

ORDINANCE NO. 100612

Condemning and taking private properties in fee simple, storm drainage and temporary construction easements for the construction and maintenance of N. Bennington Avenue, in Kansas City, Clay County, Missouri; providing for the payment of just compensation; authorizing continued negotiations by the Capital Projects Office; and authorizing the City Clerk to record this ordinance in the Office of the Recorder of Deeds for Clay County.

WHEREAS the Council finds that certain properties must be condemned for the purpose of locating, relocating, constructing and maintaining street and necessary appurtenances in Kansas City, Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Properties are hereby condemned and taken for public use in and upon the private lands hereinafter described, for Project Number 089008157, 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 Capital Projects Office, the same being on file in the Office of the Director of Public Works and being incorporated herein by reference.

Section 3. The properties taken in fee simple shall be used for the construction and maintenance of street right of way and necessary appurtenances.

Section 4. The storm drainage easements shall be used by Kansas City as the permanent location of drainage 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 such permanent easements for the purpose of constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

Section 5. The temporary construction easements shall be for grading and sloping, construction of any pertinent driveway and sidewalk pavements, removal and

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replacement of fencing, removal of trees and shrubbery, utility construction work, the storage of materials, the operation of equipment, and the movement of a working force.

There shall be reserved to the owners of the land in which such storm drainage easements are taken and condemned the right to use the land in any way which will not add or remove additional depth of overburden to the land, or place buildings, or any other structure or obstruction on the land that may interfere with the proper, safe and continuous use and maintenance of the facilities to be constructed in and upon such easements.

Kansas City 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 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, or in two years, whichever is the first event to occur.

Section 6. That the properties taken in fee simple, storm drainage and temporary easements are hereby condemned and taken for public use and hereby described as follows:

Fee Simple, Tract 8 (street right of way):

A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 878.79 feet, along the East line of the Northwest Quarter of said Section 4, to the Northeast corner of a certain tract of land conveyed by Quit Claim Deed recorded in Book 1898 at Page 889; Thence North 89 degrees 31 minutes 24 seconds, West 15.00 feet, along the North line of said certain tract of land conveyed by Quit Claim Deed recorded in Book 1898 at Page 889, to a point on the West right-of-way line of North Bennington Avenue, as now established, said point also being the second true point of beginning second; Thence South 00 degrees 31 minutes 54 seconds, West 780.04 feet, along said West right-of-way line, to a point on the South line of a certain tract of land conveyed by Quit Claim Deed recorded in Book 1824 at Page 763; Thence North 89 degrees 31 minutes 03 seconds, West 0.75 feet, along said South line, to the beginning of a non-tangent curve concave to the West having a radius of 8,470.00 feet; Thence Northerly 414.37 feet, along said curve to the left having a chord bearing North 00 degrees 55 minutes 14 seconds, West 414.33 feet, to the beginning of a

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reverse curve concave to the East having a radius of 3,030.00 feet; Thence Northerly 150.95 feet, along said curve to the right having a chord bearing North 00 degrees 53 minutes 31 seconds, West 150.94 feet, to a point being 15.00 feet West of and at right angles to said West right-of-way line; Thence North 00 degrees 31 minutes 54 seconds, East 214.93 feet, along a line 15.00 feet West of and parallel with said West right-of-way line, to a point on said North line; Thence South 89 degrees 31 minutes 24 seconds, East 15.00 feet, along said North line, to the second true point of beginning second of the tract herein described, containing 7,084 square feet or 0.1626 acres, more or less.

Storm Drainage Easement, Tract 8:

A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 1,234.91 feet along the East line of the Northwest Quarter of said Section 4; Thence North 89 degrees 28 minutes 06 seconds, West 26.72 feet, along a line perpendicular to said East line, to the second true point of beginning second; Thence South 57 degrees 24 minutes 07 seconds, West 26.30 feet; Thence North 32 degrees 35 minutes 53 seconds, West 15.00 feet; Thence North 57 degrees 24 minutes 07 seconds, East 35.18 feet to a point being on a non-tangent curve concave to the East having a radius of 3,030.00 feet; Thence Southerly 17.43 feet, along said curve to the left having a chord bearing South 01 degrees 58 minutes 12 seconds, East 17.43 feet, to the second true point of beginning second of the tract herein described, containing 461 square feet or 0.0106 acres, more or less.

