



Legislation Text

File #: 231013, Version: 1

ORDINANCE NO. 231013

Sponsor: Mayor Quinton Lucas and Councilmembers Andrea Bough and Johnathan Duncan

Vacating a portion of public right-of-way of about 68,000 square feet generally located on East 51st Street between Cherry Street and Rockhill Road and directing the City Clerk to record certain documents (CD-ROW-2022-00002).

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 12th day of January 2022, a petition was filed with the City Clerk of Kansas City by Matt Haase for the vacation of a portion of public right of way of East 51st Street between Cherry Street and Rockhill Road. A part of the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri described as: Beginning at the southwest corner of Block 42, of Rockhill, a subdivision of land in said City of Kansas City, point also being on the east line of Cherry Street; thence South 87°49'52" East along the south line of said Rockhill subdivision and along the north line of 51st Street, 1250.06 feet to the southeast corner of Block 43 of said Rockhill subdivision, said point also being on the west line of Rockhill Road; thence South 02°36'30" West 30.00 feet to the center of said 51st Street; thence South 02°42'06" West 30.00 feet to a point on the east line of Lot 6 of the Resurvey of Mulkey Park a subdivision in said City of Kansas City, said point being 5.00 feet south of the northeast corner of Lot 6 of said Resurvey of Mulkey Park and on the west line of Rockhill Road; thence North 87°49'52" West along the south line of 51st Street as now exists, 1250.00 feet to the northwest corner of Lot 6 of Southwood Park a subdivision in said City of Kansas City, said point also being on the east line of Cherry Street; thence North 02°40'10" East 30.00 feet to the center of said 51st Street; thence North 02°31'32" East 30.00 feet to the point of beginning. Containing 75002 square feet or 1.72 acres of land more or less, giving the distinct description of the right of

way 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 a portion of public right of way of East 51st Street between Cherry Street and Rockhill Road a part of the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri described as: Beginning at the southwest corner of Block 42, of Rockhill, a subdivision of land in said City of Kansas City, point also being on the east line of Cherry Street; thence South 87°49'52" East along the south line of said Rockhill subdivision and along the north line of 51st Street, 1250.06 feet to the southeast corner of Block 43 of said Rockhill subdivision, said point also being on the west line of Rockhill Road; thence South 02°36'30" West 30.00 feet to the center of said 51st Street; thence South 02°42'06" West 30.00 feet to a point on the east line of Lot 6 of the Resurvey of Mulkey Park a subdivision in said City of Kansas City, said point being 5.00 feet south of the northeast corner of Lot 6 of said Resurvey of Mulkey Park and on the west line of Rockhill Road; thence North 87°49'52" West along the south line of 51st Street as now exists, 1250.00 feet to the northwest corner of Lot 6 of Southwood Park a subdivision in said City of Kansas City, said point also being on the east line of Cherry Street; thence North 02°40'10" East 30.00 feet to the center of said 51st Street; thence North 02°31'32" East 30.00 feet to the point of beginning. Containing 75002 square feet or 1.72 acres of land more or less, giving the distinct description of the right of way to be vacated to the point of beginning 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, and subject to the following conditions:

1. A utility easement is retained and the applicant will protect facilities for AT & T located in the right-of-way.
2. The applicant will coordinate a payment plan with Evergy to take over the streetlights once the vacation is complete, and the applicant will notify the City of Kansas City when this condition has been satisfied.
3. A utility easement is retained for Spectrum to protect facilities located in the right-of-way.
4. A utility easement is retained for Spire to protect facilities located in the right-of-way. The applicant will provide an authenticated copy of this ordinance to Spire.

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