

ORDINANCE NO. 140417

Approving and authorizing the Board of Parks and Recreation Commissioners to accept from the Kansas City Urban Public Library District three parcels of land adjacent to West Pennway Park for Parks and Recreation purposes.

WHEREAS, it is the desire of the Board of Parks and Recreation Commissioners to enhance and expand recreation opportunities by adding additions to the parks system in appropriate situations; and

WHEREAS, West Pennway Park is a 1.59 acre neighborhood park whose assembly began in 1944 and is generally located in the vicinity of West 20th Street and Madison Avenue; and

WHEREAS, in 1998, the City entered into a lease agreement with the Kansas City Urban Public Library District (hereinafter "Library District") for the lease, construction, operation and maintenance of the Ruiz Library Facility in West Pennway Park and the parties at that time agreed that Library District's adjacent three lots to West Pennway Park were to be quit-claimed to the City but the transfer never occurred; and

WHEREAS, the Board believes that the continued operation of the Ruiz Library Facility at West Pennway Park enhances the public use and serves park and recreation purposes; and

WHEREAS, the City and Library District entered into another cooperative agreement on May 1, 2014, to extend the term for the lease, operation and maintenance of the Ruiz Library Branch in West Pennway Park and the parties agreed once again that the Adjacent Property shall be quit-claimed to the City by the Library District after the cooperative agreement was executed; and

WHEREAS, the Kansas City Urban Public Library District has executed a deed to be held in escrow pending authorization from the City Council and this Board in accordance with City Charter Section 1003(b) to transfer Lots 14, 15 and 16 in Block 17 of CATES ADDITION, identified as Tax Parcel 29-410-21-07-00-0-00-000, 2017 West Pennway, 29-410-21-08-00-0-00-000, 2019 West Pennway, and 29-410-21-09-00-0-00-000, 2021 West Pennway; and

WHEREAS, City Charter Section 1003 and City Code of Ordinance Section Number 53-1 require that the City Council approves and authorizes the Board of Parks and Recreation Commissioners to acquire additional parkland; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Lot 14, Block 17, Cate's Addition, 2017 West Pennway (29-410-21-07-00-0-00-000), Lot 15, Block 17, Cate's Addition, (29-410-21-08-00-0-00-000), 2019 West Pennway (29-410-21-09-00-0-00-000), Lot 16, Block 17, Cate's Addition,

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2021 West Pennway and collectively referred to as the “Adjacent Property” be transferred from the Library District to the City for park and recreation purposes.

Section 2. That the City approves and authorizes the Board of Parks and Recreation Commissioners to accept the transfer of ownership of the Adjacent Property to the City without consideration for the expansion of West Pennway Park, which transfer will be made by Quit Claim Deed executed by the Library District and held in escrow until the subsequent passage of a resolution by the Board of Parks and Recreation Commissioners accepting the Adjacent Property for parkland forever.

Section 3. That the City authorizes the Office of the City Attorney to hold the Quit Claim Deed executed on behalf of the Library District, until such time that City Attorney receives a certified copy of the Resolution by the Board of Parks and Recreation Commissioners accepting the property for public use for parkland forever, which resolution along with a certified copy of this City Council ordinance will be attached to and become an exhibit to and a part of such Quit Claim Deed as recorded.

Approved as to form and legality:

Lana K. Torczon
Assistant City Attorney