

ORDINANCE NO. 180077

Authorizing condemnation and taking of private property interests for public use for Street Right of Way purposes and for Retaining Wall, Storm Drainage, and Temporary Construction Easements, for the construction, location and maintenance of the “N.E. 104th Street Improvements – Phase IIA”, Project No. 89008535, from a point +/- 2,500 feet east of the intersection of Missouri Route 291 and N.E. 104th Street (9600 N.E. 104th Street), east to N. Church Road, in Kansas City, Clay County, Missouri; providing for the payment of just compensation therefore; authorizing continued negotiations and purchase by the Director of the Department of Public Works; authorizing the filing of the petition for condemnation by the City Attorney on behalf of the City; and directing the City Clerk to record this ordinance in the office of the Recorder of Deeds for Clay County, Missouri.

WHEREAS, the Council finds that the property interests herein described must be condemned for public use for the “N.E. 104th Street Improvements – Phase IIA” project in Kansas City, Clay County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY, MISSOURI:

Section 1. That the property interests herein described are hereby authorized condemned and taken for public use in and upon the land hereinafter described for Project No. 89008535, “N.E. 104th Street Improvements – Phase IIA”, including any necessary structures or appurtenances, all 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 Director of the Department of Public Works, the same being on file in the Office of the Director of the Department of Public Works, and being incorporated herein by reference.

Section 3. That the properties obtained by condemnation shall be used by the City of Kansas City, Missouri as street right of way and easements for the location of improvements and utilities to be constructed therein including any necessary appurtenances to it; and Kansas City or its authorized agents, employees or independent contractors, and with Kansas City, Missouri’s permission, utility companies franchised to operate in Kansas City, Missouri and their authorized agents, employees or independent contractors, shall have the right to enter in or authorize the entry in and upon said properties for the purpose of constructing, reconstructing, maintaining, operating and repairing the following said improvements and utilities:

Street Right of Way

The Street Right of Way shall be taken and used by Kansas City, Missouri for the location, construction and maintenance of N.E. 104th Street and associated improved intersections, drive approaches and infrastructure to be constructed therein, including any

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necessary appurtenances thereto; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said right of way for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

Retaining Wall Easement

The Retaining Wall Easement shall be used by the City of Kansas City, Missouri for the location, construction and maintenance of retaining walls and associated improved infrastructure to be constructed therein, including any necessary appurtenances thereto; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said easement for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

While nothing in the acquisition of this easement through eminent domain shall be construed so as to grant any right to the City which shall in any way interfere with the safe and unrestricted use by property owner or owners of the land adjacent to and above said easement, the property owner or owners 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 easement and specifically shall not build thereon or there over any structure which may interfere with the maintenance and use of said retaining wall.

Storm Drainage Easement

The Storm Drainage Easements shall be used by the City of Kansas City, Missouri for the location, construction and maintenance of storm drainage systems and associated improved infrastructure to be constructed therein, including any necessary appurtenances thereto for the purpose of managing storm water runoff; and Kansas City, Missouri shall have the right to enter in or authorize the entry in and upon said Storm Drainage Easements for the purpose of locating, constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

By the condemning of private property for this easement, it shall not be construed to prohibit the landowner of said condemned property from the safe and unrestricted use of the land adjacent to and above said Storm Drainage Easements; provided, however, said easement shall be kept free from any structure or obstruction as would interfere with the proper, safe and continuous operation and maintenance of said drainage facilities and specifically shall not build thereon or there over any structure which may interfere with the operation, maintenance and use thereof.

Temporary Construction Easement

The Temporary Construction Easements shall be used by the City of Kansas City, Missouri or its authorized agents, servants, employees, or independent contractors, during the construction of said project, for grading and sloping, removal of trees and shrubbery, removal and replacement of fencing, sidewalks and driveways, utility construction work,

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the storage of materials, the operation of equipment, and the movement of a working force.

The City of Kansas City, Missouri 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 the City or its agents entered upon it, and said temporary construction easement shall terminate three (3) years from the date this document is recorded by the Recorder of Deeds in the county in which the lands are located, or upon completion and acceptance of the improvements by the Director of Department of Public Works.

