

ORDINANCE NO. 060294

Condemning and taking permanent and temporary easements on private properties for the construction and maintenance of sanitary sewers in Sewer District 16005, Division 16, the area of NE 32nd Street and N. Garfield, in Kansas City, Clay County, Missouri; 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 permanent sewer easements must be condemned for the purpose of locating, constructing and maintaining district sanitary sewers to serve Sewer District 16005, Division 16, in Kansas City, Clay County, Missouri; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Condemnation of Standard Sewer Easements: That standard sewer easements, and temporary construction easements are hereby condemned and taken for public use for the location, construction, reconstruction, maintenance, operation and repair of sanitary sewers, in and upon the private lands hereinafter described, for Sewers to serve the Sewer District 16005, Division 16, in Kansas City, Clay County, Missouri, and as shown on the plans which are on file in the office of the Director of Water Services.

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 Director of Water Services and identified as plan file number 1174.18, Sewer District 16005, Division 16, the same being on file in the Office of the Director of Water Services and being incorporated herein by reference.

The standard sewer easements shall be used by Kansas City as the permanent location of the sanitary sewer improvement 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 easements for the purpose of constructing,

reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

The temporary easements shall be used by Kansas City or its authorized agents, servants, employees or contractors during the construction for grading and sloping, removal and replacement of storage sheds, fencing, trees and shrubbery, sidewalks and driveways, utility construction work, the storage of materials, the operation of equipment, and the movement of a working force.

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 Water Services.

There shall be reserved to the owners of the land in which such permanent easements are taken and condemned the right to use the land in any way which will not interfere with the proper, safe and continuous use of the sewer facilities to be constructed in and upon such easements.

The standard sewer easements, and temporary construction easements are hereby condemned and described as follows:

#### TRACT NO. 7 Standard Sewer Easement

A parcel of land situated in a portion of Lot 7, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of said Lot 7, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North  $87^{\circ}23'30''$  East 19.97 feet, along the South line of said Lot 7, to the "true point of beginning"; Thence North  $10^{\circ}46'23''$  West 68.61 feet; Thence North  $03^{\circ}50'27''$  West 16.27 feet to a point on the North line of said Lot 7; Thence South  $89^{\circ}31'08''$  East 15.04 feet along said North line; Thence South  $03^{\circ}50'27''$  East 14.23 feet; Thence South  $10^{\circ}46'23''$  East 69.85 feet to a point on said South line; Thence South  $87^{\circ}23'30''$  West 15.15 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,267 square feet or 0.0291 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 7 Temporary Easement

A parcel of land situated in a portion of Lot 7, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of said Lot 7, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North  $87^{\circ}23'30''$  East 2.29 feet, along the South line of said Lot 7, to the "true point of beginning"; Thence North  $10^{\circ}46'23''$  West 23.28 feet to a point on said East right-of-way line; Thence North  $05^{\circ}07'59''$  West 61.93 feet, along said East right-of-way line, to the Northwest corner of said Lot 7; Thence South  $89^{\circ}31'08''$  East 13.64 feet along the North line of said Lot 7; Thence South  $03^{\circ}50'27''$  East 16.27 feet; Thence South  $10^{\circ}46'23''$  East 68.61 feet to a point on said South line; Thence South  $87^{\circ}23'30''$  West 17.68 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,324 square feet or 0.0304 acres, more or less.

AND

Commencing at the Southwest corner of said Lot 7, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North  $87^{\circ}23'30''$  East 35.12 feet, along the South line of said Lot 7, to the "true point of beginning"; Thence North  $10^{\circ}46'23''$  West 69.85 feet; Thence North  $03^{\circ}50'27''$  West 14.23 feet to a point on the North line of said Lot 7; Thence South  $89^{\circ}31'08''$  East 21.56 feet along said North line; Thence South  $05^{\circ}07'59''$  East 54.55 feet; Thence South  $10^{\circ}46'23''$  East 27.99 feet to a point on said South line; Thence South  $87^{\circ}23'30''$  West 17.68 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,603 square feet or 0.0368 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 9 Standard Sewer Easement

A parcel of land situated in a portion of Lot 5, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of said Lot 5, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North 87°23'30" East 18.68 feet, along the South line of said Lot 5, to the "true point of beginning"; Thence North 01°35'10" East 74.94 feet; Thence North 10°46'23" West 0.26 feet to a point on the North line of said Lot 5; Thence North 87°23'30" East 15.10 feet along said North line; Thence South 01°35'10" West 75.20 feet to a point on said South line; Thence South 87°23'30" West 15.04 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,128 square feet or 0.0259 acres, more or less, except that part lying in existing utility easements.

