

ORDINANCE NO. 080051

Condemning and taking private property in fee simple for public purposes of widening and improving E 87th Street, from approximately Denver Avenue to Newton Avenue, and acquiring additional land and easements for: right of way, storm drainage, retaining wall, and grading, and for temporary 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 Jackson County, Missouri.

WHEREAS, the Council finds that street right-of-ways, partial and total taking of property, along with storm drainage, grading, retaining wall, and temporary construction easements must be condemned for the purpose of locating, relocating, constructing and maintaining streets, retaining wall, storm sewers, channels and structures, and grades, slopes, and cutbacks in Kansas City, Jackson County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Condemnation of Street Right-of-Way, Permanent and Temporary Easements: That Street Right-of-Way, Storm Drainage Easements, Retaining Wall Easements, Grading Easements, and Temporary Construction Easements are hereby condemned and taken for public use for the location, construction, reconstruction, maintenance, operation and repair of streets, storm sewers and channels, grades, slopes, and cutbacks, in and upon the private lands hereinafter described, for Project Number 89008113, as 87th Street, from Denver Avenue to Newton Avenue, all in Kansas City, Jackson 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 Right-of-Ways, partial and total takes, along with the Permanent Access, Storm Drainage, Retaining Wall, and Grading Easements shall be used by Kansas City as the permanent location of the, street, retaining wall, storm

drainage, and grading 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 right-of-way, and easements for the purpose of constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

There shall be reserved to the owners of the land in which such Storm Drainage, and Grading 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.

Section 4. The Temporary Easements shall be used by Kansas City or its authorized agents, servants, employees or contractors during the construction for utility construction work, the storage of materials, the operation of equipment, and the movement of a working force, as well as, grading and sloping, and the removal and replacement of temporary structures (such as storage sheds, mail boxes, etc.), fencing, trees and shrubbery, sidewalks and driveways.

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 Public Works.

Section 5. The Street Right-of-Ways, partial and total takes, along with the Permanent Access, Storm Drainage, Grading, Retaining Wall, and Temporary Construction Easements are hereby condemned and taken for public use and hereby described as follows:

TRACT: 3 Grading Easement

A tract of land for Permanent Grading Easement purposes located in the southeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the northeast corner of the southeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the north line of said southeast quarter, a distance of 1682.86 feet; thence south 03 degrees 00 minutes 50 seconds west, along a line that is perpendicular to said north line, a distance of 94.10 feet to a point on the southerly right-of-

way line of 87th street, as established by Warranty Deed Document Number 2005K0025951, recorded on April 27, 2005 at the Jackson County, Missouri Recorder of Deeds Office in Kansas City, Missouri, and being the point of beginning; thence south 85 degrees 56 minutes 28 seconds west, a distance of 201.26 feet; thence north 83 degrees 28 minutes 53 seconds west, a distance of 160.75 feet; thence north 07 degrees 24 minutes 42 seconds east, a distance of 22.09 feet to a point on the southerly right-of-way line of said 87th street; thence southeasterly along said southerly right-of-way line and along a non-tangent curve to the left, having an initial tangent bearing of south 82 degrees 35 minutes 18 seconds east, a central angle of 04 degrees 21 minutes 43 seconds and a radius of 2365.00 feet, for an arc distance of 180.05 feet; thence south 86 degrees 57 minutes 01 seconds east, continuing along said southerly right-of-way line, a distance of 178.62 feet to the point of beginning.

The tract described above contains 6,107 square feet or 0.1402 acres, more or less.

TRACT: 16 Warranty Deed

A tract of land for Permanent Right-of-Way purposes located in Lots 2 and 3, inclusive, "GREEN VALLEY ACRES" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof and lying in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 794.04 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 38.82 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of lot 1, "JACKSON HILLS" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, and being the point of beginning; thence north 02 degrees 22 minutes 18 seconds east, along the east line of said Lot 1, "JACKSON HILLS", a distance of 26.18 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 135.62 feet to a point on the east line of said Lot 2, "GREEN VALLEY ACRES"; thence south 02 degrees 35 minutes 32 seconds west, along said east line of Lot 2, a distance of 26.21 feet to the southeast corner of said Lot 2, also being a point on the north right-of-way line of said 87th street; thence

north 86 degrees 58 minutes 15 seconds west, along said north right-of-way line of 87th street, a distance of 135.51 feet to the point of beginning.

