

ORDINANCE NO. 080448

Condemning and taking private property in fee simple for the public purpose of constructing and improving Maplewoods Parkway and ancillary purposes, Project No. 7002340, from the north side of Barry Road northerly 1830 feet; acquiring additional rights of way and 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 Clay County, Missouri.

WHEREAS, the Council finds that street rights of way, temporary and storm easements must be condemned for the purpose of constructing and maintaining streets and storm drainage in Kansas City, Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Condemnation of Street Rights of Way, Temporary and Storm Drainage Easements. That street rights of way, temporary and storm drainage easements are hereby condemned and taken for public use for the location, construction, reconstruction, maintenance, operation and repair of a public road for Project No. 7002340, Maplewoods Parkway, 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 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 rights of way shall be used by Kansas City as the permanent location of the street improvements to be constructed therein including any necessary appurtenances to it; Kansas City or its authorized agents shall have the right to enter in or authorize the entry in and upon such rights of way and easements for the purpose of constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

ORDINANCE NO. 080448

Section 4. Storm drainage and temporary easements. By the granting of these easements, 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 easements or any portion thereof; provided, however, said easements 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 lands and easements for the purpose of constructing, reconstructing, operating, repairing and maintaining such improvements and appurtenances.

Kansas City shall cause the surface of lands lying within said temporary easement 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 easement shall terminate upon completion and acceptance of the improvements by the Director of Public Works.

Section 5. Said party of the second part shall have the right at all times to go upon the lands herein described to construct, maintain and repair the said drainage facilities as may be necessary, and while nothing in this deed shall be construed so as to grant any right to said party of the second part which shall in any way interfere with the safe and unrestricted use by the grantors of the land adjacent to and above said drainage facilities, the grantors shall not use nor attempt to use said property in such manner as would interfere with the proper, safe and continuous maintenance and use of said drainage facilities and specifically shall not build thereon or thereover any structure which may interfere with the maintenance and use thereof.

Section 6. The street rights of way, temporary and storm drainage easements are hereby condemned and taken for public use and hereby described as follows:

**PARCEL 1 – PERMANENT ROAD, Right of way Grant:**

A tract of land lying in the northeast quarter of Section 12, Township 51 north, Range 33 west of the 5th P.M. in Kansas City, Clay County, Missouri, described as follows:

Commencing at the northwest corner of said northeast quarter; thence south 87°53'17" east, along the north line of said northeast quarter, a distance of 247.80 feet to the northwest corner of the parent tract; thence continuing south 87°53'17" east, along the north line of said northeast quarter, 617.76 feet to the point of beginning; thence continuing south 87°53'17" east, along the north line of said northeast quarter, 229.89 feet; thence departing the north line of said northeast quarter in a curve to the right, 466.68 feet, said curve has a radius of 1.357.00 feet and a chord bearing south 15°05'21" east, 464.38 feet; thence south 05°14'13" east, 971.07 feet to a point on east line of the west half of said northeast quarter; thence south 00°44'15" west, along the east line of the west half of said northeast quarter, and along the west line of MCCASLIN ESTATES, a

ORDINANCE NO. 080448

subdivision in said city of Kansas City, 385.25 feet to the north line of Barry Road; thence south 82°20'41" west, along the north line of Barry Road, 160.04 feet; thence north 05°14'13" west, 1,360.98 feet; thence along a curve to the left, 502.60 feet, said curve has a radius of 1,157.00 feet and a chord bearing north 17°40'54" west, 498.66 feet to the point of beginning. Containing 360,534 square feet or 8.277 acres, more or less.

