

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**AN ORDINANCE** appropriating \$7,553.00 from the undesignated fund balance of the 2020 Park Fund in acceptance of easement and processing fees from the City of Kansas City, Missouri, and authorizing the County Executive to execute a Permanent Sewer Acquisition Agreement and Permanent Sewer Easement in favor of the City of Kansas City.

**ORDINANCE NO. 5330**, May 4, 2020

**INTRODUCED BY** Crystal Williams, County Legislator

WHEREAS, the City of Kansas City, Missouri (the "City") desires to realign and replace a failed section of existing sewer line within the County's Blue River Parkway, as part of the City's Citywide Sewer Infrastructure Rehabilitation Within Waterways Project; and,

WHEREAS, the City has requested that the County grant a permanent sewer easement over a portion of the parkway for this project; and,

WHEREAS, the requested easement is 27,766.2 square feet in size, containing 0.64 acres, and will require the closing of a hiking trail during construction activities; and,

WHEREAS, the Director of Parks + Rec has recommended that the County execute the attached Permanent Sewer Acquisition Agreement and Permanent Easement in favor of the City for this project; and,

WHEREAS, the City has agreed to pay the County easement and processing fees required by the Jackson County Code, totaling \$7,553.20; and,

WHEREAS, an appropriation is needed to place the City's funds in an appropriate spending account to be used for park purposes; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation from the undesignated fund balance of the 2020 Park Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Park Fund 003-9999	47020 – Sale of Fixed Assets	\$7,553	
003-9999	32810- Undesignated Fund Balance		\$7,553
003-9999	32810- Undesignated Fund Balance	\$7,553	
Construction Services 003-1608	58060- Other Improvements		\$7,553

and,

BE IT FURTHER ORDAINED by the County Legislature of Jackson County, Missouri, that the attached Permanent Sewer Acquisition Agreement and Permanent Easement be and hereby are approved and that the County Executive be and hereby is authorized to execute on behalf of the County these documents and any other documents necessary to give effect to this Ordinance.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Jan D. Hahn  
Chief Deputy County Counselor

Byron O. Conley  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 5330 of May 4, 2020, was duly passed on May 4, 2020 by the Jackson County Legislature. The votes thereon were as follows.

Yeas 9 Nays 0  
Abstaining 0 Absents 0

This Ordinance is hereby transmitted to the County Executive for his signature.

5-4-2020  
Date

Mary Jo Spino  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No.5330.

5/5/2020  
Date

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

Funds sufficient for this appropriation are available from the source indicated below.

ACCOUNT NUMBER: 003 9999 32810  
ACCOUNT TITLE: Park Fund  
Undesignated Fund Balance  
NOT TO EXCEED: \$7,553.00

4-30-2020  
Date

[Signature]  
Chief Administrative Officer



**KC Water • 4800 East 63rd Street • Kansas City, Missouri 64130 • 816-513-0568**

DATE: March 19, 2020

TO: Bruce Wilke  
Jackson County Parks and Recreation

FROM: Richard Snedegar, Senior Acquisition Specialist

SUBJECT: KCMO SmartSewer Program-City-Wide Sewer Infrastructure Rehabilitation within  
Waterways, Project No. 81000756

The Smart Sewer Program (SSP) is undertaking a Design-Build project to reduce excessive inflow and infiltration by rehabilitating sewer infrastructure, including manholes and sewer pipes buried beneath or immediately adjacent to, or exposed in natural waterway channels. The sewer infrastructure is experiencing excessive inflow and infiltration due to the age of the infrastructure, close proximity to the streams, and damage from exposure.

Rehabilitation of sewer infrastructure will also include elements of stream stabilization, bank stabilization, sewer CIPP lining, manhole armament, realignment of sewers and manholes, and encasement of exposed sewer pipes to stabilize sewer infrastructure to protect against stream migration and hydrodynamic forces.

