

BILL NO. 22-175

AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A SEGMENT OF SE 15TH STREET LOCATED EAST OF SE DALTON DR, ADJACENT TO 1501 SE DALTON DR, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the subject right-of-way was dedicated as part of *Newberry, 3rd Plat, Lots 165-201, 250-253 and Tract A*, recorded by the Jackson County Recorder of Deeds office by Instrument #2001-I-0084709; and,

WHEREAS, Application #PL2021-318, submitted by Lee's Summit R-7 School District, 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 August 11, 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 September 6, 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:

BEGINNING at the Southeast corner of Lot 165, of said Newberry Third Plat, Lots 165 thru 201 & Lots 250 thru 253 and Tract A, said point also being on the North Right-of-Way line of 15th Street, as established with said plat.

Thence South 02 degrees 20 minutes 18 seconds West, along the East line of said plat, a distance of 50.00 feet, to the Northeast corner of Lot 196 of said plat, said point also being on the South Right-of-Way line of said 15th Street; thence North 88 degrees 02 minutes 17 seconds West, on the North line of said Lot 196, and on the South Right-of-Way line of said 15th Street, a distance of 106.24 feet, to a point of curvature; thence Westerly, Southwesterly, and Southerly, continuing on the North line of said Lot 196 and on the South Right-of-Way line of said 15th Street, and on a curve to the left, having a radius of 14.00 feet, and through a central angle of 89 degrees 37 minutes 51 seconds, an arc length of 21.90 feet, to a point on the East Right of Way line of Dalton Drive, as established with said plat; thence North 02 degrees 19 minutes 52 seconds East, on the Northerly prolongation of the East Right-of-Way line of said Dalton Drive, a distance of 78.00 feet, to the point of intersection of the North Right-of-Way line of said 15th Street, and the East Right-of-Way line of said Dalton Drive, said point also being on the South line of said Lot 165, said point also being on a curve; thence Southerly, Southeasterly, and Easterly, on the South line of said Lot 165 and on the North Right-of-Way line of said 15th Street, and on a curve to the left, whose initial tangent bearing is South 02 degrees 19 minutes 52 seconds West, having a radius of 14.00 feet, and through a central angle of 90 degrees 22 minutes 09 seconds, an arc length of 22.08 feet, to a point of tangency; thence South 88 degrees 02 minutes 17 seconds East, continuing on the South line of said Lot 165 and on the North Right-of-Way line of said 15th Street, a distance of 106.07 feet, to the POINT OF BEGINNING, containing 6,092 square feet or 0.1399 acres, more or less.

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SECTION 2. That the following conditions of approval apply:

1. Easements shall be retained to cover the existing public (water and sanitary sewer) and private (Spire and Google) infrastructure located within the subject right-of-way as described in Attachment A of the ordinance.

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.

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