

1. Order
4/11/16

Project No. 89002672
SEC 14 TW 48 RG 33
Tract No. 314
Jackson County Missouri
7700 Blue River Road
Kansas City, MO
64132

FILED
MAR 31 2016
MARY JO SPINO
COUNTY CLERK

Ord. 4828

PERMANENT CHANNEL IMPROVEMENT / MAINTENANCE EASEMENT

Let it be known that **JACKSON COUNTY MISSOURI**, owner of the subject property, hereafter called the **GRANTOR**, on this 31st day of March, 2016, for and in consideration of \$1.00, the receipt of which is acknowledged, does grant, remise, release and forever Quit-Claim unto **Kansas City**, a Missouri Municipal Corporation, through its Water Services Department, whose mailing address is:

**Water Services Department
Waterways
4800 E. 63rd Street
Kansas City, MO 64130**

and hereafter called the **GRANTEE**, a **PERMANENT CHANNEL IMPROVEMENT / MAINTENANCE EASEMENT** A perpetual and assignable right and easement in (the lands described in Exhibit A) (Tracts Nos, 14C and 14D) to construct, maintain, repair, operate, patrol and replace a flood protection (levee) including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, over under and through the following described tract of land situated in Kansas City, Jackson County , Missouri, to-wit:

LEGAL DESCRIPTION(S), together with the right of ingress to and egress from the described land and contiguous land owned by GRANTOR(S).

Exhibit "A"

Permanent Channel Improvement / Maintenance Easement Tract 14C:

A tract of land situated in the Northwest Quarter of Section 14, Township 48 North, Range 33 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northwest corner of the Northwest Quarter of said Section 14;

Thence South 02°13'00" West 900.04 feet, along the West line of the Northwest Quarter, of said Section 14, to a point on the South line of Block 1 "Swope Park Industrial District" plat, a subdivision of land in the City of Kansas City, Jackson County, Missouri and the North right-of-way line of the railroad easement described in Doc. No. B433917 recorded in Book 5562 at Page 273;

Thence South 87°16'53" East 1,840.91 feet, along said South line and the Easterly prolongation thereof, to the Northeast corner of Lot 1 "Abbott's Acquisition", a subdivision of land in the City of Kansas City, Jackson County, Missouri;

Thence South 02°43'07" West 118.96 feet, along the East line of said Lot 1, to the Southeast corner of said Lot 1;

Thence South 14°09'07" West 100.00 feet to a point on the Southerly line on a existing Permanent Channel Improvement / Maintenance Easement described in document No. 2013E0022726;

Thence North 75°50'53" West 59.90 feet, along said Southerly line, to the "true point of beginning" of the easement herein described;

Thence South 88°31'27" West 391.74 feet, departing from said Southerly line, to a point of the Easterly line of the said easement;

Thence North 02°15'24" East 17.09 feet along said Easterly line;

Thence North 76°43'27" East 192.79 feet along the Southerly line of said easement;

Thence South 75°50'53" East 209.66 feet, along said Southerly line, to the "true point of beginning" of the easement herein described, containing 12,650 square feet or 0.2904 acres, more or less.

Subject to all easements and restrictions of record.

Permanent Channel Improvement / Maintenance Easement Tract 14D:

A tract of land situated in the Northwest Quarter of Section 14, Township 48 North, Range 33 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being more particularly described as follows:

(Note: The bearing system in the following description is based on Grid North, Missouri Coordinate System of 1983/97).

Commencing at the Northwest corner of the Northwest Quarter of said Section 14;

Thence South 02°13'00" West 900.04 feet, along the West line of the Northwest Quarter, of said Section 14, to a point on the South line of Block 1 "Swope Park Industrial District" plat, a subdivision of land in the City of Kansas City, Jackson County, Missouri and the North right-of-way line of the railroad easement described in document No. B433917 recorded in Book 5562 at Page 273;

Thence South 87°16'53" East 1,840.91 feet, along said South line and the Easterly prolongation thereof, to the Northeast corner of Lot 1 "Abbott's Acquisition", a subdivision of land in the City of Kansas City, Jackson County, Missouri;

Thence South 02°43'07" West 118.96 feet, along the East line of said Lot 1, to the Southeast corner of said Lot 1 said point also being the "true point of beginning" of the easement herein described;

Thence South 75°50'53" East 20.00 feet;

Thence South 14°09'07" West 100.00 feet;

Thence North 75°50'53" West 20.00 feet to a point on the Easterly line on an existing Permanent Channel Improvement / Maintenance Easement described in document No. 2013E0022726;

Thence North 14°09'07" East 100.00 feet, along said Easterly line, to the "true point of beginning" of the easement herein described, containing 2,000 square feet or 0.0459 acres, more or less.

Subject to all easements and restrictions of record.

The **GRANTEE**, its agents, employees or independent contractors shall have the right to go upon the above described tracts of land, for the purpose of constructing, maintaining, and repairing the Permanent Channel Improvement / Maintenance Easement improvements and appurtenances thereto, and shall upon completion of such construction, maintenance or repair, cause the land of the **GRANTOR** to be restored to substantially the same condition that existed prior to the **GRANTEE'S** entry upon it.

The **GRANTOR** herein agree for itself and for its heirs, successors or assigns, that the tract of land over which a Permanent Channel Improvement / Maintenance Easement is being granted shall be kept free from buildings or any other structures or obstructions (except grass, shrubs, fences, sidewalks, roadways, pavement or curbs) that would interfere with the **GRANTEE** in excavating upon said permanent easement for the purposes of laying, constructing, operating, maintaining or repairing Permanent Channel Improvement / Maintenance Easement and any appurtenances incidental thereto.

The **GRANTOR** herein also agree for itself and for its heirs, successors, or assigns, that no change in the earth cover through storm water ditches and swales, will be made without the written approval of the **GRANTEE'S** Director of Water Services and **GRANTEE** will permit no change in the earth cover that will result in an earth cover of more than 8.0 feet as measured from the top of the Permanent Channel Improvement / Maintenance Easement without same approval.

GRANTOR further states that it is lawfully seized of title to the land through which said easement is granted, and that they have good and lawful right to convey said easement to the **GRANTEE** herein.

APPROVED AS TO FORM:

By: W. Stephen Nixon
W. Stephen Nixon, County Counselor

JACKSON COUNTY, MISSOURI

Frank White, Jr.
Frank White, Jr., County Executive

ATTEST:

By: Mary Jo Spino
Mary Jo Spino, Clerk of the County Legislature

