

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240848

Vacating an approximately 68,000-square-foot area of an improved street in Zoning District MPD generally located on Berkley Plaza between East Riverfront Road and Berkley Parkway; and directing the City Clerk to record certain documents. (CD-ROW-2022-00041)

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 5th day of August, a petition was filed with the City Clerk of Kansas City by Krishan Purvis for the vacation of all that part of the right-of-way of Berkley Plaza established by the Plat of Berkley Riverfront Park, a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the northerly corner of Lot 1 in said subdivision; thence North  $61^{\circ}00'01''$  East, along the northwesterly right of way line of said Berkley Plaza, 150.00 feet to the northerly corner thereof; thence South  $28^{\circ}48'06''$  East, along the northeasterly right of way line of said road, 432.53 feet to a point of curvature; thence in a southeasterly direction, continuing along said right of way line, along a curve to the left, having a radius of 25.00 feet through a central angle of  $085^{\circ}59'59''$ , an arc distance of 37.52 feet to the northwesterly right of way line of Berkley Parkway; thence South  $65^{\circ}11'55''$  West, parallel with the centerline of said road, 50 feet from the centerline thereof, 200.49 feet to a point on the southwesterly right of way line of said Berkley Plaza; thence northeasterly, along said southwesterly right of way line, along a curve to the left with an initial tangent bearing North  $65^{\circ}11'55''$  East, having a radius of 25.000 feet through a central angle of  $094^{\circ}00'01''$ , and arc distance of 41.02 feet to a point of tangency; thence North  $28^{\circ}48'06''$  West, continuing along said southwesterly right of way line, 418.03 feet to the point of beginning, containing 67,822 square feet, more or less; giving the distinct description of the street 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 street 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.

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 all that part of the right-of-way of Berkley Plaza established by the Plat of Berkley Riverfront Park, a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the northerly corner of Lot 1 in said subdivision; thence North  $61^{\circ}00'01''$  East, along the northwesterly right of way line of said Berkley Plaza, 150.00 feet to the northerly corner thereof; thence South  $28^{\circ}48'06''$  East, along the northeasterly right of way line of said road, 432.53 feet to a point of curvature; thence in a southeasterly direction, continuing along said right of way line, along a curve to the left, having a radius of 25.00 feet through a central angle of  $085^{\circ}59'59''$ , an arc distance of 37.52 feet to the northwesterly right of way line of Berkley Parkway; thence South  $65^{\circ}11'55''$  West, parallel with the centerline of said road, 50 feet from the centerline thereof, 200.49 feet to a point on the southwesterly right of way line of said Berkley Plaza; thence northeasterly, along said southwesterly right of way line, along a curve to the left with an initial tangent bearing North  $65^{\circ}11'55''$  East, having a radius of 25.000 feet through a central angle of  $094^{\circ}00'01''$ , and arc distance of 41.02 feet to a point of tangency; thence North  $28^{\circ}48'06''$  West, continuing along said southwesterly right of way line, 418.03 feet to the point of beginning, containing 67,822 square feet, more or less be and the same is hereby vacated and subject to the following conditions:

1. The applicant shall relocate facilities if found to be in conflict of any development at applicants' expense as required by AT&T.
2. The applicant shall retain all utility easements and protect facilities required by Evergy.
3. The applicant shall retain all utility easements and protect facilities required by Spire.
4. The applicant shall retain all utility easements and protect facilities required by Kansas City Water Services.

Section 5. That the City Clerk of Kansas City, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance and the consent of property owners hereinbefore referred to, to be filed for record in the Recorder's Office in Jackson County, Missouri.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.

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Recorder

By \_\_\_\_\_  
Deputy