

ORDINANCE NO. 130405

Authorizing execution of a Release and Termination of a Deferral Agreement for certain street improvements in the area of 38th and N.E. Parvin Road between the Northland Corps of the Salvation Army and the City of Kansas City, Missouri.

WHEREAS, the City entered into a Deferral Agreement dated November 9, 1992, with the Northland Corps of The Salvation Army ("Deferral Agreement") in connection with the platting of land at approximately 4300 N.E. Parvin Road, legally described as:

Lot 1, Northland Corps of The Salvation Army, a subdivision in Kansas City, Clay County, Missouri.

Formerly known as:

A tract of land in the Northwest Quarter of Section 8, Township 50, Range 32, in Kansas City, Clay County, Missouri, being bounded and described as follows: Beginning at a point on the north line of the Southwest Quarter of the Northwest Quarter of said Section 8, said point being 58.5 feet east of the northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 8; thence South 8931'02" East, along the north line of the Southwest Quarter of the Northwest Quarter of said Section 8, 509.80 feet; thence South 028'58" West 25.0 feet; thence South 8931'02" East 50.0 feet; thence southeasterly on a curve to the right having a radius of 90.0 feet, an arc distance of 65.27 feet; thence South 052'45" West 35.30 feet to a point on the northerly right of way line of Parvin Road, as now established; thence southwesterly, along said right of way line on a curve to the right having a radius of 596.62 feet, an arc distance of 590.40 feet; thence North 7601'30" West, 1.38 feet; thence North 3028'54" West, 89.90 feet; thence South 8933'03" West, 25.0 feet; thence North 051'43" East, 151.23 feet to the point of beginning; and

WHEREAS, pursuant to the Deferral Agreement, The Salvation Army was required to make a financial contribution for street improvements within one hundred eighty (180) days after the City sent notice that (1) the use of the Property had changed to a greater intensity generating additional traffic; and (2) the City had approved an ordinance amending the development plan, which plan amendment was required due to such change to a more intensive use of the property; and

WHEREAS, subsequent to the initial approval, Ordinance No. 930404 was passed on May 20, 1993, which approved a modification to the original condition relating to the Deferral Agreement to provide for a five-year review of the necessity of the improvements; however, records do not indicate that the amended Deferral Agreement was ever executed; and

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WHEREAS, the more intense use and resulting greater traffic did not occur; and

WHEREAS, the City has agreed to release the Deferral Agreement; NOW,
THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Department of Public Work's, is hereby authorized and directed to execute the Release and Termination of the Deferral Agreement. A copy of the Release is on file in the Public Work's Office.

Approved as to form and legality:

Theodore T. Anderson
Associate City Attorney