Section 4. That said property interests are hereby authorized condemned and taken for public use and are described as follows:

Tract No. 1

Temporary Construction Easement (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southeast Quarter of Section 26, Township 52 North, Range 32 West of the Fifth Principal Meridian, all being situated in Kansas City, Clay County, Missouri and more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 26; thence South 89 degrees 32 minutes 57 seconds East along the South line of said Southeast Quarter a distance of 1316.64 feet to the Southwest corner of the East Half of said Southeast Quarter; thence North 00 degrees 22 minutes 03 seconds East along the West line of said East Half a distance of 40.00 feet to a point on the North Right of Way Line of NE. 104th Street; said point being the point of beginning; thence continuing North 00 degrees 22 minutes 03 seconds East along said West line a distance of 70.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 142.02 feet; thence North 00 degrees 27 minutes 03 seconds East a distance of 30.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 100.00 feet; thence South 00 degrees 27 minutes 03 seconds West a distance of 50.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 319.44 feet; thence South 00 degrees 25 minutes 59 seconds West a distance of 50.00 feet to a point on the North right of way line of NE 104th Street; thence North 89 degrees 32 minutes 57 seconds West along said right of way a distance of 561.38 feet to the point of beginning. Containing: 35,911 Square Feet or 0.82 Acres.

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Tract No. 2

Right of Way:

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southeast Quarter of Section 26, Township 52 North, Range 32 West of the Fifth Principal Meridian, all being situated in Kansas City, Clay County, Missouri and more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 26; thence South 89 degrees 32 minutes 57 seconds East along the South line of said Southeast Quarter a distance of 1877.97 feet; thence North 00 degrees 27 minutes 03 seconds East a distance of 20.00 feet to the point of beginning; thence North 00 degrees 25 minutes 59 seconds East a distance of 20.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 220.00 feet; thence South 00 degrees 25 minutes 59 seconds West a distance of 20.00 feet; thence North 89 degrees 32 minutes 57 seconds West a distance of 220.00 feet to the point of beginning. Containing: 4,400 Square Feet or 0.101 Acres.

Temporary Construction Easement (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southeast Quarter of Section 26, Township 52 North, Range 32 West of the Fifth Principal Meridian, all being situated in Kansas City, Clay County, Missouri and more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 26; thence South 89 degrees 32 minutes 57 seconds East along the South line of said Southeast Quarter a distance of 1877.97 feet; thence North 00 degrees 27 minutes 03 seconds East a distance of 40.00 feet to the point of beginning; thence North 00 degrees 25 minutes 59 seconds East a distance of 30.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 116.02 feet; thence North 49 degrees 10 minutes 20 seconds East a distance of 20.21 feet; thence North 00 degrees 27 minutes 03 seconds East a distance of 44.41 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 40.00 feet; thence South

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00 degrees 27 minutes 03 seconds West a distance of 47.74 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 48.79 feet; thence South 00 degrees 25 minutes 59 seconds West a distance of 40.00 feet; thence North 89 degrees 32 minutes 57 seconds West a distance of 220.00 feet to the point of beginning. Containing: 9,499 Square Feet, or 0.218 Acres.

Tract No. 3

Temporary Construction Easement (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southeast Quarter of Section 26, Township 52 North, Range 32 West of the Fifth Principal Meridian, all being situated in Kansas City, Clay County, Missouri and more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of said Section 26; thence North 00 degrees 29 minutes 54 seconds East along the East Line of said Southeast Quarter a distance of 40.00 feet to a point on the North Right of way of ne 104th street, said point being the POINT OF BEGINNING; thence North 89 degrees 32 minutes 57 seconds West along said right of way a distance of 535.35 feet; thence North 00 degrees 25 minutes 59 seconds East a distance of 40.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 19.56 feet; thence South 00 degrees 27 minutes 03 seconds West a distance of 5.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 515.83 feet to a point on the East line of said Southeast Quarter; thence South 00 degrees 29 minutes 54 seconds West along said East line a distance of 35.00 feet to the point of beginning. Containing: 18,836 Square Feet or 0.43 Acres.

Tract No. 4

Right of Way:

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southwest Quarter of Section 25, Township 52 North, Range 32 West of the Fifth Principal Meridian, all being situated in Kansas City, Clay County, Missouri and more particularly described as follows:

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Commencing at the Southwest corner of the Southwest Quarter of said Section 25; thence North 00 degrees 29 minutes 54 seconds East along the West Line of said Southwest Quarter a distance of 20.00 feet to a point on the North Right of Way of NE. 104th Street, said point being the point of beginning; thence continuing along said West line North 00 degrees 29 minutes 54 seconds East a distance of 20.00 feet; thence South 89 degrees 28 minutes 36 seconds East a distance 1321.82 feet; thence South 00 degrees 29 minutes 18 seconds West a distance 20.00 feet to a point on the North Right of Way of NE. 104th Street; thence North 89 degrees 28 minutes 36 seconds West along said right of way a distance of 1321.83 feet to the point of beginning. Containing: 26,436 Square Feet or 0.607 Acres.

