



Legislation Details (With Text)

File #: 230584 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 6/27/2023 **In control:** Council
On agenda: 8/4/2023 **Final action:** 8/3/2023
Title: Sponsor: Director of City Planning and Development Department

Vacating a portion of public right-of-way in District AG-R (Agricultural Residential) of about 30,000 square feet generally located north of Northwest 83rd Street and south of Highway 152 and directing the City Clerk to record certain documents. (CD-ROW-2023-00013).

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. Docket Memo_CD-ROW-2023-00013, 2. 3_CD-ROW-2023-00013_CPC Staff Report_6-20-23, 3. Armada Survey 1_v1, 4. Notorized Affidavit_v1, 5. Petition for Vacation of Streets_v1, 6. Consent to Vacation of Streets_v1, 7. ARMADA DESCRIPTION_v1, 8. Dispo_CPC_CD-ROW-2023-00013_6-20-23, 9. Authenticated Ordinance 230584

Date	Ver.	Action By	Action	Result
8/3/2023	1	Council	Passed	Pass
8/2/2023	1	Neighborhood Planning and Development Committee		
7/13/2023	1	Council	referred	

ORDINANCE NO. 230584

Sponsor: Director of City Planning and Development Department

Vacating a portion of public right-of-way in District AG-R (Agricultural Residential) of about 30,000 square feet generally located north of Northwest 83rd Street and south of Highway 152 and directing the City Clerk to

record certain documents. (CD-ROW-2023-00013).

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 18th day of April 2023, a petition was filed with the City Clerk of Kansas City by Carlos Lepe for the vacation of a portion of public right of way of North Armada Avenue from Northwest 83rd Street to it terminus to the north, all that part of the existing road right of way of n. Armada Avenue (Platted Sky Drive) lying between Lots 31, 32, and 51 through 54, amended plat of Skyland Park II, a subdivision in Kansas City, Platte County, Missouri, being described as follows: beginning at the northeasterly corner of said Lot 54, said point also being the southeasterly corner of aid Lot 53 and being a point on the westerly right of way line of said n. Armada Avenue; thence N14°39'37"W, along the easterly line of said Lot 53, a distance of 98.30 feet to the northeasterly corner of said Lot 53, said point also being the southeasterly corner of said Lot 52; thence northwesterly along the easterly line of said Lot 52, along a curve to the left being tangent to the previously described course, having a radius of 318.60 feet, an arc distance of 178.68 feet to the northerly most corner of said Lot 52, said point also being the easterly most corner of said Lot 51; thence N46°47'36"W, along the northeasterly line of said Lot 51, a distance of 117.86 feet to a point on the southerly right of way line of Missouri Highway 152, also known as Missouri Route "T", as described in a warranty deed recorded in Book 452 at Page 245; thence N68°21'53"E, along said southerly right of way line, a distance of 55.24 feet to a point on the easterly right of way line of said N. Armada Avenue, said point also being on the westerly line of said Lot 31; thence S46°47'36"e, along the westerly line of said Lot 31, a distance of 94.37 feet; thence southerly, continuing along said westerly line, along a curve to the right being tangent to the previously described course, having a radius of 368.60 feet, an arc distance of 206.72 feet to the southwesterly corner of said Lot 31, said point also being the northwesterly corner of said Lot 32; thence S14°39'37"E, along the westerly line of said Lot 32, a distance of 98.30 feet; thence southerly, continuing along said westerly line, along a curve to the left being tangent to the previously described course, having a radius of 427.30 feet, an arc distance of 184.36 feet; thence westerly, along a curve to the left having an initial tangent bearing of N39°59'44"W, a radius of 120.00 feet, an arc distance of 193.24 feet to a point on the southeasterly line of said Lot 54, said point also being on the westerly right of way line of said N. Armada Avenue; thence northeasterly, along said line, along a curve to the left having an initial tangent bearing of N47°44'17"E, a radius of 139.60 feet, an arc distance of 152.03 feet to the point of beginning, giving the distinct description of the right of way 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 right of way 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 the portion of right-of -way for North Armada Avenue, as now established as all that part of the existing road right of way of n. Armada Avenue (Platted Sky Drive) lying between Lots 31, 32, and 51 through 54, amended plat of Skyland Park II, a subdivision in Kansas City, Platte County, Missouri, being described as follows: beginning at the northeasterly corner of said Lot 54, said point also being the southeasterly corner of aid Lot 53 and being a point on the westerly right of way line of said n. Armada Avenue; thence N14°39'37"W, along the easterly line of said Lot 53, a distance of 98.30 feet to the northeasterly corner of said Lot 53, said point also being the southeasterly corner of said Lot 52; thence northwesterly along the

easterly line of said Lot 52, along a curve to the left being tangent to the previously described course, having a radius of 318.60 feet, an arc distance of 178.68 feet to the northerly most corner of said Lot 52, said point also being the easterly most corner of said Lot 51; thence N46°47'36"W, along the northeasterly line of said Lot 51, a distance of 117.86 feet to a point on the southerly right of way line of Missouri Highway 152, also known as Missouri Route "T", as described in a warranty deed recorded in Book 452 at Page 245; thence N68°21'53"E, along said southerly right of way line, a distance of 55.24 feet to a point on the easterly right of way line of said N. Armada Avenue, said point also being on the westerly line of said Lot 31; thence S46°47'36"E, along the westerly line of said Lot 31, a distance of 94.37 feet; thence southerly, continuing along said westerly line, along a curve to the right being tangent to the previously described course, having a radius of 368.60 feet, an arc distance of 206.72 feet to the southwesterly corner of said Lot 31, said point also being the northwesterly corner of said Lot 32; thence S14°39'37"E, along the westerly line of said Lot 32, a distance of 98.30 feet; thence southerly, continuing along said westerly line, along a curve to the left being tangent to the previously described course, having a radius of 427.30 feet, an arc distance of 184.36 feet; thence westerly, along a curve to the left having an initial tangent bearing of N39°59'44"W, a radius of 120.00 feet, an arc distance of 193.24 feet to a point on the southeasterly line of said Lot 54, said point also being on the westerly right of way line of said N. Armada Avenue; thence northeasterly, along said line, along a curve to the left having an initial tangent bearing of N47°44'17"E, a radius of 139.60 feet, an arc distance of 152.03 feet to the point of beginning 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, and subject to the following conditions:

1. That the applicant remove streetlight poles NEJ1519, NEJ1518, NEJ1517, and NEJ1516 and return the streetlights to Public Works in coordination with Public Works Streetlighting at the applicant's cost.

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.

Approved as to form:

Sarah Baxter
Senior Associate 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 _____.

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