

160835

Declaring certain real property generally located 7309 Troost Avenue, Kansas City, Missouri 64131, surplus to the City's needs; and authorizing the Director of General Services to offer the sale of the City's interest in this real property in accord with City regulations, to later convey it, and execute related documents to complete the transfer of the real property; and directing the City Clerk to record this Ordinance with the Office of the Recorder of Deeds of Jackson County, Missouri.

WHEREAS, the City owns rights in certain real property generally described as 7309 Troost Avenue, Kansas City, Missouri (currently being Jackson County Tax Parcel No. 47-630-24-03-00-0-00-000);

WHEREAS, the City acquired the property in 1929 for purposes of construction of a fire station, and thereafter the City stopped using the space as a fire station;

WHEREAS, the City leased the property to Southside Activity and Service Center commencing on November 1, 2001, and which lease has been terminated effective January 31, 2017, at the request of the tenant;

WHEREAS, the Corporation Warranty Deed recorded February 13, 1919, in Book B1933 at Page 181, of which this property was a part, along with approximately the north 160 acres of Marlborough Heights Subdivision, contains a deed restriction prohibiting future business use of the property;

WHEREAS, the property is currently zoned for commercial purposes and the residential character of the properties fronting on Troost Avenue have changed in the immediate vicinity of this property;

WHEREAS, the sale of the property should be limited to nonprofit corporations organized under Chapter 355 of the Statutes of Missouri and serving one of the permitted uses under Section 355.025 of the Statutes of Missouri so the City's own actions defensively do not violate the deed restriction prohibiting future business use of the property;

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WHEREAS, the property is within the geographical area covered by the Swope Area Plan adopted by the City Council of the City on October 2, 2014 (“Swope Plan”) and such Swope Plan as amended provides a guide to the future use and redevelopment of the property;

WHEREAS, a request has been received by the Department of General Services to declare the real property as surplus, all City departments have been notified and this real property is not needed by the City and no interest has been expressed in retaining the real property for future public use, and no objections have been received, provided, however certain recorded easements affecting the real property, but benefiting the City, shall remain in effect and any conveyance out of the City shall be specifically subject to existing recorded easements and encumbrances, and dedicated right of way for public streets, which shall be deemed retained by the City, as more fully set forth is the Special Warranty executed as a part of the subsequent transfer; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the parcel described below, is hereby declared surplus to the City’s needs.

Section 2. That the Director of General Services Department is hereby authorized to offer and sell in accord with City regulations, and made available through an open and public competition, to an entity organized as a nonprofit corporation under Chapter 355 of the Missouri Statutes, serving one or more of the permissible uses under Section 355.025 of the Missouri Statutes, the City’s rights in the properties located at 7309 Troost Avenue, legally described as follows:

The North 50 feet of the South 80 feet of the West 40 feet of Lot 1193 and the North 50 feet of the South 80 feet of Lot 1194, Marlborough Heights, a subdivision in Kansas City, Jackson County, Missouri.

Section 3. That certain easements or other encumbrances of record are being retained on behalf of the City and will be expressly listed as retained on the Special Warranty Deed to be executed by the City so as to subject such conveyance to such easements and encumbrances, and the transfer will be further subject to the existing lease through its January 31, 2017 termination date.

Section 4. The General Services Department staff shall require as a part of its request for proposals for the sale of the property the submission of a scope of work to renovate or restore the historic structure with staff obtaining security for the completion of such renovation and restoration as a part of the transfer of the property.

Section 5. That the Director of General Services and his designated staff will consider in the determination of which proposal is selected, whether that proposed use reasonably complies with the development guidelines of the Swope Area Plan.

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Section 6. That the Director of General Services is hereby authorized to execute any real estate or other documents needed to effectuate the transaction described herein.

Approved as to form and legality:

Amelia J. McIntyre
Assistant City Attorney