

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Executive to execute a warranty deed and an escrow agreement for right of ways and easements in favor of the Missouri Department of Transportation, in connection with the reconstruction of the I-435 and I-70 interchange.

RESOLUTION #17124, December 11, 2009

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, the Missouri Department of Transportation (MoDot) is in the process of right of way and easement acquisitions in conjunction with the construction of the I-435 and I-70 interchange; and,

WHEREAS, in connection with this project, MoDot has requested the execution of a warranty deed and an escrow agreement for right of ways and permanent and temporary construction easements through Jackson County stadium property, attached hereto as Exhibit A, and have agreed to pay a total of \$455,000.00 to Jackson County for the acquisitions; and,

WHEREAS, the execution of a warranty deed and an escrow agreement for right of ways and easements is in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the County Executive be and hereby is authorized to execute the attached warranty deed and escrow

agreement in favor of the Missouri Department of Transportation and any and all other documents necessary in connection therewith; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to accept the total amount of \$455,000.00.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Pamela Fellin
Deputy/Assistant County Counselor

JPEG Saper
Senior Deputy County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17124 of December 11, 2009, was duly passed on January 4, ~~2009~~ 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

1/4/2010
Date

Mary Jo Spino by cms
Mary Jo Spino, Clerk of Legislature

CCO FORM: RW08
Approved: 04/92 (TWJ)
Revised: 09/00 (RMH)
Modified:

COUNTY: Jackson
ROUTE: I-435/I-70/40
JOB NO.: J411597

PARCEL: 1

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
ESCROW AGREEMENT**

THIS ESCROW AGREEMENT is entered into by and between the MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION (Commission)

and Jackson County, Missouri (Owner),

and Kansas Secured Title (Escrow Agent).

Any party named above may receive a portion of the proceeds of this transaction, but not all named parties are required to sign this agreement.

WITNESSETH:

WHEREAS, the Owner(s) own the following described property located in Jackson County, Missouri;

A strip of land over a part of the Southwest Quarter of the Northeast Quarter of Section 19, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 19; thence South 01°56'08" West, along the East line of the Northeast Quarter of said

Section 19, a distance of 2055.66 feet, to a point on the centerline of U.S. Interstate Highway 70, said point being at centerline station 353+06.90, as now established, said point also hereinafter to be referred to as POINT "A"; thence North 59°19'44" West, along said centerline, a distance of 1122.90 feet, to centerline station 341+84.00, of said Interstate 70; thence South 30°40'16" West, a distance of 204.38 feet, to a point on the South right of way line of said Interstate 70, said point also being the POINT OF BEGINNING; thence South 69°26'23" West, a distance of 206.01 feet, to a point 365.00 feet right of centerline station 340+55.00, of said Interstate 70; thence North 70°31'47" West, a distance of 514.81 feet, to a point 465.00 feet right of centerline station 335+50.00, of said Interstate 70; thence North 50°21'53" West, a distance of 449.25 feet, to a point 395.00 feet right of centerline station 331+06.24, of said Interstate 70; thence North 87°04'11" West, a distance of 133.27 feet, to a point on the South right of way line of said Interstate 70, as now established, said point being 457.03 feet right of centerline station 329+88.28, of said Interstate 70; thence the following courses along the South right of way line of said Interstate 70: North 02°39'21" East, a distance of 30.21 feet; thence North 83°13'54" East, a distance of 54.81 feet; thence South 84°42'42" East, a distance of 249.32 feet; thence South 70°55'58" East, a distance of 546.50 feet; thence South 59°37'45" East, a distance of 321.72 feet; thence South 42°15'25" East, a distance of 87.96 feet, to the POINT OF BEGINNING, containing 198,537 square feet, more or less.

Also, a strip of land over a part of the Northwest Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at aforesaid "POINT A"; thence South 59°19'44" East, along the centerline of said U.S. Interstate Highway 70, as now established, a distance of 1085.69 feet, to centerline station 363+88.34; thence South 30°40'16" West, a distance of 220.34 feet, to a point on the South right of way line of said U.S. Interstate Highway 70, as now established, said point also being the POINT OF BEGINNING; thence South 59°20'18" East, along said South right of way line, a distance of 112.11 feet; thence South 32°30'56" East, continuing along said South right of way line, a distance of 204.60 feet, to a point 312.62 feet right of centerline station 366+83.05, of said Interstate 70, as now established; thence North 59°19'44" West, departing said South right of way line, a distance of 40.05 feet, to a point 312.62 feet right of centerline station 366+43.00, of said Interstate 70; thence North 39°24'42" West, a distance of 270.87 feet, to the POINT OF BEGINNING, containing 7,023 square feet, more or less.

