



Legislation Text

File #: 220591, **Version:** 1

ORDINANCE NO. 220591

Vacating a portion of unused right-of-way on the northeast side of N.W. 87th Terrace to allow for future development, Case Apartments; and directing the City Clerk to record certain documents. (CD-ROW-2022-00020).

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 2nd day of May, 2022, a petition was filed with the City Clerk of Kansas City by Rachelle Biondo for the vacation of a part of N.W. 87th Terrace right-of-way dedicated by Barry Middle School, a subdivision in the Northeast Quarter of Section 9, Township 51, Range 33, Kansas City, Platte County, Missouri, said tract being bounded and described as follows: Commencing at the northeast corner of said Section 9; thence South 0°31'04" West, for a distance of 30.00 feet to a point on the excess right-of-way of N.W. 87th Terrace as the point of beginning; thence continuing South 0°31'04" West, for a distance of 50.00 feet; thence North 89°35'33" West (plat- South 89°36'52" East), for a distance of 147.52 feet; thence on a non-tangent curve to the left with a radius of 335.03 feet, a central angle of 20°33'58", a chord bearing North 64°52'59" West, and an arc distance of 120.26 feet to a point on the southerly line of N.W. 87th Street Terrace, as now established; thence South 89°35'33" East (plat North 89°36'52" West), along said northerly right-of-way line, for a distance of 256.28 feet to the point of beginning, said tract contains 9,665 square feet or 0.222 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 part of N.W. 87th Terrace right-of-way dedicated by Barry Middle School, a subdivision in the Northeast Quarter of Section 9, Township 51, Range 33, Kansas City, Platte County, Missouri, said tract being bounded and described as follows: Commencing at the northeast corner of said Section 9; thence South 0°31'04" West, for a distance of 30.00 feet to a point on the excess right-of-way of N.W. 87th Terrace as the point of beginning; thence continuing South 0°31'04" West, for a distance of 50.00 feet; thence North 89°35'33" West (plat- South 89°36'52" East), for a distance of 147.52 feet; thence on a non-tangent curve to the left with a radius of 335.03 feet, a central angle of 20°33'58", a chord bearing North 64° 52'59" West, and an arc distance of 120.26 feet to a point on the southerly line of N.W. 87th Street Terrace, as now established; thence South 89°35'33" East (plat North 89°36'52" West), along said northerly right-of-way line, for a distance of 256.28 feet to the point of beginning, said tract contains 9,665 square feet or 0.222 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 condition:

The applicant shall retain all utility easements and protect facilities required by the Kansas City, Missouri Water Services Department.

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