Temporary Construction Easement, Tract 8:

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Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 878.79 feet, along the East line of the Northwest Quarter of said Section 4, to the Northeast corner of a certain tract of land conveyed by Quit Claim Deed recorded in Book 1898 at Page 889; Thence North 89 degrees 31 minutes 24 seconds, West 30.00 feet, along the North line of said certain tract of land conveyed by Quit Claim Deed recorded in Book 1898 at Page 889, to a point being 15.00 feet West of and at right angles to the West right-of-way line of North Bennington Avenue, as now established, said point also being the second true point of beginning seconds; Thence South 00 degrees 31 minutes 54 seconds, West 214.93 feet, along a line 15.00 feet West of and parallel with said West right-of-way line, to the beginning of a curve concave to the East having a radius of 3,030.00 feet; Thence Southerly 123.77 feet along said curve to the left having a chord bearing South 00 degrees 38 minutes 06 seconds, East 123.76 feet; Thence South 57 degrees 24 minutes 07 seconds, West 34.80 feet; Thence North 02 degrees 03 minutes 59 seconds, East 48.71 feet; Thence North 73 degrees 35 minutes 07 seconds, West 34.11 feet; Thence North 01 degrees 13 minutes 02 seconds, East 43.47 feet; Thence North 89 degrees 12 minutes 04 seconds, East 43.78 feet; Thence North 03 degrees 52 minutes 44 seconds, East 58.69 feet; Thence North 11 degrees 11 minutes 04 seconds, West 83.85 feet; Thence North 73 degrees 05 minutes 49 seconds, West 49.61 feet; Thence North 00 degrees 29 minutes 34 seconds, West 83.03 feet; Thence North 41 degrees 01 minutes 04 seconds, East 22.92 feet to a point on the North line of said certain tract of land conveyed by Quit Claim Deed recorded in Book 1898 at Page 889; Thence South 89 degrees 31 minutes 24 seconds, East 61.64 feet, along said North line, to the second true point of beginning second of the tract herein described, containing 14,555 square feet or 0.3341 acres, more or less.

and

A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 1,234.91 feet along the East line of the Northwest Quarter of said Section 4; Thence North 89 degrees 28 minutes 06 seconds, West 26.72 feet, along a line perpendicular to said East line, to a point being on a non-tangent curve concave to the East having a radius of 3,030.00 feet, said point also being

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the second true point of beginning second; Thence Southerly 9.75 feet, along said curve to the left having a chord bearing South 02 degrees 13 minutes 37 seconds, East 9.75 feet, to the beginning of a reverse curve concave to the West having a radius of 8,470.00 feet; Thence Southerly 414.37 feet, along said curve to the right having a chord bearing South 00 degrees 55 minutes 14 seconds, East 414.33 feet, to a point on the South line of a certain tract of land conveyed by Quit Claim Deed recorded in Book 1824 at Page 763; Thence North 89 degrees 31 minutes 03 seconds, West 12.20 feet along said South line; Thence North 19 degrees 07 minutes 06 seconds, East 21.93 feet; Thence North 00 degrees 08 minutes 16 seconds, West 138.16 feet; Thence North 11 degrees 25 minutes 35 seconds, West 176.09 feet; Thence North 02 degrees 03 minutes 59 seconds, East 90.48 feet; Thence South 32 degrees 35 minutes 53 seconds, East 14.44 feet; Thence North 57 degrees 24 minutes 07 seconds, East 26.30 feet to the second true point of beginning second of the tract herein described, containing 7,429 square feet or 0.1705 acres, more or less.

