



Legislation Details (With Text)

File #: 210847 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 8/30/2021 **In control:** Council
On agenda: 9/23/2021 **Final action:** 9/23/2021

Title: Vacating a portion of E. 52nd Street between Brighton Avenue to the west and Denver Avenue to the east in District M3-5, to allow for increased security of the property; and directing the City Clerk to record certain documents. (CD-ROW-2020-00025)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Fact Sheet, 2. 04_CD-ROW-2020-00025_StaffReport_4-20-21, 3. 4-20-21_CPCPPT, 4. Exhibit A, 5. Ordinance_Vacation Vance Brothers, 6. owner consent, 7. Petition description, 8. ROW Vacation Exhibit signed & Cert. by R. Dooley_v1Origin, 9. utility comments, 10. Legal description, 11. Authenticated Ordinance 210847, 12. 210847.Recorded Information 11.15.2021

Date	Ver.	Action By	Action	Result
9/23/2021	1	Council	Passed	Pass
9/22/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass

ORDINANCE NO. 210847

Vacating a portion of E. 52nd Street between Brighton Avenue to the west and Denver Avenue to the east in District M3-5, to allow for increased security of the property; and directing the City Clerk to record certain documents. (CD-ROW-2020-00025)

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 13th day of

October, 2020, a petition was filed with the City Clerk of Kansas City by Kevin Norhues, Vance Brothers, Inc., for the vacation of a parcel of land in the subdivision of South Bluebanks, a subdivision of record in the City of Kansas City, Jackson County, Missouri, described as follows; Beginning at the Northwest corner of Lot 15 of South Bluebanks, said point being on the south right-of-way of 52nd Street and on the east right-of-way of Brighton Avenue; thence East along the south line of 52nd Street right-of-way a distance of 710 feet to the northeast corner of Lot 14 of South Bluebanks, said point being on the west right-of-way of Denver Avenue; thence North, a distance of 50 feet to the southeast corner of Lot 11 of South Bluebanks, said point being on the north right-of-way of 52nd Street; thence West along the north right-of-way of 52nd Street, a distance of 710 feet to the southwest corner of Lot 10 of South Bluebanks; thence South 50 feet to the point of beginning, containing 35,500 square feet, giving the distinct description of the subdivision 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 subdivision 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 parcel of land in the subdivision of South Bluebanks, a subdivision of record in the City of Kansas City, Jackson County, Missouri, described as follows; Beginning at the Northwest corner of Lot 15 of South Bluebanks, said point being on the south right-of-way of 52nd Street and on the east right-of-way of Brighton Avenue; thence East along the south line of 52nd Street right-of-way a distance of 710 feet to the northeast corner of Lot 14 of South Bluebanks, said point being on the west right-of-way of Denver Avenue; thence North, a distance of 50 feet to the southeast corner of Lot 11 of South Bluebanks, said point being on the north right-of-way of 52nd Street; thence West along the north right-of-way of 52nd Street, a distance of 710 feet to the southwest corner of Lot 10 of South Bluebanks; thence South 50 feet to the point of beginning, containing 35,500 square feet, 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. The vacation is further subject to the following conditions:

- A. AT&T has a buried 50 pair copper cable that runs along 52nd Street, with several access points. A relocation option will be done at applicant's expense.
- B. The applicant shall retain all utility easements and protect facilities required by the Kansas City, Missouri Water Services Department.
- C. The applicant shall retain all utility easements and protect facilities required by AT&T.

- D. The applicant shall retain all utility easements and protect facilities and provide interlock Evergy company lock on gate as required by Evergy.
- E. The applicant shall retain all utility easements and protect facilities required by Spire.
- F. The vacation shall not affect the City's street lighting facilities.

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

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

