

## IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** vacating a section of Johnson Road in unincorporated Jackson County and authorizing the County Executive to execute certain documents on behalf of the County to provide for a new and more efficient railroad bridge across the Missouri River and an upgraded, replacement roadway, at no cost to the County.

**ORDINANCE NO. 5537**, August 16, 2021

**INTRODUCED BY** Theresa Cass Galvin, County Legislator

WHEREAS, the Burlington Northern Santa Fe Railroad (BSNF) has requested the County to vacate a portion of Johnson Road, currently owned and maintained by the County, located in unincorporated Jackson County near Sibley, MO, legally described as follows:

That portion of the Northeast Quarter and the Northwest Quarter of Section 2, Township 50 North, Range 30 West of the 5th Principle Meridian of the County of Jackson, State of Missouri, being described of follows: Commencing at the southwest corner of said Northeast Quarter; thence on the South line of said Northeast Quarter, South 86 degrees 45 minutes 13 seconds East (This and all following bearings are based on the Missouri State Plane Coordinate System, NAD1983 (2011), West Zone 2401), 616.49 feet to the Southwest corner of a tract of land described in Document No. 2016E0035290; thence on the West line of said tract of land, North 02 degrees 10 minutes 23 seconds East, 391.65 to the Point of Beginning; thence continuing on said West line, North 02 degrees 10 minutes 23 seconds East, 174.14 feet to a point of curvature; thence Westerly on the arc of a non-tangent curve to the right having a radius of 600 feet, an arc length of 287.94 feet, and being subtended by a chord which bears North 79 degrees 28 minutes 29 seconds West, 285.19 feet to the South line of Atchison Topeka and Santa Fe Railroad right-of-way and a point of curvature; thence on said Southerly line, Westerly on the arc of a non-tangent curve to the right having a radius of 1054.94 feet, an arc length of 357.19 feet, and being subtended by a chord which bears North 85 degrees 26 minutes 08 seconds west, 355.47 feet; thence South 14 degrees 15 minutes 50 seconds West, 50.00 feet to the Southerly line of the Johnson Road right-of-way easement recorded in Deed (Road) Book 5 at Page 581; thence South 75 degrees 44 minutes 10 seconds East, 552.47 feet; thence South 18 degrees 14 minutes 53 seconds West, 46.24 feet to a point of curvature; thence Southeasterly on the arc of a non-tangent curve to the left having a radius of 583.27 feet, an arc length of 122.49 feet, and being subtended by a chord which bears South 77 degrees 46 minutes 05 seconds East to the point of Beginning. Contains 62,213.62 square feet, 1.43 acres, more or less.

WHEREAS, the vacation of this road section is necessary to allow BNSF to construct a new bridge across the Missouri River adjacent to its existing bridge, just downstream from Fort Osage, near Sibley; and,

WHEREAS, BNSF's existing one-track bridge creates bottlenecks in moving trains across the river and the proposed new bridge will greatly increase capacity in this regard; and,

WHEREAS, the track to be installed leading to the new bridge will encroach on the described section of the County's existing Johnson Road; and,

WHEREAS, BNSF has proposed that the County vacate this section of Johnson Road, which BNSF will replace with a new section of road on right-of-way BNSF has already acquired at no cost to the County; and,

WHEREAS, BNSF already owns the land on both sides of the section of Johnson Road proposed for vacation, such that the result of the proposed vacation will be that BNSF will own the vacated section of road, which can then be used for the construction of a track approach for the new bridge; and,

WHEREAS, the County's vacation of the existing section of Johnson Road will provide for an upgraded roadway and culvert and reduce bottlenecks for trains operating on the current BSNF bridge; and,

WHEREAS, the attached Exchange Agreement with BNSF provides a satisfactory mechanism by which to implement the understanding of the parties in this regard; now therefore,

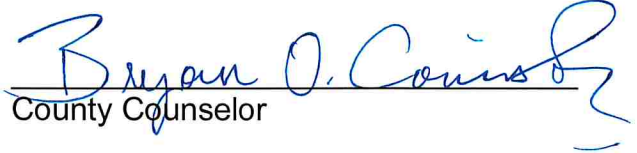
BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the previously described section of Johnson Road be and hereby is vacated; and,

BE IT FURTHER ORDAINED that the County Executive be and hereby is authorized to execute the attached Exchange Agreement with BNSF and any and all other documents necessary to give effect to the intent of this Ordinance.

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

APPROVED AS TO FORM:

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

  
\_\_\_\_\_  
County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5537 introduced on August 16, 2021, was duly passed on August 23, 2021 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

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

8/23/2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5537.

8/23/2021  
\_\_\_\_\_  
Date

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