



Legislation Details (With Text)

File #: 220267 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 3/18/2022 **In control:** Council

On agenda: 3/31/2022 **Final action:** 3/31/2022

Title: Vacating two alleys and a street generally located to the south of E. 23rd Street between Olive Street to the west and Prospect Avenue to the east; and directing the City Clerk to record certain documents. (CD-ROW-2021-00008)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CD-ROW-2021-00008_Fact Sheet, 2. 5_CD-ROW-2021-00008_Prospect Homes_Staff Report, 3. 03-01_Prospect Summit Homes, 4. Authenticated Ordinance 220267, 5. 220267.Recorded Information 4.26.2022

Date	Ver.	Action By	Action	Result
3/31/2022	1	Council	Passed	Pass
3/30/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
3/24/2022	1	Council	referred	

ORDINANCE NO. 220267

Vacating two alleys and a street generally located to the south of E. 23rd Street between Olive Street to the west and Prospect Avenue to the east; and directing the City Clerk to record certain documents. (CD-ROW-2021-00008)

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 22nd day of

February, 2022, a petition was filed with the City Clerk of Kansas City by Marty Isabell of Taliaferro and Browne Inc., for the vacation of all that part of the north - south alleys located in Block 1 and Block 6, Prospect Summit, a subdivision in Kansas City, Jackson County, Missouri and Wabash Avenue, all lying north of the right-of-way of 23rd Street and south of the right-of-way of the 22nd - 23rd Street connector established by Ordinance No. 150405 and recorded as Document No. 2015E0062124, together with all of that part of 23rd Street lying between Lot 14, Block 1 and Lot 1, Block 2, said Prospect Summit, 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 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 of all that part of the north - south alleys located in Block 1 and Block 6, Prospect Summit, a subdivision in Kansas City, Jackson County, Missouri and Wabash Avenue, all lying north of the right-of-way of 23rd Street and south of the right-of-way of the 22nd - 23rd Street connector established by Ordinance No. 150405 and recorded as Document No. 2015E0062124, together with all of that part of 23rd Street lying between Lot 14, Block 1 and Lot 1, Block 2, said Prospect Summit, 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 additional conditions:

1. The developer shall retain a utility easement and protect facilities for Evergy.
2. The developer shall retain a utility easement and protect facilities for Kansas City, Missouri Water Services Department and finalization of the vacations cannot be recorded until the abandonments have been bonded.
3. The developer shall vacate and release easement rights in the alley between Olive and Wabash, vacate and release easements rights in the alley between Wabash and Prospect, all south of the right of way of new 22nd/23rd Street connector and north of 23rd Street. Vacate and release easements for the 23rd Street right-of-way between the east line of the alley between Wabash and Prospect Avenue to the west line of Prospect Avenue.
4. The developer shall retain utility easement and protect facilities for AT&T's fiber copper cable in the alley between Wabash Avenue and Olive Street, a copper cable in the alley between Wabash Avenue and Prospect, and a fiber and copper cable on 23rd Street and Prospect.

5. The developer shall retain a utility easement and protect facilities for Spire.

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