility construction work, the storage of materials, the operation of equipment, and the movement of a working force.

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 Water Services.

Section 6. The said land to be condemned is legally described as follows:

Tract 18 Warranty Deed

A tract of land, for permanent right-of-way, being all that part of the Southwest Quarter of Section 4, Township 47 North, Range 33 West, in Kansas City, Jackson County, Missouri lying north of the north right-of-way line of Red Bridge Road and west of the 100 foot wide railroad right-of-way deeded in Book B-313 at page 42 to the Kansas City and Southwest Railway, more particularly described as follows:

Beginning at the most easterly southeast corner of Lot 18, Block 27, Red Bridge Plat No. 12, a subdivision in Kansas City, Jackson County, Missouri; thence South 87 degrees 47 minutes 35 seconds East, along the north line of said Southwest Quarter Section, a distance of 5.20 feet, to a point on the west line of said railroad right-of-way, said point also being the beginning of a non-tangent curve concave to the northwest, having an initial tangent bearing of South 09 degrees 14 minutes 59 seconds West, having a radius of 1477.89 feet; thence southwesterly 96.48 feet, along the west line of said of railroad right-of-way and along said curve through a central angle of 3 degrees 44 minutes 25 seconds; thence South 12 degrees 59 minutes 25 seconds West, continuing along the west line of said railroad right-of-way, a distance of 146.40 feet to the beginning of a curve concave to the southeast, having a radius of 1812.95 feet; thence southwesterly 64.67 feet, continuing along the west line of said railroad right-of-way, and along said curve through a central angle of 2 degrees 02 minutes 37 seconds to a point on the north right-of-

way line of Red Bridge Road, as now established, said point also being the beginning of a non-tangent curve concave to the northeast, having an initial tangent bearing of North 83 degrees 28 minutes 43seconds West, having a radius of 174.63 feet; thence northwesterly 91.92 feet, along said north right-way-line of Red Bridge Road, and along said curve through a central angle of 30 degrees 09 minutes 32 seconds; thence North 53 degrees 19 minutes 12 seconds West, a distance of 0.49 feet, to a point on the east line of Lot 6, Woodsland, a subdivision in Kansas City, Jackson County, Missouri; thence North 3 degrees 17 minutes 33 seconds East, along the east line of said Lot 6 and along a jog in the south line of said Lot 18, a distance of 272.44 feet to a point of jog in the south line of said Lot 18; thence South 87 degrees 47 minutes 35 seconds East, continuing along the south line of said Lot 18, a distance of 129.05 feet to the point of beginning, said tract containing $\pm 32,736$ square feet more or less.

Tract 19 Permanent Access Easement

A tract of land for permanent access and maintenance in the Northeast Quarter of the Southwest Quarter and in the Southeast Quarter of the Northwest Quarter of Section 4, Township 47 North, Range 33 West, in Kansas City, Jackson County, Missouri more particularly described as follows:

Beginning at a point that is the most easterly southeast corner of Lot 18, Block 27, Red Bridge Plat No. 12, a subdivision in Kansas City, Jackson County, Missouri; thence North 3 degrees 34 minutes 33 seconds East, along the east line of said Lot 18 and along the east line of Lot 17, in said Block 27, a distance of 68.00 feet to a point on the east line of said Lot 17; thence North 76 degrees 44 minutes 44 seconds East, a distance of 116.82 feet to a point on the east line of the railroad right-of-way recorded as Document No. 87444, May 3, 1888 in Book 313 at page 42, said point also being the beginning of a non-tangent curve concave to the west, having an initial tangent bearing of South 5 degrees 11 minutes 20 seconds West, having a radius of 1577.89 feet; thence southerly 117.52 feet, along the east line of said railroad right-of-way and along said curve through a central angle of 4 degrees 16 minutes 03 seconds; thence South 76 degrees 44 minutes 44 seconds West, a distance of 109.06 feet to the beginning of a non-tangent curve concave to the west, having an initial tangent bearing of North 9 degrees 14 minutes 59 seconds East, having a radius of 1477.89 feet; thence northerly 47.44 feet along said curve through a central angle of 1 degree 50 minutes 21 seconds to a point on the north line of the Northeast Quarter of the Southwest Quarter of said Section 4; thence North 87 degrees 47 minutes 35 seconds West, along the north line of said Quarter, Quarter Section, a distance of 5.20 feet to the point of beginning, said tract containing $\pm 12,349$ square feet more or less.

Tract 19 Temporary Construction Easements

3 tracts of land, for temporary construction easement, in the Southwest Quarter and the Northwest Quarter of Section 4, Township 47 North, Range 33 West, in Kansas City, Jackson County, Missouri more particularly described as follows:

Tract No. 1, commencing at the most easterly southeast corner of Lot 18, Block 27, Red Bridge Plat No. 12, a subdivision in Kansas City, Jackson County, Missouri; thence North 3 degrees 34 minutes 33 seconds East, along the east line of said Lot 18 and along the east line of Lot 17, in said Block 27, a distance of 68.00 feet to a point on the east line of said Lot 17, said point being the point of beginning of the herein described tract; thence continuing North 3 degrees 34 minutes 33 seconds East, along the east line of said Lot 17, a distance of 41.79 feet; thence North 76 degrees 44 minutes 44 seconds East, a distance of 117.47 feet to a point on the east line of the railroad right-of-way recorded as Document No. 87444, May 3, 1888 in Book 313 at page 42, said point also being the beginning of a non-tangent curve concave to the west having an initial tangent bearing of South 3 degrees 39 minutes 52 seconds West, having a radius of 1577.89 feet; thence southerly 41.98 feet, along the east line of said railroad right-of-way and along said curve through a central angle of 1 degree 31 minutes 28 seconds; thence South 76 degrees 44 minutes 44 seconds West, a distance of 116.82 feet to the point of beginning of said tract.