Fee Simple, Tract 9 (street right of way):

A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 275.44 feet along the East line of the Northwest Quarter of said Section 4; Thence North 89 degrees 28 minutes 06 seconds, West 25.00 feet, along a line perpendicular to said East line, to a point on the West right-of-way line of North Bennington Avenue, as now established, said point also being the second true point of beginning second; Thence South 00 degrees 31 minutes 54 seconds, West 7.84 feet, along said West right-of-way line, to the beginning of a non-tangent curve concave to the East having a radius of 411.97 feet; Thence Southerly 64.17 feet along said West right-of-way line and said curve to the left having a chord bearing South 05 degrees 00 minutes 18 seconds, West 64.11 feet; Thence North 00 degrees 31 minutes 54 seconds, East 21.21 feet to the beginning of a curve concave to the East having a radius of 257.92 feet; Thence Northerly 50.86 feet, along said curve to the right having a chord bearing North 06 degrees 10 minutes 56 seconds, East 50.78 feet, to the second true point of beginning second of the tract herein described, containing 62 square feet or 0.0014 acres, more or less.

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and

A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 372.98 feet along the East line of the Northwest Quarter of said Section 4; Thence North 89 degrees 28 minutes 06 seconds, West 25.00 feet, along a line perpendicular to said East line, to a point on the West right-of-way line of North Bennington Avenue, as now established, said point also being the second true point of beginning second; Thence South 00 degrees 31 minutes 54 seconds, West 505.84 feet, along said West right-of-way line, to a point on the South line of a certain tract of land conveyed by Warranty Deed recorded in Book 3024 at Page 71; Thence North 89 degrees 31 minutes 24 seconds, West 5.00 feet along said South line; Thence North 00 degrees 31 minutes 54 seconds, East 505.84 feet, along a line 5.00 feet West of and parallel with said West right-of-way line, to a point in a jog in said West right-of-way line; Thence South 89 degrees 28 minutes 06 seconds, East 5.00 feet, along said West right-of-way line, to the second true point of beginning second of the tract herein described, containing 2,529 square feet or 0.0581 acres, more or less.

Storm Drainage Easement, Tract 9:

A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 830.37 feet along the East line of the Northwest Quarter of said Section 4; Thence North 89 degrees 28 minutes 06 seconds, West 30.00 feet, along a line perpendicular to said East line, to a point being 5.00 feet West of and at right angles to said West right-of-way line, said point also being the second true point of beginning second; Thence South 00 degrees 31 minutes 54 seconds, West 15.00 feet along a line 5.00 feet West of and

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parallel with said West right-of-way line; Thence North 89 degrees 46 minutes 20 seconds, West 28.56 feet; Thence North 00 degrees 12 minutes 46 seconds, East 15.00 feet; Thence South 89 degrees 46 minutes 20 seconds, East 28.64 feet to the second true point of beginning second of the tract herein described, containing 429 square feet or 0.0098 acres, more or less.

Temporary Construction Easement, Tract 9:

A tract of land situated in the Northwest Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northeast corner of the Northwest Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 149.50 feet, along the East line of the Northwest Quarter of said Section 4, to a point being on the Easterly prolongation of the South right-of-way line of N.E. 48th Street, as now established; Thence North 89 degrees 28 minutes 28 seconds, West 25.00 feet, along said Easterly prolongation, to a point being the intersection of said South right-of-way line and the West right-of-way line of North Bennington Avenue, as now established; Thence South 00 degrees 31 minutes 54 seconds, West 43.92 feet, along said West right-of-way line, to the second true point of beginning second; Thence South 00 degrees 31 minutes 54 seconds, West 82.02 feet, along said West right-of-way line, to the beginning of a non-tangent curve concave to the East having a radius of 257.92 feet; Thence Southerly 50.86 feet, along said curve to the left having a chord bearing South 06 degrees 10 minutes 56 seconds, West 50.78 feet, to a point on said West right-of-way line; Thence South 00 degrees 31 minutes 54 seconds, West 504.39 feet, along said West right-of-way line and along a line 5.00 feet West of and parallel with said West right-of-way line; Thence North 89 degrees 46 minutes 20 seconds, West 28.64 feet; Thence South 00 degrees 12 minutes 46 seconds, West 15.00 feet; Thence South 89 degrees 46 minutes 20 seconds, East 28.56 feet to a point being 5.00 feet West of and at right angles to said West right-of-way line; Thence South 00 degrees 31 minutes 54 seconds, West 33.45 feet, along a line 5.00 feet West of and parallel with said West right-of-way line, to a point on the South line of a certain tract of land conveyed by Warranty Deed recorded in Book 3024 at Page 71; Thence North 89 degrees 31 minutes 24 seconds, West 61.64 feet along said South line; Thence North 51 degrees 15 minutes 37 seconds, East 40.86 feet to a point being 35.00 feet West of and at right angles to said West right-of-way line; Thence North 00