Also, all abutter's rights of direct access between the highway now known as U.S. Interstate Highway 70, and grantor's land in the Southwest

Quarter of the Northeast Quarter of Section 19, Township 49 North, Range 32 West, and also the Northwest Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri.

PERMANENT DRAINAGE EASEMENT

A strip of land over a part of the Northwest Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 20; thence South $01^{\circ}56'08''$ West, along the West line of the Northwest Quarter of said Section 20, a distance of 2055.66 feet, to a point on the centerline of U.S. Interstate Highway 70, said point being at centerline station 353+06.90, as now established; thence South $59^{\circ}19'44''$ East, along said centerline, a distance of 1207.23 feet, to centerline station 365+09.88, of said Interstate 70; thence South $30^{\circ}40'16''$ West, a distance of 264.38 feet, to the POINT OF BEGINNING; thence South $39^{\circ}24'42''$ East, a distance of 141.59 feet, to a point 312.62 feet right of centerline station 366+43.00, of said Interstate 70; thence South $59^{\circ}19'44''$ East, a distance of 40.05 feet, to a point on the South right of way line of said Interstate 70, said point being 312.62 feet right of centerline station 366+83.05; thence South $59^{\circ}15'17''$ East, along said South right of way line, a distance of 22.63 feet, to a point 312.65 feet right of centerline station 367+05.68, of said Interstate 70; Thence South $30^{\circ}40'15''$ West, a distance of 10.77 feet, to a point 323.42 feet right of centerline station 367+05.68, of said Interstate 70; thence North $59^{\circ}19'44''$ West, a distance of 62.23 feet, to a point 323.42 feet right of centerline station 366+43.45, of said Interstate 70; thence North $39^{\circ}24'42''$ West, a distance of 145.70 feet, to a point 273.78 feet right of centerline station 365+06.47, of said Interstate 70; thence North $50^{\circ}35'18''$ East, a distance of 10.00 feet, to the POINT OF BEGINNING, containing 2,111 square feet, more or less.

The permanent drainage easement will be constructed on only part of said land, the extra land being included for workers and machinery to be utilized. After completion of construction and acceptance of the project, the owners of said land may fence, and shall have the free and uninterrupted possession and use of said tract; subject only to the Missouri Highways and Transportation Commission's right, if it should so elect, to enter thereon from time to time for the purpose of maintaining said drainage controls.

TEMPORARY GRADING EASEMENT

A strip of land over a part of the Southwest Quarter of the Northwest Quarter and also part of the Northwest Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 20; thence South $01^{\circ}56'08''$ West, along the West line of the Northwest Quarter of said Section 20, a distance of 2055.66 feet, to a point on the centerline of U.S. Interstate Highway 70, said point being at centerline station 353+06.90, as now established; thence South $59^{\circ}19'44''$ East, along said centerline, a distance of 422.35 feet, to centerline station 357+25.00, of said Interstate 70; thence South $30^{\circ}40'16''$ West, a distance of 220.45 feet, to a point on the South right of way line of said Interstate 70, said point also being the POINT OF BEGINNING; thence South $59^{\circ}20'18''$ East, along said South right of way line, a distance of 515.00 feet, to a point 220.37 feet right of centerline station 362+40.00, of said Interstate 70; thence South $30^{\circ}40'16''$ West, departing said South right of way line, a distance of 9.63 feet, to a point 230.00 feet right of centerline station 362+40.00, of said Interstate 70; thence North $59^{\circ}19'44''$ West, a distance of 515.00 feet, to a point 230.00 feet right of centerline station 357+25.00, of said Interstate 70; thence North $30^{\circ}40'16''$ East, a distance of 9.55 feet, to the POINT OF BEGINNING, containing 4,939 square feet, more or less.