Storm Drainage Easement:

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southwest Quarter of Section 25, Township 52 North, Range 32 West, situated in Kansas City, Clay County Missouri and being more particularly described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence North 00 degrees 29 minutes 54 seconds East along the West line thereof a distance of 40.00 feet; thence departing said West line South 89 degrees 28 minutes 36 seconds east a distance of 82.38 feet to the POINT OF BEGINNING; thence North 00 degrees 31 minutes 24 seconds East a distance of 100.00 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 84.15 feet; thence South 01 degrees 05 minutes 41 seconds East a distance of 100.04 feet; thence North 89 degrees 28 minutes 36 seconds West a distance of 86.98 feet to the point of beginning. Containing: 8,577 Square Feet or 0.197 Acres.

Temporary Construction Easement (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southwest Quarter of Section 25, Township 52 North, Range 32 West of the Fifth Principal Meridian, all being situated in Kansas City, Clay County, Missouri and more particularly described as follows:

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Commencing at the Southwest corner of the Southwest Quarter of said Section 25; thence North 00 degrees 29 minutes 54 seconds East along the West Line of said Southwest Quarter a distance of 40.00 feet to a point on the North Right of Way of NE. 104th Street, said point being the point of beginning; thence continuing along said West line North 00 degrees 29 minutes 54 seconds East a distance of 65.00 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 182.55 feet; thence South 01 degrees 05 minutes 41 seconds East a distance of 10.00 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 170.40 feet; thence North 00 degrees 31 minutes 24 seconds East a distance of 9.46 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 44.34 feet; thence South 00 degrees 31 minutes 24 seconds West a distance 9.46 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 115.75 feet; thence North 00 degrees 31 minutes 24 seconds East a distance of 63.09 feet; thence North 87 degrees 49 minutes 46 seconds East a distance 80.09 feet; thence South 00 degrees 31 minutes 24 seconds West a distance of 61.85 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 195.88 feet; thence North 00 degrees 31 minutes 24 seconds East a distance of 21.10 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 40.73 feet; thence South 00 degrees 31 minutes 24 seconds West a distance 21.10 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 109.12 feet; thence North 00 degrees 31 minutes 24 seconds East a distance of 10.00 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 120.00 feet; thence South 00 degrees 31 minutes 24 seconds West a distance 10.00 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 262.75 feet; thence South 00 degrees 29 minutes 18 seconds West a distance 60.00 feet to a point on the North Right of Way of NE. 104th Street; thence North 89 degrees 28 minutes 36 seconds West along said right of way a distance of 1321.82 feet to the point of beginning. Containing: 85,846 Square Feet or 1.971 Acres.

Tract No. 5

Permanent Retaining Wall Easement:

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of Tract B, Manderley, a subdivision in Kansas City, Clay County, Missouri according to the recorded plat thereof, being more particularly described as follows:

Commencing at the Southeast corner of said Tract B; thence North 89 degrees 28 minutes 36 seconds West along the South line thereof a

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distance of 502.11 feet to the point of beginning; thence continuing along said South line North 89 degrees 28 minutes 36 seconds West a distance of 258.88 feet; thence along a curve to the right with a radius of 25.00 feet a central angle of 47 degrees 09 minutes 23 seconds and an arc length of 20.58 feet; thence departing said South line South 89 degrees 28 minutes 36 seconds East a distance of 277.22 feet; thence South 00 degrees 31 minutes 24 seconds West a distance of 8.00 feet to the point of beginning. Containing: 2,172 Square Feet or 0.05 Acres.

Storm Drainage Easement (No. 1):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of Tract B, Manderley, a subdivision in Kansas City, Clay County, Missouri according to the recorded plat thereof, being more particularly described as follows:

Commencing at the Southeast corner of said Tract B; thence North 89 degrees 28 minutes 36 seconds West along the South line thereof a distance of 743.01 feet to the point of beginning; thence continuing along said South line North 89 degrees 28 minutes 36 seconds West a distance of 17.98 feet; thence along a curve to the right with a radius of 25.00 feet a central angle of 08 degrees 11 minutes 30 seconds and an arc length of 3.57 feet; thence departing said South line North 14 degrees 08 minutes 49 seconds East a distance of 42.09 feet; thence South 75 degrees 51 minutes 11 seconds East a distance of 21.00 feet; thence South 14 degrees 08 minutes 49 seconds West a distance of 37.26 feet to the point of beginning. Containing: 836 Square Feet or 0.019 Acres.

