

COMPARED VERSION  
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 200788

Vacating a portion of E. 95th Street and a portion of Michigan Avenue generally located north of E. Bannister Road in between Troost Avenue to the west and the Union Pacific Railroad to the east, to allow for redevelopment of the site and directing the City Clerk to record certain documents. (CD-ROW-2019-00009)

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 1st day of September, 2020, a petition was filed with the City Clerk of Kansas City by Michael Ballard for the vacation of a tract of land in the Northwest Quarter and Northeast Quarter of Section 28, all in Township 48 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri being bounded and described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence South 86 degrees 51 minutes 29 seconds East, along the South line of said Northwest Quarter and said Northeast Quarter, 3066.88 feet; thence North 03 degrees 08 minutes 31 seconds East, at right angles to said South line, 260.32 feet to a point on the Easterly right of way line of Michigan Avenue as established by Tract B of Document K862069, in Book K1879 at Page 216, recorded January 6, 1989, said point also being the Northeast corner of the Grant of Easement for Relocated 95th Street established by Document K921542, in Book K2014 at Page 1598, recorded April 20, 1990, said point also being the point of beginning of the tract of land to be herein described: thence South 78 degrees 22 minutes 07 seconds West, 90.00 feet to a point on the Westerly right of way line of said Michigan Avenue; thence Northerly along said Westerly right of way line, along a curve to the left having an initial tangent bearing of North 11 degrees 37 minutes 53 seconds West, with a radius of 522.96 feet, a central angle of 23 degrees 34 minutes 59 seconds, and an arc distance of 215.25 feet; thence North 35 degrees 12 minutes 52 seconds West, along said Westerly right of way line 1.13 feet to a point on the Southeasterly right of way line of E. 95th Street as now established; thence Southwesterly along said Southeasterly right of way line, along a curve to the right having an initial tangent bearing of South 65 degrees 37 minutes 08 seconds West with a radius of 1,492.39 feet, a central angle of 11 degrees 25 minutes 32 seconds and an arc distance of 297.60 feet; thence South 77 degrees 02 minutes 40 seconds West along said Southeasterly right of way line, 655.40 feet; thence South 01 degrees 59 minutes 47 seconds West, along said Southeasterly right of way line, 90.71 feet to a point on the Northerly right of way line of E. Bannister Road as now established; thence North 85 degrees 54 minutes 37 seconds West, along said Northerly right of way line, 491.83 feet to a point on the Northwesterly right of way line of said E. 95th Street; thence North 09 degrees 34 minutes 24 seconds West, along said Northwesterly right of way line, 67.55 feet; thence Northeasterly along said Northwesterly right of way line, along a curve to the left having an initial tangent bearing of North 80 degrees 05 minutes 21 seconds East with a radius of 2,804.79 feet, a central angle of 03 degrees 02 minutes 41 seconds and an arc

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distance of 149.05 feet; thence North 77 degrees 02 minutes 40 seconds East, along said Northwesterly right of way line, 996.07 feet; thence Northeasterly along said Northwesterly right of way line along a curve to the left being tangent to the last described course with a radius of 1,372.39 feet, a central angle of 18 degrees 17 minutes 41 seconds and an arc distance of 438.21 feet; thence North 58 degrees 44 minutes 59 seconds East, along said Northwesterly right of way line, 1,059.88 feet to a point on the Westerly right of way line of the Missouri Pacific Railroad as now established; thence South 04 degrees 07 minutes 14 seconds West, along said Westerly right of way line, 147.16 feet to a point on the Southeasterly right of way line of said E 95th Street; thence South 58 degrees 44 minute 59 seconds West, along said Southeasterly right of way line, 974.69 feet; thence Southwesterly, along said Southeasterly right of way line, along a curve to the right being tangent to the last described course with a radius of 1,492.39 feet, a central angle of 03 degrees 22 minutes 30 seconds and an arc distance of 87.91 feet to a point on the Easterly right of way line of said Michigan Avenue; thence Southerly along said Easterly right of way line, along a curve to the right having an initial tangent bearing of South 33 degrees 58 minutes 35 seconds East with a radius of 612.96 feet, a central angle of 22 degrees 20 minutes 42 seconds and an arc distance of 239.05 feet to the point of beginning and containing 343,712 square feet or 7.891 acres, more or less; giving the distinct description of the tract 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 tract 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 a tract of land in the Northwest Quarter and Northeast Quarter of Section 28, all in Township 48 North, Range 33 West of the 5th Principal Meridian in Kansas City, Jackson County, Missouri being bounded and described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence South 86 degrees 51 minutes 29 seconds East, along the South line of said Northwest Quarter and said Northeast Quarter, 3066.88 feet; thence North 03 degrees 08 minutes 31 seconds East, at right angles to said South line, 260.32 feet to a point on the Easterly right of way line of Michigan Avenue as established by Tract B of Document K862069, in Book K1879 at Page 216, recorded January 6, 1989, said point also being the Northeast corner of the Grant of Easement for Relocated 95th Street established by Document K921542, in Book K2014 at Page 1598, recorded April 20, 1990, said point also being the point of beginning of the tract of land to be herein described: thence South 78 degrees 22 minutes 07 seconds West, 90.00 feet to a point on the Westerly right of way line of said Michigan Avenue; thence Northerly along said Westerly right of way line, along a curve to the left having an initial

