

## **BILL NO. 22-222**

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AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A SEGMENT OF NW LOWENSTEIN DRIVE LOCATED BETWEEN I-470 AND NW CLIFFORD ROAD, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the subject right-of-way was in part dedicated via Quit Claim recorded by the Jackson County Recorder of Deeds office by Instrument #1964-I-0845259; and,

WHEREAS, Application #PL2021-325, submitted by Star Excavation, LLC, requesting vacation of the right-of-way, was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the request on October 13, 2022, and rendered a report to the City Council containing findings of fact and recommending that the requested vacation of right-of-way be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on November 1, 2022, and rendered a decision to vacate said right-of-way.

SECTION 1. That the following described right-of-way is hereby and herewith vacated:

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

*ALL OF THE RIGHT OF WAY OF NW LOWENSTEIN DR. LOCATED IN SECTION 35, TOWNSHIP 48N, RANGE 32W, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE CENTER OF SAID SECTION 35; THENCE N 86°29'09" W, A DISTANCE OF 1331.17 FEET; THENCE N 2°32'13" E, A DISTANCE OF 338.16 FEET TO THE POINT OF BEGINNING; THENCE N 85°06'01" W, A DISTANCE OF 20.02 FEET; THENCE N 2°32'15" E, A DISTANCE OF 736.51 FEET; THENCE S 86°38'56" E, A DISTANCE OF 50.01 FEET; THENCE S 2°32'15" W, A DISTANCE OF 737.87 FEET; THENCE N 85°06'01"W, A DISTANCE OF 30.03 FEET TO THE POINT OF BEGINNING.*

*THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 36,859.50 SQUARE FEET.*

SECTION 2. That the following conditions of approval apply:

1. An easement shall be retained to cover the existing public (water) and private (Evergy and AT&T) infrastructure located within the subject right-of-way. The vacation of right-of-way shall not go into effect until such time as the necessary easement(s) are dedicated and recorded with the Jackson County Recorder of Deeds.

SECTION 3. That the vacation of right-of-way shall be in accordance with the exhibit and legal description dated June 8, 2022, appended hereto as Attachment A and made a part hereof.

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SECTION 4. 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 for the County in which the property is located.

SECTION 5. 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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*