

ORDINANCE NO. 060434

Condemning and subordinating certain KCPL easements, on public properties for the construction and maintenance of Fire House Road and 93rd Street all in Kansas City, Jackson County, Missouri.

WHEREAS, the Council finds that KCPL easements must be condemned, and subordinated for the purpose of constructing and maintaining street, and appurtenances in Kansas City, Jackson County, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Condemnation of KCPL Easements: That KCPL easements as described in the instruments recorded in the Recorder of Deeds Office of Jackson County, Missouri, as instrument nos. K902330, in Bk. K1970, pg. 920; K453943, in Bk. K1017, pg. 535; K470367, in Bk. K1047, pg. 667; K964763, in Bk. K2109, pg. 2129, parts of which are within the boundaries of proposed street right-of-way to be known as East 93<sup>rd</sup> Street, and Fire House Road, said street right of way being dedicated as part of the plat of 3 Trails Village Square, a subdivision in Kansas City, Jackson County, Missouri, are hereby condemned and subordinated for public use for the location, construction, reconstruction, maintenance, operation and repair of streets, in and upon the public land hereinafter described:

All that part of Tract I and Tract IV of the REPLAT OF BANNISTER MALL, TRACTS I THRU X, INCLUSIVE, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, being more particularly described as follows:

Beginning at the Northeast corner of said Tract I, being also the Southeast corner of said Tract IV and a point on the Westerly right-of-way line of Hillcrest Road, as now established; thence Southwesterly along the Easterly line of said Tract I, being also along the Westerly right-of-way line of said Hillcrest Road, the following courses and distances; thence Southwesterly along a curve to the right, having an initial tangent bearing of South 16 degrees 06 minutes 04 seconds West, a radius of 2,445 feet and a central angle of 05 degrees 17 minutes 18 seconds, an arc length of

225.67 feet; thence South 21 degrees 23 minutes 22 seconds West, measured (South 21 degrees 24 minutes 00 seconds West, Plat), tangent to the last described curve, a distance of 319.68 feet; thence Southwesterly along a curve to the left, tangent to the last described course, having a radius of 1,055 feet and a central angle of 00 degrees 39 minutes 22 seconds, an arc length of 12.08 feet to the point of intersection of the West line of the Northwest Quarter of Section 25, Township 48 North, Range 33 West with the Westerly right-of-way line of said Hillcrest Road, said point being also a point on the West line of said Tract I; thence North 02 degrees 09 minutes 05 seconds East, measured (North 02 degrees 09 minutes 42 seconds East, Plat) along the West line of said Quarter Section, being also along the West line of said Tract I and no longer along the Westerly right-of-way line of said Hillcrest Road, a distance of 6.22 feet to a point being 2.00 feet Northwesterly of the Westerly right-of-way line of said Hillcrest Road, as measured radially to the Westerly right-of-way line thereof; thence Northeasterly along a line drawn 2.00 feet Northwesterly of and parallel with and or concentric with the Westerly right-of-way line of said Hillcrest Road, the following courses and distances; thence Northeasterly along a curve to the right, having an initial tangent bearing of North 21 degrees 03 minutes 12 seconds East, a radius of 1,057 feet and a central angle of 00 degrees 20 minutes 10 seconds, an arc length of 6.20 feet; North 21 degrees 23 minutes 22 seconds East, 319.68 feet; thence Northeasterly along a curve to the left, tangent to the last described course, having a radius of 2,443 feet and a central angle of 00 degrees 25 minutes 00 seconds, an arc length of 17.76 feet; thence North 69 degrees 01 minutes 38 seconds West along a radial line to the last described curve and no longer along said line drawn 2.00 feet Northwesterly of and parallel with and or concentric with the Westerly right-of-way line of said Hillcrest Road, a distance of 5.30 feet; thence North 20 degrees 27 minutes 42 seconds East, 43.50 feet, thence South 69 degrees 38 minutes 32 seconds East, 5.30 feet to a point 2.00 feet Northwesterly of the Westerly right-of-way line of said Hillcrest Road, as measured radially to the Westerly right-of-way line thereof; thence Northeasterly along a curve to the left, not tangent to the last described course, said curve being 2.00 feet Northwesterly of and concentric with the Westerly right-of-way line of said Hillcrest Road, having an initial tangent bearing of North 19 degrees 57 minutes 05 seconds East, a radius of 2,443 feet and a central angle of 02 degrees 02 minutes 23 seconds, an arc length of 86.97 feet to a point of compound curve; thence departing from said curve being 2.00 feet Northwesterly of and concentric with the Westerly right-of-way line of said Hillcrest Road, being now along a curve to the left, Northeasterly, Northerly and Northwesterly, being tangent to the last described curve, having a radius of 29.00 feet and a central angle of 40 degrees 43 minutes 51 seconds, an arc length of 20.62 feet to a point of compound curve; thence Northwesterly along a curve to the left, tangent to the last described curve, having a radius of 51 feet and a central angle of 37 degrees 16

