



## Legislation Text

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**File #: 220371, Version: 1**

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### ORDINANCE NO. 220371

Vacating an alley generally located north of W. 40th Street in between State Line Road to the west and Bell Street to the east, to allow for the construction of a new apartment building; and directing the City Clerk to record certain documents. (CD-ROW-2021-00037)

#### 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 28th day of February, 2022, a petition was filed with the City Clerk of Kansas City by Taliaferro & Browne, Inc., for the vacation of all of the east-west alley located north of 40th Street and south of 39th Street, between Stateline Road and Bell Street, being part of Block 9, Mellier Place, a subdivision in Kansas City, Jackson County Missouri,, described as follows. Beginning at the southwest corner of Lot 10 of said Block 9; thence South 87°15'49" East, along the south line of Lot 10 and Lot 15, said Block 9, 247.87 feet, to the southeast corner of said Lot 15; thence South 02°42'56" West, 15.00 feet to the northeast corner of Lot 14, said Block 9; thence North 87°15'49" West, along the north line of Lot 14, Lot 13, Lot 12 and Lot 11, said Block 9, 247.21 feet, to the northwest corner of said Lot 11; thence North 00°12'19" East, 15.01 feet, to the point of beginning, containing 3,713 square feet, 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 all of the east-west alley located north of 40th Street and south of 39th Street, between Stateline Road and Bell Street, being part of Block 9, Mellier Place, a subdivision in Kansas City, Jackson County Missouri,, described as follows. Beginning at the southwest corner of Lot 10 of said Block 9; thence South 87°15'49" East, along the south line of Lot 10 and Lot 15, said Block 9, 247.87 feet, to the southeast corner of said Lot 15; thence South 02°42'56" West, 15.00 feet to the northeast corner of Lot 14, said Block 9; thence North 87°15'49" West, along the north line of Lot 14, Lot 13, Lot 12 and Lot 11, said Block 9, 247.21 feet, to the northwest corner of said Lot 11; thence North 00°12'19" East, 15.01 feet, to the point of beginning, containing 3,713 square feet, 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, subject to the following conditions:

1. The developer shall retain utility easement and protect facilities for the Charter.
2. The developer shall retain utility easement and protect facilities for Evergy.
3. AT&T has a cable crossing the alley being vacated. The applicant must either omit that portion of the alley where AT&T's facilities are located from the vacation request or relocate AT&T's facilities at 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.

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Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney

Approved by the City Plan Commission

