

ORDINANCE NO. 050366

Condemning and taking an additional private property in fee simple for public use for the construction of a downtown arena; providing for the payment of just compensation therefore; authorizing negotiations for purchase by the Acting Director of City Development or his authorized designee; and authorizing the City Attorney, or his designee, to file condemnation proceedings.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

WHEREAS, on August 3, 2004, the voters of the City of Kansas City, Missouri, authorized increases in the business license fees paid both by hotels, motels and tourist courts and by rental car agencies, to provide funds for the construction of a downtown arena; and

WHEREAS, the Council finds and determines it necessary to condemn and acquire fee simple title to the private property hereinafter described and generally located East of McGee Street and North of 15<sup>th</sup> Street (a/k/a Truman Road) for public use for the purpose of constructing the City's downtown arena; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the construction of a downtown arena and other associated public improvements and amenities on the property described hereinafter is hereby provided for and authorized and recognized to be a public improvement and public use.

Section 2. That the Council finds and determines that it is a necessity to condemn and acquire fee simple title to the private property hereinafter described and generally located East of McGee Street and North of 15<sup>th</sup> Street (a/k/a Truman Road), legally described as:

**Jacobs Tract**

Beginning at the southeast corner of Lot 148, Block 11, McGee's Addition, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence S 48°54'15" E a distance of 19.14 feet to the intersection of the west line of Lot I, Block 66, said McGee's Addition with the south line of the north 12.00 feet of said Lot I; thence N 87°44'09" W along the westerly prolongation of said south line a distance of 109.04 feet; thence S 47°26'27" W, a distance of 53.45 feet to a point on the easterly prolongation of the south line of Lot 158, Block 12, said McGee's Addition; thence N 87°33'33" W along said prolongation, a distance of 33.00 feet to the centerline of McGee Street; thence N 02°18'41" E along said centerline a distance of 49.58 feet to the intersection of said centerline with the westerly prolongation of the south line of Lot 148, said Block 11; thence S 87°44'09" E along said prolongation and south line of said Lot 148, a distance of 165.00 feet to the point of beginning, said tract containing 4,025 square feet or 0.09 acres more or less.

Section 3. 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 Sections 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by Kansas City in cash or other appropriate means from funds appropriated for such purposes.

Section 4. Pending the acquisition of these lands by condemnation, the Acting Director of City Development, or his authorized Delegate, is authorized to negotiate for, and purchase, as much of this property out of funds appropriated or to be appropriated for that purpose. The City Attorney, or his designee, is hereby authorized to file the petition(s) for condemnation for all of the above-described properties on behalf of the City. The City Attorney is also authorized to withdraw said properties as are acquired by negotiation and purchase from the condemnation proceedings.

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Approved as to form and legality:

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Theodore T. Anderson  
Assistant City Attorney