

ORDINANCE NO. 101051

Condemning and taking private property interests for public use for the construction and maintenance of sanitary sewers in the vicinity of N.W. 55th Street and N. Flint Ridge Road, in Kansas City, Platte County, Missouri; providing for the payment of just compensation; authorizing continued negotiations by the Capital Projects Office; consenting to the filing of the petition for condemnation by the City Attorney on behalf of the City; and authorizing the City Clerk to record this ordinance in the Office of the Recorder of Deeds for Platte County.

WHEREAS the Council finds that certain private property interests must be condemned for permanent and temporary easements required for the purpose of locating, relocating, constructing and maintaining sanitary sewers and necessary appurtenances in Kansas City, Platte County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Properties are hereby authorized condemned and taken for public use in and upon the private lands hereinafter described, for Project No. 089003618, Sewer Districts 15105 - 15108 in Kansas City, Platte 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 Water Services, the same being on file in the Office of the Director of Water Services and being incorporated herein by reference.

Section 3. The permanent easements shall be used by Kansas City as the location of sanitary sewer 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 4. The temporary easements shall be for grading and sloping, construction of any pertinent driveway and sidewalk pavements, removal and 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 Permanent 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 easements to be restored to substantially to the same physical condition that existed at the time Kansas City or its agents entered upon it, and said temporary easements shall

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terminate upon completion and acceptance of the improvements by the Director of Public Works, or for a two year duration, whichever is the first event to occur.

Section 5. That the Permanent and Temporary Easements are hereby authorized condemned and taken for public use and hereby described as follows:

**Permanent Sanitary Sewer Easement-Tract 30**

A tract of land situated in the Northeast Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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 North One-half of the Northeast Quarter of said Section 33, said point also being the Northwest corner of Lot 37, "BREEN ACRES", a subdivision of land in the City of Kansas City, Platte County, Missouri, according to the recorded plat thereof; thence South 89 degrees 23 minutes 56 seconds East 306.38 feet, along the South line of the North One-half of the Northeast Quarter of said Section 33 and North line of said Lot 37, to the "true point of beginning"; thence North 70 degrees 55 minutes 05 seconds West, 62.01 feet; thence North 42 degrees 36 minutes 19 seconds West, 173.30 feet; thence North 12 degrees 00 minutes 44 seconds West, 177.70 feet; thence South 72 degrees 44 minutes 06 seconds West, 64.26 feet to a point on the East right-of-way line of North Byfield Avenue, as now established; thence North 00 degrees 24 minutes 08 seconds East, 15.74 feet along said East right-of-way line; thence North 72 degrees 44 minutes 06 seconds East, 64.79 feet; thence North 30 degrees 21 minutes 41 seconds East, 3.92 feet to a point on the South line of a certain tract of land conveyed by Warranty Deed recorded in Book 547 at Page 32; thence South 89 degrees 23 minutes 56 seconds East, 17.28 feet along said South line; thence South 30 degrees 21 minutes 41 seconds West, 12.50 feet; thence South 12 degrees 00 minutes 44 seconds East, 178.91 feet; thence South 42 degrees 36 minutes 19 seconds East, 165.42 feet; thence South 70 degrees 55 minutes 05 seconds East, 103.11 feet, to a point on the South line of the North One-half of the Northeast Quarter of said Section 33, and North line of said Lot 37; thence North 89 degrees 23 minutes 56 seconds West, 47.32 feet, along said South line, to the "true point of beginning" of the tract herein described, containing 7,650 square feet or 0.1756 acres, more or less.

**Temporary Construction Easement-Tract 30**

A tract of land situated in the Northeast Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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 North One-half of the Northeast Quarter of said Section 33, said point also being the Northwest corner of Lot 37, "BREEN ACRES", a subdivision of land in the City of Kansas City, Platte County, Missouri, according to the recorded plat thereof; thence South 89 degrees 23 minutes 56 seconds East, 251.17 feet, along the South line of the North One-half of the Northeast Quarter of said Section 33 and North line of said Lot 37, to the "true point of beginning"; thence North 70 degrees 55 minutes 05 seconds West, 14.07 feet; thence North 42 degrees 36 minutes 19 seconds West, 182.50 feet; thence North 12 degrees 00 minutes 44 seconds West, 163.31 feet; thence South 72 degrees 44 minutes 06 seconds West, 50.65 feet to a point on the East right-of-way line of North Byfield Avenue, as now established; thence North 00 degrees 24 minutes 08 seconds East, 18.37 feet along said East right-of-way line; thence North 72 degrees 44 minutes 06 seconds East, 64.26 feet; thence South 12 degrees 00 minutes 44 seconds East, 177.70 feet; thence South 42 degrees 36 minutes 19 seconds East, 173.30 feet; thence South 70 degrees 55 minutes 05 seconds East, 62.01 feet, to a point on the South line of the North One-half of the Northeast Quarter of said Section 33, and North line of said Lot 37; thence North 89 degrees 23 minutes 56 seconds West, 55.21 feet, along said South line, to the "true point of beginning" of the tract herein described, containing 7,768 square feet or 0.1783 acres, more or less, except that part lying in existing utility easements.