Together with

Commencing at the most easterly southeast corner of said Lot 18; thence South 87 degrees 47 minutes 35 seconds East, along the north line of the Southwest Quarter of said Section 4, a distance of 5.20 feet to a point on the west line of the railroad right-of-way recorded as Document No. 87444, May 3, 1888 in Book 313 at page 42, said point also being the beginning of a non-tangent curve concave to the west, having an initial tangent bearing of South 9 degrees 14 minutes 59 seconds West, having a radius of 1477.89 feet; thence southerly 47.44 feet, along the west line of said railroad right-of-way and along said curve through a central angle of 1 degree 50 minutes 21 seconds to the point of beginning of the herein described tract; thence North 76 degree 44 minutes 44 seconds East, a distance of 109.06 feet to a point of the east line of said railroad right-of-way, said point also being the beginning of a non-tangent curve concave to the west, having an initial tangent bearing of South 9 degrees 27 minutes 23 seconds West, having a radius of 1577.89 feet; thence southerly 97.32 feet, along the east line of said railroad right-of-way and along said curve through a central angle of 3 degrees 32 minutes 01 seconds; thence South 12 degrees 59 minutes 25 seconds West, along the east line of said railroad right-of-way, a distance of 1.61 feet; thence South 76 degrees 44 minutes

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44 seconds West, a distance of 111.49 feet to a point on the west line of said railroad right-of-way, said point also being a point hereinafter referred to as "Point A"; thence North 12 degrees 59 minutes 25 seconds West, along the west line of said railroad right-of-way, a distance of 50.91 feet to the beginning of curve concave to the west having a radius of 1477.89 feet; thence northerly 49.04 feet along said curve through a central angle of 1 degree 54 minutes 04 seconds to the point of beginning of said tract.

Together with

Commencing at the aforesaid Point "A"; thence South 12 degrees 59 minutes 25 seconds West, along the west line of said railroad right-of-way, a distance of 95.49 feet to the beginning of a curve concave to the east, having a radius of 1812.95 feet; thence southerly 64.67 feet along the west line of the said railroad right-of-way and along said curve through a central angle of 2 degrees 02 minutes 37 seconds to the point of beginning of the herein described tract, said point also being the beginning of a non-tangent curve concave to the northwest, having an initial tangent bearing of South 83 degrees 28 minutes 32 seconds East, having a radius of 174.63 feet; thence northeasterly 110.70 feet along said curve through a central angle of 36 degrees 19 minutes 21 seconds to a point on the east line of said railroad right-of-way, said point also being the beginning of a non-tangent curve concave to the east, having an initial tangent bearing of South 12 degrees 20 minutes 22 seconds West, having a radius of 1712.95 feet; thence southerly 84.15 feet, along the east line of said railroad right-of way and along said curve through a central angle of 2 degrees 48 minutes 53 seconds to the beginning of a non-tangent curve concave to the northwest, having an initial tangent bearing of South 73 degrees 11 minutes 09 seconds West, having a radius of 244.63 feet; thence southwesterly 103.75 feet along said curve through a central angle of 24 degrees 18 minutes 00 seconds, to a point on the west line of said railroad right-of-way, said point also being the beginning of non-tangent curve concave to the southeast, having an initial tangent bearing of North 8 degrees 43 minutes 39 seconds East, having a radius of 1812.95 feet; thence northeasterly 70.09 feet, along the west line of said railroad right-of-way, and along said curve through a central angle of 2 degrees 12 minutes 54 seconds to the point of beginning of said tract. Said tracts containing $\pm 22,103$ square feet more or less.

Section 7. That just compensation for said right of way in Kansas City, Missouri, herein shall be assessed and paid according to law. Payment for such compensation shall be made by Kansas City from funds appropriated or to be appropriated for said purposes; and the proceedings therefore shall be instituted in the first instance and prosecuted in the Circuit Court of Jackson County, Missouri, pursuant to the provisions of Chapter 523 of

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the Revised Statutes of Missouri, as supplemented or amended by Supreme Court Rule 86.

Section 8. That pending the acquisition of said easement by condemnation, the Public Works Office is hereby authorized to negotiate and purchase said right of way out of funds appropriated or to be appropriated as aforesaid, and if any of the right of way are so purchased, the City Attorney is authorized to withdraw same from the condemnation proceeding.

Section 9. That upon the effective date of this ordinance, the City Clerk's Office is hereby directed to cause this ordinance to be recorded in the office of the Recorder of Deeds for Jackson County, Missouri.

Section 10. That this ordinance is recognized as an emergency measure within the provisions of Section 503 of the City Charter in that it relates to a public improvement, and shall take effect in accordance with that section.

Approved as to form and legality:

Theodore T. Anderson
Assistant City Attorney