There are multiple sites that are being rehabilitated this project year within the City limits of Kansas City, Missouri. Site 28 is located approximately 1,100 feet East of the intersection of E 118<sup>th</sup> Street and Lydia Avenue. This location is along an existing sewer in a North/South orientation along the Blue River on Jackson County Parks & Recreation property. MH S195-005 is exposed in the Blue River and sections of pipe are also exposed south of MH S195-005. The designed improvements will abandon MH 195-005, encase the exposed sewers with concrete and CIPP line the existing sewer.

We are requesting the attached access easement to facilitate construction and future maintenance. We understand and agree to the acquisition agreement attached.

Regards,

A handwritten signature in blue ink, appearing to read 'Richard Snedegar', is written over a light blue circular stamp.

Richard Snedegar  
Senior Acquisition Specialist  
KC Water

## PERMANENT EASEMENT ACQUISITION AGREEMENT

This **AGREEMENT** made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between **Jackson County, Missouri** hereinafter referred to as **OWNER** and City of Kansas City, A Missouri Municipal Corporation, hereinafter called the **CITY**.

1. The Owner agrees to grant the City a Permanent Access Easement upon a tract of land described in the following document:

Permanent Easement S-1600 dated \_\_\_\_\_

- The City's contractor will provide a certificate of insurance naming Jackson County as an additional insured. Liability insurance indemnifying Jackson County, Missouri will be required before construction can begin. Minimum amount of insurance shall be \$2 million per occurrence with a \$2 million aggregate naming Jackson County, Missouri as an **ADDITIONAL INSURED**.
- Erosion Control measures will be installed prior to the work; including silt fencing and temporary seeding as necessary.
- Tree clearing will be completed by April 1 to avoid nesting season of the endangered Indiana Brown Bat per requirements of the Missouri Department of Natural Resources and US Fish and Wildlife Service.
- Tree stumps and debris shall be removed from the site or shredded and dispersed onsite.
- The City's contractor will provide fencing and/or barriers around excavations left open overnight.
- Restoration, season permitting, will include a permanent seeding and hay matting. Erosion control and restoration plans for the site will be provided to Jackson County in advance of the work.
- The CITY agrees to pay Jackson County Parks + Rec \$5,553.24, ( $\$0.20 \times 27,766.2$  sf) and \$2,000.00 easement processing fee.

**Jackson County, Missouri**

**CITY**

\_\_\_\_\_  
(Sign)  
**Frank White, Jr.**  
**County Executive**

\_\_\_\_\_  
**Terry Leeds**  
**Director of Water Services**

Approved as to form:

Approved as to form:

\_\_\_\_\_  
(Sign)  
**Bryan Covinsky**  
**County Counselor**

\_\_\_\_\_  
**Mark Jones**  
**Assistant City Attorney**

**Project Name: City-Wide Sewer Rehab in Waterways**  
**Project Number: 81000756**

**S-1600**

**Project No. 81000756**  
**City-wide sewer rehabilitation within waterways**  
**Site No. 28**  
**Jackson County, Missouri**  
**415 E. 12<sup>th</sup>**  
**Kansas City, Missouri**  
**64106**

**PERMANENT EASEMENT  
FOR  
WASTEWATER IMPROVEMENTS AND APPURTENANCES**

That, **Jackson County, Missouri** hereafter called the **GRANTOR**, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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, whose mailing address is:

**Water Services Department**  
**Systems Engineering**  
**4800 E. 63<sup>rd</sup> Street**  
**Kansas City, MO 64130**  
**c/o Right-of-way Agent**

and hereafter called the **GRANTEE**, a **Permanent Easement** for the location, construction, reconstruction, maintenance, and repair of wastewater improvements and any appurtenances thereto, over under and through the following described tract of land situated in Kansas City, Jackson County, Missouri, to-wit:

**LEGAL DESCRIPTION ATTACHED AS EXHIBIT A**

The **GRANTEE**, its agents, employees or independent contractors shall have the right to go upon the above described tract of land, for the purpose of constructing, maintaining, and repairing the wastewater 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 agrees for itself and its heirs, successors or assigns, that the tract of land over which a permanent wastewater improvement 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 storm water infrastructure and all appurtenances incidental thereto.