TEMPORARY GRADING EASEMENT

A strip of land over a part of the Northwest Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 20; thence South $01^{\circ}56'08''$ West, along the West line of the Northwest Quarter of said Section 20, a distance of 2055.66 feet, to a point on the centerline of U.S. Interstate Highway 70, said point being at centerline station 353+06.90, as now established; thence South $59^{\circ}19'44''$ East, along said centerline, a distance of 1733.36 feet, to centerline station 370+36.00, of said Interstate 70; thence South $30^{\circ}40'16''$ West, a distance of 412.71 feet, to a point on the Southerly right of way line of said Interstate 70, said point also being the POINT OF BEGINNING; thence South $00^{\circ}34'06''$ West, along said Southerly right of way line, a distance of 79.96 feet, to a point 481.88 feet right of centerline station 370+76.11, of said Interstate 70; thence Southerly along a curve to the left having a radius of 1011.93 feet, a central angle of $13^{\circ}07'12''$ and an initial tangent bearing of South $25^{\circ}21'38''$ West, an arc distance of 231.72 feet, to a point 708.15 feet right

of centerline station 371+23.67, of said Interstate 70; thence North 78°14'19" West, a distance of 72.26 feet, to a point 731.57 feet right of centerline station 370+55.31, of said Interstate 70; thence North 03°02'32" East, a distance of 98.54 feet, to a point 644.26 feet right of centerline station 370+09.61, of said Interstate 70; thence North 72°25'07" East, a distance of 63.85 feet, to a point 596.62 feet right of centerline station 370+52.13, of said Interstate 70; thence North 25°39'40" East, a distance of 184.62 feet, to the POINT OF BEGINNING, containing 15,144 square feet, more or less.

Upon completion and acceptance of this project, the easement rights of said temporary easements, shall cease and be no longer in effect.

WHEREAS, the Commission has agreed with the Owner(s) to purchase said property; and

WHEREAS, the Owner(s) are agreeable to conveying said property to Commission.

NOW, THEREFORE, in consideration of the mutual promises, covenants and representations in this Agreement, the parties agree as follows:

1. **CONSIDERATION:** The consideration for the conveyance is **Four Hundred Fifty Five Thousand AND NO/100 DOLLARS (\$455,000.00)**, and the Owner(s) hereby deliver to the Escrow Agent a properly executed and acknowledged warranty deed dated the ____ day of _____, 20____, conveying the above-described property. This deed shall be delivered to the Commission by the Escrow Agent upon the Commission's delivering to the Escrow Agent the specified purchase price. The purchase price is to be delivered to the Escrow Agent by the Commission on or before the ____ day of _____, 20____, in the form of a state treasurer's check made payable to the above named Escrow Agent. The Escrow Agent will disburse all funds, and act as representative for all the above named parties.

2. **POSSESSION OF PROPERTY:** Owners hereby agree to vacate and give peaceable possession of said above-described property to Commission within **upon payment** of the consideration specified in CONSIDERATION paragraph above, by Commission to Escrow Agent. The Owners hereby waive all statutory and common law notice to vacate said premises and, as a further consideration for this agreement, do hereby consent that Commission may institute all necessary legal proceedings to obtain possession of the property at any time after Commission becomes entitled to possession of said property under this agreement.

3. **DISCLOSURE OF HAZARDOUS SUBSTANCES ON PROPERTY ACQUIRED:** The Owner(s) represent that to the best of Owner(s) knowledge and belief, there has been no generation, transportation, storage, treatment, disposal, release, leakage, spillage or emission of any hazardous or toxic substance or material or any aboveground or underground petroleum product contamination on the subject property during the Owner(s) ownership or during previous ownerships at least insofar

as the Owner(s) have observed or have been informed. In the alternative, if the Owner(s) have knowledge of any of the aforementioned events occurring on the subject property, that information is set out below. If at any time during the period between the execution of this Agreement and the closing thereof, the Owner(s) have actual knowledge of, learn of, or have a reason to believe that any of the aforementioned events occurred on the subject property, the Owner(s) shall give notice to the Commission immediately. This Agreement is conditional upon full disclosure of any such information by the Owner(s).

4. **TERMINATION:** The Commission may, at its discretion, void this Agreement if the Owner(s) reveal the existence of hazardous substances on the property or if an environmental assessment reveals environmental contamination subjecting the property to costs of removal or remediation under state or federal law.

5. **LAWS OF MISSOURI TO GOVERN:** This Agreement shall be construed according to the laws of the State of Missouri.

6. **ESCROW AGENT RESPONSIBILITIES:** The Escrow Agent, in consideration of the sum of one dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby agrees to perform the following:

A. ESCROW AGENT ACTIONS PRIOR TO RECEIVING PAYMENT:

- Accept and hold the conveyance documents in escrow until Commission delivers consideration for the property to the Escrow Agent.
- Certify copies of conveyance documents for use in securing payment of the purchase price.
- Cease escrow process if notified by Commission that acquisition is terminated as a result of the provisions of TERMINATION paragraph, and return all conveyance documents to respective grantors.

