

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE authorizing the County Executive to execute a Permanent Ingress/Egress Easement Agreement across a portion of the Rock Island Rail Corridor in favor of David and Elaine Haake.

ORDINANCE NO. 5221, April 29, 2019

INTRODUCED BY Tony Miller, County Legislator

WHEREAS, David and Elaine Haake have requested an ingress/egress easement across Rock Island Rail Corridor property located northeast of the intersection of the Rock Island and Bannister Road, above the Vale Tunnel; and,

WHEREAS, a driveway has existed in this location for sixty-five years and the property owners cannot access their home by any other means; and,

WHEREAS, the Rock Island Corridor Authority has determined that the permanent easement will have no adverse effect on the use of the corridor; and,

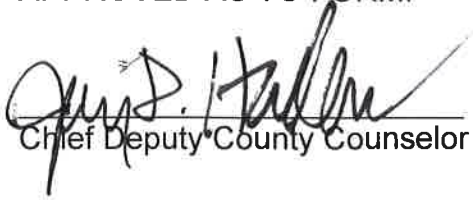
WHEREAS, the landowners provided the survey and legal description for the easement at their own cost and, for that reason, the Rock Island Corridor Authority requests any applicable fees for the ingress/egress easement be waived for David and Elaine Haake; nowthere,

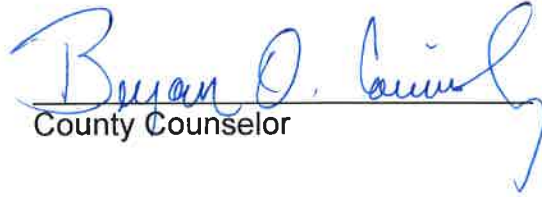
BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the

attached Permanent Ingress/Egress Easement Agreement is hereby approved and that the County Executive is hereby authorized to execute the agreement on behalf of the County.

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. 5221 of April 29, 2019, was duly passed on May 13, 2019 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.

5.13.19
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5221.

5/14/19
Date


Frank White, Jr., County Executive

**GRANT OF PERMANENT EXCLUSIVE
INGRESS-EGRESS EASEMENT**

By these presents, **Jackson County, Missouri (Grantor)**, the owner of the real estate herein described as **Exhibit "A" (the "Easement Tract")**, does establish, grant, demise and convey to **David A. Haake and Mary Elaine Haake (Grantee)** the right, privilege and permanent ingress/egress easement upon, over, under and through the Easement Tract for the purpose of Grantee to own, construct, maintain, alter, inspect, repair, and protect an exclusive and permanent driveway to be owned and used by Grantee in common and in conjunction with the Grantee's or its/their successors ownership of the real estate described in the attached **Exhibit "B" (the "Grantee Tract")** so long as the Grantee Tract is used and occupied for the present rural, agricultural and residential purposes. In the event the Grantee Tract is rezoned and used for a higher use, this grant of easement shall cease and the parties, or their successors in interest, shall negotiate the terms of a subsequent easement in the Easement Tract for the benefit of the Grantee Tract.

This easement on the Easement Tract shall be common to the Grantee and subsequent owner(s) of the Grantee Tract and represents an easement from the Grantee Tract to public right of way, ingress and egress onto and from 95th Street/East Bannister Road, Kansas City, Missouri, is permanent in its duration and shall remain open and unobstructed from any actions of Grantor, provided however, that any and all utility service work or utility relocation related to work in the Easement Tract done at the request of Grantee shall be the sole cost and responsibility of the Grantee .

This grant of easement shall be used only for the purpose herein stated and, in a manner, reasonable, legal and non-intrusive to the parties hereto bound provided however with Grantee maintaining the right to gate, fence or otherwise secure the Grantee Tract on the Easement Tract.

This grant shall be binding upon the parties hereto, their heirs, successors and assigns and it is understood that this grant cannot be changed in any way except in writing, signed by the then current owners of the property interests herein described

In witness whereof, grantors hereunto set its hand this ____ day of _____, A.D., 2019.

JACKSON COUNTY, MISSOURI
d/b/a Rock Island Rail Corridor Authority

By: _____
Name: _____
Title: _____

ACKNOWLEDGEMENT

STATE OF MISSOURI,

JACKSON COUNTY, SS:

Be it remembered, that on this ____ day of _____, 2019, before me, the undersigned, a notary public in and for the county and state aforesaid, came _____, the _____ of the JACKSON COUNTY, MISSOURI, d/b/a Rock Island Rail Corridor Authority, who, is personally known to me to be the same person who executed the foregoing instrument of writing, and such person duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Notary Public
My Appointment Expires:

EXHIBIT A

PROJECT: DRIVEWAY EASEMENT

DATE: OCTOBER 23, 2018

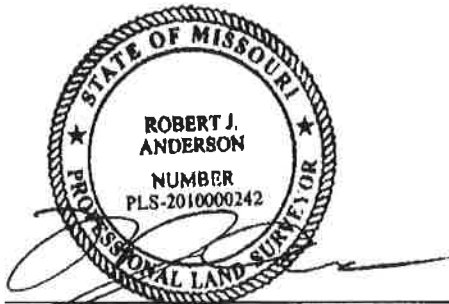
PROPERTY OWNER: DAVE HAAKE

LOCATION: 12700 EAST BANNISTER ROAD, KANSAS CITY, MISSOURI 64138

DESCRIPTION -- DRIVEWAY EASEMENT:

A STRIP OF LAND IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 48 NORTH, RANGE 32 WEST, IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE SOUTH 86°-16'-40" EAST ALONG THE NORTH LINE OF SAID 1/4 SECTION, A DISTANCE OF 1081.04 FEET TO THE EAST RIGHT OF WAY LINE OF THE CHICAGO, ROCK ISLAND, & PACIFIC RAILROAD AS NOW ESTABLISHED; THENCE ALONG SAID EAST RIGHT OF WAY LINE, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CHORD BEARING OF SOUTH 17°-43'-29" WEST, A RADIUS OF 2680.10 FEET, A CENTRAL ANGLE OF 2°-05'-48", AND AN ARC DISTANCE OF 98.07 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, SOUTH 18°-46'-23" WEST, A DISTANCE OF 391.83 FEET TO THE POINT OF BEGINNING OF THE STRIP OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING SOUTH 18°-46'-23" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 23.40 FEET; THENCE SOUTH 77°-29'-17" WEST, A DISTANCE OF 142.91 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST BANNISTER ROAD AS NOW ESTABLISHED; THENCE NORTH 83°-03'-59" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 46.91 FEET; THENCE NORTH 65°-03'-17" EAST, A DISTANCE OF 20.36 FEET; THENCE NORTH 77°-29'-17" EAST, A DISTANCE OF 179.41 FEET TO THE POINT OF BEGINNING.

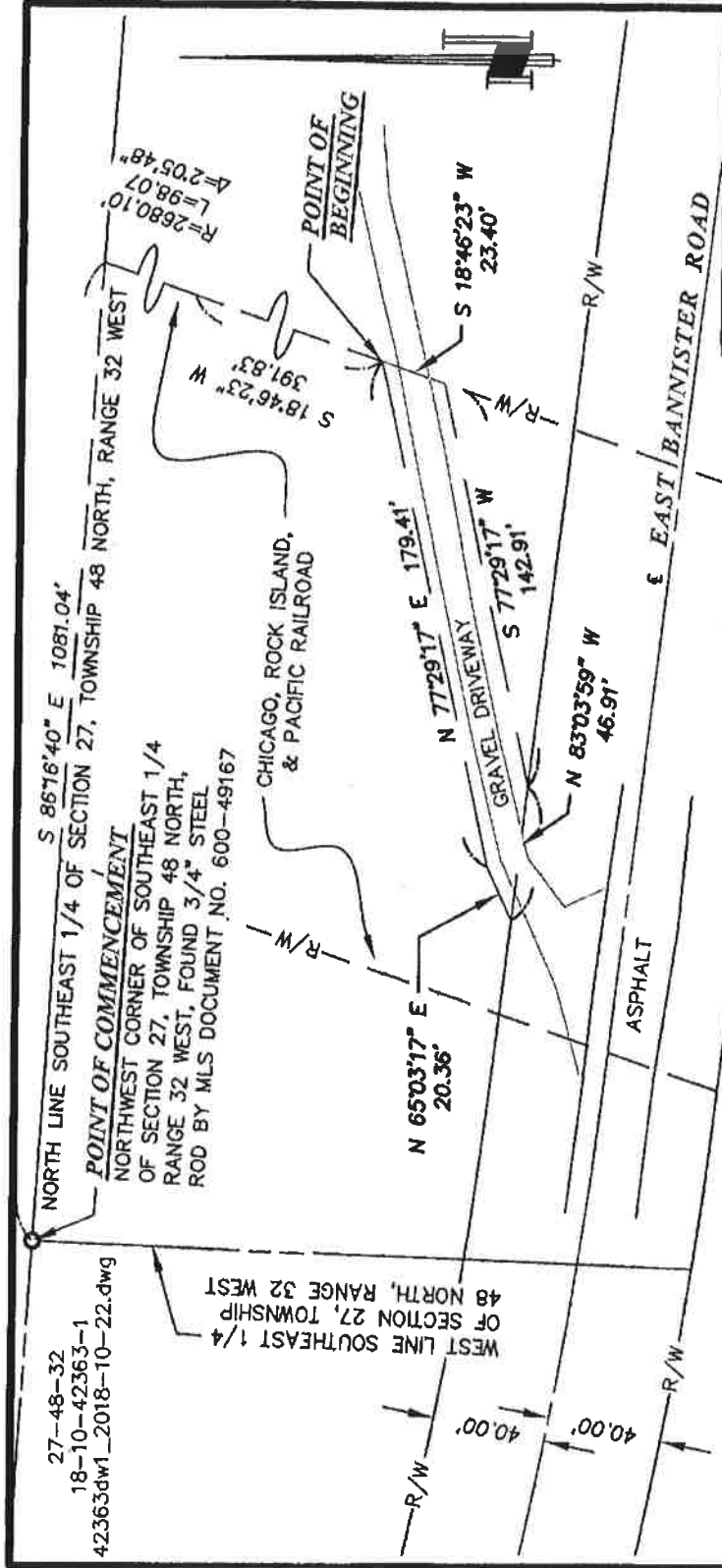
THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 5,175 SQUARE FEET OR 0.119 ACRES, MORE OR LESS.



