

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE appropriating \$8,958.00 from the undesignated fund balance of the 2018 Park Fund in acceptance of easement and processing fees from the City of Kansas City, Missouri, and authorizing the County Executive to execute an Acquisition Agreement and Permanent Sewer Easement in favor of the City of Kansas City.

ORDINANCE NO. 5068, January 3, 2018

INTRODUCED BY Tony Miller, 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 Blue River Parkway, as part of its City Wide Sewer Infrastructure Rehabilitation Within Waterways project; and,

WHEREAS, the City has requested the execution of an Acquisition Agreement and Permanent Easement for this project; and,

WHEREAS, the requested easement is 434 feet by 80 feet, containing 0.8 acres, and will cause the closing of one hiking trail during the construction activities; and,

WHEREAS, the Director of Parks and Recreation has recommended that the County execute the attached 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 County Code, totaling \$8,958.20; and,

WHEREAS, these funds are to be used for property acquisition and/or construction projects within the Parks Department; 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 2018 Park Fund be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Park Fund Construction Services			
003-9999	47020 – Sale of Fixed Assets	\$8,958	
003-2810	Undesignated Fund Balance		\$8,958
003-2810	Undesignated Fund Balance	\$8,958	
003-1608 and,	58060 – Other Improvements		\$8,958

BE IT FURTHER ORDAINED by the County Legislature of Jackson County, Missouri, that the attached Acquisition Agreement and Permanent Easement are hereby approved and that the County Executive is hereby authorized to execute on behalf of the County these Agreements 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:


Chief Deputy County Counselor

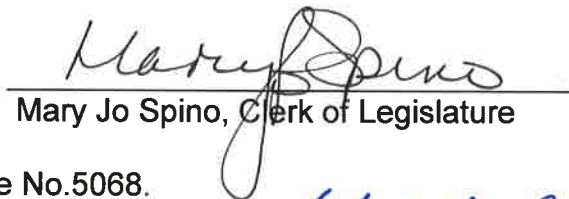

County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 5068 of January 3, 2018, was duly passed on January 8, 2018 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9 Nays 0
Abstaining 0 Absents 0

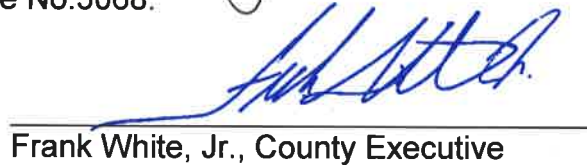
This Ordinance is hereby transmitted to the County Executive for his signature.

1-9-18
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No.5068.

1/9/2018
Date


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: \$8,958.00

12/27/17
Date


Director of Finance and Purchasing
Chief Administrative Officer

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 Kansas City, A Missouri Municipal Corporation, hereinafter called the **CITY**.

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

Permanent Easement S-1541 dated _____

2. The **CITY** agrees to the following: 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**.
3. Erosion Control measures will be installed prior to the work; including silt fencing and temporary seeding
4. Tree clearing will be completed by April 1 to avoid nesting season of the endangered Indiana Brow Bat per requirements of the Missouri Department of Natural resources and US Fish and Wildlife Service.
5. Tree stumps and debris shall be removed from the site.
6. The City's contractor will provide fencing and/or barriers around excavations left open overnight.
7. 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.
8. The **CITY** agrees to pay Jackson County Parks + Rec \$6,957.76, (\$0.20 x 34,788.8 sf) and \$2,000.00 easement processing fee.