and

A tract of land situated in the Northeast Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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).

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Commencing at the Southwest corner of the North One-half of the Northeast Quarter of said Section 33, said point also being the Northwest corner of Lot 37, "BREEN ACRES", a subdivision of land in the City of Kansas City, Platte County, Missouri, according to the recorded plat thereof; thence South 89 degrees 23 minutes 56 seconds East, 353.70 feet, along the South line of the North One-half of the Northeast Quarter of said Section 33 and North line of said Lot 37, to the "true point of beginning"; thence North 70 degrees 55 minutes 05 seconds West, 103.11 feet; thence North 42 degrees 36 minutes 19 seconds West, 165.42 feet; thence North 12 degrees 00 minutes 44 seconds West, 178.91 feet; thence North 30 degrees 21 minutes 41 seconds East, 12.50 feet to a point on the South line of a certain tract of land conveyed by Warranty Deed recorded in Book 547 at Page 32; thence South 89 degrees 23 minutes 56 seconds East, 20.16 feet along said South line; thence South 30 degrees 21 minutes 41 seconds West, 15.72 feet; thence South 12 degrees 00 minutes 44 seconds East, 167.34 feet; thence South 42 degrees 36 minutes 19 seconds East, 156.22 feet; thence South 70 degrees 55 minutes 05 seconds East, 132.07 feet; thence South 78 degrees 20 minutes 40 seconds East, 31.38 feet, to a point on the South line of the North One-half of the Northeast Quarter of said Section 33, and North line of said Lot 37; thence North 89 degrees 23 minutes 56 seconds West, 68.00 feet, along said South line, to the "true point of beginning" of the tract herein described, containing 8,353 square feet or 0.1918 acres, more or less, except that part lying in existing utility easements.

and

A tract of land situated in the Northeast Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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 North One-half of the Northeast Quarter of said Section 33, said point also being the Northwest corner of Lot 37, "BREEN ACRES", a subdivision of land in the City of Kansas City, Platte County, Missouri, according to the recorded plat thereof; thence North 00 degrees 24 minutes 08 seconds East 338.70 feet, along the West line of the Northeast Quarter of said Section 33, to the Southwest corner of a certain tract of land conveyed by Warranty Deed recorded in Book 547 at Page 32; thence South 89 degrees 23 minutes 56 seconds East, 45.26 feet, along the South line of said certain tract of land conveyed by Warranty Deed recorded in Book 547 at Page 32, to the seconds true point of beginning"; thence South 89 degrees 23 minutes 56

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seconds East, 48.43 feet along said South line; thence South 30 degrees 21 minutes 41 seconds West, 3.92 feet; thence South 72 degrees 44 minutes 06 seconds West, 64.79 feet to a point on the East right-of-way line of North Byfield Avenue, as now established; thence North 00 degrees 24 minutes 08 seconds East, 18.37 feet along said East right-of-way line; thence North 72 degrees 44 minutes 06 seconds East, 16.02 feet to the "true point of beginning" of the tract herein described, containing 790 square feet or 0.0181 acres, more or less, except that part lying in existing utility easements.

