

ORDINANCE NO. 250143

Sponsor: Director of Water Services Department

Authorizing the Director of Water Services Department to accept a special warranty deed from Hunt Midwest Properties, L.L.C., for the future Todd Creek Facility Land Acquisition; appropriating \$188,448.00 for the transfer; authorizing the Director of the Water Services Department to enter into a lease with Martin Marietta Materials Real Estate Investments, Inc., granting access to mineral rights for the existing Todd Creek Facility upon completion of the New Todd Creek Facility; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, the City needs to acquire real property for the future Todd Creek Facility under Project No. 81000985; and

WHEREAS, the Water Services Department has identified two parcels owned by Hunt Midwest Properties, L.L.C. ("Hunt Midwest") that are suitable for the Todd Creek Facility located within Kansas City, Platte County, Missouri; and

WHEREAS, Committee Substitute for Ordinance No. 230975 authorized the Director of the Water Services Department to enter into a purchase option agreement with Hunt Midwest Properties, L.L.C., for \$799,058.00, which shall be applied to the purchase price, granting the City an option to purchase one of two sites identified therein; and

WHEREAS, after completing due diligence on potential sites, the Water Services Department has identified the below-described tracts as the best site for the Todd Creek Facility; and

WHEREAS, the mineral rights of the below-described tracts are currently leased to Martin Marietta Materials Real Estate Investments, Inc. ("Martin Marietta"); and

WHEREAS, Martin Marietta and Hunt Midwest intend to terminate the existing lease for Tract 1, in consideration for Martin Marietta being granted access pursuant to a lease for a similar site; and

WHEREAS, the City and Martin Marietta have identified the current Todd Creek Facility located at 7600 N.W. 144th Street, Platte City, Missouri 64079, as an acceptable replacement site for the mining lease; and

WHEREAS, having terminated the lease with Martin Marietta, Hunt Midwest will transfer the entire below-described Tract 1 property to the City in fee simple, inclusive of subsurface rights; and

WHEREAS, the Water Services Department now seeks to exercise its option to purchase said property, that falls completely within the city limits of Kansas City, Missouri, for \$967,506.00, plus closing costs estimated at approximately \$20,000.00, \$799,058.00 of which has already been paid to the seller pursuant to the purchase option agreement; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is authorized to exercise the City's option and accept a special warranty deed from Hunt Midwest Properties, L.L.C., for the Todd Creek Facility Land Acquisition under Project No. 81000985 for the following real property (hereinafter the "Property"):

TRACT I: A tract of land in the East Half of the Northwest Quarter and the East Half of the Southwest Quarter of Section 1, Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Northeast corner of the Northwest Quarter of said Section 1; thence South 00°27'39" West, on the East line of said Northwest Quarter, 1,569.06 feet to the Point of Beginning of the tract of land to be herein described; thence continuing South 00°27'39" West along the East line of said Northwest Quarter, 1,008.41 feet to the Southeast corner of the Northwest Quarter of said Section 1, said point also being the Northeast corner of the Southwest Quarter of said Section 1; thence continuing South 00°27'39" West along the East line of the Southwest Quarter of said Section 1, 327.63 feet to the Southeast corner of the North 10 acres of the East Half of the Southwest Quarter of said Section 1 as referenced in the General Warranty Deed recorded November 13, 2013 to Hunt Midwest Properties, LLC and recorded as Document No. 2013017415, in Book 1221, at Page 87, (Allmon Tract); thence North 89°19'56" West, on the South line of the North 10 acres of the East Half of the Southwest Quarter of said Section 1, 1,022.84 feet; thence North 00°27'39" East, 849.18 feet; thence North 61°55'00" East, 1,011.16 feet; thence South 89°32'21" East, 134.58 feet to the Point of Beginning. Containing 1,150,070 square feet or 26.402 acres, more or less.

TRACT 2: A tract of land in the East Half of the Northwest Quarter and the East Half of the Southwest Quarter all in Section 1, Township 52 North, Range 34 West of the 5th Principal Meridian in Kansas City, Platte County, Missouri being bounded and described by or under the direct supervision of Jason S Roudebush, P.L.S. 2002014092, as follows: Commencing at the Northeast corner of said Northwest Quarter of Section 1; thence South 00°27'39" West, on the East line of said Northwest Quarter, 172.64 feet to the Point of Beginning of the tract of land to be herein described; said point being on the centerline of N.W. 144th Street, as now established and exists as referenced in the General Warranty Deed recorded November 13, 2013 to Hunt Midwest Properties, LLC and recorded as Document No. 2013017415, in Book 1221, at Page 87, (Gann Tract and Allmon Tract); thence continuing South 00°27'39" West, along the said East line of said Northwest Quarter, 1,396.42 feet; thence North 89°32'21" West, 134.58 feet; thence South 61°55'00" West, 1,011.16 feet; thence South 00°27'39" West, 849.18 feet to a point on the South line of the North 10 acres of the East Half of the Southwest Quarter of said Section 1, as referenced in the General Warranty Deed recorded November 13, 2013 to Hunt Midwest Properties, LLC and recorded as Document No.

2013017415, in Book 1221, at Page 87, (Allmon Tract); thence North 89°19'56" West on said South line, 306.77 feet; to the Southwest corner of the North 10 acres of the East Half of the Southwest Quarter of said Section 1; thence North 00°32'37" East, on the West line of the East Half of the Southwest Quarter of said Section 1, 327.62 feet to the Northwest corner of East Half of the Southwest Corner, said point also being the Southwest corner of the East Half of said Northwest Quarter; thence North 00°17'57" East, on the West line of the East Half of said Northwest Quarter, 2,002.34 feet to a point on the centerline of aforesaid N.W. 144th Street, thence South 82°21'47" East, on said centerline, 537.75 feet; thence Easterly on said centerline, along a curve to the left being tangent to the last described course with a radius of 117.42 feet, a central angle of 37°45'05" and an arc distance of 77.37 feet; thence North 59°53'08" East, on said centerline, 185.06 feet; thence Northeasterly on said centerline, along a curve to the left being tangent to the last described course with a radius of 226.62 feet, a central angle of 19°21'51" and an arc distance of 76.59 feet; thence North 40°31'17" East, on said centerline, 282.48 feet; thence Northeasterly on said centerline, along a curve to the right being tangent to the last described course with a radius of 124.77 feet, a central angle of 39°22'41" and an arc distance of 85.75 feet; thence North 79°53'58" East, on said centerline, 259.32 feet to the Point of Beginning. Containing 2,091,936 square feet or 48.026 acres, more or less. Except that part in right of way for N.W. 144th Street situated along the Northerly property line.

All lying above the Winterset Ledge of Limestone Rock. In areas where the Winterset Ledge is absent, all lying above Bethany Falls Ledge of Limestone Rock. In areas where the Bethany Falls Ledge is absent, all lying above the Elevation 720 (NAVD 88).

Section 2. That the Director of the Water Services Department is authorized a maximum expenditure of \$188,448.00 from Account No. 25-8110-807778-631980-81000985, Sewer Treatment Facilities, for the purchase of the Property and payment of related closing costs.

Section 3. That the Director of the Water Services Department is authorized to enter into a Lease Agreement with Martin Marietta Materials Real Estate Investments, Inc., a copy of which is attached hereto in substantial form.

Section 4. That this ordinance, relating to the design, repair, maintenance, or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(D) of the City Charter and shall take effect in accordance with Section 503, City Charter.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Abigail Judah
Assistant City Attorney