#### TRACT NO. 9 Temporary Easement

A parcel of land situated in a portion of Lot 5, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of said Lot 5, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North 87°23'30" East 1.13 feet, along the South line of said Lot 5, to the "true point of beginning"; Thence North 01°35'10" East 74.33 feet; Thence North 10°46'23" West 0.88 feet to a point on the North line of said Lot 5; Thence North 87°23'30" East 17.68 feet along said North line; Thence South 10°46'23" East 0.26 feet; Thence South 01°35'10" West 74.94 feet to a point on said South line; Thence South 87°23'30" West 17.55 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,316 square feet or 0.0302 acres, more or less.

AND

Commencing at the Southwest corner of said Lot 5, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North 87°23'30" East 33.72 feet, along the South line of said Lot 5, to the "true point of beginning"; Thence North 01°35'10" East 75.20 feet to a point on the North line of said Lot 5; Thence North 87°23'30" East 17.55 feet along said North line; Thence South 01°35'10" West 75.20 feet to a point on said South line; Thence South 87°23'30" West 17.55 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,316 square feet or 0.0302 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 10 Standard Sewer Easement

A parcel of land situated in a portion of Lot 4, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of said Lot 4, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North  $87^{\circ}23'30''$  East 9.86 feet, along the South line of said Lot 4, to the "true point of beginning"; Thence North  $01^{\circ}35'10''$  East 75.20 feet to a point on the North line of said Lot 4; Thence North  $87^{\circ}23'30''$  East 15.04 feet along said North line; Thence South  $01^{\circ}35'10''$  West 75.20 feet to a point on said South line; Thence South  $87^{\circ}23'30''$  West 15.04 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,128 square feet or 0.0259 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 10 Temporary Easement

A parcel of land situated in a portion of Lot 4, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Beginning at the Southwest corner of said Lot 4, said point being on the Easterly right-of-way line of Missouri State Highway No. 1 (N.E. Prather Road), as now established; Thence North  $05^{\circ}07'59''$  West 65.48 feet along said East right-of-way line; Thence North  $01^{\circ}35'10''$  East 9.61 feet to a point on the North line of said Lot 4; Thence North  $87^{\circ}23'30''$  East 17.55 feet along said North line; Thence South  $01^{\circ}35'10''$  West 75.20 feet to a point on the South line of said Lot 4; Thence South  $87^{\circ}23'30''$  West 9.86 feet, along said South line, to the "point of beginning" of the parcel herein described, containing 1,065 square feet or 0.0244 acres, more or less.

AND

Commencing at the Southwest corner of said Lot 4, said point being on the East right-of-way line of State Missouri Highway No. 1 (N.E. Prather Road), as now established; Thence North  $87^{\circ}23'30''$  East 24.90 feet, along the South line of said Lot 4, to the "true point of beginning, Thence North

01°35'10" East 75.20 feet to a point on the North line of said Lot 4; Thence North 87°23'30" East 17.55 feet along said North line; Thence South 01°35'10" West 10.34 feet; Thence South 05°07'59" East 64.75 feet, along a line parallel with said East right-of-way line, to a point on said South line, Thence South 87°23'30" West 25.14 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 1,562 square feet or 0.0359 acres, more or less, except that part lying in existing utility easements.

#### TRACT NO. 12 Standard Sewer Easement

A parcel of land situated in a portion of Lot 2, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of said Lot 2, said point being on the East right-of-way line of Missouri State Highway No. 1 (N.E. Prather Road), as now established; Thence North 87°23'30" East 10.01 feet, along the South line of said Lot 2, to a point on the East line of an existing sewer easement 10.00 feet in width as recorded in Book 1277 at Page 900; Thence North 05°07'59" West 23.18 feet, along said East line, to the "true point of beginning"; Thence North 05°07'59" West 51.89 feet along said East line, to a point on the North line of said Lot 2; Thence North 87°23'30" East 6.09 feet along said North line; Thence South 01°35'10" West 51.98 feet to the "true point of beginning" of the parcel herein described, containing 158, square feet or 0.0036 acres, more or less, except that part lying in existing utility easements.

#### TRACT NO. 12 Temporary Easement

A parcel of land situated in a portion of Lot 2, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Southwest corner of said Lot 2, said point being on the East right-of-way line of Missouri State Highway No. 1 (N.E. Prather Road), as now established; Thence North 87°23'30" East 10.01 feet, along the South line of said Lot 2, to a point on the East line of an existing sewer easement 10.00 feet in width as recorded in Book 1277 at Page 900, said point also being the "true point of beginning"; Thence North 05°07'59"

West 23.18 feet along said East line; Thence North  $01^{\circ}35'10''$  East 51.98 feet to a point on the North line of said Lot 2; Thence North  $87^{\circ}23'30''$  East 33.95 feet along said North line; Thence South  $05^{\circ}07'59''$  East 75.07 feet, along a line parallel with said East right-of-way line, to a point on said South line; Thence South  $87^{\circ}23'30''$  West 40.04 feet, along said South line, to the "true point of beginning" of the parcel herein described, containing 2,845 square feet or 0.0653 acres, more or less, except that part lying in existing utility easements.