The **GRANTOR** herein also agree for itself and for its heirs, successors, or assigns, that the earth cover will not be increased without the written approval of the **GRANTEE'S** Director of Water Services.

These easements shall not be construed to prohibit the **GRANTOR** from developing any adjoining property or from the laying out, establishing and constructing of pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof.

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

**Signature page to follow**





**JACKSON COUNTY MISSOURI**

**PARCEL ID NO. 65-600-02-27-00-0-00-000**

**PERMANENT ACCESS EASEMENT**

**A strip of land over a part of the Northwest Quarter and also the Southwest Quarter of Section 9, Township 47, North, Range 33 West, in the City of Kansas City, Jackson County, Missouri, more particularly described as follows:**

**COMMENCING at the Southeast corner of the Northwest Quarter of said Section 9; thence North 87°45'53" West, along the South line of said Northwest Quarter, a distance of 60.09 feet, to the POINT OF BEGINNING, said point also being on the West line of an existing 30.00 foot wide Standard Sewer Easement as described in Book 5666 at Page 481, as now established; thence South 10°42'07" East, departing the South line of said section and along the West line of said existing sanitary sewer easement, a distance of 152.62 feet; thence South 78°52'56" West, departing the West line of said existing easement, a distance of 524.53 feet; thence North 36°55'33" East, a distance of 44.67 feet, to a point on the South line of an existing 10.00 foot wide KCP&L Easement as described in Book 2124 at Page 1441; thence North 78°52'56" East, along the South line of said easement, a distance of 481.37 feet; thence North 10°42'07" West, departing the South line of said easement, a distance of 264.25 feet; thence North 11°24'02" West, a distance of 549.42 feet; thence North 31°41'12" West, a distance of 397.43 feet; thence North 38°22'11" West, a distance of 39.42 feet; thence North 51°37'49" East, a distance of 10.00 feet, to a point on the West line of said existing Standard Sewer Easement as described in Book 5666 at Page 481; thence South 38°22'11" East, this and subsequent calls being along the West line of said existing easement, a distance of 40.00 feet; thence South 31°41'12" East, a distance of 399.80 feet; thence South 11°24'02" East, a distance of 551.27 feet; thence South 10°42'07" East, a distance of 141.83 feet, to the POINT OF BEGINNING, containing 27,766.2 square feet or 0.64 acres more or less.**

**Subject to all easements and restrictions of record.**

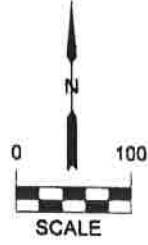
*Samuel E. Walton*  
**SAMUEL E. WALTON**  
**MO PLS NO. 2000161239**



