

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Executive to execute an easement in favor of Kansas City Power & Light of Kansas City, MO, to facilitate the relocation of overhead power lines that cross a portion of the County's Truman Sports Complex property.

RESOLUTION #17239, April 12, 2010

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, Kansas City Power & Light of Kansas City, MO, has requested an easement for the relocation of overhead power lines that cross the Truman Sports Complex property; and,

WHEREAS, Kansas City Power & Light of Kansas City, MO, will remove all unnecessary structures and vacate existing and unnecessary easements at the Truman Sports Complex location after the relocation of the overhead power lines is complete; and,

WHEREAS, the Director of Public Works has recommended that the County execute the attached easement as 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 attached Easement Conveyance is hereby approved and that the County Executive is hereby authorized to execute the Easement on behalf of the County.

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

APPROVED AS TO FORM:

Amela Zeller
Deputy/Assistant County Counselor

WMS Spide
Acting County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17239 of April 12, 2010, was duly passed on April 12, 2010 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

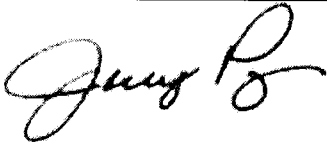

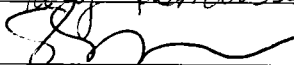
4.13.10
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:
 Res/~~Ord~~ No.: 17339
 Sponsor(s): Bob Spence
 Date: August 9, 2010

SUBJECT	<p>Action Requested <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance</p> <p>A resolution reaffirming the Agreement with PARS and authorizing final payment in the amount of \$6,164.80 from the City of Independence CURS fund.</p> <p>Project/Title: Project #3036 - 39th Street From Noland Rd to Chrysler Ave. Improvements</p>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="329 590 1198 842"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$6,164.80</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$0</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$6,164.80</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$156,733.80</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO City of Independence CURS Fund</td> <td>400-1541-58070</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable):NA Prior Year Actual Amount Spent (if applicable):NA</p>	Amount authorized by this legislation this fiscal year:	\$6,164.80	Amount previously authorized this fiscal year:	\$0	Total amount authorized after this legislative action:	\$6,164.80	Amount budgeted for this item * (including transfers):	\$156,733.80	Source of funding (name of fund) and account code number; FROM / TO City of Independence CURS Fund	400-1541-58070
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Amount budgeted for this item * (including transfers):	\$156,733.80										
Source of funding (name of fund) and account code number; FROM / TO City of Independence CURS Fund	400-1541-58070										
PRIOR LEGISLATION	<p>Prior ordinances and (date):</p> <p>Prior resolutions and (date): R15330, January 3, 2005, R17226 , March 29, 2010</p>										
CONTACT INFORMATION	<p>RLA drafted by (name, title, & phone): Earl Newill, Chief Engineer 881-4538</p>										
REQUEST SUMMARY	<p>Jackson County entered into an agreement with the City of Independence to design 39th street from Noland to Chrysler Avenue funded from the CURS program. The County then entered into an agreement with PARS Consulting Engineers on May 4th, 2005 to design the project.</p> <p>The scope of work in the agreement and the addendum has been satisfactorily fulfilled and PARS Consulting Engineers has invoiced for final payment on the project (Invoice no. 16 & 17). The Public Works Department tried to issue the final payment but discovered that the Contract had been inadvertently closed out. The Finance department can't make the final payment without legislative approval since the contract is closed out.</p> <p>The Public Works Department requests the Manager of Finance be authorized to make the final payment in the amount of \$6,164.80.</p>										
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>										

ATTACHMENTS	Invoice no. 16 & 17.	
REVIEW	Department Director: 	Date: 07/28/2010
	Finance (Budget Approval): <i>If applicable</i> 	Date: 8/2/10
	Division Manager: 	Date: 8/3/10
	County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:
400-1541-58070	Indep. CURS	\$6,164.80

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

P.C.E., Inc.

14109 Cambridge
Leawood, Kansas 66224

3/25/2010

Invoice No. 16
Page 1 of 1

IN ACCOUNT WITH:

INVOICE

Jackson County Missouri
Attn: Mr. Jerry Page, P.E., Director
303 West Walnut
Independence, Missouri 64050

FOR PROFESSIONAL SERVICES RENDERED:

P.C.E. Project No.	200320	Phone # 816	881 - 4447
Jackson County Project No.	3036	Fax # 816	881 - 4448

Re: 39th Street From Noland Road to Chrysler Ave.