**PARCEL 1 – Temporary Construction Easement:**

Six tracts of land lying in the northeast quarter of Section 12, Township 51 north, Range 33 west of the 5th P.M. in Kansas City, Clay County, Missouri, described as follows:

Commencing at the northwest corner of said northeast quarter; thence south 87°53'17" east, along the north line of said northeast quarter, a distance of 247.80 feet to the northwest corner of the parent tract; thence continuing south 87°53'17" east, along the north line of said northeast quarter, 875.65 feet to the point of beginning; thence continuing south 87°53'17" east, along the north line of said northeast quarter 27.88 feet; thence departing the north line of said northeast quarter, in a curve to the right, 108.34 feet, said curve has a radius of 1,407.00 feet and a chord bearing south 21°42'02" east, 108.31 feet; thence south 69°01'17" east, 196.87 feet; thence south 12°23'19" east, 131.55 feet; thence south 30°10'03" west, 87.62 feet; thence south 00°10'05" west, 253.72 feet; thence south 69°56'08" east, 60.84 feet; thence south 33°12'59" east, 181.18 feet, thence south 00°02'33" east, 110.45 feet; thence south 32°45'42" west, 203.04 feet; thence south 03°44'08" west, 192.35 feet; thence south 11°51'57" west, 45.19 feet to the north line of the southeast quarter of said northeast quarter; thence north 87°48'01" west, along the north line of the southeast quarter of said northeast quarter, 77.22 feet to the northwest corner thereof; thence south 00°44'15" west, along the west line of the southeast quarter of said northeast quarter, 59.74 feet to a point being hereinafter referred to as point 'a'; thence north 61°32'49" west, 4.71 feet; thence north 05°14'13" west, 345.00 feet; thence north 07°24'56" east, 251.10 feet; thence north 03°33'08" west, 170.07 feet; thence north 04°46'16" east, 86.31 feet; thence north 15°02'11" west, 290.05 feet; thence north 22°26'16" west, 141.64 feet; thence along a curve to the left, 124.03 feet, said curve has a radius of 1,382.00 feet and a chord bearing north 21°50'32" west, 123.99 feet to the point of beginning.

and:

Commencing at aforementioned point 'A'; thence south 00°44'15" west, along the west line of the southeast quarter of said northeast quarter and along and extending the west line of MCCASLIN ESTATES, a subdivision in said city of Kansas City, 422.92 feet to the north line of

ORDINANCE NO. 080448

Barry Road; thence south 82°20'41" west, along the north line of Barry Road, 160.04 feet to the point of beginning; thence continuing south 82°20'41" west, along the north line of Barry Road, 25.02 feet; thence north 05°14'13" west, departing the north line of Barry Road, 26.05 feet; thence north 84°45'47" east, 25.00 feet to a point hereinafter referred to as point 'B'; thence south 05°14'13" east, 24.99 feet to the point of beginning.

and:

Commencing at the aforementioned point 'B'; thence north 05°14'13" west, 175.00 feet to the point of beginning; thence north 62°57'41" west, 112.36 feet to a point hereinafter referred to as point 'C'; thence north 84°45'47" east, 95.00 feet; thence south 05°14'13" east, 60.00 feet to the point of beginning.

and:

Commencing at the aforementioned point 'C'; thence north 05°14'13" west, 55.00 feet to the point of beginning; thence north 39°45'47" east, 70.71 feet; thence north 05°14'13" west, 206.00 feet to a point hereinafter referred to as point 'D'; thence north 84°45'47" east, 25.00 feet; thence south 05°14'13" east, 256.00 feet; thence south 84°45'47" west, 75.00 feet to the point of beginning.

and:

Commencing at the aforementioned point 'D'; thence south 84°45'47" west, 55.00 feet; thence north 05°14'13" west, 77.00 feet to the point of beginning; thence north 01°21'15" west, 443.02 feet; thence north 84°45'47" east, 70.00 feet to a point hereinafter referred to as point 'E'; thence south 05°14'13" east, 442.00 feet; thence south 84°45'47" west, 100.00 feet to the point of beginning.

and:

Commencing at the aforementioned point 'E'; thence north 05°14'13" west, 76.00 feet to the point of beginning; thence south 84°45'47" west, 35.00 feet; thence north 05°14'13" west, 194.98 feet; thence along a curve to the left, 165.43 feet, said curve has a radius of 1,122.00 feet and a chord bearing north 09°27'39" west, 165.28 feet; thence north 76°18'56" east, 20.00 feet; thence along a curve to the left, 337.20 feet, said curve has a radius of 1,142.00 feet and a chord bearing north 22°08'36" west, 335.97 feet to a point on the north line of said northeast quarter; thence south 87°53'17" east, along the north line of said northeast quarter, 17.78 feet; thence along a curve to the right, 502.60 feet, said curve has a radius of

ORDINANCE NO. 080448

1,157.00 feet and a chord bearing south 17°40'54" east, 498.66 feet; thence south 05°14'13" east, 194.98 feet to the point of beginning. Containing a total of 237,191 square feet or 5.445 acres, more or less.