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degrees 31 minutes 54 seconds, East 343.45 feet along a line 35.00 feet West of and parallel with said West right-of-way line; Thence North 56 degrees 29 minutes 59 seconds, West 35.75 feet; Thence North 00 degrees 31 minutes 56 seconds, East 73.61 feet; Thence North 63 degrees 12 minutes 27 seconds, East 38.43 feet; Thence North 06 degrees 19 minutes 17 seconds, West 207.06 feet; Thence South 86 degrees 11 minutes 44 seconds, East 9.99 feet, to the second true point of beginning second of the tract herein described, containing 20,779 square feet or 0.4770 acres, more or less. Except that part lying in existing utility easements.

Fee Simple, Tract 10 (street right of way):

A tract of land situated in the Northeast Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northwest corner of the Northeast Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 160.17 feet along the West line of the Northeast Quarter of said Section 4; Thence South 89 degrees 28 minutes 06 seconds, East 53.99 feet, along a line perpendicular to said West line, to a point being on the Southeasterly right-of-way line of North Bennington Avenue, as now established, said point also being the second true point of beginning seconds; Thence North 34 degrees 45 minutes 11 seconds, East 0.55 feet along said Southeasterly right-of-way line; Thence South 01 degrees 22 minutes 17 seconds, West 24.19 feet to the beginning of a curve concave to the West having a radius of 330.00 feet; Thence Southerly 88.77 feet, along said curve to the right having a chord bearing South 09 degrees 04 minutes 40 seconds, West 88.50 feet, to the beginning of a reverse curve concave to the East having a radius of 270.00 feet; Thence Southerly 74.53 feet, along said curve to the left having a chord bearing South 08 degrees 52 minutes 34 seconds, West 74.30 feet, to a point on the Easterly right-of-way line of North Bennington Avenue, as now established, said point also being on a non-tangent curve concave to the East having a radius of 351.97 feet; Thence Northerly 86.00 feet, along said Easterly right-of-way line and said curve to the right having a chord bearing North 07 degrees 54 minutes 39 seconds, East 85.79 feet, to the beginning of a reverse curve concave to the West having a radius of 411.97 feet; Thence Northerly 100.78 feet, along said Easterly right-of-way line and said curve to the left having a chord bearing North 07 degrees 56 minutes 22 seconds, East 100.53 feet,

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to the seconds true point of beginning second of the tract herein described, containing 267 square feet or 0.0061 acres, more or less.

Temporary Construction Easement, Tract 10:

A tract of land situated in the Northeast Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northwest corner of the Northeast Quarter of said Section 4; Thence South 00 degrees 31 minutes 54 seconds, West 453.46 feet along the West line of the Northeast Quarter of said Section 4; Thence South 89 degrees 28 minutes 06 seconds, East 30.00 feet, along a line perpendicular to said West line, to a point on the East right-of-way line of North Bennington Avenue, as now established, said point also being the second true point of beginning second; Thence North 00 degrees 31 minutes 54 seconds, East 80.49 feet along said East right-of-way line; Thence South 89 degrees 28 minutes 06 seconds, East 0.09 feet along a jog in said East right-of-way line; Thence North 00 degrees 19 minutes 51 seconds, East 25.65 feet, along said East right-of-way line, to the beginning of a non-tangent curve concave to the East having a radius of 351.97 feet; Thence Northerly 2.39 feet, along said East right-of-way line and said curve to the right having a chord bearing North 00 degrees 43 minutes 00 seconds, East 2.39 feet, to the beginning of a compound curve concave to the East having a radius of 270.00 feet; Thence Northerly 56.93 feet along said curve to the right having a chord bearing North 07 degrees 00 minutes 28 seconds, East 56.82 feet; Thence South 84 degrees 32 minutes 43 seconds, East 39.37 feet; Thence North 88 degrees 34 minutes 09 seconds, East 14.88 feet; Thence South 01 degrees 25 minutes 51 seconds, East 46.82 feet; Thence South 88 degrees 34 minutes 09 seconds, West 8.84 feet; Thence South 47 degrees 59 minutes 01 seconds, West 23.61 feet; Thence South 58 degrees 33 minutes 53 seconds, West 36.42 feet to a point being 5.00 feet East of and at right angles to said East right-of-way line; Thence South 00 degrees 31 minutes 54 seconds, West 79.78 feet along a line 5.00 feet East of and parallel with said East right-of-way line; Thence North 89 degrees 26 minutes 25 seconds, West 5.00 feet, to the second true point of beginning second of the tract herein described, containing 4,327 square feet or 0.0993 acres, more or less. Except that part lying in existing utility easements.

