



Legislation Details (With Text)

File #: 220601 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 7/11/2022 **In control:** Council
On agenda: 8/4/2022 **Final action:** 8/4/2022

Title: Vacating a portion of Myrtle Avenue on about 0.53 acres in District R-6 (Residential dash 6) generally located in between E. 52nd Street to the north and E. 53rd Street to the south, and directing the City Clerk to record certain documents. (CD-ROW-2021-00012).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Fact Sheet.pdf, 2. 11_CD-ROW-2021-00012_Myrtle Vacation.pdf, 3. CPC Dispo.pdf, 4. Authenticated Ord. 220601, 5. 220601.Recorded Information 8.5.2022

Date	Ver.	Action By	Action	Result
8/4/2022	1	Council		
8/3/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass

ORDINANCE NO. 220601

Vacating a portion of Myrtle Avenue on about 0.53 acres in District R-6 (Residential dash 6) generally located in between E. 52nd Street to the north and E. 53rd Street to the south, and directing the City Clerk to record certain documents. (CD-ROW-2021-00012).

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 6th day of April, 2021, a petition was filed with the City Clerk of Kansas City by Bob Langenkamp for the vacation of a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 49 North, Range 33

West, in Kansas City, Jackson County, Missouri, being more particularly described as dedicated Myrtle Street at a location between 52nd Street and 53rd Street, commencing at the southeast corner of Lot 71 of the Mountain View Plat; thence North 02°30'25.44" East, 603.360 feet, along the east property lines of Lots 58-71 of the Mountain View Plat; thence South 87°29'34.56" East, 25 feet; thence South 02°30'25.44" West, 299.881 feet along the west property line of Lot 11 of the Mountain View Plat; thence South 87°22'52.12" East, 25.00 feet; thence South 02°30'25.44" West, 303.431 feet, along the west property line of Lot 11 of the Mountain View Plat; thence North 87°29'34.56" West 50.00 feet, to the point of beginning, containing 22,670 square feet, more or less, giving the distinct description of the tract of land 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 of land 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 being part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described as dedicated Myrtle Street at a location between 52nd Street and 53rd Street, commencing at the southeast corner of Lot 71 of the Mountain View Plat; thence North 02°30'25.44" East, 603.360 feet, along the east property lines of Lots 58-71 of the Mountain View Plat; thence South 87°29'34.56" East, 25 feet; thence South 02°30'25.44" West, 299.881 feet along the west property line of Lot 11 of the Mountain View Plat; thence South 87°22'52.12" East, 25.00 feet; thence South 02°30'25.44" West, 303.431 feet, along the west property line of Lot 11 of the Mountain View Plat; thence North 87°29'34.56" West 50.00 feet, to the point of beginning, containing 22,670 square feet, 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, subject to the following conditions:

- A. The applicant shall have their licensed master plumber secure a kill permit from Kansas City Water for the private 2" water main in the south portion of Myrtle Avenue prior to approval of the vacation by City Council.
- B. The applicant shall remove streetlight facilities for poles SDI0125 & SDI0126 at the expense of the applicant prior to release of the vacation for recording. The removal of these facilities shall not impact any other streetlights along E. 53rd Street. The applicant shall coordinate the disconnection of the existing lighting circuit to any adjacent poles with the Public Works Streetlight Maintenance Supervisor. All Kansas City, Missouri equipment must be returned to

their maintenance contractor, who at the time of the passage of this ordinance is Black and McDonald.

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

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