

SECOND COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 130629

Detaching from the City approximately 9.130 acres generally including three properties located along the north side of N.E. 32nd Street between N. Oak Trafficway on the west and N. Holmes Street on the east and also including the north half of the N.E. 32nd Street right of way; reserving a utility easement; and directing the City Manager to file certified copies of this ordinance with the required Clay County officials. (100-AN-14)

WHEREAS, the City of Kansas City and the City of North Kansas City have begun a joint effort to create a dog park, generally in the area of N.E. 32nd Street and N. Cherry; and

WHEREAS, this ordinance will detach property currently owned by the City of North Kansas City that is inside the corporate city limits of Kansas City; and

WHEREAS, it is in the best interest of each municipality to complete this action; and

WHEREAS, the property to be concurrently annexed by North Kansas City and detached by Kansas City abuts North Kansas City; and

WHEREAS, all provisions of Section 71.011, Revised Statutes of Missouri, authorizing such concurrent detachment and annexation have been met; and

WHEREAS, there are no residents living in the area to be detached; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the following property, generally located on the north side of N.E. 32nd Street between N. Oak Trafficway and N. Holmes Street and more specifically described as follows:

TRACT 6B - North Kansas City N.E. 32nd Street detachment description:

Part of the Southeast and Southwest quarters of Section 11, Township 50 North, range 33 West, including part or all of "Braecklins Subdivision" and "North Kansas City Gardens", both subdivisions of land in Kansas City, Clay County, Missouri, being more particularly described as follows: Beginning at the southwest corner of the Southeast Quarter of said section, township and range; thence South 89 degrees 03 minutes 30 seconds East along the south line of said Southeast Quarter, said line also being the centerline of N.E. 32nd Street, as now established, and the common line for Kansas City, Missouri and North Kansas City, Missouri, as now established, a distance of 1349.00 feet to a point of intersection with the prolongation of the east line of N. Holmes Street, as now established; thence along said line, North 0 degrees 56 minutes 24 seconds East, a

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distance of 30.00 feet to the north line of said N.E. 32nd Street; thence along said north line, North 89 degrees 03 minutes 30 seconds West, a distance of 111.76 feet to a point of intersection with the southerly line of a platted easement for the North Kansas City Levee District; thence along said line the following two courses: North 60 degrees 06 minutes 21 seconds West, a distance of 586.87 feet; thence North 29 degrees 53 minutes 39 seconds East, a distance of 10.18 feet to a point of intersection with the northerly lines of Lot 4, said "Braecklins Subdivision" and Lot 11, said "North Kansas City Gardens" Subdivision; thence along said lines North 89 degrees 03 minutes 30 seconds West, a distance of 240.98 feet to a point on the east line of N. Locust Street, as now established; thence along said east line, South 1 degrees 03 minutes 22 seconds West, a distance of 293.00 feet to a point on the aforesaid north line of N.E. 32nd Street; thence along said line North 89 degrees 03 minutes 30 seconds West, a distance of 149.86 feet to a point of intersection with the common lines for said "Braecklins Subdivision" and said "North Kansas City Gardens" Subdivision; thence along said line North 1 degrees 03 minutes 22 seconds East, a distance of 528.13 feet to a point on the aforesaid southerly platted easement line; thence along said line North 60 degrees 06 minutes 21 seconds West, a distance of 300.73 feet to a point on the easterly line of N. Oak Trafficway, as now established; thence along said easterly line the following three courses: southerly along a curve to the right, having an initial tangent bearing of South 9 degrees 10 minutes 52 seconds West, a radius of 1246.30 feet, a central angle of 11 degrees 59 minutes 27 seconds and an arc distance of 260.82 feet; thence North 68 degrees 49 minutes 41 seconds West, a distance of 20.00 feet; thence southerly along a curve to the right, having an initial tangent bearing of South 21 degrees 10 minutes 19 seconds West, a radius of 1226.30 feet, a central angle of 2 degrees 07 minutes 29 seconds and an arc distance of 45.47 feet to a point of intersection with the vacated centerline of Fairgrounds Boulevard; thence along said vacated centerline, South 1 degrees 03 minutes 22 seconds West, a distance of 386.02 feet to a point on the aforesaid northerly line of N.E. 32nd Street; thence along said line, North 89 degrees 18 minutes 48 seconds West, a distance of 223.81 feet; thence departing said north line, South 66 degrees 22 minutes 52 seconds West, a distance of 72.89 feet to a point on the aforesaid south line of said quarter section, said line also being the common line for Kansas City, Missouri and North Kansas City, Missouri, and said centerline of N.E. 32nd Street; thence along said line South 89 degrees 18 minutes 48 seconds East, a distance of 315.04 feet to the point of beginning. Containing 9.130 acres, more or less.