The tract described above contains 3,551 square feet or 0.0815 acres, more or less.

TRACT: 16 Grading Easement

A tract of land for Permanent Grading Easement purposes located in Lots 2 and 3, inclusive, "GREEN VALLEY ACRES" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof and lying in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 794.04 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 38.82 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of Lot 1, "JACKSON HILLS" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence north 02 degrees 22 minutes 18 seconds east, along the east line of said Lot 1, "JACKSON HILLS", a distance of 26.18 feet to the point of beginning; thence continuing north 02 degrees 22 minutes 18 seconds east, along said east line, a distance of 40.00 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 135.77 feet to a point on the east line of said Lot 2, "GREEN VALLEY ACRES"; thence south 02 degrees 35 minutes 32 seconds west, along said east line of Lot 2, a distance of 40.00 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 135.62 feet to the point of beginning.

The tract described above contains 5,428 square feet or 0.1246 acres, more or less.

TRACT: 16 Temporary Construction Easement

A tract of land for Temporary Construction Easement purposes located in Lot 2, "GREEN VALLEY ACRES" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof and lying in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid

north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 658.52 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 38.79 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of said Lot 2, "GREEN VALLEY ACRES"; thence north 02 degrees 35 minutes 32 seconds east, along the east line of said Lot 2, a distance of 66.21 feet to the point of beginning; thence north 86 degrees 59 minutes 10 seconds west, a distance of 45.00 feet; thence north 17 degrees 33 minutes 50 seconds east, a distance of 77.42 feet to a point on the north line of said Lot 2; thence south 86 degrees 58 minutes 24 seconds east, along said north line of Lot 2, a distance of 25.00 feet to the northeast corner of said Lot 2; thence south 02 degrees 35 minutes 32 seconds west, along the east line of said Lot 2, a distance of 74.93 feet to the point of beginning.

The tract described above contains 2,623 square feet or 0.0602 acres, more or less.

TRACT: 22 Warranty Deed

A tract of land for Permanent Right-of-Way purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 498.53 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 38.74 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of said Lot 1, "GREEN VALLEY ACRES" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, and being the point of beginning; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said Lot 1, "GREEN VALLEY ACRES", a distance of 26.26 feet; thence south 86 degrees 59 minutes 10

seconds east, a distance of 68.00 feet to a point on the west line of Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence South 02 degrees 13 minutes 33 seconds west, along said west line, a distance of 26.28 feet to a point on the north right-of-way line of said 87th street; thence north 86 degrees 58 minutes 15 seconds west, along said north right-of-way line, a distance of 68.00 feet to the point of beginning.

The tract described above contains 1,786 square feet or 0.0410 acres, more or less.

TRACT: 22 Grading Easement

A tract of land for Permanent Grading Easement purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 498.53 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 38.74 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of said Lot 1, "GREEN VALLEY ACRES" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said Lot 1, "GREEN VALEEY ACRES", a distance of 26.26 feet to the point of beginning; thence continuing north 02 degrees 13 minutes 33 seconds east, along the east line of said Lot 1, "GREEN VALLEY ACRES", a distance of 34.95 feet; thence south 82 degrees 49 minutes 58 seconds east, a distance of 68.25 feet to a point on the west line of Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence south 02 degrees 13 minutes 33 seconds west, along said west line, a distance of 30.00 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 68.00 feet to the point of beginning.

The tract described above contains 2,208 square feet or 0.0507 acres, more or less;

Together with the following:

A tract of land for Permanent Grading Easement purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid

north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said northeast quarter, a distance of 240.41 feet; thence north 87 degrees 46 minutes 27 seconds west, along a line that is perpendicular to said east line, a distance of 30.00 feet to a point on the west right-of-way line of hillcrest road, as now established, and being the point of beginning; thence north 86 degrees 59 minutes 10 seconds west, a distance of 5.00 feet; thence north 02 degrees 13 minutes 33 seconds east, a distance of 97.23 feet; thence north 30 degrees 17 minutes 04 seconds west, a distance of 18.61 feet; thence north 02 degrees 13 minutes 33 seconds east, a distance of 32.89 feet; thence south 87 degrees 46 minutes 27 seconds east, a distance of 15.00 feet to a point on the west right-of-way line of said Hillcrest Road; thence south 02 degrees 13 minutes 33 seconds west, along said west right-of-way line, a distance of 145.88 feet to the point of beginning.

