

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 240721

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Vacating certain unimproved City right-of-way approximately located at 4815 Gardner Avenue in Kansas City, Jackson County, Missouri; while retaining an Aerial Easement and upon the effective date of this ordinance, an Inspection, Maintenance, and Public Safety Easement for the Chouteau Trafficway Bridge and related infrastructure; and directing the City Clerk ~~is hereby directed~~ to record ~~said~~this ordinance in the Office of the Recorder of Deeds for Jackson County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council does hereby find that the Director of the Department of Public Works has declared certain City right-of-way to be unimproved with no future plans to improve said right-of-way and therefore vacates the following City right-of-way:

Council District 4:

In the vicinity of 4815 Gardner Avenue.

Vacating/releasing unimproved public right-of-way acquired by Corporate Quit-Claim Deed ("CQCD"), recorded November 21, 1951, as Instrument No. B 39502 in the Recorder of Deeds Office for Jackson County, Missouri, while retaining an Aerial Easement, and an Inspection, Maintenance, and Public Safety Easement, and the right of ingress and egress, all for the purpose of inspection, maintenance and public safety, across the right of way/property being vacated/released.

Unimproved Public Right-Of-Way to be Vacated/Released

The unimproved public right-of-way being vacated/released is attached hereto as "**Exhibit A**" and is described as follows:

All that part of the South One-Half of the Northeast Quarter of Section 26, Township 50 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri, being described by J. Aubrey Meyer, MO PLS #2007017966, on July 5, 2024, as follows:

Commencing at the Northwest corner of the South One-Half of the Northwest Quarter of said Section 26, said point being monumented by a 3-1/2" brass end cap; thence South 87°35'24" East, along the North line of said South One-Half of the Northwest Quarter of said Section 26, the same being the South right-of-way line of E. Front Street as established by a Quit-Claim Deed, being a document recorded December 31, 1953, in Book B4779 at Page 567, at the county Recorder of Deeds Office, a distance of 2,648.00 feet to a point on the West line of the Northeast Quarter of said Section 26 that bears North 02 degrees 27 minutes 39 seconds East a distance of 1,322.89 feet from the Center

corner of said Section 26, said Center Corner being monumented by a 3-1/4" City Monument in a monument box; thence South 02 degrees 27 minutes 39 seconds West, along the West line of the South One-Half of said Northeast Quarter, a distance of 303.85 feet to the Point of Beginning; thence South 28 degrees 05 minutes 53 seconds East a distance of 251.04 feet to a point on the Westerly extension of the South face of the North bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway; thence South 87 degrees 39 minutes 19 seconds East, along said Westerly extension and continuing along the Easterly extension thereof, a distance of 251.46 feet to a point on the East right-of-way line of N.E. Chouteau Trafficway, as described in a Corporation Quit-Claim Deed, being a document recorded November 21, 1951, in Book B4474, at Page 216, at the County Recorder of Deeds Office; thence South 35 degrees 40 minutes 16 seconds East, along said East right-of-way line, a distance of 531.45 feet to the Southeast corner of said tract of land as described in said Corporation Quit-Claim Deed; thence North 53 degrees 54 minutes 41 seconds West, along the Southerly line of said Corporation Quit-Claim Deed; a distance of 159.74 feet; thence North 35 degrees 40 minutes 16 seconds West, departing said South line, a distance of 127.99 feet to a point on the Easterly extension of the North face of the South bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway; thence North 87 degrees 39 minutes 19 seconds West, along said Easterly extension and continuing along the Westerly extension thereof, a distance of 96.61 feet to a point on the South line of said tract of land as described in said Corporation Quit-Claim Deed; thence Westerly and Northerly along the Southerly and Westerly lines of said tract of land as described in said Corporation Quit-Claim Deed the following Five (5) described courses: One (1), in a northwesterly direction along a curve to the left that is non-tangent with the exit of the last described course, having an initial tangent bearing of North 64 degrees 21 minutes 11 seconds West, a radius of 881.95 feet, a central angle of 06 degrees 53 minutes 57 seconds, an arc length of 106.20 feet; Two (2), North 87degrees 33 minutes 49 seconds West a distance of 108.70 feet; Three (3), North 02 degrees 27 minutes 39 seconds East a distance of 100.00 feet; Four (4), thence North 87 degrees 33 minutes 59 seconds West a distance of 190.00 feet to a point on a line that bears North 02 degrees 27 minutes 39 seconds East a distance of 710.00 feet from the Center Corner of said Section 26, said Center Corner being monumented by a 3-1/4" City Monument in a monument box; Five (5), thence North 02 degrees 27 minutes 39 seconds East a distance of 309.05 feet to the Point of Beginning. Containing 98,713 square feet, more or less.

The bearings used in this description are Grid North, based on the Missouri Coordinate System of 1983, West Zone, NAD83.