is hereby declared to be detached from the City of Kansas City, Missouri.

Section 2. The City of Kansas City hereby relinquishes to the City of North Kansas City its right, title or interest in the right of way for 32nd Street that is included in the described property that is being detached herein; provided, however, that Kansas City retains an exclusive easement in the north half of the right-of-way, including but not limited to the current location of Kansas City's water, sewer, and stormwater utilities. Kansas City shall retain the right to operate, maintain and construct water, wastewater,

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and stormwater infrastructure under, along and across the easement. Kansas City shall have at all times the right to go upon the easement and North Kansas City will not use the said right-of-way in any manner that would interfere with the operation, maintenance or construction of Kansas City's infrastructure or its related systems. Any work performed by or for Kansas City in the easement shall be performed pursuant to Kansas City's standards for such work. Notice of any such work shall be given by Kansas City to North Kansas City as soon as reasonably practicable. North Kansas City shall not require permits, bonds, or other similar measures for such work, but shall rely upon Kansas City to ensure that the work is performed in a workmanlike and timely manner.

To the extent that any such infrastructure is currently located in the south half of the right-of-way, North Kansas City will grant to Kansas City, and Kansas City will accept a non-exclusive easement from the center line of 32nd Street south to a line 15 feet south of and parallel to the center line. Kansas City shall retain the right to operate, maintain and construct water, wastewater, and stormwater infrastructure under, along and across the easement. Kansas City shall have at all times the right to go upon the easement and North Kansas City will not use the said right-of-way in any manner that would interfere with the operation, maintenance or construction of Kansas City's infrastructure or its related systems. Any work performed by or for Kansas City in the easement shall be performed pursuant to Kansas City's standards for such work. Notice of any such work shall be given by Kansas City to North Kansas City as soon as reasonably practicable. North Kansas City shall not require permits, bonds, or other similar measures for such work, but shall rely upon Kansas City to ensure that the work is performed in a workmanlike and timely manner.

Both North Kansas City and Kansas City acknowledge that it may be necessary to bring utilities across 32nd Street at certain locations. When it is deemed necessary to make such a crossing, they will cooperate to reasonably accomplish such crossing without undue delay or unnecessary cost. Prior to North Kansas City making or allowing such a crossing, it will submit plans to Kansas City for its review and approval, which will not be unreasonably withheld. Prior to Kansas City making or allowing such a crossing, it will submit plans to North Kansas City for its review and approval, which will not be unreasonably withheld. It is understood that both North Kansas City and Kansas City will acknowledge the presence of existing infrastructure in place before a crossing is made and take all steps necessary to preserve the integrity of such infrastructure and access to it.

Section 3. That the reasons for and purposes to be accomplished with this detachment by the City of Kansas City are that it will allow for better coordination of utility service and better provision of services for the benefit of the citizens and property owners in the affected area.

Section 4. That the City Manager is hereby directed to file certified copies of this ordinance with the appropriate Clay County officials as required by Section 71.011.1, RSMo, simultaneously with the filing of the City of North Kansas City's ordinance annexing this property, and with the filing of companion Ordinance No. 130628 and

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North Kansas City's ordinance which detaches the property annexed in Ordinance No. 130628, and with the recording of any necessary easements.

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Approved as to form and legality:

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M. Margaret Sheahan Moran  
Assistant City Attorney