

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

**AN ORDINANCE** appropriating \$4,930.00 from the undesignated fund balance of the 2016 Park Fund in acceptance of easement and processing fees from the Kansas City, Missouri Water Services Department, and authorizing the County Executive to execute a Permanent Easement in favor of the City of Kansas City, Missouri.

**ORDINANCE NO. 4828**, February 29, 2016

**INTRODUCED BY** Tony Miller, County Legislator

WHEREAS, the City of Kansas City, Missouri Water Services Department has requested a permanent easement on .33 acres of County park land for river bank maintenance purposes in conjunction with the Swope Park Industrial Area Flood Damage Reduction Project and bank stabilization; and,

WHEREAS, the easement lies next to the Blue River within the Blue River Parkway adjacent to the Southeast Landfill; and,

WHEREAS, the easement will result in minimal disturbance to park usage; and,

WHEREAS, the Director of Parks and Recreation has recommended that the County execute the attached Permanent Easement in favor of the City of Kansas City Water Services Department, for this project; and,

WHEREAS, the City has agreed to pay the County easement and processing fees required by the County Code, totaling \$4,930.00, and,

WHEREAS, these funds are to be used for property acquisition and/or other improvements within the park system; and,

WHEREAS, an appropriation is needed to place the funds in the appropriate spending account; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation from the undesignated fund balance of the 2016 Park Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Park Fund Maintenance & Operations			
003-9999	47020 – Sale of Fixed Assets	\$4,930	
003-2810	Undesignated Fund Balance		\$4,930
003-2810	Undesignated Fund Balance	\$4,930	
003-1608	58060 – Other Improvements		\$4,930

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Chief Deputy County Counselor

W. Stephen Nefay  
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4828 of February 29, 2016, was duly passed on March 14, 2016 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.

3.14.16  
Date

Mary Jo Spino  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4828.

3/15/2016  
Date

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

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

ACCOUNT NUMBER: 003 2810  
ACCOUNT TITLE: Park Fund  
Undesignated Fund Balance  
NOT TO EXCEED: \$4,930.00

February 25, 2016  
Date

[Signature]  
Director of Finance and Purchasing

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

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 \_\_\_\_ 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, through its Water Services Department, whose mailing address is:

**Water Services Department  
Waterways  
4800 E. 63<sup>rd</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 a 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:

JACKSON COUNTY, MISSOURI

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

\_\_\_\_\_  
Frank White, Jr., County Executive

ATTEST:

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

\*\*\*\*\*

STATE OF MISSOURI )  
                              ) ss  
COUNTY OF JACKSON )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me  
appeared \_\_\_\_\_,  
to me known to be the person described herein, and who executed, the foregoing  
instrument; and acknowledged that he/she executed the same as a free act and  
deed.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed my notarial  
seal, at  
my office in Kansas City, Missouri, the day and year last above written.

\_\_\_\_\_  
Notary Public Signature

My Commission in \_\_\_\_\_ County, Missouri, expires on \_\_\_\_\_, 20\_\_\_\_.

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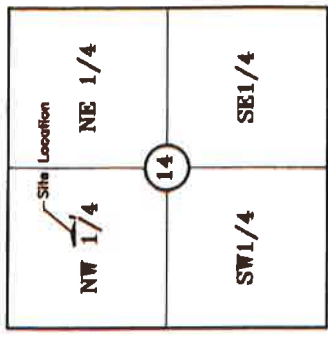
# Exhibit

## Area Table

Tract No.: 14  
**OWNERS NAME, SITE ADDRESS, MAILING ADDRESS:**  
 Jackson County Missouri  
 Site Address - 7700 Blue River Road  
 Kansas City, Mo. 64132  
 Mailing Address - 415 E 12th Street  
 Kansas City, Mo. 64106  
**COUNTY PARCEL NO.:** JA468200706000000000  
**AREA (Sq. Ft.):** 344,979  
**REMAINING (Sq. Ft.):** 344,979  
**CHANNEL EASEMENT 14C (Sq. Ft.):** 12,650  
**CHANNEL EASEMENT 14D (Sq. Ft.):** 2,000