**Permanent Sanitary Sewer Easement-Tract 36**

A tract of land situated in the Northwest Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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 Lot 7, Block 3, "PLATTE PURCHASE PARK 3RD PLAT", a subdivision of land in the City of Kansas City, Platte County, Missouri, according to the recorded plat thereof, said point also being on the Westerly right-of-way line of North Flint Ridge Road, as now established; thence South 70 degrees 02 minutes 41 seconds East, 50.00 feet, to a point being the intersection of the Easterly right-of-way line of said North Flint Ridge Road, as now established, and the Southerly right-of-way line of N.W. 55th Street, as now established, said point also being the beginning of a curve concave to the North having a radius of 660.98 feet; thence Easterly 172.49 feet, along said Southerly right-of-way line and said curve to the left having a chord bearing South 77 degrees 30 minutes 39 seconds East, 172.00 feet, to the Northeast corner of a certain tract of land conveyed by Warranty Deed recorded in Book 1028 at Page 263; thence South 00 degrees 53 minutes 27 seconds West, 200.63 feet, along the East line of said certain tract of land conveyed by Warranty Deed recorded in Book 1028 at Page 263, to the "true point of beginning"; thence South 00 degrees 53 minutes 27 seconds West, 5.00 feet, along said East line, to the Southeast corner of said certain tract of land conveyed by Warranty Deed recorded in Book 1028 at Page 263; thence North 89 degrees 18 minutes 52 seconds West, 10.57 feet, along the South line of said certain tract of land conveyed by Warranty Deed recorded in Book 1028 at Page 263; thence North 00 degrees 41 minutes 08 seconds East, 5.00 feet; thence South 89 degrees 18 minutes 52 seconds East, 10.59 feet, along a line 5.00 feet North of and parallel with said South line, to the "true point of beginning"

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of the tract herein described, containing 53 square feet or 0.0012 acres, more or less.

**Temporary Construction Easement-Tract 36**

A tract of land situated in the Northwest Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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 Lot 7, Block 3, "PLATTE PURCHASE PARK 3RD PLAT", a subdivision of land in the City of Kansas City, Platte County, Missouri, according to the recorded plat thereof, said point also being on the Westerly right-of-way line of North Flint Ridge Road, as now established; thence South 70 degrees 02 minutes 41 seconds East, 50.00 feet, to a point being the intersection of the Easterly right-of-way line of said North Flint Ridge Road, as now established, and the Southerly right-of-way line of N.W. 55th Street, as now established, said point also being the beginning of a curve concave to the North having a radius of 660.98 feet; thence Easterly 172.49 feet, along said Southerly right-of-way line and said curve to the left having a chord bearing South 77 degrees 30 minutes 39 seconds East, 172.00 feet, to the Northeast corner of a certain tract of land conveyed by Warranty Deed recorded in Book 1028 at Page 263; thence South 00 degrees 53 minutes 27 seconds West, 185.63 feet, along the East line of said certain tract of land conveyed by Warranty Deed recorded in Book 1028 at Page 263, to the seconds true point of beginning"; thence South 00 degrees 53 minutes 27 seconds West, 15.00 feet, along said East line, to a point being 5.00 North of and at right angles to the South line of said certain tract of land conveyed by Warranty Deed recorded in Book 1028 at Page 263; thence North 89 degrees 18 minutes 52 seconds West, 10.59 feet along a line 5.00 feet North of and parallel with said South line; thence South 00 degrees 41 minutes 08 seconds West, 5.00 feet to a point on said South line; thence North 89 degrees 18 minutes 52 seconds West, 10.00 feet along said South line; thence North 00 degrees 41 minutes 08 seconds East, 20.00 feet; thence South 89 degrees 18 minutes 52 seconds East, 20.64 feet, along a line 20.00 feet North of and parallel with said South line, to the "true point of beginning" of the tract herein described, containing 359 square feet or 0.0082 acres, more or less, except that part lying in existing utility easements.

**Permanent Sanitary Sewer Easement-Tract 42**

A tract of land situated in the Northeast Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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 33; thence South 89 degrees 33 minutes 36 seconds East, 30.00 feet, along the North line of the Northeast Quarter of said Section 33, to a point on the East right-of-way line of North Byfield Avenue, as now established; thence South 00 degrees 24 minutes 08 seconds West, 341.00 feet, along said East right-of-way line, to the "true point of beginning"; thence North 85 degrees 49 minutes 52 seconds East, 257.14 feet; thence South 84 degrees 59 minutes 46 seconds East, 304.28 feet; thence South 45 degrees 42 minutes 17 seconds East, 219.35 feet; thence South 56 degrees 57 minutes 39 seconds East, 204.77 feet; thence North 86 degrees 16 minutes 37 seconds East, 238.94 feet to a point on the Easterly line of a certain tract of land conveyed by Warranty Deed recorded in Book 789 Page 338; thence South 04 degrees 04 minutes 17 seconds West, 15.14 feet along said Easterly line; thence South 86 degrees 16 minutes 37 seconds West, 241.87 feet; thence North 56 degrees 57 minutes 39 seconds West, 211.23 feet; thence North 45 degrees 42 minutes 17 seconds West, 215.47 feet; thence North 84 degrees 59 minutes 46 seconds West, 297.72 feet; thence South 85 degrees 49 minutes 52 seconds West, 257.14 to a point on said East right-of-way line; thence North 00 degrees 24 minutes 08 seconds East, 15.05 feet, along said East right-of-way line, to the "true point of beginning" of the tract herein described, containing 18,359 square feet or 0.4215 acres, more or less.