The tract described above contains 1,137 square feet or 0.0261 acres, more or less;

Total of both tracts is 3,345 square feet or 0.0768 acres, more or less.

TRACK: 22 Temporary Construction Easement

A tract of land for Temporary Construction Easement purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said northeast quarter, a distance of 240.41 feet; thence north 87 degrees 46 minutes 27 seconds west, along a line that is perpendicular to said east line, a distance of 30.00 feet to a point on the west right-of-way line of Hillcrest Road, as now established; thence north 86 degrees 59 minutes 10 seconds west, a distance of 5.00 feet to the point of beginning; thence continuing north 86 degrees 59 minutes 10 seconds west, a distance of 101.91 feet; thence north 03 degrees 00 minutes 50 seconds east, a distance of 37.31 feet; thence north 34 degrees 10 minutes 23 seconds east, a distance of 201.06 feet to a point on the west right-of-way line of said Hillcrest Road; thence south 02 degrees 13 minutes 33 seconds west,

along said west right-of-way line, a distance of 63.50 feet; thence north 87 degrees 46 minutes 27 seconds west, a distance of 15.00 feet; thence south 02 degrees 13 minutes 33 seconds west, a distance of 32.89 feet; thence south 30 degrees 17 minutes 04 seconds east, a distance of 18.61 feet; thence south 02 degrees 13 minutes 33 seconds west, a distance of 97.23 feet to the point of beginning.

The tract described above contains 11,995 square feet or 0.2754 acres, more or less.

TRACT: 23 Warranty Deed

A tract of land for Permanent Right-of-Way purposes located in Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof and lying in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 430.67 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 48.73 feet to a point on the north right-of-way line of 87th street, as now established, also being the southwest corner of said Lot 1, "SUN AND SWIM POOL ADDITION", and being the point of beginning; thence north 02 degrees 13 minutes 33 seconds east, along the west line of said Lot 1, "SUN AND SWIM POOL ADDITION", a distance of 16.28 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 200.00 feet to a point on the east line of said Lot 1, "SUN AND SWIM POOL ADDITION"; thence south 02 degrees 13 minutes 33 seconds west, along said east line, a distance of 16.33 feet to the southeast corner of said Lot 1, "SUN AND SWIM POOL ADDITION", also being a point on the north right-of-way line of said 87th street; thence north 86 degrees 58 minutes 15 seconds west, along said north right-of-way line, a distance of 200.00 feet to the point of beginning.

The tract described above contains 3,260 square feet or 0.0748 acres, more or less.

TRACT: 23 Grading Easement

A tract of land for Permanent Grading Easement purposes located in Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof and lying in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 230.67 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 48.67 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of said Lot 1, "SUN AND SWIM POOL ADDITION"; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said Lot 1, "SUN AND SWIM POOL ADDITION", a distance of 16.33 feet to the point of beginning; thence north 86 degrees 59 minutes 10 seconds west, a distance of 76.51 feet; thence north 03 degrees 00 minutes 50 seconds east, a distance of 6.64 feet; thence north 74 degrees 49 minutes 37 seconds east, a distance of 80.08 feet to a point on the east line of said Lot 1, "SUN AND SWIM POOL ADDITION"; thence south 02 degrees 13 minutes 33 seconds west, along said east line, a distance of 31.64 feet to the point of beginning.

The tract described above contains 1,463 square feet or 0.0336 acres, more or less.

