

## **BILL NO. 16-189**

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AN ORDINANCE VACATING TWO CERTAIN SANITARY SEWER EASEMENTS LOCATED WITHIN THE PLAT ENTITLED "400 COLBERN ROAD, LOTS 1-3 & TRACT A," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-033 was submitted by SML Acquisitions, LLC, requesting vacation of a utility easement within "400 Colbern Road, Lots 1-3 & Tract A", a recorded subdivision in Lee's Summit, Missouri; and,

WHEREAS, the City of Lee's Summit, Missouri, accepted the plat entitled "400 Colbern Road, Lots 1-3 & Tract A", passed and adopted by the City Council of the City of Lee's Summit on March 31, 2016; and,

WHEREAS, the said plat was recorded with the Jackson County Recorder of Deeds on July 15, 2016; and,

WHEREAS, two 15' sanitary sewer easements were specifically dedicated to the City by separate document and recorded with the Jackson County Recorder of Deeds by Document #1996I007743 on February 12, 1996; and,

WHEREAS, the subject easements were specifically dedicated to the City by separate document, so no input regarding the vacation request is required from any private utilities; 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 April 12, 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 "400 Colbern Road, Lots 1-3 & Tract A", is hereby and herewith vacated:

*ALL THAT PART OF AN EXISTING 15.00 FOOT SANITARY SEWER EASEMENT AS RECORDED IN DOCUMENT NO. 1007743 IN BOOK 12798 AT PAGE 1478 AND BEING PART OF LOT 3 AND LOT 6, FIELDS FARM, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, THE CENTERLINE OF SAID 15.00 SANITARY SEWER EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 48 NORTH, RANGE 31 WEST; THENCE S 88°12'55" E, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 344.87 FEET; THENCE N 1°35'57" E, A DISTANCE OF 449.69*

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FEET TO THE POINT OF BEGINNING; THENCE S 77°43'29" E, ALONG THE CENTERLINE OF SAID EXISTING 15.00 FOOT SANITARY SEWER EASEMENT, A DISTANCE OF 203.58 FEET TO A POINT HEREINAFTER KNOWN AS JUNCTION POINT "A"; THENCE N 64°46'35" E, ALONG THE CENTERLINE OF SAID EXISTING 15.00 FOOT SANITARY SEWER EASEMENT, A DISTANCE OF 601.21 FEET TO A POINT OF TERMINUS,

AND ALSO...

BEGINNING AT THE AFOREMENTIONED JUNCTION POINT "A"; THENCE S 39°40'08" E, ALONG THE CENTERLINE OF SAID EXISTING 15.00 FOOT SANITARY SEWER EASEMENT, A DISTANCE OF 359.53 FEET; THENCE S 8°06'19" W, ALONG THE CENTERLINE OF SAID EXISTING 15.00 FOOT SANITARY SEWER EASEMENT, A DISTANCE OF 103.79 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NE COLBERN ROAD, AS NOW ESTABLISHED, SAID POINT ALSO BEING A POINT OF TERMINUS.

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.

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.

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Mayor *Randall L. Rhoads*

ATTEST:

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City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*