Phase NO.	Description	Contract Amount	% Complete	Amount Earned
DIRECT SERVICES				
I	Pre. Construction Plan Preparation	\$ 146,375.0	100%	\$ 146,375.00
II	Right-of-Way Plan Preparation	\$ 34,416.0	100%	\$ 34,418.00
III	Assemble Final Contract Document	\$ 64,240.0	100%	\$ 64,240.00
IV	Bid Phase Services	\$ 4,880.0	60%	\$ 2,928.00
**	Additional Services & Changes	\$ 67,000.0	100%	\$ 67,000.00
Total Fee		\$ 316,911.0		\$ 314,959.00
				Maximum Fee \$ 316,911.00
				Total Amount Earned \$ 314,959.00
				Amount Previously Billed \$ 310,746.20
				Amount Previously Paid \$ 243,746.20
				Total Amount Earned this Month \$ 4,212.80
				Remaining Fee \$ 1,962.00

TOTAL AMOUNT BILLED THIS MONTH..... **\$ 4,212.80**

Balance Due Upon Receipt

REMIT PAYMENT TO: P.C.E., INC.
14109 Cambridge
Leawood, Kansas 66224

Subject to late charges if payments not made in accordance with contract.

P.C.E., Inc.

14109 Cambridge
Leawood, Kansas 66224

4/25/2010

Invoice No. 17
Page 1 of 1

IN ACCOUNT WITH:

INVOICE

Jackson County Missouri
Attn: Mr. Jerry Page, P.E., Director
303 West Walnut
Independence, Missouri 64050

FOR PROFESSIONAL SERVICES RENDERED:

P.C.E. Project No. 200320 Phone # 816 - 881 - 4447
Jackson County Project No. 3036 Fax # 816 - 881 - 4448

Re: 39th Street From Noland Road to Chrysler Ave.

Phase NO.	Description	Contract Amount	% Complete	Amount Earned
DIRECT SERVICES				
I	Pre. Construction Plan Preparation	\$ 146,375.0	100%	\$ 46,375.00
II	Right-of-Way Plan Preparation	\$ 34,416.0	100%	\$ 34,416.00
III	Assemble Final Contract Document	\$ 64,240.0	100%	\$ 64,240.00
IV	Bid Phase Services	\$ 4,880.0	100%	\$ 4,880.00
**	Additional Services & Changes	\$ 67,000.0	100%	\$ 67,000.00
	Total Fee	\$316,911.0		\$ 16,911.00
	Maximum Fee			\$ 16,911.00
	Total Amount Earned			\$ 16,911.00
	Amount Previously Billed			\$ 14,959.00
	Amount Previously Paid			\$ 10,746.20
	Total Amount Earned this Month			\$ 1,952.00
	Remaining Fee			\$ -

TOTAL AMOUNT BILLED THIS MONTH..... **\$ 1,952.00**

Balance Due Upon Receipt

REMIT PAYMENT TO: P.C.E., INC.
14109 Cambridge
Leawood, Kansas 66224

Subject to late charges if payments not made in accordance with contract.

S _____ / _____ QQ/Q
T _____ County
R _____ State

Res. #17239

EASEMENT CONVEYANCE

THIS EASEMENT, made and entered into this 27 day of APRIL, 2010, by and between Jackson County, Missouri "GRANTOR" and Kansas City Power & Light Company (KCP&L), whose mailing address is PO Box 418679, Kansas City, MO. 64141-9679, and its and their affiliates, lessees, licensees, designees, successors and assigns, of Jackson County, Missouri "GRANTEE".

After recording mail to: **KCP&L**
Right of Way Dept. F&M-2
PO Box 418679
Kansas City, MO 64141-9679

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby GRANTS, BARGAINS, SELLS AND CONVEYS to Grantee, its lessees, successors and assigns, the right, privilege and perpetual easement to enter upon the lands of Grantor as described below, to survey, construct, operate, patrol, inspect, maintain, alter, add wires, poles, cables, conduits, and pipes, repair, rebuild and remove, on, under and over the easement described below and in and upon all streets, roadways or highways abutting said lands, now or at any future time, lines for the transmission and distribution of electric energy, and for communication purposes, and all appurtenances and appliances necessary in connection therewith, together with the right of ingress and egress to and from said lines of GRANTEE over the lands of Grantor so that Grantee may go to and from said lines from the public roads adjacent to Grantors lands, which said lands of Grantor, situated in the County of Jackson, in the State of Missouri said land more particularly described as follows:

SEE ATTACHED EXHIBITS A & B

Grantee may erect and use gates in all fences which cross or which shall hereinafter cross the route of said lines. Grantee is given the right to trim, cut and clear away any trees, limbs and brush on or adjacent to the above-described easement whenever, in its judgment, such will interfere with or endanger the construction, operation or maintenance of said lines. In exercise of its rights of ingress or egress Grantee shall, whenever practicable, use existing roads or lands

FILED
APR 27 2010
MARY JO SPINO
COUNTY CLERK

and shall repair any damage caused by its use thereof. All logs, limbs, or brush cut or trimmed by KCP&L shall be removed by KCP&L unless Grantee otherwise requests.

It being the intention of the parties hereto that Grantor is hereby granting the uses herein specified without divesting Grantor and heirs or assigns of the right to cultivate, use and enjoy the above-described premises: PROVIDED, however, such use shall not, in the judgment of said Grantee, interfere with or endanger the construction, operation or maintenance of said lines, and provided further that no building shall be constructed on the easement without Grantee's written permission.

Title to said lines shall be and remain in said Grantee

TO HAVE AND TO HOLD said easement and rights aforesaid with all and singular, the rights, privileges, appurtenances, and immunities thereto belonging or in anyway appertaining unto Grantee its lessees, licensee, successors or assigns forever. This easement conveyance shall run with the land and shall be binding upon Grantor and Grantor's heirs, administrators, executors, successors and assigns. Grantor hereby covenants that Grantor is the owner(s) of the above-described land, subject to existing liens and right-of-way easements of record.

IN TESTIMONY WHEREOF, Grantor(s) have hereunto executed this Easement this 27 Day of April, 2010.

Jackson County, Missouri

By 

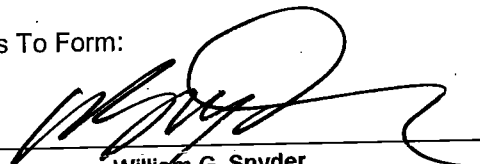
Michael D. Sanders
JACKSON COUNTY EXECUTIVE

Print Name _____

Attest:


MARY JO SPINO
CLERK OF COUNTY LEGISLATURE

Approved As To Form:


William G. Snyder
ACTING COUNTY COUNSELOR

ACKNOWLEDGMENT

State of Missouri)
County of Jackson) Ss.

On this 27 day of APRIL, 2010, before me a Notary Public, appeared Michael D. Sanders to me personally known, who being by me duly sworn, did say that he is the Jackson County Executive of **Jackson County, Missouri** who executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by the authority of its Board of Directors and the said Jackson County Executive acknowledged said deed to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Appointment Expires



PATRICIA MARIE MURILLO
My Commission Expires
September 16, 2012
Clay County
Commission #08409601

Notary Public Patricia Marie Murillo

Exhibit "A"

KCP&L Permanent Easement :

A tract of land situated in the Southwest Quarter of Section 19, Township 49 North, Range 32 West of the 5th Principal Meridian in the City of Kansas City, Jackson County, Missouri, said tract being a part of Block 5 and 6 "Thos. Harrington's Land", a subdivision of land in Kansas City, Jackson County, Missouri, according to the recorded plat thereof, 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 Northeast corner of the Southwest Quarter of said Section 19;

Thence North 86°40'31" West 292.48 feet along the North line of said Southwest Quarter;

Thence South 03°19'29" West 1,646.77 feet, along a line perpendicular to said North line, to a point being on the Northeasterly right-of-way line of the Missouri Pacific Railroad right-of-way line, as now established, said point also being the "true point of beginning" of the easement herein described;

Thence North 61°13'45" West 667.16 feet, along said Northeasterly right-of-way line, to the beginning of a curve concave to the Northeast having a radius of 2,814.79 feet;

Thence Northwesterly 523.66 feet, along said Northeasterly right-of-way line and curve to the right, having a chord bearing of North 55°53'58" West 522.91 feet;

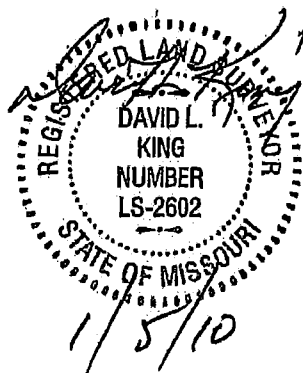
Thence North 34°41'49" East 106.64 feet;

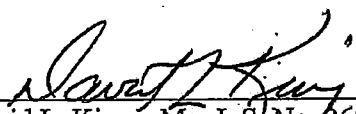
Thence South 56°46'43" East 617.88 feet;

Thence South 63°54'59" East 559.29 feet;

Thence South 27°51'46" West 132.93 feet to the "true point of beginning" of the parcel herein described, containing 140,283 square feet or 3.2204 acres, more or less.

