

BILL NO. 16-175

AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED WITHIN THE PLAT ENTITLED "BRESKE BAY, LOTS 1 & 2," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-144 was submitted by James & Shelly Breske, requesting vacation of a utility easement within "Breske Bay, Lots 1 & 2", a recorded subdivision in Lee's Summit, Missouri; and,

WHEREAS, the said plat was recorded with the Jackson County Recorder of Deeds by Instrument #2013E0032700 on April 3, 2013, and said easement was referenced on said plat; and,

WHEREAS, the 10' utility easement was specifically dedicated to the City on the plat *V-J Ranch, Lots 1 & 2*, which was recorded at the Jackson County Recorder of Deeds by Instrument #1995I1337409 on April 11, 1995, 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, the Planning Commission considered the request on August 23, 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 "Breske Bay, Lots 1 & 2", is hereby and herewith vacated:

A tract of land being a part of Lot 1, of "MINOR PLAT OF BRESKE BAY, LOTS 1 & 2", a minor subdivision, in Lee's Summit, Jackson County, Missouri, described as follows: Beginning at a point on the east line of said Lot 1, said point being 20 feet N01°56'13" E of the Northeast corner of Lot 2 of said Minor Plat to the true point of beginning; thence N 87°44'32" W parallel with the south line of said Minor Plat, a distance of 204.76 feet to a point on the west line of said Lot 1; thence S 01°56'13" E along said west line, a distance of 10 feet; thence S 87°44'32" E parallel with the south line of said Minor Plat, a distance of 204.76 feet to a point on the east line of said Lot 1; thence S 01°56'13" W along said east lot line, a distance of 10 feet to the Point of Beginning, containing 2,047.6 square feet, more or less.

SECTION 2. 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.

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SECTION 3. 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 _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this _____ day of _____, 2016.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*