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tangent bearing of North 11 degrees 37 minutes 53 seconds West, with a radius of 522.96 feet, a central angle of 23 degrees 34 minutes 59 seconds, and an arc distance of 215.25 feet; thence North 35 degrees 12 minutes 52 seconds West, along said Westerly right of way line 1.13 feet to a point on the Southeasterly right of way line of E. 95th Street as now established; thence Southwesterly along said Southeasterly right of way line, along a curve to the right having an initial tangent bearing of South 65 degrees 37 minutes 08 seconds West with a radius of 1,492.39 feet, a central angle of 11 degrees 25 minutes 32 seconds and an arc distance of 297.60 feet; thence South 77 degrees 02 minutes 40 seconds West along said Southeasterly right of way line, 655.40 feet; thence South 01 degrees 59 minutes 47 seconds West, along said Southeasterly right of way line, 90.71 feet to a point on the Northerly right of way line of E. Bannister Road as now established; thence North 85 degrees 54 minutes 37 seconds West, along said Northerly right of way line, 491.83 feet to a point on the Northwesterly right of way line of said E. 95th Street; thence North 09 degrees 34 minutes 24 seconds West, along said Northwesterly right of way line, 67.55 feet; thence Northeasterly along said Northwesterly right of way line, along a curve to the left having an initial tangent bearing of North 80 degrees 05 minutes 21 seconds East with a radius of 2,804.79 feet, a central angle of 03 degrees 02 minutes 41 seconds and an arc distance of 149.05 feet; thence North 77 degrees 02 minutes 40 seconds East, along said Northwesterly right of way line, 996.07 feet; thence Northeasterly along said Northwesterly right of way line along a curve to the left being tangent to the last described course with a radius of 1,372.39 feet, a central angle of 18 degrees 17 minutes 41 seconds and an arc distance of 438.21 feet; thence North 58 degrees 44 minutes 59 seconds East, along said Northwesterly right of way line, 1,059.88 feet to a point on the Westerly right of way line of the Missouri Pacific Railroad as now established; thence South 04 degrees 07 minutes 14 seconds West, along said Westerly right of way line, 147.16 feet to a point on the Southeasterly right of way line of said E 95th Street; thence South 58 degrees 44 minute 59 seconds West, along said Southeasterly right of way line, 974.69 feet; thence Southwesterly, along said Southeasterly right of way line, along a curve to the right being tangent to the last described course with a radius of 1,492.39 feet, a central angle of 03 degrees 22 minutes 30 seconds and an arc distance of 87.91 feet to a point on the Easterly right of way line of said Michigan Avenue; thence Southerly along said Easterly right of way line, along a curve to the right having an initial tangent bearing of South 33 degrees 58 minutes 35 seconds East with a radius of 612.96 feet, a central angle of 22 degrees 20 minutes 42 seconds and an arc distance of 239.05 feet to the point of beginning and containing 343,712 square feet or 7.891 acres, more or less, 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.

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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.

Approved as to form and legality:

Sarah Baxter  
Assistant City Attorney

Approved by the City Plan Commission

Secretary

[illegible]

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_ to me known to be the City Clerk of Kansas City, Missouri, in the above and foregoing ordinance mentioned, and acknowledged the said ordinance to be the act and deed of said Kansas City, duly passed by the Council of said City, and became effective as herein stated.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri, the day and year first above written.

My term expires \_\_\_\_\_, 20\_\_\_\_.

Notary Public within and for  
County, Missouri

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IN RECORDER'S OFFICE

[illegible]

I, the undersigned, Recorder of Deeds within and for the County aforesaid, do hereby certify that the foregoing instrument of writing was on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ minutes M., duly filed for record in this office, and with certificate of acknowledgment thereon endorsed, is recorded in the records of this office in Book \_\_\_\_\_, at page \_\_\_\_\_.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office at Kansas City, Missouri, this day and year last aforesaid.

Recorder

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