Jackson County, Missouri

CITY

 (Sign)
Frank White, Jr.
 County Executive

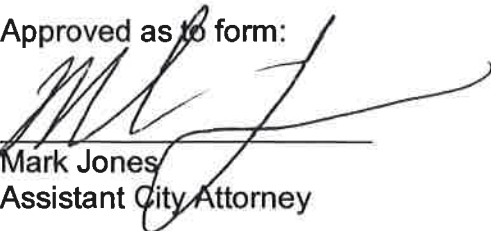


Andy Shively
 Special Assistant City Manager

Approved as to form:

Approved as to form:

 (Sign)
W. Stephen Nixon
 County Counselor



Mark Jones
 Assistant City Attorney

Project No. 81000756
City-wide sewer rehabilitation within waterways
Tract No. 13
Jackson County, Missouri
415 E. 12th
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. 63rd 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

OWNER: JACKSON COUNTY, MISSOURI

PERMANENT STANDARD SEWER EASEMENT

PROJECT: City-Wide Sewer Rehabilitation within Waterways

PARCEL ID NO. 65-600-03-15-00-0-00-000

A strip of land over a part of the Southwest Quarter of Section 9, Township 47, Range 33, in the City of Kansas City, Jackson County, Missouri, said strip being 80.00 feet wide, more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of said Section 9; thence South 03°35'50" West, along the West line of said Quarter Section, a distance of 1342.76 feet; thence South 86°24'10" East, departing said Section line, a distance of 189.27 feet, to the POINT OF BEGINNING; thence North 69°16'37" East, a distance of 80.00 feet; thence South 20°43'23" East, a distance of 434.86 feet; thence South 69°16'37" West, a distance of 80.00 feet; thence North 20°43'23" West, a distance of 434.86 feet, to the POINT OF BEGINNING, containing 34,788.8 square feet or 0.80 acres, more or less.

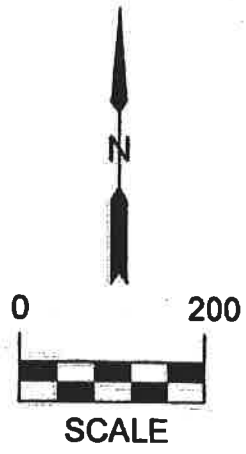
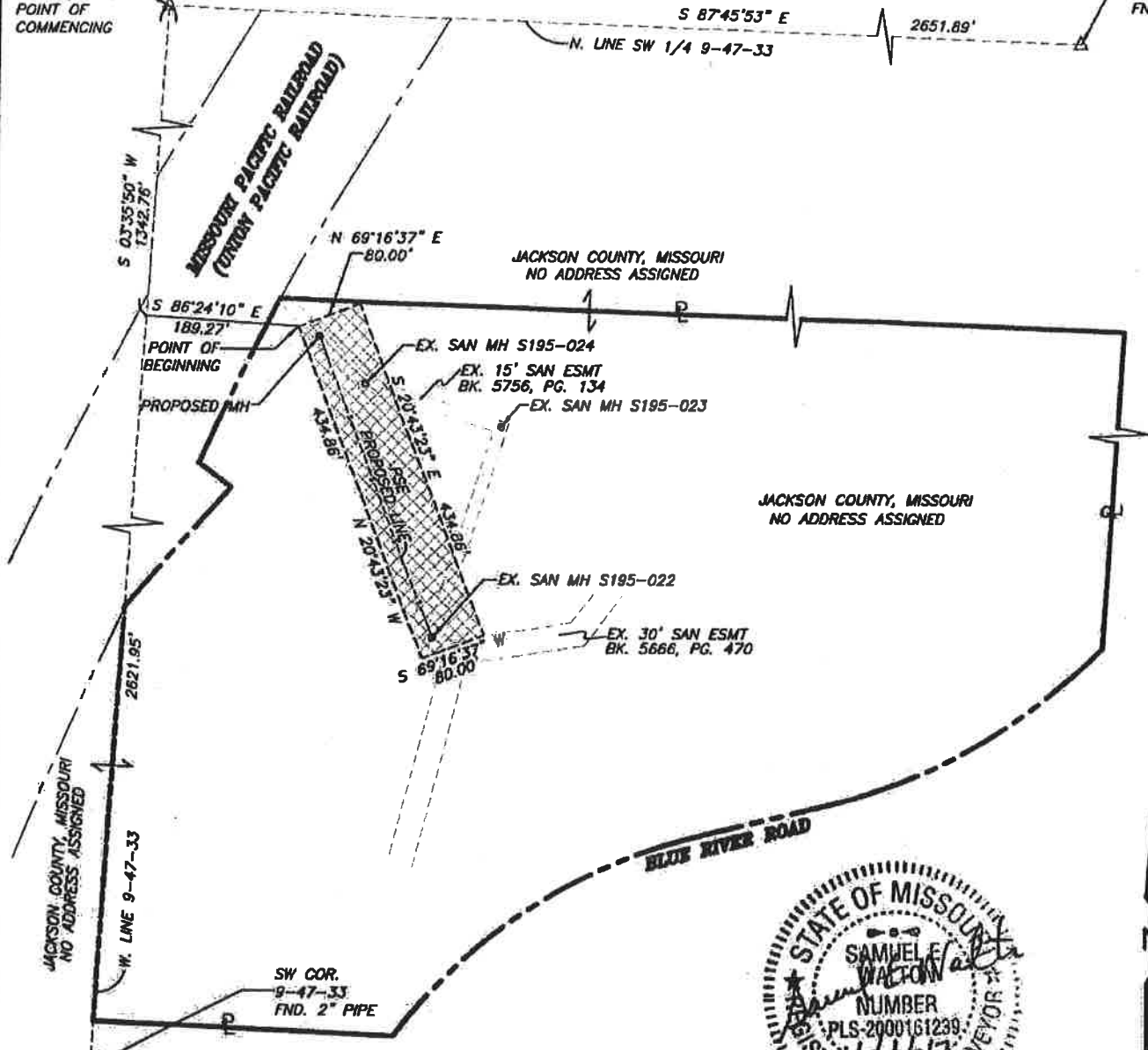
Samuel E. Walton
SAMUEL E. WALTON
MO PLS NO. 2000161239