**PARCEL 1 – Storm Drainage Easement:**

Four tracts of land lying in the northeast quarter of Section 12, Township 51 north, Range 33 west of the 5th P.M. in Kansas City, Clay County, Missouri, described as follows:

Commencing at the northwest corner of said northeast quarter; thence south 87°53'17" east, along the north line of said northeast quarter, a distance of 247.80 feet to the northwest corner of the parent tract; thence continuing south 87°53'17" east, along the north line of said northeast quarter 847.64 feet to the point of beginning; thence continuing south 87°53'17" east, along the north line of said northeast quarter 28.01 feet; thence along a curve to the right, 124.03 feet, said curve has a radius of 1,382.00 feet and a chord bearing south 21°50'32" east, 123.99 feet; thence south 22°26'16" east, 141.64 feet; thence south 15°02'11" east, 290.05 feet; thence south 04°46'16" west, 86.31 feet; thence south 03°33'08" east, 170.07 feet; thence south 07°24'56" west, 251.10 feet to a point hereinafter referred to as point 'A'; thence north 05°14'13" west, 585.98 feet; thence along a curve to the left, 466.68 feet, said curve has a radius of 1,357.00 feet and a chord bearing north 15°05'21" west, 464.38 feet to the point of beginning, containing 45,083 square feet or 1,035 acres, more or less.

and:

Commencing at aforementioned point 'A'; thence south 05°14'13" east, 345.00 feet to the point of beginning; thence south 61°32'49" east, 4.71 feet to a point on the west line of the southeast quarter of said northeast quarter; thence south 00°44'15" west along the west line of the southeast quarter of said northeast quarter, 37.67 feet to a point hereinafter referred to as point 'B'; thence north 05°14'13" west, 40.08 feet to the point of beginning. Containing 79 square feet or 0.0018 acres, more or less.

and:

Commencing at aforementioned point 'B'; thence south 00°44'15" west, along the west line of the southeast quarter of said northeast quarter and to, along, and extending the west line of MCCASLIN ESTATES, a subdivision in said city of Kansas City, 385.25 feet to the north line of Barry Road; thence south 82°20'41" west, along the north line of Barry Road, 160.04 feet; thence north 05°14'13" west, departing the north line of Barry Road, 259.99 feet to the point of beginning; thence south 84°45'47"

ORDINANCE NO. 080448

west, 95.00 feet; thence north 05°14'13" west, 55.00 feet; thence north 84°45'47" east, 75.00 feet; thence north 05°14'13" west, 256.00 feet; thence south 84°45'47" west, 80.00 feet; thence north 05°14'13" west, 77.00 feet; thence north 84°45'47" east, 100.00 feet to a point hereinafter referred to as point 'C'; thence south 05°14'13" east, 388.00 feet to the point of beginning, containing 18,045 square feet or 0.4143 acres, more or less.

and:

Commencing at aforementioned point 'C'; thence north 05°14'13" west, 442.00 feet to the point of beginning; thence south 84°45'47" west, 70.00 feet; thence north 05°14'13" west, 76.00 feet; thence north 84°45'47" east, 70.00 feet; thence south 05°14'13" east, 76.00 feet to the point of beginning. Containing 5,320 square feet, more or less.

The four aforementioned tracts contain a total of 68,527 square feet or 1,573 acres, more or less.

Section 7. 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.

Section 8. That the street rights of way, temporary and storm drainage easements in the above described tract 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 Kansas City, Clay County, Missouri.

---

Approved as to form and legality:

---

Theodore T. Anderson  
Assistant City Attorney