



Legislation Details (With Text)

File #: 240848 **Version:** 2 **Name:**

Type: Ordinance **Status:** Passed

File created: 9/11/2024 **In control:** Council

On agenda: 10/3/2024 **Final action:** 10/3/2024

Title: Sponsor: Director of City Planning and Development Department
COMMITTEE SUBSTITUTE

Vacating an approximately 68,000-square-foot area of an improved street in Zoning District MPD generally located on Berkley Plaza between East Riverfront Road and Berkley Parkway; and directing the City Clerk to record certain documents. (CD-ROW-2022-00041)

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. Docket Memo_Berkley Plaza Vacation_CD-ROW-2022-00041, 2. Exhibit and Legal Description_Berkley Plaza Vacation_CD-ROW-2022-00041, 3. Petition for Vacation_Berkley Plaza Vacation_CD-ROW-2022-00041, 4. Consent to Vacate_Berkley Plaza Vacation_CD-ROW-2022-00041, 5. Staff Report to CPC_Berkley Plaza Vacation_CD-ROW-2022-00041_9-4-24, 6. Staff Presentation to CPC_Berkley Plaza Vacation_CD-ROW-2022-00041_9-4-24, 7. Dispo CPC_Berkley Plaza Vacation_CD-ROW-2022-00041_9-4-24, 8. NPD_9-24-24_Ordinance 240848_Berkley Plaza Vacation, 9. Authenticated Ordinance 240848 C.S., 10. 240848.Recorded Information 10.8.2024

Date	Ver.	Action By	Action	Result
10/3/2024	1	Council	Passed as Substituted	Pass
10/1/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
9/24/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
9/19/2024	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240848

Sponsor: Director of City Planning and Development Department
COMMITTEE SUBSTITUTE

Vacating an approximately 68,000-square-foot area of an improved street in Zoning District MPD generally located on Berkley Plaza between East Riverfront Road and Berkley Parkway; and directing the City Clerk to record certain documents. (CD-ROW-2022-00041)

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 5th day of August, a petition was filed with the City Clerk of Kansas City by Krishan Purvis for the vacation of all that part of the right-of-way of Berkley Plaza established by the Plat of Berkley Riverfront Park, a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the northerly corner of Lot 1 in said subdivision; thence North $61^{\circ}00'01''$ East, along the northwesterly right of way line of said Berkley Plaza, 150.00 feet to the northerly corner thereof; thence South $28^{\circ}48'06''$ East, along the northeasterly right of way line of said road, 432.53 feet to a point of curvature; thence in a southeasterly direction, continuing along said right of way line, along a curve to the left, having a radius of 25.00 feet through a central angle of $085^{\circ}59'59''$, an arc distance of 37.52 feet to the northwesterly right of way line of Berkley Parkway; thence South $65^{\circ}11'55''$ West, parallel with the centerline of said road, 50 feet from the centerline thereof, 200.49 feet to a point on the southwesterly right of way line of said Berkley Plaza; thence northeasterly, along said southwesterly right of way line, along a curve to the left with an initial tangent bearing North $65^{\circ}11'55''$ East, having a radius of 25.000 feet through a central angle of $094^{\circ}00'01''$, and arc distance of 41.02 feet to a point of tangency; thence North $28^{\circ}48'06''$ West, continuing along said southwesterly right of way line, 418.03 feet to the point of beginning, containing 67,822 square feet, more or less; 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 street 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 that part of the right-of-way of Berkley Plaza established by the Plat of Berkley Riverfront Park, a subdivision in Kansas City, Jackson County, Missouri, described as follows: Beginning at the northerly corner of Lot 1 in said subdivision; thence North $61^{\circ}00'01''$ East, along the northwesterly right of way line of said Berkley Plaza, 150.00 feet to the northerly corner thereof; thence South $28^{\circ}48'06''$ East, along the northeasterly right of way line of said road, 432.53 feet to a point of curvature; thence in a southeasterly direction, continuing along said right of way line, along a curve to the left, having a radius of 25.00 feet through a central angle of $085^{\circ}59'59''$, an arc distance of 37.52 feet to the northwesterly right of way line of Berkley Parkway; thence South $65^{\circ}11'55''$ West, parallel with the centerline of said road, 50 feet from the centerline thereof, 200.49 feet to a point on the southwesterly right of way line of said Berkley Plaza; thence northeasterly, along said southwesterly right of way line, along a curve to the left with an initial tangent bearing North $65^{\circ}11'55''$ East, having a radius of 25.000 feet through a central angle of $094^{\circ}00'01''$, and arc distance of 41.02 feet to a point of tangency; thence North $28^{\circ}48'06''$ West, continuing along said southwesterly right of way line, 418.03 feet to the point of beginning, containing 67,822 square feet, more or

less be and the same is hereby vacated and subject to the following conditions:

1. The applicant shall relocate facilities if found to be in conflict of any development at applicants' expense as required by AT&T.
2. The applicant shall retain all utility easements and protect facilities required by Evergy.
3. The applicant shall retain all utility easements and protect facilities required by Spire.
4. The applicant shall retain all utility easements and protect facilities required by Kansas City Water Services.

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:

 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