EASEMENT EXHIBIT

NW COR. SW 1/4
9-47-33
FND. 5/8" I.B.
POINT OF
COMMENCING

CENTER
SEC. 9-47-33
FND. 1/2" I.B.



- NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 83 AND NAVD 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.
 4. PROPERTY INFORMATION SHOWN HEREON TAKEN FROM INFORMATIONAL REPORT ORDER NO. 17019136 AS PREPARED BY COFFELT LAND TITLE, INC. WITH AN EFFECTIVE DATE OF 10/19/2017.

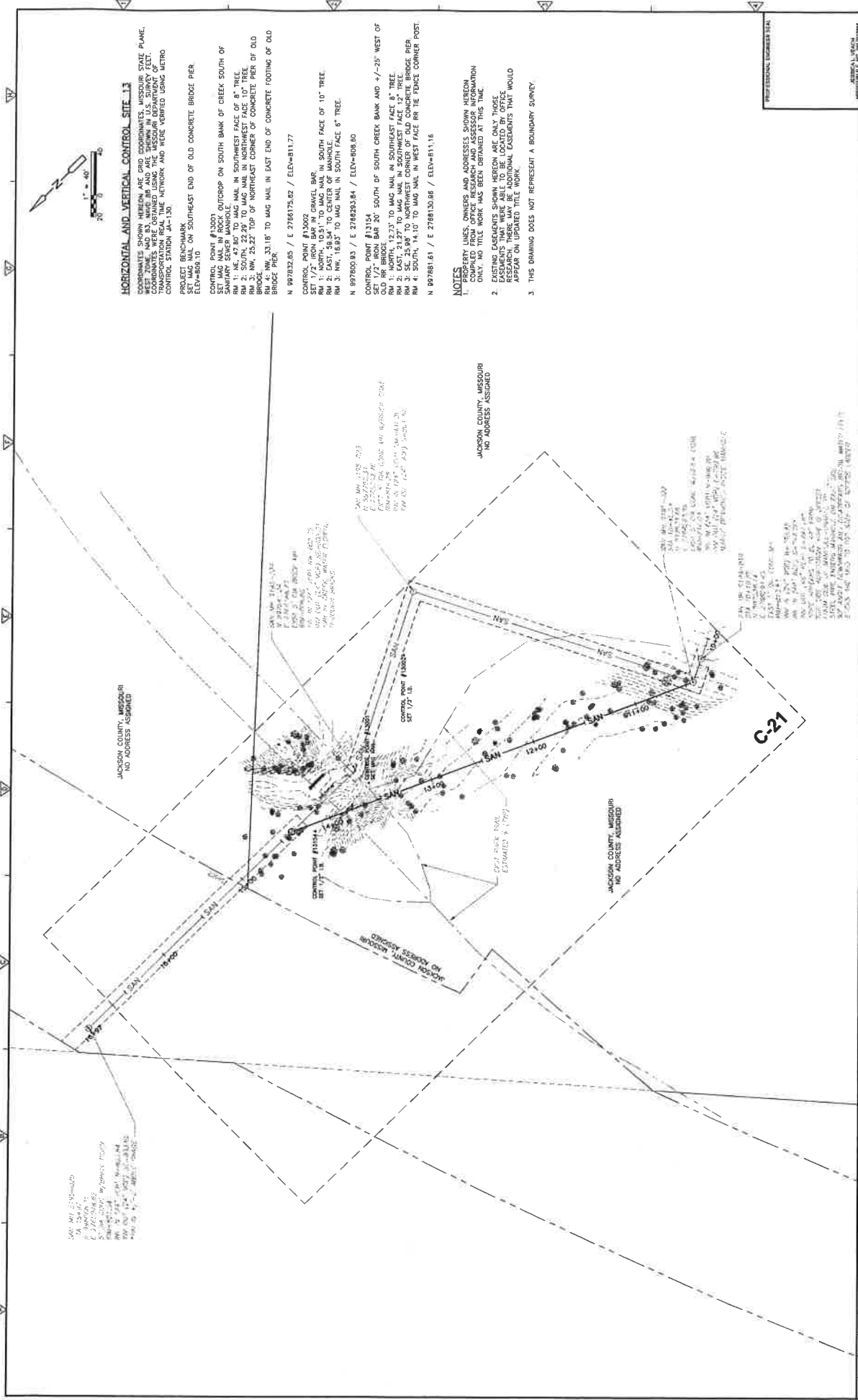
AREAS PARCEL 65-600-03-15	
TOTAL TRACT	_____ SF
PERM. STANDARD SEWER ESMT.	34,788.8 SF
PERM. STORM DRAINAGE ESMT.	_____ SF
TEMP. CONSTRUCTION EASEMENT	_____ SF

LEGEND:

- DENOTES PERMANENT STANDARD SEWER EASEMENT
- DENOTES PERMANENT STORM DRAINAGE EASEMENT
- DENOTES TEMPORARY CONSTRUCTION EASEMENT
- DENOTES PROPERTY LINE



CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI
CITY-WIDE SEWER REHABILITATION WITHIN WATERWAYS
PROJECT NO. 81000756
JACKSON COUNTY, MISSOURI
PARCEL ID NO. 65-600-03-15-00-0-00-000
DATE: 10/31/2017



HORIZONTAL AND VERTICAL CONTROL SITE 13

COORDINATES SHOWN HEREON ARE GRID COORDINATES, MISSOURI STATE PLANE. HORIZONTAL COORDINATES WERE OBTAINED USING THE MISSOURI DEPARTMENT OF TRANSPORTATION'S STATE PLANE NETWORK AND WERE VERIFIED USING METRO CONTROL STATION MA 130.