**Temporary Construction Easement-Tract 42**

A tract of land situated in the Northeast Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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).

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Commencing at the Northwest corner of the Northeast Quarter of said Section 33; thence South 89 degrees 33 minutes 36 seconds East, 30.00 feet, along the North line of the Northeast Quarter of said Section 33, to a point on the East right-of-way line of North Byfield Avenue, as now established; thence South 00 degrees 24 minutes 08 seconds West, 323.44 feet, along said East right-of-way line, to the "true point of beginning"; thence North 85 degrees 49 minutes 52 seconds East, 257.15 feet; thence South 84 degrees 59 minutes 46 seconds East, 311.93 feet; thence South 45 degrees 42 minutes 17 seconds East, 223.87 feet; thence South 56 degrees 57 minutes 39 seconds East, 197.23 feet; thence North 86 degrees 16 minutes 37 seconds East, 235.52 feet to a point on the Easterly line of a certain tract of land conveyed by Warranty Deed recorded in Book 789 Page 338; thence South 04 degrees 04 minutes 17 seconds West, 17.66 feet along said Easterly line; thence South 86 degrees 16 minutes 37 seconds West, 238.94 feet; thence North 56 degrees 57 minutes 39 seconds West, 204.77 feet; thence North 45 degrees 42 minutes 17 seconds West, 219.35 feet; thence North 84 degrees 59 minutes 46 seconds West, 304.28 feet; thence South 85 degrees 49 minutes 52 seconds West, 257.14 to a point on said East right-of-way line; thence North 00 degrees 24 minutes 08 seconds East, 17.56 feet, along said East right-of-way line, to the "true point of beginning" of the tract herein described, containing 21,439 square feet or 0.4922 acres, more or less, except that part lying in existing utility easements.

and

A tract of land situated in the Northeast Quarter of Section 33, Township 51 North, Range 33 West of the Fifth Principal Meridian in the City of Kansas City, Platte 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 33; thence South 89 degrees 33 minutes 36 seconds East, 30.00 feet, along the North line of the Northeast Quarter of said Section 33, to a point on the East right-of-way line of North Byfield Avenue, as now established; thence South 00 degrees 24 minutes 08 seconds West, 356.05 feet, along said East right-of-way line, to the "true point of beginning"; thence North 85 degrees 49 minutes 52 seconds East, 257.14 feet; thence South 84 degrees 59 minutes 46 seconds East, 297.72 feet; thence South 45 degrees 42 minutes 17 seconds East, 215.47 feet; thence South 56 degrees 57 minutes 39 seconds East, 211.23 feet; thence North 86 degrees 16 minutes 37 seconds East 241.87 feet to a point on the Easterly line of a certain tract of land conveyed by Warranty Deed

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recorded in Book 789 Page 338; thence South 04 degrees 04 minutes 17 seconds West, 17.66 feet along said Easterly line; thence South 86 degrees 16 minutes 37 second West, 245.29 feet; thence North 56 degrees 57 minutes 39 seconds West, 218.77 feet; thence North 45 degrees 42 minutes 17 seconds West, 210.95 feet; thence North 84 degrees 59 minutes 46 seconds West, 290.07 feet; thence South 85 degrees 49 minutes 52 seconds West, 257.13 to a point on said East right-of-way line; thence North 00 degrees 24 minutes 08 seconds East, 17.56 feet, along said East right-of-way line, to the “true point of beginning” of the tract herein described, containing 21,399 square feet or 0.4913 acres, more or less, except that part lying in existing utility easements.

Section 6. 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, Platte 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 7. Pending acquisition of the above described property rights by condemnation, the City Manager or his agents are hereby authorized to purchase said condemnation and to pay for them 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 Platte 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 8. That all permanent and temporary easements in the above described tracts 30, 36, and 42 be condemned and conveyed to Kansas City, Missouri.

Section 9. 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 Platte County Missouri.

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Approved as to form and legality:

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Theodore T. Anderson  
Assistant City Attorney