Subject to all easements and restrictions of record.

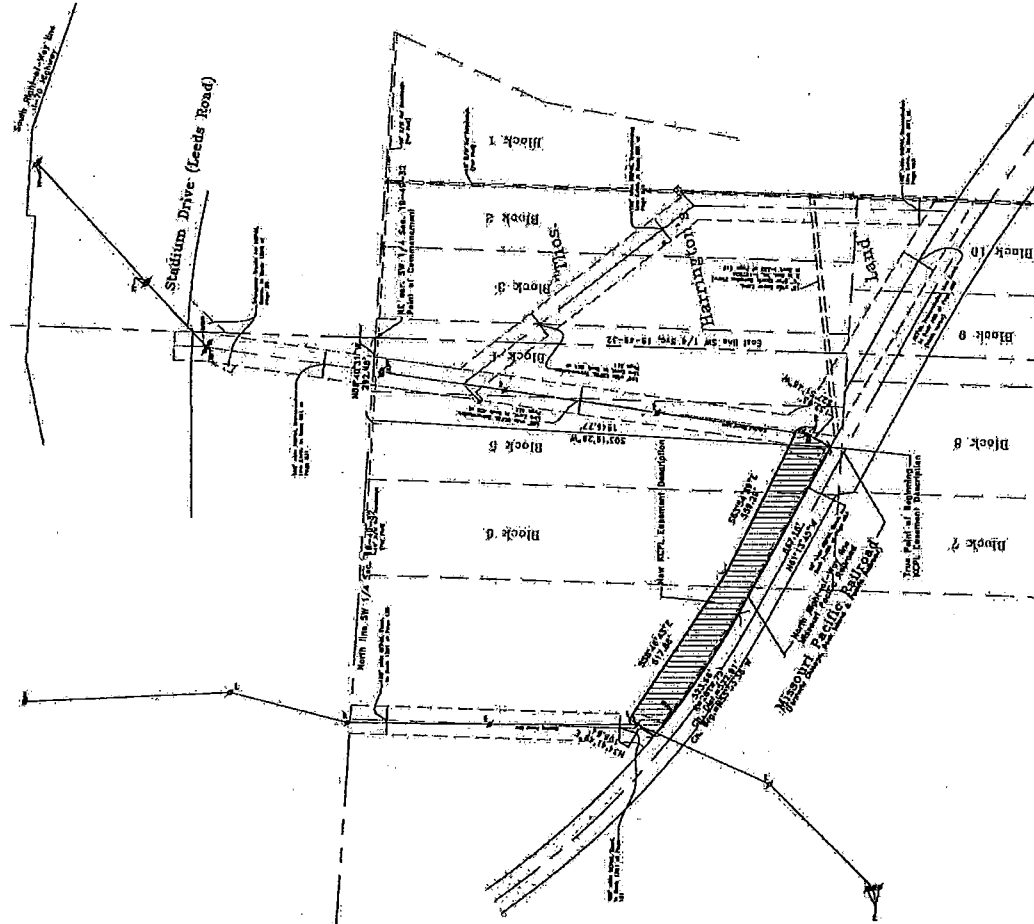



David L. King - Mo. L.S. No. 2602

File: 00045-Description.doc

Exhibit "B"

Easement Description and Pole Locations



Old Method
 1914-1915
 1916-1917
 1918-1919
 1920-1921
 1922-1923
 1924-1925
 1926-1927
 1928-1929
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 2014-2015
 2016-2017
 2018-2019
 2020-2021
 2022-2023
 2024-2025

GRAPHIC SCALE
 1 inch = 100 feet
 1 foot = 12 inches

SCHWARTZ, KING & Associates, Inc.
 - Professional Land Surveyors
 1800 W. 12th St., Suite 500, Kansas City, MO 64105
 (816) 337-0000

Anderson Survey Company
 c/o Jim Anderson
 100 NW Executive Way
 Kansas City, MO 64105
 (816) 337-0000

Survey No. 10000
 Date of Survey 12/15/08
 Project No. 10000
 File No. 10000