PROJECT BENCHMARK
SET MAG NAIL ON SOUTHEAST END OF OLD CONCRETE BRIDGE PIER
ELEV=899.10

CONTROL POINT #13001
SET MAG NAIL IN ROCK OUTCROP ON SOUTH BANK OF CREEK SOUTH OF OLD RR BRIDGE
RM 1: NE 47.80' TO MAG NAIL IN SOUTHWEST FACE OF 8" TREE
RM 2: SOUTH 22.29' TO MAG NAIL IN NORTHWEST FACE OF 10" TREE
BRIDGE
RM 4: NW 33.18' TO MAG NAIL IN EAST END OF CONCRETE FOOTING OF OLD BRIDGE PIER

CONTROL POINT #13002
SET 1/2" IRON BAR IN GRAVEL BAR SOUTH FACE OF 10" TREE
RM 2: EAST 58.54' TO CENTER OF MANHOLE
RM 3: NW 16.83' TO MAG NAIL IN SOUTH FACE 6" TREE

CONTROL POINT #13004
SET 1/2" IRON BAR 30' SOUTH OF SOUTH CREEK BANK AND 4'-25" WEST OF OLD RR BRIDGE
RM 1: EAST 31.37' TO MAG NAIL IN SOUTHWEST FACE OF 8" TREE
RM 2: EAST 31.27' TO MAG NAIL IN SOUTHWEST FACE OF 12" TREE
RM 3: SE 25.80' TO NORTHWEST CORNER OF OLD CONCRETE BRIDGE PIER
RM 4: SOUTH 14.10' TO MAG NAIL IN WEST FACE OF THE FENCE CORNER POST

N 997832.85 / E 2768175.82 / ELEV=811.77
N 997800.93 / E 2748293.84 / ELEV=808.80
N 997861.61 / E 2788130.86 / ELEV=811.16

NOTES

- PROPERTY LINES, OWNERS AND ADDRESSES SHOWN HEREON ARE FOR INFORMATION ONLY. NO TITLE WORK HAS BEEN OBTAINED AT THIS TIME.
- EXISTING EASEMENTS SHOWN HEREON ARE ONLY THOSE EASEMENTS THAT WERE ABLE TO BE LOCATED BY OFFICE RESEARCH. THERE MAY BE ADDITIONAL EASEMENTS THAT WOULD APPEAR ON UPDATED TITLE WORK.
- THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

