



Legislation Text

File #: 220016, Version: 1

ORDINANCE NO. 220016

Vacating an alley generally located to the south of E. 19th Street in between Vine Street to the west and Highland Avenue to the east; and directing the City Clerk to record certain documents. (CD-ROW-2021-00005)

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 December, 2021, a petition was filed with the City Clerk of Kansas City by Robert Anderson for the vacation of the north 95.00 feet of the alley lying east of Vine Street and south of East 19th Street, being more particularly described as follows: Beginning at the northeast corner of Lot 9, Elders Addition, a subdivision in Kansas City, Jackson County, Missouri; thence South 2°19'50" West along the east line of Lots 9 thru 15 of said subdivision, a distance of 95.00 feet to the southeast corner of said Lot 15; thence South 87°28'30" East, a distance of 15.50 feet to the west line of Lot 1, Basie Court Addition, a subdivision in said city, county, and state; thence North 2°19'50" East (plat=North 2°17'31" East) along said west line, a distance of 95.00 feet to the northwest corner thereof; thence North 87°28'30" West along the south right of way line of 19th Street, a distance of 15.50 feet to the point of beginning, 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 the north 95.00 feet of the alley lying east of Vine Street and south of East 19th Street, being more particularly described as follows: Beginning at the northeast corner of Lot 9, Elders Addition, a subdivision in Kansas City, Jackson County, Missouri; thence South 2°19'50" West along the east line of Lots 9 thru 15 of said subdivision, a distance of 95.00 feet to the southeast corner of said Lot 15; thence South 87°28'30" East, a distance of 15.50 feet to the west line of Lot 1, Basie Court Addition, a subdivision in said city, county, and state; thence North 2°19'50" East (plat=North 2°17'31" East) along said west line, a distance of 95.00 feet to the northwest corner thereof; thence North 87°28'30" West along the south right of way line of 19th Street, a distance of 15.50 feet to the point of beginning, 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 vacation shall not affect the City's lighting facilities.
2. The applicant shall retain all utility easements and protect facilities required by the Kansas City, Missouri Water Services Department.
3. Existing fiber and conduit for traffic signals shall remain in place at the south sidewalk and curb lines of 19th Street.
4. ATT requires that the applicant either retain an easement for the utilities and protect the facilities or ATT can relocate the utilities at the applicant's expense.

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