

ORDINANCE NO. 000049

Authorizing a Modification of Right of Way Agreement with Missouri Gas Energy for a 100 foot strip easement for construction and maintenance of pipe line and related appurtenances on property commonly known as Tract 60, southeast of the I-29/I-435 intersection and Mexico City Avenue, currently under condemnation by the City.

WHEREAS, MGE is the holder of a Right of Way Agreement (the "Original Easement") from Oba Bullock to Gas Service Company, a Delaware corporation, dated August 6, 1955, and recorded in the office of the Recorder of Deeds of Platte County, Missouri, on September 24, 1955, in Book 189 at page 499 as Document No. 26770, (as assigned to the Southern Union Company by instrument filed February 4, 1994, in Book 0806, page 902, as Document No. 0002118), covering certain property in Platte County, Missouri, described as 91.55 acres off the east side of the Northwest Quarter of Section 15; also 36.683 acres off the west side of the Northeast Quarter of Section 15, all in Township 52 North, Range 34 West; and

WHEREAS, a portion (herein referred to as "Tract 60") of the above property is the subject of a Petition in Condemnation, Case No. 99CC01822 in the Circuit Court of Platte County, Missouri, styled *City of Kansas City, Missouri v. Todd Creek Limited Partnership, et al.*; and

WHEREAS, MGE is a defendant in the above condemnation action and is releasing their blanket easement and accepting a 100 foot easement; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Aviation is hereby authorized to execute a Modification of Right of Way Agreement with Missouri Gas Energy for a 100 foot strip easement for construction and maintenance of pipe line and related appurtenances on property commonly known as Tract 60, when the City acquires title to the property pursuant to the above condemnation action. The property and right of way are legally described on the Modification of Right of Way Agreement attached hereto and incorporated herein.

Approved as to form and legality:

Assistant City Attorney