DATE: 07/25/2020
DRAWN BY: S. ZODICE
CHECKED BY: S. ZODICE
APPROVED BY: S. ZODICE
DATE: 07/25/2020

PROJECT NO. 20004-210025	DATE: 07/25/2020
FILE NAME: CONCEPT_DWG-C-13	SHEET NO. C-2

**SITE 13
OVERALL SITE PLAN**

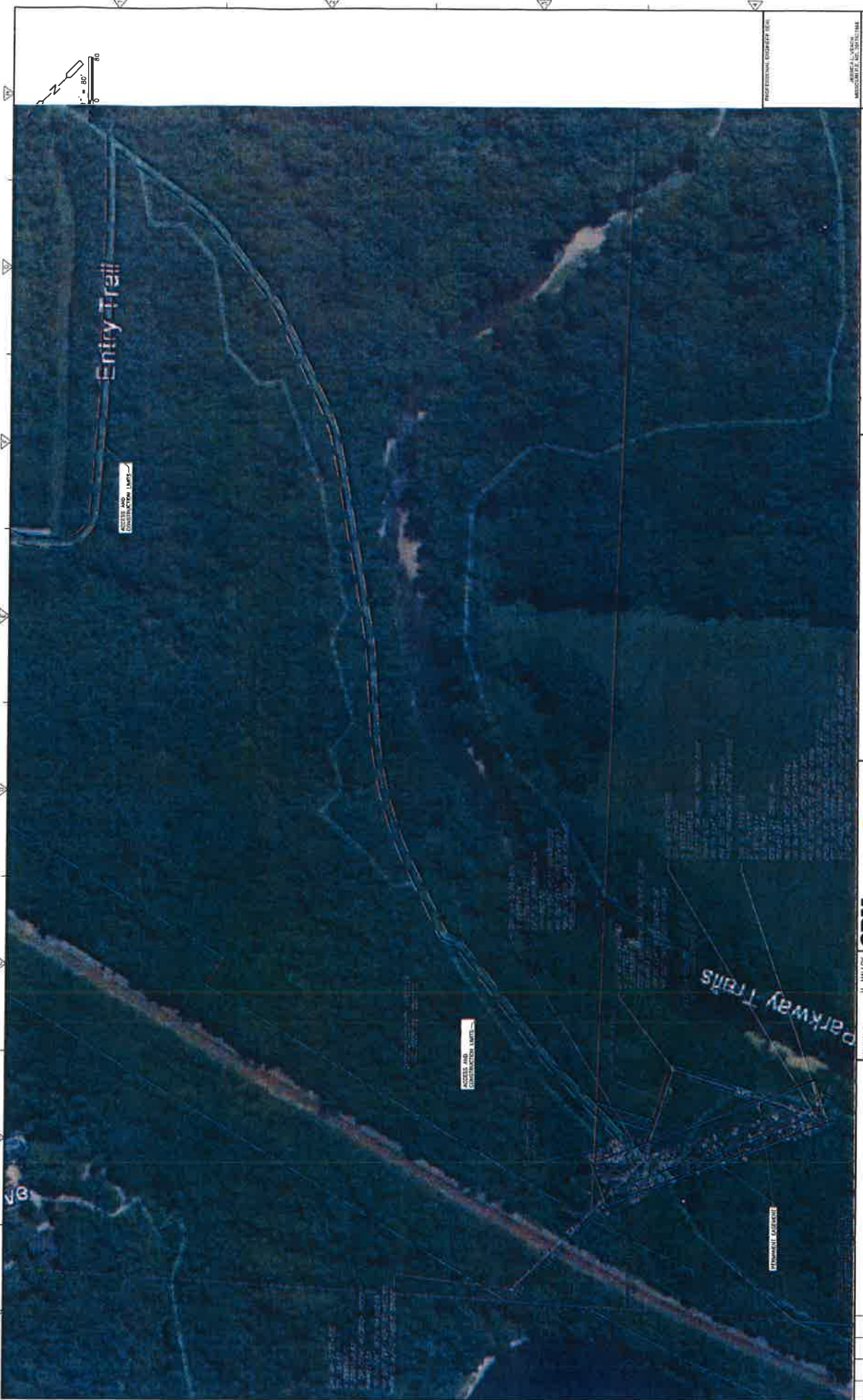
CITY OF KANSAS CITY, MISSOURI
SMART SEWER
CITY WIDE SEWER INFRASTRUCTURE
REHABILITATION WITHIN WATERWAYS

