



Legislation Details (With Text)

File #: 240843 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 9/11/2024 **In control:** Council
On agenda: 11/21/2024 **Final action:** 11/21/2024
Title: Sponsor: Director of City Planning and Development Department

Vacating approximately 84,000 square feet of public right-of-way in Zoning District M1-5 generally located on Topping Avenue between Stadium Drive and East 32nd Street; and directing the City Clerk to record certain documents. (CD-ROW-2024-00015)

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. Docket Memo CD-ROW-2024-00015 Topping Avenue Vacation, 2. Exhibit_LegalDescription_CD-ROW-2024-00015_ToppingAvenueVacation, 3. Petition To Vacate CD-ROW-2024-00015 Topping Avenue Vacation, 4. Consent To Vacation CD-ROW-2024-00015 Topping Ave_v1 (3), 5. Utility Comment Sheets CD-ROW-2024-00015, 6. Staff Report_CD-ROW-2024-00015, 7. Staff Presentation CD-ROW-2024-00015&19_Topping Avenue Vacation, 8. City Plan Commission Disposition Letter CD-ROW-2024-00015, 9. Authenticated Ordinance 240843, 10. 240843.Recorded Information 12.10.2024, 11. CPD PPT Presentation 11.19.24

Date	Ver.	Action By	Action	Result
11/21/2024	1	Council	Passed	Pass
11/19/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
11/5/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
10/22/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
10/8/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
10/1/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
9/24/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
9/19/2024	1	Council	referred	

ORDINANCE NO. 240843

Sponsor: Director of City Planning and Development Department

Vacating approximately 84,000 square feet of public right-of-way in Zoning District M1-5 generally located on Topping Avenue between Stadium Drive and East 32nd Street; and directing the City Clerk to record certain documents. (CD-ROW-2024-00015)

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 3rd day of June, 2024, a petition was filed with the City Clerk of Kansas City by Richard Shafer for the vacation commencing at the Southwest corner of said Section 13, Township 49 North, Range 33 West; thence North 02° 12' 09" West, 469.41 feet, on the West line of the Southwest Quarter of said Section 13, to the point of beginning of said Tract herein described; thence North 16° 25' 55" West, 93.88 feet to the West right-of-way line of Topping Avenue as now established; thence North 02° 12' 09" East, 1415.60 feet, on said West right-of-way line, parallel and 30 feet West of said West line of the Southwest Quarter; thence South 87° 53' 08" East, 60.00 feet, to the East right-of-way line of Topping Avenue as now established; thence South 02° 12' 09" West, 1593.62 feet, on said East right-of-way line, parallel and 30.00 feet East of the West line of the Southwest Quarter, to a point on the Northeasterly right-of-way line of Stadium Drive (formerly Raytown Road); thence North 16° 25' 55" West, 58.43 feet, to the point of beginning, said Tract containing 90,362 square feet or 2.0744 acres, giving the distinct description of the street (Topping Avenue) 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 (Topping Avenue) 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 commencing at the Southwest corner of said Section 13, Township 49 North, Range 33 West; thence North 02° 12' 09" West, 469.41 feet, on the West line of the Southwest Quarter of said Section 13, to the point of beginning of said Tract herein described; thence North 16° 25' 55" West, 93.88 feet to the West right-of-way line of Topping Avenue as now established; thence North 02° 12' 09" East, 1415.60 feet, on said West right-of-way line, parallel and 30 feet West of said West line of the Southwest Quarter; thence South 87° 53' 08" East, 60.00 feet, to the East right-of-way line of Topping Avenue as now established; thence South 02° 12' 09" West, 1593.62 feet, on said East right-of-way line, parallel and 30.00 feet East of the West line of the Southwest Quarter, to a point on the Northeasterly right-of-way line of Stadium Drive (formerly Raytown Road); thence North 16° 25' 55" West, 58.43 feet, to the point of beginning, said Tract containing 90,362 square feet or 2.0744 acres, be and the same is hereby vacated, and subject to the following conditions:

1. The applicant shall retain all utility easements and protect facilities at the applicant's expense as required by AT&T.
2. The applicant shall retain all utility easements and protect facilities or relocate facilities at the applicant's expense as required by Evergy.
3. The applicant shall retain all utility easements and protect facilities or relocate facilities at the applicant's expense as required by the Water Services Department, and no construction shall occur within the easement.

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