

ORDINANCE NO. 070136

Condemning and taking permanent and temporary easements on private properties for the construction and maintenance of sanitary sewers in the area of 49th Street and Farley Avenue, in Kansas City, Jackson 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 Jackson County, Missouri.

WHEREAS, the Council finds that permanent and temporary easements must be condemned for the purpose of locating, constructing and maintaining sanitary sewers to serve Sewer District 10043, in Kansas City, Jackson 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 Sewer District 10043, in Kansas City, Jackson County, Missouri, and as shown in file number 1174.20, which is 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 under the supervision of the Director of Water Services and 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. 11 Standard Sewer Easement

A parcel of land situated in a portion of Lot 28, "WOODHAVEN", a subdivision of land in the City of Kansas City, Jackson 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 28; thence North  $11^{\circ}21'58''$  West 118.83 feet, along the Westerly line of said Lot 28, to the Northwest corner of said Lot 28; thence North  $41^{\circ}05'10''$  East 64.93 feet along the Northwesterly line of said Lot 28; thence South  $48^{\circ}20'20''$  East 98.30 feet; thence South  $42^{\circ}06'16''$  East 23.71 feet to the Southeasterly line of said Lot 28; thence South  $52^{\circ}46'16''$  West 15.05 feet along said Southeasterly line; thence North  $42^{\circ}06'16''$  West 21.61 feet; thence North  $48^{\circ}20'20''$  West 82.33 feet to a point 15.00 feet Southeasterly of and at right angles to said Northwesterly line; thence South  $41^{\circ}05'10''$  West 42.39 feet, along a line 15.00 feet Southeasterly of and parallel with said Northwesterly line, to a point being 15.00 feet Easterly of and at right angles to said Westerly line; thence South  $11^{\circ}21'58''$  East 104.17 feet, along a line 15.00 feet Easterly of and parallel with said Westerly line, to a point on the Southeasterly line of said Lot 28; thence South  $52^{\circ}46'16''$  West 16.67 feet, along said Southeasterly line, to the "point of beginning" of the parcel herein described, containing 4,172 square feet or 0.0958 acres, more or less.

Except that part lying in existing utility easements.

TRACT NO. 11 Temporary Construction Easement

A parcel of land situated in a portion of Lot 28, "WOODHAVEN", a subdivision of land in the City of Kansas City, Jackson 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 most Easterly corner of said Lot 28, said point being on the Southwesterly right-of-way line of 47<sup>th</sup> Terrace, as now established; thence South 52°46'16" West 10.22 feet along the Southeasterly line of said Lot 28; thence North 42°06'16" West 23.71 feet; thence North 48°20'20" West 98.30 feet to the Northwesterly line of said Lot 28; thence North 41°05'10" East 20.93 feet, along said Northwesterly line, to a point on said Southwesterly right-of-way line, said point being on a non-tangent curve concave to the Southwest having a radius of 600.00 feet; thence Southeasterly 125.00 feet, along said Southwesterly right-of-way line and said curve to the right having a chord bearing South 42°08'32" East 124.77 feet, to the "point of beginning" of the parcel herein described, containing 2,054 square feet or 0.0472 acres, more or less.  
Except that part lying in existing utility easements.

AND

17.5' wide Temporary Construction Easement

A parcel of land situated in a portion of Lot 28, "WOODHAVEN", a subdivision of land in the City of Kansas City, Jackson 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 28; thence North 52°46'16" East 16.67 feet, along the Southeasterly line of said Lot 28, to a point 15.00 feet Easterly of and at right angles to the Westerly line of said Lot 28, said point also being the "true point of beginning"; thence North 11°21'58" West 104.17 feet, along a line 15.00 feet Easterly of and parallel with said Westerly line, to a point being 15.00 feet Southeasterly of and at right angles to the Northwesterly line of said Lot 28; thence North 41°05'10" East 42.39 feet along a line 15.00 feet Southeasterly of and parallel with said Northwesterly line; thence South 48°20'20" East 82.33 feet; thence South 42°06'16" East 21.61 feet to the Southeasterly line of said Lot 28; thence South 52°46'16" West 17.56 feet along said Southeasterly line; thence North 42°06'16" West 19.17 feet; thence North 48°20'20" West 61.78 feet; thence South 41°39'40" West 17.41 feet to a point being 32.50 feet Easterly of and at right angles to the Westerly line

of said Lot 28; thence South  $11^{\circ}21'58''$  East 84.87 feet, along a line 32.50 feet Easterly of and parallel with said Westerly line, to a point on said Southeasterly line; thence South  $52^{\circ}46'16''$  West 19.45 feet, along said Southeasterly line, to the "true point of beginning" of the parcel herein described, containing 3,850 square feet or 0.0884 acres, more or less. Except that part lying in existing utility easements.

TRACT NO. 32 Standard Sewer Easement

A parcel of land situated in a portion of Lot 1, "WILLIAM LANE ESTATE", a subdivision of land in the City of Kansas City, Jackson 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 Northeast corner of Lot 7, "RESURVEY OF LOT 1, WILLIAM LANE ESTATE", a subdivision of land in the City of Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence South  $86^{\circ}57'14''$  East 111.42 feet, along the North line of said Lot 1, to the "true point of beginning"; thence South  $86^{\circ}57'14''$  East 357.87 feet, along said North line, to a point on the Northwesterly right-of-way line of Blue Ridge Cutoff, as now established, said point being on a non-tangent curve concave to the Southeast having a radius of 1,950.08 feet; thence Southwesterly 20.69 feet, along said Northwesterly right-of-way line and said curve to the left having a chord bearing South  $35^{\circ}18'17''$  West 20.69 feet, to a point being 17.50 feet South of and at right angles to said North line; thence North  $86^{\circ}57'14''$  West 346.82 feet along a line 17.50 feet South of and parallel with said North line; thence North  $03^{\circ}03'12''$  East 17.50 feet to the "true point of beginning" of the parcel herein described, containing 6,166 square feet or 0.1415 acres, more or less. Except that part lying in existing utility easements.

TRACT NO. 32 Temporary Construction Easement

A parcel of land situated in a portion of Lot 1, "WILLIAM LANE ESTATE", a subdivision of land in the City of Kansas City, Jackson 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 Northeast corner of Lot 7, "RESURVEY OF LOT 1, WILLIAM LANE ESTATE", a subdivision of land in the City of Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence South  $86^{\circ}57'14''$  East 93.92 feet, along the North line of said Lot 1,

to the “true point of beginning”; thence South 86°57’14” East 17.50 feet; thence South 03°03’12” West 17.50 feet; thence South 86°57’14” East 346.82 feet, along a line 17.50 feet South of and at right angles to said North line, to a point on the Northwesterly right-of-way line of Blue Ridge Cutoff, as now established, said point being on a non-tangent curve concave to the Southeast having a radius of 1,950.08 feet; thence Southwesterly 20.56 feet, along said Northwesterly right-of-way line and said curve to the left having a chord bearing South 34°41’55” West 20.56 feet, to a point being 35.00 feet South of and at right angles to said North line; thence North 86°57’14” West 353.54 feet along a line 35.00 feet South of and parallel with said North line; thence North 03°03’12” East 35.00 feet to the “true point of beginning” of the parcel herein described, containing 6,587 square feet or 0.1512 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, Jackson 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 negotiate for and to purchase said easements. 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, Jackson County, Missouri.

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Approved as to form and legality:

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Theodore T. Anderson  
Assistant City Attorney

