

ORDINANCE NO. 130077

Authorizing the Director of the General Services Department to execute a quit claim deed jointly with Land Clearance for Redevelopment Authority to Truman Medical Center Charitable Foundation for certain real property generally located at 660 East 24th Street releasing certain covenants, conditions, restrictions and retained interests in the property.

WHEREAS, on June 15, 1995, the City Council approved Ordinance No. 950726 which authorized the transfer and sale of then City-owned real property commonly known as the Diagnostic and Treatment Center generally located at 660 East 24th Street in Kansas City, Jackson County, Missouri ("Property") to Land Clearance for Redevelopment Authority of Kansas City, Missouri ("LCRA") and authorized the Director of City Development to enter into a Cooperative Agreement with LCRA providing for its later sale of the Property to Truman Medical Center Charitable Foundation ("Truman") for its continued use in delivering medical services; and

WHEREAS, in Ordinance No. 950726, the City Council also recognized that the City Charter's requisites for the conveyance of City-owned real property had been satisfied for this transfer and sale of the Property; and

WHEREAS, on September 13, 1995, the City of Kansas City, Missouri ("City") and LCRA entered in a Cooperative Agreement providing that the City and LCRA would enter into a Real Estate Purchase and Sale Agreement under which LCRA would acquire the Property from City for reconveyance to Truman; and

WHEREAS, on October 5, 1995, the City and LCRA entered into a Real Estate Purchase and Sale Agreement for the Property ("City Contract") which City Contract contained certain covenants, conditions and restrictions that provided, in particular, that for a period of twenty (20) years following conveyance of the Property to LCRA, the Property would be used as a diagnostic and treatment center, offering medical services for area clientele, including low and moderate income persons and further, that if such use ceased before expiration of the 20 year period, the Property would revert back to City; and

WHEREAS, on October 11, 1995, the City executed a Special Warranty Deed ("City Deed") to LCRA for the Property which was recorded November 29, 1995, as Document No. K1222584 in Book K2770 at Page 1296, containing the same conditions, covenants and restrictions set out in the City Contract; and

WHEREAS, on October 27, 1995, LCRA entered into a Real Estate Purchase and Sale Agreement with Truman ("Truman Contract") for purchase of the Property subject, however, to the conditions, covenants and restrictions set forth in the City Contract and the City Deed; but, for a period of twenty (20) years following LCRA's conveyance to Truman; and

WHEREAS, on November 1, 1995, LCRA executed a Special Warranty Deed ("LCRA Deed") to Truman for the Property which was recorded November 29, 1995, as Document No. K1222586 in Book K2770 at Page 1318, containing the same conditions, covenants and restrictions set forth in the City Contract, the City Deed and the Truman

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Contract; but, for a period of twenty (20) years beginning on the November 1, 1995 date of the LCRA Deed and expiring on October 31, 2015; and

WHEREAS, since the date of acquisition, Truman has continued to own and use the Property as, or caused the Property to be used as, a diagnostic and treatment center pursuant to the conditions, covenants and restrictions contained in the City Contract, the City Deed, the Truman Contract and the LCRA Deed; and

WHEREAS, Truman and Children's Mercy Hospital ("CMH") have entered into negotiations for CMH's acquisition of the Property from Truman to be developed and used in compliance with the Hospital Hill II Urban Renewal Plan, Fifth Amendment, which was approved by the City Council on April 21, 2011, in Ordinance No. 101018; and

WHEREAS, to facilitate the transfer of the Property to CMH, it is necessary for the City to release all conditions, covenants, restrictions and retained interests of the City in and to the Property, except for the covenant that Truman ". . . will not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental, or in the use or occupancy of the Property, or any part thereof", which is a covenant that runs with the land in favor of both the City and the United States of America; and

WHEREAS, Section 2-422(a)(1), Code of Ordinances, provides that the Director of the General Services Department has the general responsibility for the management of the City's real property, including the disposal and use of such real property; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Director of the General Services Department is hereby authorized to execute a Quit Claim Deed and Release of Restrictions jointly with the Land Clearance for Redevelopment Authority of Kansas City, Missouri conveying title to the Property free and clear of all conditions, covenants, restrictions and retained interests of the City to Truman Medical Center Charitable Foundation, except for the covenant that Truman Medical Center Charitable Foundation ". . . will not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental, or in the use or occupancy of the Property, or any part thereof"; in substantially the same form as the "Missouri Quit-Claim Deed and Release of Restrictions" document attached hereto.

Approved as to form and legality:

Galen P. Beaufort
Senior Associate City Attorney