Aerial Easement

The Aerial Easement to be retained is attached hereto as **“Exhibit B”** and is described as follows:

All that part of South One-Half of the Northeast Quarter of Section 26, Township 50 South, Range 33 West, in the City of Kansas City, Jackson County, Missouri, being described by J. Aubrey Meyer, MO PLS #2007017966, on July 5, 2024, as follows:

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Commencing at the Northwest corner of the South One-Half of the Northwest Quarter of said Section 26, said point being monumented by a 3-1/2" brass end cap; thence South 87 degrees 35 minutes 24 seconds East, along the North line of said South One-Half of the Northwest Quarter of said Section 26, the same being the South right-of-way line of E Front Street as established by a Quit-Claim Deed, being a document recorded December 31, 1953, in Book B4779 at Page 567, at the county Recorder of Deeds Office, a distance of 2,648.00 feet to a point on the West line of the Northeast Quarter of said Section 26 that bears North 02 degrees 27 minutes 39 seconds East a distance of 1,322.89 feet from the Center corner of said Section 26, said Center Corner being monumented by a 3-1/4" City Monument in a monument box; thence South 02 degrees 27 minutes 39 seconds West, along the West line of the South One-Half of said Northeast Quarter, a distance of 303.85 feet; thence South 28 degrees 05 minutes 53 seconds East a distance of 251.04 feet to a point on the Westerly extension of the South face of the North bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway; thence South 87 degrees 39 minutes 19 seconds East, along said Westerly extension, a distance of 92.85 feet to a point at the Southwest corner of the North bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway, said point also being a point on the Westerly outer limits of the existing bridge structure, said point being the Point of Beginning; thence South 87 degrees 39 minutes 19 seconds East, along said South face, a distance of 69.80 feet to a point at the Southeast corner of North bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway, said point also being on the Easterly outer limits of the existing bridge structure; thence South 35 degrees 39 minutes 42 seconds East, along the Easterly outer limits of the existing bridge structure a distance of 290.79 feet to a point on the Northeast corner of the South bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway; thence North 87 degrees 39 minutes 19 seconds West, along the North face of the South bridge end bent, a distance of 69.80 feet to a point on the Northwest corner of the South bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway, said point also being a point on the Westerly outer limits of the existing bridge structure; thence North 35 degrees 39 minutes 42 seconds West, along the Westerly outer limits of the existing bridge structure a distance of 290.79 feet to the Point of Beginning. Containing 15,994 square feet, more or less.

The bearings used in this description are Grid North, based on the Missouri State Plane Coordinate System 1983, West Zone

Inspection, Maintenance, and Public Safety Easement

The Inspection, Maintenance, and Public Safety Easement to be retained is attached hereto as "**Exhibit C**" and is described as follows:

All that part of South One-Half of the Northeast Quarter of Section 26, Township 50 South, Range 33 West, in the City of Kansas City, Jackson County, Missouri, being described by J. Aubrey Meyer, MO PLS #2007017966, on July 5, 2024, as follows:

Commencing at the Northwest corner of the South One-Half of the Northwest Quarter of said Section 26, said point being monumented by a 3-1/2" brass end cap; thence South 87 degrees 35 minutes 24 seconds East, along the North line of said South One-Half of the Northwest Quarter of said Section 26, the same being the South right-of-way line of E. Front Street as established by a Quit-Claim Deed, being a document recorded December 31, 1953, in Book B4779 at Page 567, at the county Recorder of Deeds Office, a distance of 2,648.00 feet to a point on the West line of the Northeast Quarter of said Section 26 that bears North 02 degrees 27 minutes 39 seconds East a distance of 1,322.89 feet from the Center corner of said Section 26, said Center Corner being monumented by a 3-1/4" City Monument in a monument box; thence South 02 degrees 27 minutes 39 seconds West, along the West line of the South One-Half of said Northeast Quarter, a distance of 303.85 feet; thence South 28 degrees 05 minutes 53 seconds East a distance of 251.04 feet to a point on the Westerly extension of the South face of the North bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway; thence South 87 degrees 39 minutes 19 seconds East, along said Westerly extension, a distance of 92.85 feet to a point at the Southwest corner of the North bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway, said point also being a point on the Westerly outer limits of the existing bridge structure, said point being the Point of Beginning; thence South 87 degrees 39 minutes 19 seconds East, along said South face, a distance of 69.80 feet to a point at the Southeast corner of North bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway, said point also being on the Easterly outer limits of the existing bridge structure; thence South 35 degrees 39 minutes 42 seconds East, along the Easterly outer limits of the existing bridge structure a distance of 290.79 feet to a point on the Northeast corner of the South bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway; thence North 87 degrees 39 minutes 19 seconds West, along the North face of the South bridge end bent, a distance of 69.80 feet to a point on the Northwest corner of the South bridge end bent of the N.E. Chouteau Trafficway bridge over the CPKC Railway, said point also being a point on the Westerly outer limits of the existing bridge structure; thence North 35 degrees 39 minutes 42 seconds West, along the Westerly outer limits of the existing bridge structure a distance of 290.79 feet to the Point of Beginning. Containing 15,994 square feet, more or less.

The bearings used in this description are Grid North, based on the Missouri State Plane Coordinate System 1983, West Zone

Section 2. 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 3. The City's Aerial Easement, Inspection, Maintenance, and Public Safety Easement, and the right of ingress and egress reserved in Section 1, provides the right for the City to maintain, repair and improve the Chouteau Trafficway Bridge infrastructure; along with the right of any existing utility, on or attached to the Chouteau Trafficway Bridge, to be included in said aerial easement with the right to maintain, repair and improve their existing infrastructure. The City of Kansas City shall have at all times the right to go under and upon the Chouteau

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Trafficway Bridge 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 property under said bridge in any manner as would interfere with the safe and continuous maintenance, construction, reconstruction and improvement to the aforesaid bridge or the publics use thereof.

Section 4. That the City Clerk is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance to be filed for record in the Recorder's Office in Jackson County, Missouri.

Section 5. 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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Approved as to form:

Abigail Judah
Assistant City Attorney