11/20/18

ROBERT J. ANDERSON, PLS #2010000242





27-48-32
18-10-42363-1
42363dw1_2018-10-22.dwg

WEST LINE SOUTHEAST 1/4
OF SECTION 27, TOWNSHIP
48 NORTH, RANGE 32 WEST

NORTH LINE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 48 NORTH, RANGE 32 WEST
POINT OF COMMENCEMENT
NORTHWEST CORNER OF SOUTHEAST 1/4
OF SECTION 27, TOWNSHIP 48 NORTH,
RANGE 32 WEST, FOUND 3/4" STEEL
ROD BY MLS DOCUMENT NO. 600-49167

R=2680.10
L=98.07
Δ=2°05'48"

CHICAGO, ROCK ISLAND,
& PACIFIC RAILROAD

ASPHALT

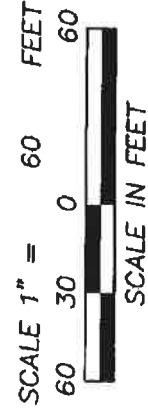
EAST BANNISTER ROAD

EXHIBIT A - DRIVEWAY EASEMENT

PROJECT: DAVE HAAKE
LOCATION: 12700 EAST BANNISTER ROAD
DATE: OCTOBER 23, 2018

MISSOURI CERTIFICATE
OF AUTHORITY, 000076

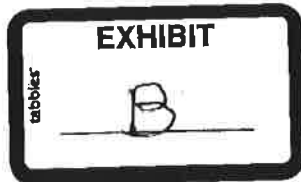
ANDERSON
SURVEY COMPANY
1270 NE DELTA SCHOOL ROAD
LEES SUMMIT, MISSOURI 64084
(816) 246-5050



THE BEARING SYSTEM SHOWN HEREON IS BASED
ON THE MISSOURI COORDINATE SYSTEM OF 1983,
WEST ZONE



ROBERT J. ANDERSON
PLS #2010000242



LEGAL DESCRIPTION

TRACT I: All that part of the North 1/2 of the Southeast 1/4 of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri, described as follows: Commencing at the point of intersection of the North line of said 1/2 1/4 Section with the center line of the Little Blue River, as it now exists; thence West along said North line 270 feet to the true point of beginning of the tract of land described herein, being the Northwestern corner of a tract of land conveyed to Jackson County, Missouri, and described as Tract III in the Warranty Deed recorded December 4, 1980, under Document No. I-441262, in Book I-1047 at page 175; thence South parallel with the East line of said 1/2 1/4 Section 410 feet, more or less, to the centerline of Unity Central Road; thence Southwesterly along said centerline to the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 27; thence North along said West line to the Northerly right of way line of Bannister Road, as now established; thence Westerly along said Northerly right of way line to the Easterly right of way line of the Kansas City Rock Island Railway; thence Northeasterly along said Easterly right of way line to the North line of the North 1/2 of the Southeast 1/4 of said Section 27; thence East along the North line of said 1/2 1/4 Section to the point of beginning, except that part conveyed to the City of Kansas City on May 30, 2000 in Document No. 2000I0035252; and subject to the rights of the public in Unity Central Road and Bannister Road.

TRACT II: All that part of the of the Southwest 1/4 of the Northeast 1/4 of Section 27, Township 48, Range 32, in Kansas City, Jackson County, Missouri, described as follows: Beginning at the intersection of the East line of said 1/4 1/4 Section with the South bank of the Little Blue River; thence South along said East line 264 feet to the Southeast corner of said 1/4 1/4 Section; thence West along the South line thereof to the Easterly right of way line of the Kansas City Rock Island Railway; thence Northeasterly along said Easterly right of way to the South bank of said Little Blue River; thence Easterly along said South Bank to the point of beginning.

This Policy is invalid unless the cover sheet and Schedule B are attached.