

## **BILL NO. 18-43**

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AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED WITHIN THE PLAT ENTITLED "RAINTREE NORTH SHOPPING CENTER, LOTS 1 THRU 6," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-136 was submitted by Cosentino's Food Stores, requesting vacation of a utility easement within "Raintree North Shopping Center, Lots 1 thru 6", a recorded subdivision in Lee's Summit, Missouri; and,

WHEREAS, the City of Lee's Summit, Missouri, accepted the plat entitled "Raintree North Shopping Center, Lots 1 thru 6" by Ordinance No. 5164, passed and adopted by the City Council of the City of Lee's Summit on June 14, 2001; and,

WHEREAS, the said plat was recorded with the County Director of Records by Document No. 2003I0002855 on January 8, 2003, and said easement was referenced on said plat; and,

WHEREAS, the utility companies have been contacted and had no objection to the proposed vacation; and,

WHEREAS, the Public Works and Water Utilities Departments for the City of Lee's Summit have determined that no other uses exist for said easement; and,

WHEREAS, located within said easement is the following City owned infrastructure: an 8 inch water line; the owner of the property burdened by this easement has requested the vacation of this easement so that it can assume ownership of said infrastructure for its private purposes, and the City's Water Utilities Department has determined that in light of this request there is no further public need for this infrastructure and that it is in the Department's best interest to divest itself of the ongoing need to maintain, repair and replace this infrastructure; and

WHEREAS, the Planning Commission considered the request on September 13, 2016, and rendered a report to the City Council recommending that the vacation of easement be approved; and,

WHEREAS, the City Council for the City of Lee's Summit has determined that no damages are ascertainable by reason of such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the following described easement, located within "Raintree North Shopping Center, Lots 1 thru 6", is hereby and herewith vacated:

*ALL THAT PART OF A 15 FOOT WIDE UTILITY EASEMENT ACROSS A PART OF LOT 1, RAIN TREE NORTH SHOPPING CENTER, LOTS 1 THRU 6, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE NORTH LINE OF SAID LOT 1, SAID LINE BEING A*

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*CURVE TO THE RIGHT HAVING A RADIUS OF 330.15 FEET, A CENTRAL ANGLE OF 21°06'22" AND WHOSE INITIAL TANGENT BEARING IS N 64°56'32" W, AN ARC DISTANCE OF 121.62 FEET, TO A POINT OF TANGENCY; THENCE N 43°50'10" W, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 124.02 FEET, TO A POINT ON THE CENTERLINE OF AN EXISTING 15 FOOT WIDE UTILITY EASEMENT, AS DEDICATED BY SAID PLAT OF RAINTREE NORTH SHOPPING CENTER, LOTS 1 THRU 6, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SUBJECT TRACT, SAID TRACT LYING 7.50 FEET ON EACH SIDE OF SAID CENTERLINE; THENCE S 46°09'50" W, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 94.21 FEET; THENCE S 2°24'55" W, A DISTANCE OF 106.97 FEET, TO A POINT HEREINAFTER REFERRED TO AS POINT "A", SAID POINT ALSO BEING THE POINT OF TERMINUS OF SAID TRACT;*

*AND ALSO*

*COMMENCING AT SAID POINT "A"; THENCE S 2°24'55" W, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 15.00 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE S 2°24'55" W, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 26.66 FEET, TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE S 2°24'55" W, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 189.64 FEET; TO A POINT HEREINAFTER REFERRED TO AS POINT "C"; THENCE S 2°24'55" W, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 26.37 FEET, TO THE POINT OF TERMINUS OF SAID TRACT;*

*AND ALSO*

*COMMENCING AT SAID POINT "B"; THENCE S 87°35'05" E, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 17.50 FEET, TO THE POINT OF TERMINUS OF SAID TRACT;*

*AND ALSO*

*COMMENCING AT SAID POINT "C"; THENCE S 87°35'05" E, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 17.50 FEET, TO THE POINT OF TERMINUS OF SAID TRACT.*

SECTION 2. That upon the effective date of the vacation of the easement described in Section 1 above, the City releases all right, title and interest in and to the City owned infrastructure located within the easement, including the 8 inch water line.

SECTION 3. That the City Clerk be and is hereby authorized and directed to acknowledge a copy of this ordinance and to record same in the Office of the Recorder of Deeds of the County in which the property is located.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_day of \_\_\_\_\_, 2018.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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*Mayor Randall L. Rhoads*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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*City Attorney Brian W. Head*