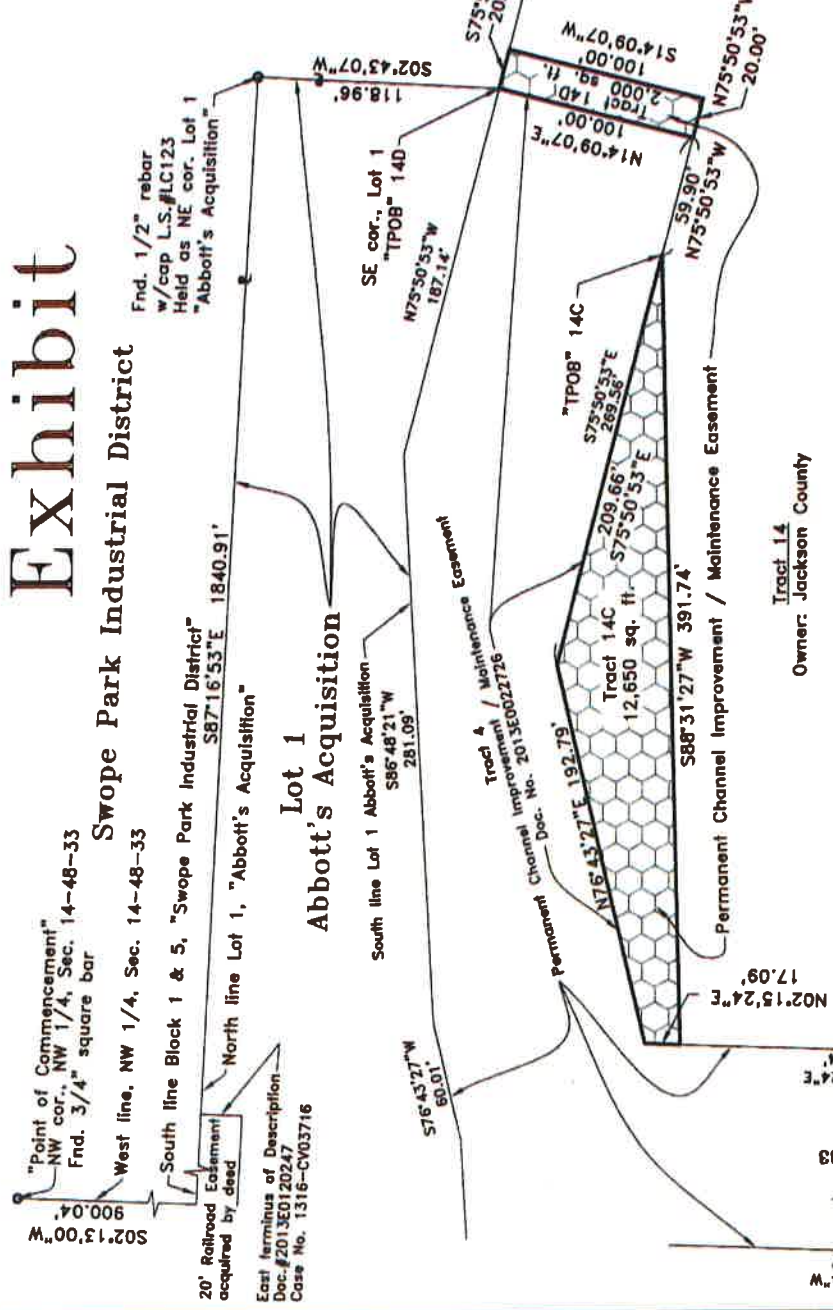
- Legend**
- Denotes Found 1/2" Bar
  - ⊕ Denotes Property Line
  - ⊕ Denotes Centerline
  - "TPOB" Denotes True Point of Beginning
  - ⊕ Broken Scale
  - ⊕ Denotes Permanent Channel Improvement / Maintenance Easement

Section 14  
 TWP 48N - RNG 33W  
 Jackson County, Missouri



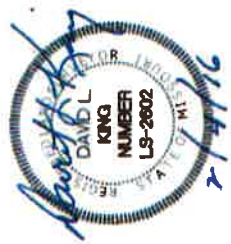
Location Map  
 Scale 1" = 2000'

Owner: Jackson County, Mo.  
 Tract 14



Tract 14  
 Owner: Jackson County

**Certification:**  
 This is to certify that the exhibit shown hereon was made by me, or under my direct supervision, this 14 day of February 2016, that the results are correctly shown and said survey meets or exceeds current Missouri Minimum Standards for a Plat or Certificate of Survey to the best of my knowledge and belief.



*David L. King*  
 David L. King - Mo. L.S. No. 2802

Grid North  
 Missouri Coordinate System of 1983  
 West Zone

1 inch = 60 ft.