B. ESCROW AGENT ACTIONS UPON RECEIPT OF PAYMENT:

- Secure Owner's execution of Certificate of Disbursement of Funds prior to releasing any funds.
- Extend title from date of commitment to closing date.
- Disburse funds to those indicated as payees in CONSIDERATION paragraph.
- Record conveyance documents and releases.

C. ESCROW AGENT FINAL ACTIONS:

- Deliver to the Commission the original deed of conveyance with recording information, title policy and CERTIFICATE OF DISBURSEMENT OF FUNDS, with the billing for title services.
- Compile all information necessary for the completion of, prepare and file Internal Revenue Service Form 1099-S, "Proceeds from Real Estate Transactions", with respect to the conveyance.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

**MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION**

ESCROW AGENT

BY: _____ BY: _____

TITLE: _____ TITLE: _____

Executed by the Commission
this ____ day of _____, 20__.

Executed by the Escrow Agent
this ____ day of _____, 20__.

OWNER (S): Jackson County, Missouri

SIGNATURES

ADDRESS

PHONE NO.

415 E. 12th Street, Kansas City, MO 64106

See below

Mike Sanders
County Executive
Jackson County, Missouri

First owner executed on the ____ day of _____, 20__.

Note to Escrow Agent: To disburse payment, please contact Public Works Chief Engineer Earl Newill at 816.881.4538 or Right of Way Specialist Fred Hawley at 816.881.4491.

CCO FORM: RW03
Approved: 12/92 (TLP)
Revised: 08/07 (AR)
Modified:

COUNTY: Jackson
ROUTE: 70/435/40
PROJECT: J411597 RA
PARCEL: 1

GENERAL WARRANTY DEED

(1) **PARTIES:** THIS AGREEMENT, made this ____ day of _____, 2009, by and between **Jackson County, Missouri**, Grantor, of the County of Jackson, and State of Missouri, and the **STATE OF MISSOURI**, acting by and through the **MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION**, Grantee.

GRANTEE'S ADDRESS: 600 NE Colbern Road, Lee's Summit, MO 64086.

(2) **CONSIDERATION:** Grantor, in consideration of the sum of **Four Hundred Fifty Five Thousand AND NO/100 DOLLARS (\$455,000.00)**, to be paid by the Missouri Highways and Transportation Commission, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm fee simple title in the property described in this deed.

(3) **PROPERTY DESCRIPTION:** Grantor conveys to the Missouri Highways and Transportation Commission the following described real estate and interests in real estate in the County of Jackson, State of Missouri:

A strip of land over a part of the Southwest Quarter of the Northeast Quarter of Section 19, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 19; thence South 01°56'08" West, along the East line of the Northeast Quarter of said

Section 4-7.1a

Section 19, a distance of 2055.66 feet, to a point on the centerline of U.S. Interstate Highway 70, said point being at centerline station 353+06.90, as now established, said point also hereinafter to be referred to as POINT "A"; thence North 59°19'44" West, along said centerline, a distance of 1122.90 feet, to centerline station 341+84.00, of said Interstate 70; thence South 30°40'16" West, a distance of 204.38 feet, to a point on the South right of way line of said Interstate 70, said point also being the POINT OF BEGINNING; thence South 69°26'23" West, a distance of 206.01 feet, to a point 365.00 feet right of centerline station 340+55.00, of said Interstate 70; thence North 70°31'47" West, a distance of 514.81 feet, to a point 465.00 feet right of centerline station 335+50.00, of said Interstate 70; thence North 50°21'53" West, a distance of 449.25 feet, to a point 395.00 feet right of centerline station 331+06.24, of said Interstate 70; thence North 87°04'11" West, a distance of 133.27 feet, to a point on the South right of way line of said Interstate 70, as now established, said point being 457.03 feet right of centerline station 329+88.28, of said Interstate 70; thence the following courses along the South right of way line of said Interstate 70: North 02°39'21" East, a distance of 30.21 feet; thence North 83°13'54" East, a distance of 54.81 feet; thence South 84°42'42" East, a distance of 249.32 feet; thence South 70°55'58" East, a distance of 546.50 feet; thence South 59°37'45" East, a distance of 321.72 feet; thence South 42°15'25" East, a distance of 87.96 feet, to the POINT OF BEGINNING, containing 198,537 square feet, more or less.