Storm Drainage Easement (No. 2):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of Tract A, Manderley, a subdivision in Kansas City, Clay County, Missouri according to the recorded plat thereof, being more particularly described as follows:

Beginning at the Southwest Corner of Tract A; thence North 00 degrees 29 minutes 18 seconds East along the West Line thereof a distance of 54.91 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 204.38 feet; thence South 42 degrees 32 minutes 20 seconds East a distance of 75.15 feet to a point on the North Right of Way Line of NE.

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104th Street; thence North 89 degrees 28 minutes 36 seconds West along said North right of way a distance of 255.66 feet to the point of beginning. Containing: 12,630 Square Feet or 0.290 Acres.

Temporary Construction Easement (No. 1) (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of Tract B, Manderley, a subdivision in Kansas City, Clay County, Missouri according to the recorded plat thereof, being more particularly described as follows:

Beginning at the Southeast corner of said Tract B; thence North 89 degrees 28 minutes 36 seconds West along the South line thereof a distance of 760.99 feet; thence along a curve to the right with a radius of 25.00 feet a central angle of 89 degrees 58 minutes 48 seconds and an arc length of 39.26 feet to the West line of said Tract B; thence North 00 degrees 30 minutes 12 seconds East along said West line a distance of 26.82 feet; thence departing said West line South 89 degrees 28 minutes 36 seconds East a distance of 63.87 feet; thence South 00 degrees 31 minutes 24 seconds West a distance of 31.81 feet; thence North 81 degrees 18 minutes 32 seconds East a distance of 211.08 feet; thence South 69 degrees 43 minutes 12 seconds East a distance of 18.58 feet; thence South 80 degrees 58 minutes 46 seconds East a distance of 186.25 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 250.11 feet; thence North 12 degrees 52 minutes 39 seconds East a distance of 21.45 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 57.35 feet to the East line of said Tract B; thence South 00 degrees 28 minutes 42 seconds West along said East line a distance of 40.95 feet to the point of beginning. Containing: 25,459 Square Feet or 0.584 Acres.

Temporary Construction Easement (No. 2) (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of Tract A, Manderley, a subdivision in Kansas City, Clay County, Missouri according to the recorded plat thereof, being more particularly described as follows:

Commencing at the Southwest Corner of Tract A; thence South 89 degrees 28 minutes 36 seconds East along the South Line thereof, said line also being the North Right of Way Line of NE. 104th Street, a distance of

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255.66 feet to the point of beginning; thence North 42 degrees 32 minutes 20 seconds West a distance of 13.69 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 191.52 feet; thence North 00 degrees 30 minutes 12 seconds East a distance of 24.54 feet; thence South 89 degrees 28 minutes 36 seconds East a distance of 10.00 feet to a point on the West Right of Way Line of N. Willow Ave.; thence South 00 degrees 30 minutes 12 seconds West long said right of way line a distance of 9.53 feet; thence along a curve to the right with a radius of 25.00 feet, a central angle of 90 degrees 01 minutes 12 seconds and an arc length of 39.28 feet; thence North 89 degrees 28 minutes 36 seconds West a distance of 167.17 feet to the point of beginning. Containing: 2,080 Square Feet or 0.048 Acres.

Tract No. 9

Right of Way:

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southeast Quarter of Section 25, Township 52 North, Range 32 West of the Fifth Principal Meridian, situated in Kansas City, Clay County, Missouri and being more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence North 89 degrees 31 minutes 22 seconds West along the South line of said Southeast Quarter a distance of 721.67 feet; thence North 00 degrees 28 minutes 48 seconds East a distance of 25.00 feet to the North right-of-way line of N.E. 104th Street as now established and the point of beginning; thence continuing North 00 degrees 28 minutes 48 seconds East a distance of 15.00 feet; thence South 89 degrees 31 minutes 22 seconds East, 40 feet North of and parallel with the South line of said Southeast Quarter for a distance of 218.50 feet; thence South 00 degrees 28 minutes 37 seconds West a distance of 15.00 feet to said North right-of-way line; thence North 89 degrees 31 minutes 22 seconds West along said right-of-way line a distance of 218.50 feet to the point of beginning. Containing: 3,278 Square Feet or 0.075 Acres.

