

BILL NO. 24-036

AN ORDINANCE VACATING A PORTION OF A CERTAIN GENERAL UTILITY EASEMENT LOCATED AT 1801 SW FOUNTAIN DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-237 was submitted by Rami Shukair requesting vacation of an existing general utility easement located at 1801 SW Fountain Drive in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City via the plat titled *Summit Falls, 3rd Plat, Lots 77-79* recorded by Instrument #200510088925 and,

WHEREAS, the Planning Commission considered the request on February 8, 2024, 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 general utility easement is hereby and herewith vacated:

ALL THAT PART OF LOT 79, SUMMIT FALLS 3RD PLAT, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERLY MOST CORNER OF SAID LOT; THENCE SOUTH 86°33'44" WEST, 14.14 FEET; TO THE POINT OF INTERSECTION OF AN EXISTING 10 FOOT UTILITY EASEMENT AS SHOWN ON THE RECORDED PLAT AND THE POINT OF BEGINNING; THENCE SOUTH 14°21'25" WEST, 16.41 FEET; THENCE SOUTH 41°33'29" WEST, 56.35 FEET; THENCE NORTH 48°26'31" WEST, 7.50 FEET; TO THE NORTHWESTERLY EDGE OF SAID 10 FOOT UTILITY EASEMENT; THENCE NORTH 41°33'29" EAST, 70.94 FEET; TO THE POINT OF BEGINNING. (CONTAINING 477.36 SQUARE FEET, 0.011 ACRES +/-)

SECTION 2. That the following condition of approval applies:

1. The vacation of easement shall become effective immediately at the time of ordinance approval.

SECTION 3. The vacation of easement shall be in accordance with Legal Description and Exhibit, as conditioned above and appended hereto as Attachment A.

SECTION 4. 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 easements.

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SECTION 5. 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 6. 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 _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*