



240697
Kansas City

414 E. 12th Street
Kansas City, MO
64106

Legislation Text

File #: TMP-4596

240697

ORDINANCE NO. TMP-4596

Approving a vacation of public right of way of 1622.60 feet in District UR generally located on the west side of Santa Fe Street between West 11th Street and Union Avenue conditional upon the maintenance of a Public Access Easement; authorizing the City Manager to accept a Public Access Easement; and directing the City Clerk to record certain documents (CD-ROW-2023-00007)

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 10th day of November 2023, a petition was filed with the Clerk of Kansas City by Stephen Brefo of SK Design Group, Inc., for the vacation of an alley located in the Northwest $\frac{1}{4}$ of Section 6, Township 49 N, Range 33 W in the City of Kansas City, Jackson County, Missouri, described as: commencing at the Southeast Corner of the Northwest Quarter of Section 6, Township 49 N, Range 33 W; Thence N 01°-55'-34" E along the East line of the NW $\frac{1}{4}$ of said section, a distance of 557.93 feet; thence N 87°-51'-17" W, a distance 202.62 feet to the Point of Beginning; thence S 02°-08'-43" W, a distance 10.00 feet; thence along the North property line of Block 43 Turner & Co's Addition described below, N 87°-54'-01" W, a distance of 162.26 feet; thence N 02°-05'-59" E, a distance of 10.00 feet to the South property line of tract "ms-1"; thence S 87°-54'-01" E along the South Property line of tract "ms-1" described below, a distance of 162.26 feet to the Point of Beginning. Containing 1622.60 square feet of land more or less; giving the distinct description of the alley 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 alley 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 on April 16, 2024, the City Plan Commission duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds 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 alley located in the Northwest $\frac{1}{4}$ of Section 6, Township 49 N, Range 33 W in the City of Kansas City, Jackson County, Missouri, described as: commencing at the Southeast Corner of the Northwest Quarter of Section 6, Township 49 N, Range 33 W; Thence N 01°-55'-34" E along the East line of the NW $\frac{1}{4}$ of said section, a distance of 557.93 feet; thence N 87°-51'-17" W, a distance 202.62 feet to the Point of Beginning; thence S 02°-08'-43" W, a distance 10.00 feet; thence along the North property line of Block 43 Turner & Co's Addition described below, N 87°-54'-01" W, a distance of 162.26 feet; thence N 02°-05'-59" E, a distance of 10.00 feet to the South property line of tract "ms-1"; thence S 87°-54'-01" E along the South Property line of tract "ms-1" described below, a distance of 162.26 feet to the Point of Beginning. Containing 1622.60 square feet of land more or less and the same is hereby vacated, and subject to the following conditions:

1. That the applicant shall retain all utility easements and protect facilities required by Evergy.
2. That the applicant shall retain all utility easements and protecting facilities required by Spectrum Charter.
3. That the applicant shall convey to the City a Public Access Easement over the vacated area and maintain the same. If at any time the Public Access Easement is violated, terminated, or abandoned, this Ordinance shall become null and void, and the vacated alley shall return to a public right of way that is ten feet wide and constructed to City standards.

Section 5. That the City Manager is authorized to accept the Public Access Easement, attached hereto in substantial form.

Section 6. That the City Clerk 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 7. 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:



Abigail Judah
Assistant City Attorney

Approved by the City Plan Commission

Secretary

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

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

IN RECORDER'S OFFICE

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

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 _____.

240697

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



Authenticated as Passed


Quinton L. Lewis, Mayor


Marilyn Sanders, City Clerk

AUG 15 2024

Date Passed