#### TRACT NO. 13 Standard Sewer Easement

A parcel of land situated in a portion of Lot 1, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northwest corner of said Lot 1, said point being on the East right-of-way line of Missouri State Highway No. 1 (N.E. Prather Road), as now established; Thence North  $87^{\circ}23'30''$  East 5.54 feet, along the North line of said Lot 1, to a point on the Northeasterly line of an existing sewer easement 10.00 feet in width as recorded in Book 580 at Page 348, said point also being the "true point of beginning"; Thence North  $87^{\circ}23'30''$  East 1.75 feet along said North line; Thence South  $01^{\circ}35'10''$  West 3.17 feet to a point on said Northeasterly line; Thence North  $28^{\circ}12'07''$  West 3.51 feet, along said Northeasterly line, to the "true point of beginning" of the parcel herein described, containing 3 square feet or 0.0001 acres, more or less, except that part lying in existing utility easements.

#### TRACT NO. 13 Temporary Easement

A parcel of land situated in a portion of Lot 1, Block 12, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, said parcel being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983).

Commencing at the Northwest corner of said Lot 1, said point being on the East right-of-way line of Missouri State Highway No. 1 (N.E. Prather Road), as now established; Thence South  $05^{\circ}07'59''$  East 12.76 feet, along said East right-of-way line, to a point on the Southwesterly line of an existing sewer easement 10.00 feet in width as recorded in Book 580 at Page 348, said point also being the "true point of beginning"; Thence

South 28°12'07" East 21.46 feet along said Southwesterly line; Thence South 84°52'01" West 8.41 feet to a point on said East right-of-way line; Thence North 05°07'59" West 19.74 feet, along said East right-of-way line, to the "true point of beginning" of the parcel herein described, containing 83 square feet or 0.0019 acres, more or less.

AND

Commencing at the Northwest corner of said Lot 1, said point being on the East right-of-way line of Missouri State Highway No. 1 (N.E. Prather Road), as now established; Thence North 87°23'30" East 7.29 feet, along the North line of said Lot 1, to the "true point of beginning"; Thence North 87°23'30" East 42.76 feet along said North line; Thence South 05°07'59" East 30.30 feet; Thence South 84°52'01" West 30.72 feet to a point on the Northeasterly line of an existing sewer easement 10.00 feet in width as recorded in Book 580 at Page 348; Thence North 28°12'07" West 31.55 feet along said Northeasterly line; Thence North 01°35'10" East 3.17 feet to the "true point of beginning" of the parcel herein described, containing 1,166 square feet or 0.0268 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 16 Standard Sewer Easement

The West 9.00 feet of Lot 4, Block 15, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, containing 630 square feet or 0.0145 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 16 Temporary Easement

The East 17.50 feet of the West 26.50 feet of Lot 4, Block 15, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, containing 1,225 square feet or 0.0281 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 17 Standard Sewer Easement

The West 9.00 feet of Lot 3, Block 15, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, containing 630 square feet or 0.0145 acres, more or less, except that part lying in existing utility easements.

TRACT NO. 17 Temporary Easement

The East 17.50 feet of the West 26.50 feet of Lot 3, Block 15, "FARVIEW", a subdivision of land in the City of Kansas City, Clay County, Missouri, containing 1,225 square feet or 0.0281 acres, more or less, except that part lying in existing utility easements.

Section 3. Compensation. That just compensation for the easements, and lands to be condemned and taken as aforesaid shall be assessed and paid according to law. Payment of compensation for damages shall be made by Kansas City from funds appropriated or to be appropriated for said purpose, and proceedings therefore shall be instituted and prosecuted in the Circuit Court of Missouri, Clay County, Missouri pursuant to the provision of Chapter 523 of the Revised Statutes of Missouri, as supplemented or amended by Section 86 of the Missouri Rules of Civil Procedure.

Section 4. Pending acquisition of the above described easements by condemnation, the Director of City Development is hereby authorized to purchase said easements and to pay for them out of funds available or to be made available. If any tracts be so acquired by purchase, the City Attorney is authorized to withdraw such tracts from the condemnation proceedings.

Section 5. 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.

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Approved as to form and legality:

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Theodore T. Anderson  
Assistant City Attorney