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Tract No. 10

Right of Way:

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Southeast Quarter of Section 25, Township 52 North, Range 32 West of the Fifth Principal Meridian, situated in Kansas City, Clay County, Missouri and being more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence North 89 degrees 31 minutes 22 seconds West along the South line of said Southeast Quarter a distance of 503.17 feet; thence North 00 degrees 28 minutes 37 seconds East a distance of 20.00 feet to the North right-of-way line of NE 104th Street as now established and the point of beginning; thence continuing North 00 degrees 28 minutes 37 seconds East a distance of 20.00 feet; thence South 89 degrees 31 minutes 22 seconds East, 40 feet North of and parallel with the South line of said Southeast Quarter for a distance of 203.10 feet; thence South 00 degrees 22 minutes 35 seconds West a distance of 20.00 feet to said North right-of-way line; thence North 89 degrees 31 minutes 22 seconds West along said right-of-way line a distance of 203.13 feet to the point of beginning. Containing: 4,062 Square Feet or 0.093 Acres.

Tract No. 13

Temporary Construction Easement (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of Lot 350, Amber Meadows-Sixth Plat, a subdivision in Kansas City, Clay County, Missouri according to the recorded plat thereof, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 350; thence North 89 degrees 28 minutes 36 seconds West along the North line thereof a distance of 26.87 feet to the point of beginning; thence departing said North line South 34 degrees 20 minutes 46 seconds West a distance of 113.33 feet to the West line of said Lot 350; thence North 00 degrees 31 minutes 24 seconds East along said West line a distance of 54.15 feet; thence along a curve to the right with a radius of 40.00 feet a central angle of 90 degrees 00 minutes 00 seconds and an arc length of 62.83 feet to the

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North line of said Lot 350; thence South 89 degrees 28 minutes 36 seconds East along said North line a distance of 23.08 feet to the point of beginning. Containing: 2,626 Square Feet or 0.06 Acres.

Tract No. 16

Temporary Construction Easement (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of Lot 453, Amber Lakes-Fourth Plat, a subdivision in Kansas City, Clay County, Missouri according to the recorded plat thereof being more particularly described as follows:

Commencing at the Northwest corner of said Lot 453; South 89 degrees 28 minutes 36 seconds East along the North line thereof a distance of 58.63 feet; thence departing said North line South 00 degrees 31 minutes 24 seconds West a distance of 5.00 feet to the point of beginning; thence South 89 degrees 28 minutes 36 seconds East a distance of 25.90 feet to the East line of said Lot 453; thence along said East line on a curve to the right whose initial tangent bears South 16 degrees 04 minutes 41 seconds East with a radius of 35.00 feet a central angle of 16 degrees 36 minutes 06 seconds and an arc length of 10.14 feet; thence South 00 degrees 31 minutes 24 seconds West a distance of 26.33 feet; thence departing said East line North 36 degrees 27 minutes 38 seconds West a distance of 45.48 feet to the point of beginning. Containing: 492 Square Feet or 0.011 Acres.

Tract No. 18

Temporary Construction Easement (3 year duration):

Bearings herein are grid bearings based on the Missouri State Plane Coordinate System of 1983 (NAD-83) West Zone, with an adjustment date of 2003.

All that part of the Northeast Quarter of Section 35, Township 52 North, Range 32 West of the Fifth Principal Meridian, all being situated in Kansas City, Clay County, Missouri and more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 35; thence South 00 degrees 16 minutes 37 seconds West along the East Line of said Northeast Quarter a distance of 40.00 feet to a point

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on the South Right of Way of NE. 104th Street, said point being the point of beginning; thence continuing South 00 degrees 16 minutes 37 seconds West along said East line a distance of 20.00 feet; thence North 89 degrees 32 minutes 57 seconds West a distance of 510.50 feet; thence South 00 degrees 27 minutes 03 seconds West a distance of 75.00 feet; thence North 89 degrees 32 minutes 57 seconds West a distance of 210.00 feet; thence North 00 degrees 27 minutes 03 seconds East a distance of 55.00 feet; thence South 89 degrees 32 minutes 57 seconds East a distance of 15.00 feet; thence North 00 degrees 27 minutes 03 seconds East a distance of 40.00 feet to a point on the South Right of Way Line of NE. 104th Street; thence South 89 degrees 32 minutes 57 seconds East along said South right of way line a distance of 705.44 feet to the point of beginning. Containing: 29,559 Square Feet or 0.68 Acres.

Section 5. That just compensation for the property interests taken 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 Clay County, Missouri, pursuant to the provisions of Chapter 523 of the Revised Statutes of Missouri, 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, or to be appropriated, for such purposes.

Section 6. That pending the acquisition of said lands by condemnation, the Director of the Department of Public Works is hereby authorized to negotiate the purchase of said land and pay for them out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by negotiation and purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

Section 7. That said tracts and interests be condemned and conveyed to Kansas City, Missouri.

Section 8. 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:

Matthew Cooper
Assistant City Attorney