TRACT: 23 Temporary Construction Easement

A tract of land for Temporary Construction Easement purposes located in Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof and lying in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578;

thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 430.67 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 48.73 feet to a point on the north right-of-way line of 87th street, as now established, also being the southwest corner of said Lot 1, "SUN AND SWIM POOL ADDITION"; thence north 02 degrees 13 minutes 33 seconds east, along the west line of said Lot 1, "SUN AND SWIM POOL ADDITION", a distance of 31.28 feet to the point of beginning; thence continuing north 02 degrees 13 minutes 33 seconds east, along said west line, a distance of 25.00 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 129.04 feet; thence south 03 degrees 00 minutes 50 seconds west, a distance of 31.72 feet; thence south 74 degrees 49 minutes 37 seconds west, a distance of 5.26 feet; thence south 03 degrees 00 minutes 50 seconds west, a distance of 6.64 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 30.00 feet; thence north 03 degrees 00 minutes 50 seconds east, a distance of 15.00 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 93.69 feet to the point of beginning.

The tract described above contains 3,709 square feet or 0.0851 acres, more or less.

TRACT: 23 Retaining Wall Easement

A tract of land for Permanent Retaining Wall Easement purposes located in Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof and lying in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 430.67 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 48.73 feet to a point on the north right-of-way line of 87th street, as now established, also being the southwest corner of said Lot 1, "SUN AND SWIM POOL ADDITION"; thence north 02 degrees 13 minutes 33 seconds east, along the west line of said Lot 1, "SUN AND SWIM POOL ADDITION", a distance of 16.28 feet to the point of beginning; thence continuing north 02 degrees 13 minutes 33 seconds east, along said west line, a distance of 15.00 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 93.69 feet; thence south

03 degrees 00 minutes 50 seconds west, a distance of 15.00 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 93.49 feet to the point of beginning.

The tract described above contains 1,404 square feet or 0.0322 acres, more or less.

TRACT: 24 Warranty Deed

A tract of land for Permanent Right-of-Way purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said northeast quarter, a distance of 240.41 feet; thence north 87 degrees 46 minutes 27 seconds west, along a line that is perpendicular to said east line, a distance of 30.00 feet to a point on the west right-of-way line of Hillcrest Road, as now established, and being the point of beginning; thence south 02 degrees 13 minutes 33 seconds west, along said west right-of-way line, a distance of 201.38 feet to a point on the north right-of-way line of 87th street, as now established; thence north 86 degrees 58 minutes 15 seconds west, along said north right-of-way line, a distance of 200.00 feet; thence north 02 degrees 13 minutes 33 seconds east, a distance of 26.33 feet to a point on the east line of Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence south 86 degrees 59 minutes 10 seconds east, a distance of 150.94 feet; thence north 65 degrees 35 minutes 38 seconds east, a distance of 43.69 feet; thence north 02 degrees 13 minutes 33 seconds east, a distance of 154.87 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 10.00 feet to the point of beginning.

The tract described above contains 7,414 square feet or 0.1702 acres, more or less.

TRACT: 24 Storm Drainage Easement

A tract of land for Permanent Drainage Easement purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid

north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 230.67 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 48.67 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said Lot 1, "SUN AND SWIM POOL ADDITION", a distance of 75.64 feet to the point of beginning; thence north 72 degrees 48 minutes 06 seconds east, a distance of 15.00 feet; thence south 17 degrees 11 minutes 54 seconds east, a distance of 68.72 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 15.98 feet; thence north 17 degrees 11 minutes 54 seconds west, a distance of 63.20 feet to the point of beginning.

The tract described above contains 989 square feet or 0.0227 acres, more or less.

TRACT: 24 Grading Easement

A tract of land for Permanent Grading Easement purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 86 degrees 59 minutes 10 seconds west, along the south line of said northeast quarter, a distance of 230.67 feet; thence north 03 degrees 00 minutes 50 seconds east, along a line that is perpendicular to said south line, a distance of 48.67 feet to a point on the north right-of-way line of 87th street, as now established, also being the southeast corner of Lot 1, "SUN AND SWIM POOL ADDITION" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said Lot 1, "SUN AND SWIM POOL ADDITION", a distance of 16.33 feet to the point of beginning; thence continuing north 02 degrees 13

minutes 33 seconds east, along the east line of said Lot 1, "SUN AND SWIM POOL ADDITION", a distance of 59.31 feet; thence south 17 degrees 11 minutes 54 seconds east, a distance of 63.20 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 21.02 feet to the point of beginning.

The tract described above contains 623 square feet or 0.0143 acres, more or less.