Fee Simple, Tract 16 (street right of way):

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A tract of land situated in the Northeast Quarter and the Southeast Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983)

Commencing at the Southwest corner of the Northeast Quarter of said Section 4; Thence South 89 degrees 32 minutes 45 seconds, East 15.00 feet, along the South line of the Northeast Quarter and the North line of the Southeast Quarter of said Section 4, to a point being on the East right-of-way line of North Bennington Avenue, as now established, said point also being the second true point of beginning second; Thence North 00 degrees 31 minutes 54 seconds, East 663.63 feet, along said East right-of-way line, to a point being on the North line of a certain tract of land conveyed by Warranty Deed recorded in Book 2880 at Page 20; Thence South 89 degrees 30 minutes 22 seconds, East 23.09 feet, along said North line, to a point being on a non-tangent curve concave to the West having a radius of 8,530.00 feet; Thence Southerly 23.54 feet, along said curve to the right having a chord bearing South 02 degrees 47 minutes 20 seconds, West 23.54 feet, to the beginning of a reverse curve concave to the East having a radius of 7,970.00 feet; Thence Southerly 291.23 feet along said curve to the left having a chord bearing South 01 degrees 49 minutes 16 seconds, West 291.21 feet; Thence South 00 degrees 46 minutes 28 seconds, West 225.25 feet; Thence South 00 degrees 20 minutes 04 seconds, West 320.16 feet; Thence South 00 degrees 34 minutes 09 seconds, West 432.83 feet; Thence South 00 degrees 30 minutes 27 seconds, West 141.03 feet, to a point being on the Northerly line of Lot 1, "DESTINY TOWERS", a subdivision of land in the City of Kansas City, Clay County, Missouri, according to the recorded plat thereof; Thence South 78 degrees 26 minutes 18 seconds, West 0.48 feet, along said Northerly line, to a point on said East right-of-way line; Thence North 89 degrees 28 minutes 25 seconds, West 10.00 feet along a jog in said East right-of-way line; Thence North 00 degrees 31 minutes 36 seconds, East 770.37 feet, along said East right-of-way line, to a point on the North line of the Southeast Quarter of said Section 4; Thence North 89 degrees 32 minutes 45 seconds, West 5.00 feet, along said North line, to the second true point of beginning second of the tract herein described, containing 19,120 square feet or 0.4389 acres, more or less.

Storm Drainage Easement, Tract 16:

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A tract of land situated in the Southeast Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northwest corner of the Southeast Quarter of said Section 4; Thence South 00 degrees 31 minutes 36 seconds, West 934.80 feet along the West line of the Southeast Quarter of said Section 4; Thence South 89 degrees 28 minutes 24 seconds, East 32.93 feet, along a line perpendicular to said West line, to the second true point of beginning seconds; Thence North 00 degrees 36 minutes 34 seconds, East 25.60 feet; Thence South 35 degrees 15 minutes 31 seconds, East 45.41 feet; Thence South 54 degrees 44 minutes 29 seconds, West 15.00 feet; Thence North 35 degrees 15 minutes 31 seconds, West 24.67 feet to the seconds, true point of beginning seconds of the tract herein described, containing 526 square feet or 0.0121 acres, more or less.

