



Legislation Details (With Text)

File #: 230486 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 5/19/2023 **In control:** Council
On agenda: 6/15/2023 **Final action:** 6/15/2023
Title: Sponsor: Director of City Planning and Development Department

Vacating a portion of unused right-of-way on about 11,000 square feet generally located to the west of Hardesty Avenue between East Truman Road and Van Brunt Drive; and directing the City Clerk to record certain documents. (CD-ROW-2023-00009)

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. Docket Memo, 2. 1.1_1.2_CD-CPC-2023-00046_GuadalupeCenters_5_16_2023, 3. CPC Approved Plan (05-16-2023), 4. CPC Disposition Letter (05-16-2023), 5. 5-16-2023 CPC PPT, 6. 230486.Authenticated Ordinance, 7. 230486.Recorded Information 6.28.2023

Date	Ver.	Action By	Action	Result
6/15/2023	1	Council	Passed	Pass
6/14/2023	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
6/8/2023	1	Council	referred	

ORDINANCE NO. 230486

Sponsor: Director of City Planning and Development Department

Vacating a portion of unused right-of-way on about 11,000 square feet generally located to the west of Hardesty Avenue between East Truman Road and Van Brunt Drive; and directing the City Clerk to record certain documents. (CD-ROW-2023-00009)

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 1st day of May, 2023, a petition was filed with the City Clerk of Kansas City by Patty Yang for the vacation of all of the north and south alley immediately west of Hardesty Avenue and the east and west alley immediately south of Truman Road located within the subdivisions of Munroe Heights and the Stephen Fisher Addition, extending from the intersection of said alleys east to the west line of Hardesty avenue and south to the north line of Van Brunt Drive, all in Kansas City, Jackson County, Missouri, giving the distinct description of the alleys 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 alleys 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 all of the north and south alley immediately west of Hardesty Avenue and the east and west alley immediately south of Truman Road located within the subdivisions of Munroe Heights and the Stephen Fisher Addition, extending from the intersection of said alleys east to the west line of Hardesty avenue and south to the north line of Van Brunt Drive, all in Kansas City, Jackson County, Missouri, 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, with the following conditions:

1. The applicant shall reimburse costs for relocating utilities located in alley to be vacated as required by Spectrum Charter.
2. The developer shall retain utility easement and protect facilities owned and operated by Evergy.
3. Facilities owned and operated by AT&T shall be relocated at the cost of the applicant for the north/south easement. AT&T does not consent to vacating the east/west easement at this time.
4. The developer shall re-establish power sources for streetlights affected by the removal of power lines and transformers within the alley to be vacated at their own expense.
5. The developer shall relocate the existing Tornado Siren in accordance with the Office of Emergency Management.

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
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