

ORDINANCE NO. [R-2021-00416]

Vacating a portion of E. 52nd Street between Brighton Avenue to the west and Denver Avenue to the east in District M3-5, to allow for increased security of the property; and directing the City Clerk to record certain documents.
(Case No. CD-ROW-2020-00025)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on the 13th day of October, 2020, a petition was filed with the City Clerk of Kansas City by Kevin Norhues, Vance Brothers, Inc., for the vacation of a parcel of land in the subdivision of South Bluebanks, a subdivision of record in the City of Kansas City, Jackson County, Missouri, described as follows; Beginning at the Northwest corner of Lot 15 of South Bluebanks, said point being on the south right-of-way of 52nd Street and on the east right-of-way of Brighton Avenue; thence East along the south line of 52nd Street right-of-way a distance of 710 feet to the northeast corner of Lot 14 of South Bluebanks, said point being on the west right-of-way of Denver Avenue; thence North, a distance of 50 feet to the southeast corner of Lot 11 of South Bluebanks, said point being on the north right-of-way of 52nd Street; thence West along the north right-of-way of 52nd Street, a distance of 710 feet to the southwest corner of Lot 10 of South Bluebanks; thence South 50 feet to the point of beginning, containing 35,500 square feet, giving the distinct description of the subdivision to be vacated, and also the names of the persons and corporations owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said subdivision has been obtained in writing, that said consent has been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

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Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That a parcel of land in the subdivision of South Bluebanks, a subdivision of record in the City of Kansas City, Jackson County, Missouri, described as follows; Beginning at the Northwest corner of Lot 15 of South Bluebanks, said point being on the south right-of-way of 52nd Street and on the east right-of-way of Brighton Avenue; thence East along the south line of 52nd Street right-of-way a distance of 710 feet to the northeast corner of Lot 14 of South Bluebanks, said point being on the west right-of-way of Denver Avenue; thence North, a distance of 50 feet to the southeast corner of Lot 11 of South Bluebanks, said point being on the north right-of-way of 52nd Street; thence West along the north right-of-way of 52nd Street, a distance of 710 feet to the southwest corner of Lot 10 of South Bluebanks; thence South 50 feet to the point of beginning, containing 35,500 square feet, be and the same is hereby vacated. However, the City of Kansas City reserves an easement and the right to locate, construct and maintain (or to authorize any franchised utility to locate, construct and maintain) conduits, water, gas and sewer pipes, poles and wire, or any of them over, under, along and across the above-described property. The City of Kansas City shall have at all times the right to go upon the above-described property to construct, maintain and repair the same; and nothing in this vacation action shall be construed so as to grant any right to use the above-described property in any manner as would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses, and specifically, there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) without first securing the written approval of the Director of Public Works. The vacation is further subject to the following conditions:

- A. AT&T has a buried 50 pair copper cable that runs along 52nd Street, with several access points. A relocation option will be done at applicant's expense.
- B. The applicant shall retain all utility easements and protect facilities required by the Kansas City, Missouri Water Services Department.
- C. The applicant shall retain all utility easements and protect facilities required by AT&T.
- D. The applicant shall retain all utility easements and protect facilities and provide interlock Evergy company lock on gate as required by Evergy.
- E. The applicant shall retain all utility easements and protect facilities required by Spire.