Temporary Construction Easement, Tract 16:

A tract of land situated in the Northeast Quarter and the Southeast Quarter of Section 4, Township 50 North, Range 32 West of the Fifth Principal Meridian in the City of Kansas City, Clay County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of the Northeast Quarter of said Section 4; Thence South 89 degrees 32 minutes 45 seconds, East 30.08 feet, along the South line of the Northeast Quarter and the North line of the Southeast Quarter of said Section 4, to the second true point of beginning second; Thence North 00 degrees 20 minutes 04 seconds, East 123.73 feet; Thence North 00 degrees 46 minutes 28 seconds, East 225.25 feet to the beginning of a curve concave to the East having a radius of 7,970.00 feet; Thence Northerly 291.23 feet, along said curve to the right having a chord bearing North 01 degrees 49 minutes 16 seconds, East 291.21 feet, to the beginning of a reverse curve concave to the West having a radius of 8,530.00 feet; Thence Northerly 23.54 feet, along said curve to the left having a chord bearing North 02 degrees 47 minutes 20 seconds, East 23.54 feet, to a point being on the North line of a certain tract of land conveyed by Warranty Deed recorded in Book 2880 at Page 20; Thence South 89 degrees 30 minutes 22 seconds, East 10.01 feet along said North line; Thence South 02 degrees 47 minutes 16 seconds, West

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23.95 feet; Thence South 02 degrees 34 minutes 31 seconds, West 81.32 feet; Thence North 87 degrees 43 minutes 02 seconds, West 5.00 feet; Thence South 01 degrees 31 minutes 43 seconds, West 209.67 feet; Thence South 00 degrees 46 minutes 28 seconds, West 225.10 feet; Thence South 89 degrees 39 minutes 56 seconds, East 5.00 feet; Thence South 00 degrees 20 minutes 04 seconds, West 199.99 feet; Thence North 89 degrees 39 minutes 56 seconds, West 5.00 feet; Thence South 00 degrees 20 minutes 05 seconds, West 120.37 feet; Thence South 00 degrees 34 minutes 09 seconds, West 287.44 feet; Thence South 89 degrees 25 minutes 51 seconds, East 5.00 feet; Thence South 00 degrees 34 minutes 09 seconds, West 145.30 feet; Thence South 00 degrees 30 minutes 27 seconds, West 138.91 feet, to a point being on the Northerly line of Lot 1, "DESTINY TOWERS", a subdivision of land in the City of Kansas City, Clay County, Missouri, according to the recorded plat thereof; Thence South 78 degrees 26 minutes 18 seconds, West 10.23 feet along said Northerly line; Thence North 00 degrees 30 minutes 27 seconds, East 141.03 feet; Thence North 00 degrees 34 minutes 09 seconds, East 432.83 feet; Thence North 00 degrees 20 minutes 04 seconds, East 196.43 feet, to the second true point of beginning second of the tract herein described, containing 10,219 square feet or 0.2346 acres, more or less. Except that part lying in existing utility easements.

Section 7. Compensation. That just compensation for the properties to be condemned and taken as aforesaid shall be assessed and paid according to law. Payment of compensation for damages shall be made by Kansas City from funds appropriated or to be appropriated for said purpose, and proceedings therefore shall be instituted and prosecuted in the Circuit Court of Missouri, Clay County, Missouri pursuant to the provision of Chapter 523 of the Revised Statutes of Missouri, as supplemented or amended by Section 86.01 to 86.10 of the Missouri Rules of Civil Procedure.

Section 8. Pending acquisition of the above described right of way by condemnation, the Director of Public Works or his agents are hereby authorized to purchase said street right of way and to pay for it out of funds available or to be made available. The City Attorney is hereby authorized and directed to file the petition for condemnation on behalf of the City in the Clay County Circuit Court. If any tracts be so acquired by purchase, the City Attorney is authorized to withdraw such tracts from the condemnation proceedings.

Section 9. That all fee simple properties, storm drainage and temporary construction easements in the above described tracts 8, 9, 10 and 16 be condemned and conveyed to Kansas City, Missouri.

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Section 10. 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:

Theodore T. Anderson
Assistant City Attorney