minutes 14 seconds, an arc length of 33.18 feet to a point of compound curve; thence Northwesterly along a curve to the left, tangent to the last described curve, having a radius of 85 feet and a central angle of 13 degrees 57 minutes 48 seconds, an arc length of 20.72 feet; thence North 74 degrees 03 minutes 11 seconds West, tangent to the last described curve; a distance of 12.76 feet; thence Northwesterly and Westerly along a curve to the left, tangent to the last described course, having a radius of 307 feet and a central angle of 12 degrees 51 minutes 40 seconds, an arc length of 68.91 feet to a point of compound curve; thence Westerly and Southwesterly along a curve to the left, tangent to the last described curve, having a radius of 31 feet and a central angle of 75 degrees 49 minutes 08 seconds, an arc length of 41.02 feet; thence South 17 degrees 16 minutes 00 seconds West, tangent to the last described curve, a distance of 2.67 feet; thence North 78 degrees 53 minutes 35 seconds West, 7.81 feet; thence Southwesterly, Southerly and Southeasterly along a curve to the left, not tangent to the last described course, having an initial tangent bearing of South 05 degrees 48 minutes 36 seconds West, a radius of 252 feet and a central angle of 13 degrees 41 minutes 13 seconds, an arc length of 60.20 feet to a point of compound curve; thence Southeasterly along a curve to the left, tangent to the last described curve, having a radius of 157.64 feet and a central angle of 09 degrees 50 minutes 01 seconds, an arc length of 27.06 feet; thence South 17 degrees 42 minutes 38 seconds East, tangent to the last described curve, a distance of 97.47 feet; thence Southeasterly along a curve to the right, tangent to the last described course, having a radius of 152 feet and a central angle of 08 degrees 08 minutes 14 seconds, an arc length of 21.59 feet to a point of compound curve; thence Southeasterly, Southerly and Southwesterly along a curve to the right, tangent to the last described curve, having a radius of 304 feet and a central angle of 23 degrees 12 minutes 18 seconds, an arc length of 123.12 feet to a point, said point being on the Southeasterly extension of the common line between the Southeasterly line of said Tract I and the Northeasterly line of Tract V of said REPLAT OF BANNISTER MALL, TRACTS I THRU X, INCLUSIVE; thence North 61 degrees 36 minutes 47 seconds West, measured (North 61 degrees 36 minutes 09 seconds West, Plat), not tangent to the last described curve, being now along the common line between said Tract I and said Tract V and along the Southeasterly extension of said common line, a distance of 57.32 feet; thence departing from the common line between said Tract I and said Tract V, being now along a curve to the left, Northeasterly, Northerly and Northwesterly, not tangent to the last described course, having an initial tangent bearing of North 10 degrees 16 minutes 13 seconds East, a radius of 249 feet and a central angle of 30 degrees 45 minutes 10 seconds, an arc length of 133.65 feet; thence North 20 degrees 28 minutes 57 seconds West, tangent to the last described curve, a distance of 87.74 feet; thence Northwesterly and Northerly along a curve to the right, tangent to the last described course, having a radius of 194 feet and a central angle of 22

degrees 49 minutes 40 seconds, an arc length of 77.29 feet; thence North 02 degrees 20 minutes 44 seconds East, tangent to the last described curve, a distance of 44.29 feet;

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 by the Director of City Planning and Development

Section 3. Said streets shall be used by Kansas City as the permanent location of any street improvements 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 right of way, and easements for the purpose of constructing, reconstructing, maintaining, operating and repairing said improvements or making connections thereto.

Section 4. That just compensation for the property taken or damaged shall be assessed and paid according to law; and the proceedings to determine compensation shall be prosecuted in one or more suits in the Circuit Court of Jackson County, Missouri at Kansas City, pursuant to the provisions of Chapter 523 of the Revised Statutes of Missouri, 1994, as supplemented or amended by Section 86.01 to 86.10 of the Rules of Civil Procedure. Payment of compensation shall be made by Kansas City from funds appropriated for such purposes.

Section 5. That pending the acquisition of said lands by condemnation, the Director of City Development is hereby authorized to purchase said land out of funds appropriated or to be appropriated as aforesaid, and if any tracts be so acquired by purchase, the City Attorney is authorized to withdraw same from condemnation proceedings.

Section 6. That said KCPL easements with said right of way, as described within, be condemned and subordinated to Kansas City, Missouri.

Section 7. 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