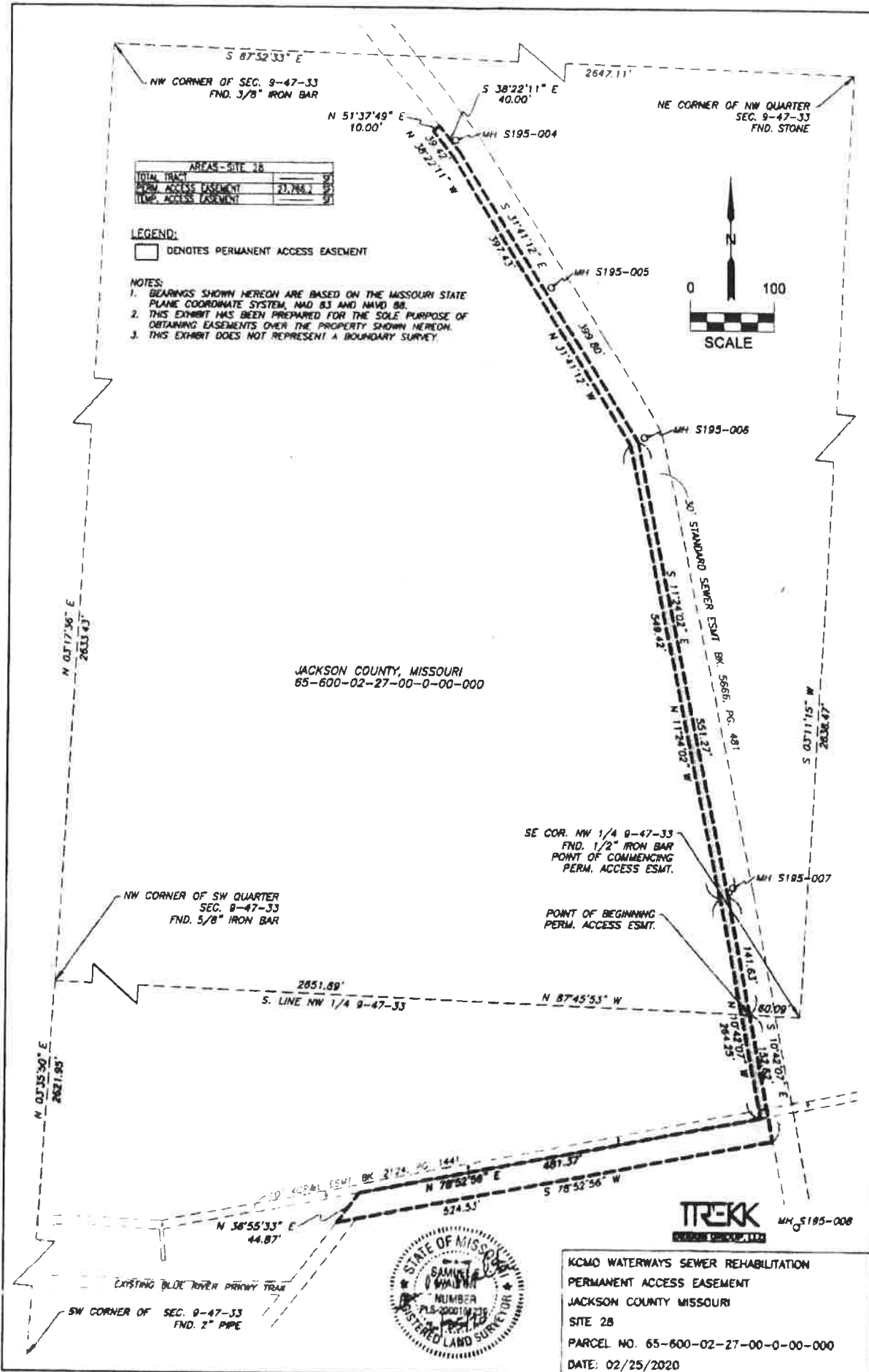
AREAS - SITE 2B	
TOTAL TRACT	91
PERM. ACCESS EASEMENT	21,768.7
TEMP. ACCESS EASEMENT	91

**LEGEND:**  
 □ DENOTES PERMANENT ACCESS EASEMENT

- NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM, MAD 83 AND NAD83 88.
  2. THIS EXHIBIT HAS BEEN PREPARED FOR THE SOLE PURPOSE OF OBTAINING EASEMENTS OVER THE PROPERTY SHOWN HEREON.
  3. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY.



JACKSON COUNTY, MISSOURI  
 65-600-02-27-00-0-00-000



KCMO WATERWAYS SEWER REHABILITATION  
 PERMANENT ACCESS EASEMENT  
 JACKSON COUNTY MISSOURI  
 SITE 2B  
 PARCEL NO. 65-600-02-27-00-0-00-000  
 DATE: 02/25/2020