CDM Smith
1000 PINE STREET, SUITE 200
KANSAS CITY, MISSOURI 64105
TEL: 816.234.4000
WWW.CDMSMITH.COM

KICK CONSTRUCTION
KANSAS CITY, MISSOURI

DESIGNED BY: M. WALCZY	DATE: 07/25/2020
DRAWN BY: S. ZODICE	
CHECKED BY: S. ZODICE	
APPROVED BY: S. ZODICE	

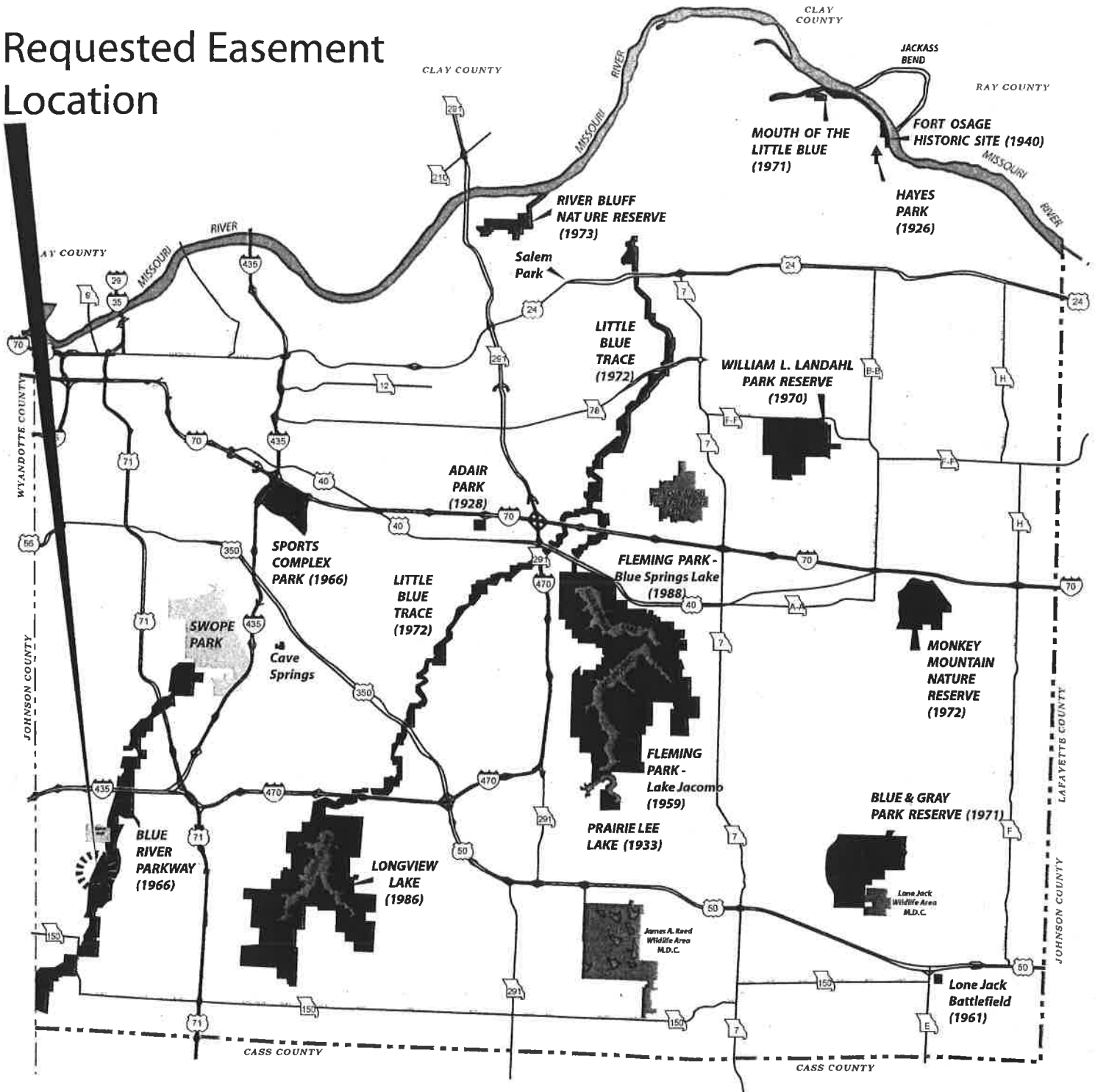
REV.	DATE	BY	CHKD	REMARKS



NO.	DATE	BY	CHKD	REMARKS
<p> CDM Smith 220 West Broadway, Suite 210 St. Louis, MO 63102 TEL: (314) 447-9100 FAX: (314) 447-9101 </p> <p> KISSICK CONSTRUCTION 2211 E. 14th Street Kansas City, Missouri </p> <p> PROJECT NO. 200414-018725 SHEET NO. C101.013 DATE: SEPTEMBER 2012 </p> <p> CITY OF KANSAS CITY, MISSOURI SMART SEWER CITY WIDE SEWER INFRASTRUCTURE REHABILITATION WITHIN WATERWAYS </p> <p> SITE 13 ACCESS PLAN </p> <p> MISSOURI REGISTERED PROFESSIONAL ENGINEER PROJECT NO. 200414-018725 P.E. NAME: C101.013 SHEET NO. FIGURE </p>				

Jackson County Park System

Requested Easement Location



Jackson County, Missouri