TRACT: 24 Temporary Easement

A tract of land for Temporary Construction Easement purposes located in the northeast quarter of Section 23, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of Section 23, Township 48 north, Range 33 west, being a found 5/8 inch iron bar in monument box, per certified land record document number 600-64578; thence north 02 degrees 13 minutes 33 seconds east, along the east line of said northeast quarter, a distance of 240.41 feet; thence north 87 degrees 46 minutes 27 seconds west, along a line that is perpendicular to said east line, a distance of 30.00 feet to a point on the west right-of-way line of Hillcrest Road, as now established; thence north 86 degrees 59 minutes 10 seconds west, a distance of 15.00 feet to the point of beginning; thence south 02 degrees 13 minutes 33 seconds west, a distance of 102.26 feet; thence south 20 degrees 48 minutes 57 seconds west, a distance of 34.37 feet; thence south 66 degrees 26 minutes 55 seconds west, a distance of 44.72 feet; thence north 86 degrees 59 minutes 10 seconds west, a distance of 103.85 feet; thence north 17 degrees 11 minutes 54 seconds west, a distance of 47.41 feet; thence north 72 degrees 48 minutes 06 seconds east, a distance of 15.00 feet; thence south 17 degrees 11 minutes 54 seconds east, a distance of 42.28 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 48.74 feet; thence north 03 degrees 00 minutes 50 seconds east, a distance of 144.98 feet; thence south 86 degrees 59 minutes 10 seconds east, a distance of 91.91 feet to the point of beginning.

The tract described above contains 14,829 square feet or 0.3404 acres, more or less.

TRACT: 32 Warranty Deed

A tract of land for **Permanent Right-of-Way** purposes located in Tract 1, "BENJAMIN ACRES SECOND PLAT" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, and lying in the southwest quarter of Section 24, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the northeast corner of the southwest quarter of Section 24, Township 48n, Range 33 west, being a found 1/2 inch iron bar, per certified land record document number 600-48677; thence north 86 degrees 46 minutes 29 seconds west, along the north line of said southwest quarter, a distance of 1314.82 feet; thence south 03 degrees 13 minutes 31 seconds west, along a line that is perpendicular to said north line, a distance of 50.00 feet to a point on the south right-of-way line of 87th street, as now established, also being the northeast corner of said Tract 1, "BENJAMIN ACRES SECOND PLAT" and being the point of beginning; thence south 03 degrees 11 minutes 34 seconds west, along the east line of said Tract 1, a distance of 15.00 feet; thence north 86 degrees 46 minutes 29 seconds west, a distance of 242.74 feet to a point on the easterly right-of-way line of U.S. Interstate I-435, as now established; thence north 57 degrees 00 minutes 07 seconds east, along said easterly right-of-way line, a distance of 4.89 feet; thence north 84 degrees 09 minutes 12 seconds east, continuing along said easterly right-of-way line, a distance of 76.80 feet to a point on the south right-of-way line of said 87th street; thence south 86 degrees 46 minutes 29 seconds east, along said south right-of-way line, a distance of 162.95 feet to the point of beginning.

The tract described above contains 3,128 square feet or 0.0718 acres, more or less.

TRACT: 32 Temporary Easement

A tract of land for Temporary Construction Easement purposes located in Tract 1, "BENJAMIN ACRES SECOND PLAT" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, and lying in the southwest quarter of Section 24, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the northeast corner of the southwest quarter of Section 24, Township 48 north, Range 33 west, being a found 1/2 inch iron bar,

per certified land record document number 600-48677; thence north 86 degrees 46 minutes 29 seconds west, along the north line of said southwest quarter, a distance of 1557.55 feet; thence south 03 degrees 13 minutes 31 seconds west, along a line that is perpendicular to said north line, a distance of 65.00 feet to a point on the easterly right-of-way line of U.S. Interstate I-435, as now established, also being the point of beginning; thence south 86 degrees 46 minutes 29 seconds east, a distance of 25.63 feet; thence south 03 degrees 13 minutes 31 seconds west, a distance of 10.00 feet; thence north 86 degrees 46 minutes 29 seconds west, a distance of 39.28 feet to a point on said easterly right-of-way line of U.S. Interstate I-435; thence north 57 degrees 00 minutes 07 seconds east, along said easterly right-of-way line, a distance of 16.92 feet to the point of beginning.