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Section 4-7.1a

Also, all abutter's rights of direct access between the highway now known as U.S. Interstate Highway 70, and grantor's land in the Southwest Quarter of the Northeast Quarter of Section 19, Township 49 North, Range 32 West, and also the Northwest Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri.

PERMANENT DRAINAGE EASEMENT

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The permanent drainage easement will be constructed on only part of said land, the extra land being included for workers and machinery to be utilized. After completion of construction and acceptance of the project, the owners of said land may fence, and shall have the free and uninterrupted possession and use of said tract; subject only to the Missouri Highways and Transportation Commission's right, if it should so

elect, to enter thereon from time to time for the purpose of maintaining said drainage controls.

TEMPORARY GRADING EASEMENT

A strip of land over a part of the Southwest Quarter of the Northwest Quarter and also part of the Northwest Quarter of the Southwest Quarter of Section 20, Township 49 North, Range 32 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:

4
COMMENCING at the Northwest corner of said Section 20; thence South 01°56'08" West, along the West line of the Northwest Quarter of said Section 20, a distance of 2055.66 feet, to a point on the centerline of U.S. Interstate Highway 70, said point being at centerline station 353+06.90, as now established; thence South 59°19'44" East, along said centerline, a distance of 422.35 feet, to centerline station 357+25.00, of said Interstate 70; thence South 30°40'16" West, a distance of 220.45 feet, to a point on the South right of way line of said Interstate 70, said point also being the POINT OF BEGINNING; thence South 59°20'18" East, along said South right of way line, a distance of 515.00 feet, to a point 220.37 feet right of centerline station 362+40.00, of said Interstate 70; thence South 30°40'16" West, departing said South right of way line, a distance of 9.63 feet, to a point 230.00 feet right of centerline station 362+40.00, of said Interstate 70; thence North 59°19'44" West, a distance of 515.00 feet, to a point 230.00 feet right of centerline station 357+25.00, of said Interstate 70; thence North 30°40'16" East, a distance of 9.55 feet, to the POINT OF BEGINNING, containing 4,939 square feet, more or less.

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5

Southerly right of way line, a distance of 79.96 feet, to a point 481.88 feet right of centerline station 370+76.11, of said Interstate 70; thence Southerly along a curve to the left having a radius of 1011.93 feet, a central angle of 13°07'12" and an initial tangent bearing of South 25°21'38" West, an arc distance of 231.72 feet, to a point 708.15 feet right of centerline station 371+23.67, of said Interstate 70; thence North 78°14'19" West, a distance of 72.26 feet, to a point 731.57 feet right of centerline station 370+55.31, of said Interstate 70; thence North 03°02'32" East, a distance of 98.54 feet, to a point 644.26 feet right of centerline station 370+09.61, of said Interstate 70; thence North 72°25'07" East, a distance of 63.85 feet, to a point 596.62 feet right of centerline station 370+52.13, of said Interstate 70; thence North 25°39'40" East, a distance of 184.62 feet, to the POINT OF BEGINNING, containing 15,144 square feet, more or less.

Upon completion and acceptance of this project, the easement rights of said temporary easements, shall cease and be no longer in effect.

(4) **RIGHTS OF GRANTEE:** Grantee shall obtain all rights, privileges, appurtenances and immunities belonging to Grantor, its successors and assigns forever.

(5) **WARRANTY:** Grantor hereby covenants that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed. Grantor covenants that it has good right to convey the property. Grantor covenants that the said premises are free and clear of any encumbrances done or suffered by it or those under whom it claims; and that it will warrant and defend the title to said premises unto the Missouri Highways and Transportation Commission and unto its successors and assigns, forever, against the lawful claims and demands of all persons whomsoever.

(6) **DATE:** IN WITNESS WHEREOF, the said Grantor executed the above the day and year first above written.

BY: _____

Mike Sanders
County Executive
Jackson County, Missouri

ATTEST: _____

Mary Jo Spino
Clerk of the County Legislature
Jackson County, Missouri

ACKNOWLEDGMENT BY COUNTY

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

On this ____ day of _____, 2009, before me appeared **Mike Sanders**, personally known to me, who being by me duly sworn, did say that he is the **County Executive of Jackson County, Missouri** with authority to bind said County and that the foregoing instrument was signed and sealed on behalf of said County and that he acknowledged said instrument to be the free act and deed of said County and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Notary Public

My Commission Expires: _____