



Legislation Details (With Text)

File #: 240022 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 1/3/2024 **In control:** Council
On agenda: 1/25/2024 **Final action:** 1/25/2024
Title: Sponsor: Director of City Planning and Development Department

Vacating a portion of public right-of-way in District MPD (Master Planned Development) of about 325 feet generally located on St. Louis Avenue west of Santa Fe Street to the Union Pacific Railroad right-of-way; and directing the City Clerk to record certain documents. (CD-ROW-2023-0004)

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. Docket Memo_CD-ROW-2023-0004, 2. Exhibit_CD-ROW-2023-00004_St Louis Ave Vacation, 3. Legal Description_CD-ROW-2023-00004_St Louis Ave Vacation, 4. Staff Report_CD-ROW-2023-00004_St Louis Ave Vacation, 5. Presentation_CD-ROW-2023-00004_St Louis Ave Vacation, 6. Disposition Letter CPC_CD-ROW-2023-00004_St Louis Ave Vacation, 7. Authenticated Ordinance 240022, 8. 240022, 9. 240022.Recorded Information 2.1.2024

Date	Ver.	Action By	Action	Result
1/25/2024	1	Council	Passed	Pass
1/24/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
1/11/2024	1	Council	referred	

ORDINANCE NO. 240022

Sponsor: Director of City Planning and Development Department

Vacating a portion of public right-of-way in District MPD (Master Planned Development) of about 325 feet generally located on St. Louis Avenue west of Santa Fe Street to the Union Pacific Railroad right-of-way; and

directing the City Clerk to record certain documents. (CD-ROW-2023-0004)

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 19th day of December, 2023, a petition was filed with the City Clerk of Kansas City by West Bottoms- Propco Master LLC for the vacation of St. Louis Avenue west of Santa Fe Street to the Union Pacific Railroad right-of-way, being described as follows: Commencing At The Southeast Corner Of The Northwest Quarter Of Section 6, Township49 N, Range 33 W; Thence N 01°-55'-34" E Along The East Line Of The NW ¼ Of Said Section, A Distance Of 999.47 Feet; Thence N 88°-00'-31" W, A Distance Of 200.93 Feet; Thence N 88°-00'-31" W, A Distance 6.00 Feet To The Point Of Beginning; Thence Along The North Right Of Way Line Of Tract WW-6 Described Below, N 88°-00'-31" W, A Distance Of 311.10 Feet; Thence N 61°-11'-45" E, A Distance Of 136.73 Feet; Thence S 88°-00'-31" E, A Distance Of 79.40 Feet; Thence N 02°-08'-43" E, A Distance Of 68.23 Feet; Thence S 87°-51'-17" E, A Distance Of 14.00 Feet; To The North-West Corner Of Tract "WW-7" Thence S 02°-08'-43" W Along The East Line Of Tract "Ww-7" A Distance Of 68.19 Feet To The South-West Corner Of Tract "WW-7" Thence S 88°-00'-31" E Along The South Line Of Tract "WW-7", A Distance Of 106.44 Feet To The South-East Corner Of Tract "WW-7" Thence S 02°-08'-43" W, A Distance Of 70.00 Feet; To The Point Of Beginning, giving the distinct description of the street 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 of St. Louis Avenue west of Santa Fe Street to the Union Pacific Railroad right-of-way, being described as follows: Commencing At The Southeast Corner Of The Northwest Quarter Of Section 6, Township49 N, Range 33 W; Thence N 01°-55'-34" E Along The East Line Of The NW ¼ Of Said Section, A Distance Of 999.47 Feet; Thence N 88°-00'-31" W, A Distance Of 200.93 Feet; Thence N 88°-00'-31" W, A Distance 6.00 Feet To The Point Of Beginning; Thence Along The North Right Of Way Line Of Tract WW-6 Described Below, N 88°-00'-31" W, A Distance Of 311.10 Feet; Thence N 61°-11'-45" E, A Distance Of 136.73 Feet; Thence S 88°-00'-31" E, A Distance Of 79.40 Feet; Thence N 02°-08'-43" E, A Distance Of 68.23 Feet; Thence S 87°-51'-17" E, A Distance Of 14.00 Feet; To The North-West Corner Of Tract "WW-7" Thence S 02°-08'-43" W Along The East Line Of Tract "Ww-7" A Distance Of 68.19 Feet To The South-West Corner Of Tract "WW-7" Thence S 88°-00'-31" E Along The South Line Of Tract "WW-7", A Distance Of 106.44 Feet To The South-East Corner Of Tract "WW-7" Thence S 02°-08'-43" W, A Distance Of 70.00 Feet; To The Point Of Beginning, be and the same is hereby vacated and subject to the following conditions:

1. That Spire has facilities or interests within the right-of-way and will waive objections to the vacation subject to the applicant retaining a utility easement and protecting facilities.
2. That Kansas City, Missouri Public Works - Street Lighting has facilities or interests within the right-of-way and will waive objections to the vacation subject to the following:

- a. Pole # SAD0551, arm and luminaire will have to be returned to the city. Flood lights mounted on the same pole, or any pole, do not belong to the City.
 - b. On Pole # SAD0552, luminaire, arm, and wood pole will have to be returned to the City, as well as the mounted traffic signs.
 - c. Overhead wire spans that currently power streetlights between SAD0551 and SAD0552 and between SAD0552 and SAD0553 will have to be removed and returned to the City.
 - d. Power to Pole Nos. SAD0553, SAD0637 and SAD0664 will still need to be maintained.
 - e. Plans will have to be reviewed and approved by the City's streetlighting engineer.
 - f. Any and all costs of the removal of the streetlights and infrastructure will be the responsibility of the applicant.
3. That Spectrum - Charter has facilities or interests within the right-of-way and will waive objections to the vacation subject to the applicant retaining a utility easement and protecting facilities.
 4. That Kansas City, Missouri Water Services has facilities or interests within the right-of-way and will waive objections to the vacation subject to the applicant relocating facilities.
 5. That Evergy has facilities or interests within the right-of-way and will waive objections to the vacation subject to the applicant retaining a utility easement and protecting facilities.

Section 5. That the City Clerk of Kansas City, Missouri, be and 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:

Sarah Baxter
Senior Associate City Attorney

Approved by the City Plan Commission

Secretary

STATE OF MISSOURI)

COUNTY OF _____) ss.

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