The tract described above contains 325 square feet or 0.0075 acres, more or less.

TRACT: 33 Temporary Easement

A tract of land for Temporary Construction Easement purposes located in Lot 2, "87th STREET GARDENS" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, and lying in the northwest quarter of Section 24, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northwest quarter of Section 24, Township 48 north, Range 33 west, being a found 1/2 inch iron bar, per certified land record document number 600-48677; thence north 86 degrees 46 minutes 29 seconds west, along the south line of said northwest quarter, a distance of 1538.98 feet; thence north 03 degrees 13 minutes 31 seconds east, along a line that is perpendicular to said south line, a distance of 63.05 feet to a point on the easterly right-of-way line of U.S. Interstate I-435, as now established, also being the southeast corner of said lot 2, "87th STREET GARDENS" and being the point of beginning; thence north 79 degrees 39 minutes 39 seconds west, along said easterly right-of-way line, a distance of 10.10 feet; thence north 02 degrees 25 minutes 51 seconds east, a distance of 22.71 feet; thence south 86 degrees 46 minutes 29 seconds east, a distance of 10.00 feet to a point on the east line of said Lot 2; thence south 02 degrees 25 minutes 51 seconds west, along said east line of Lot 2, a distance of 23.96 feet to the point of beginning.

The tract described above contains 233 square feet or 0.0053 acres, more or less.

TRACT: 34 Temporary Easement

A tract of land for Temporary Construction Easement purposes located in Lot 1a, "87th STREET GARDENS REPLAT OF LOT 1" a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, and lying in the northwest quarter of Section 24, Township 48 north, Range 33 west, in Kansas City, Jackson County, Missouri, bearings are referenced to grid north of the Missouri State Plane Coordinate System, 1983, west zone, and more particularly described as follows:

Commencing at the southeast corner of the northwest quarter of Section 24, Township 48 north, Range 33 west, being a found 1/2 inch iron bar, per certified land record document number 600-48677; thence north 86 degrees 46 minutes 29 seconds west, along the south line of said northwest quarter, a distance of 1538.98 feet; thence north 03 degrees 13 minutes 31 seconds east, along a line that is perpendicular to said south line, a distance of 63.05 feet to a point on the easterly right-of-way line of U.S. Interstate I-435, as now established, also being the southwest corner of said Lot 1a, "87th STREET GARDENS REPLAT OF LOT 1" and being the point of beginning; thence north 02 degrees 25 minutes 51 seconds east, along the west line of said Lot 1a, a distance of 23.96 feet; thence south 86 degrees 46 minutes 29 seconds east, a distance of 60.01 feet; thence south 02 degrees 25 minutes 51 seconds west, a distance of 31.46 feet to a point on said easterly right-of-way line of U.S. Interstate I-435; thence north 79 degrees 39 minutes 39 seconds west, along said easterly right-of-way line, a distance of 60.58 feet to the point of beginning.

The tract described above contains 1,662 square feet or 0.0382 acres, more or less.

Section 6. That just compensation for the property taken or damaged 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 Jackson County, Missouri, pursuant to the provisions of Chapter 523 of the Revised Statutes of Missouri, 1994, 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 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 in widening said street certain public utility corporation easements may be included within the boundaries of the lands acquired for permanent easements described herein, and in that regard Kansas City reserves unto such public utility corporations the right to keep and maintain such physical improvements as are presently located within such easements in conformance with the street improvement to be made by the City. Where no such physical improvements are presently located within such easements, said corporations shall have the right to locate, construct and maintain their respective improvements, subject, however, to the rights acquired herein by the City to construct and maintain the street improvements within the limits of the said lands acquired for permanent easements described herein, and in conformance with the re-established grade of the street improvements.

Section 9. That the Street Right of Ways, partial and total takes, along with the Storm Drainage, Grading, Retaining Wall, and Temporary Construction Easements in the above described tracts be condemned and conveyed to Kansas City, Missouri.

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 Kansas City, Jackson County, Missouri.

Approved as to form and legality:

Theodore T. Anderson
Assistant City Attorney