



Legislation Text

File #: 220590, Version: 1

ORDINANCE NO. 220590

Vacating about 0.24 acres of unused right-of-way on the north side of Front Street east of N. Cambridge Avenue, and directing the City Clerk to record certain documents. (CD-ROW-2022-00013).

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 April, 2022, a petition was filed with the City Clerk of Kansas City by Rachelle Biondo for the vacation of a tract of land in the Northwest Quarter of the Northeast Quarter of Section 25, Township 50 North, Range 33 West of the Fifth Principal Meridian, in the City of Kansas City, Jackson County, Missouri, being more particularly described as follows: Commencing at the northeast corner of Tract A, Executive Park Forty-Seventh Plat, recorded in Book K-39, Page 18, said point also being on the south line of Lot 1, Executive Park Sixtieth Plat, recorded in Book I-105, Page 1; thence South 87°41'17" East, along said south line, a distance of 364.11 feet, to the southeast corner of said Lot 1, said point also being on the west right-of-way line of Interstate Route No. 435, as now established per Document No. K37791, recorded in Book K-87, Page 1285; thence South 00°05'41" West, along said west right-of-way line, a distance of 33.91 feet, to the point of beginning; thence South 00°05'41" West, departing said west right-of-way line, a distance of 45.59 feet; thence South 18°19'37" West, a distance of 64.55 feet; thence South 63°09'57" West, a distance of 72.30 feet; thence South 75°54'23" West, a distance of 45.73 feet; thence North 80°58'09" West, a distance of 126.81 feet; thence North 74°12'48" West, a distance of 57.96 feet, to a point on the east right-of-way line of N. Cambridge Avenue, as now established per Executive Park Thirty-Fourth Plat, recorded in Book K-38, Page 4; thence North 02°17'33" East, along said East Right-of-Way line, a distance of 106.87 feet, to a point on the westerly right-of-way line of Interstate Route No. 435, as now established per Document No. 2014E0047190, recorded in Book 40, Page 32; thence departing said easterly right-of-way line, along said westerly right-of-way line for the following five calls: South 21°30'00" East, a distance of 61.47 feet; thence South 40°12'45" East, a distance of 58.14 feet; thence

South 76°28'24" East, a distance of 122.15 feet; thence North 63°39'15" East, a distance of 60.96 feet; thence North 33°05'38" East, a distance of 132.83 feet, to the point of beginning, containing 10,434.73 square feet, or 0.24 acres, more or less, giving the distinct description of the tract of land 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 tract of land 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 tract of land in the Northwest Quarter of the Northeast Quarter of Section 25, Township 50 North, Range 33 West of the Fifth Principal Meridian, in the City of Kansas City, Jackson County, Missouri, being more particularly described as follows: Commencing at the northeast corner of Tract A, Executive Park Forty-Seventh Plat, recorded in Book K-39, Page 18, said point also being on the south line of Lot 1, Executive Park Sixtieth Plat, recorded in Book I-105, Page 1; thence South 87°41'17" East, along said south line, a distance of 364.11 feet, to the southeast corner of said Lot 1, said point also being on the west right-of-way line of Interstate Route No. 435, as now established per Document No. K37791, recorded in Book K-87, Page 1285; thence South 00°05'41" West, along said west right-of-way line, a distance of 33.91 feet, to the point of beginning; thence South 00°05'41" West, departing said west right-of-way line, a distance of 45.59 feet; thence South 18°19'37" West, a distance of 64.55 feet; thence South 63°09'57" West, a distance of 72.30 feet; thence South 75°54'23" West, a distance of 45.73 feet; thence North 80°58'09" West, a distance of 126.81 feet; thence North 74°12'48" West, a distance of 57.96 feet, to a point on the east right-of-way line of N. Cambridge Avenue, as now established per Executive Park Thirty-Fourth Plat, recorded in Book K-38, Page 4; thence North 02°17'33" East, along said East Right-of-Way line, a distance of 106.87 feet, to a point on the westerly right-of-way line of Interstate Route No. 435, as now established per Document No. 2014E0047190, recorded in Book 40, Page 32; thence departing said easterly right-of-way line, along said westerly right-of-way line for the following five calls: South 21°30'00" East, a distance of 61.47 feet; thence South 40°12'45" East, a distance of 58.14 feet; thence South 76°28'24" East, a distance of 122.15 feet; thence North 63°39'15" East, a distance of 60.96 feet; thence North 33°05'38" East, a distance of 132.83 feet, to the point of beginning, containing 10,434.73 square feet, or 0.24 acres, more or less, 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 vacation shall not affect streetlight poles SFB 2001 and SFB 2002, their infrastructure, or the infrastructure of the telecom equipment mounted on SFB 2001.

2. The applicant shall retain all utility easements and protect facilities required by the Kansas City, Missouri Water Services Department.
3. The developer shall retain utility easements and protect facilities owned and operated by Evergy. If the applicant wishes for Evergy to relocate the facilities it will be 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