

## **BILL NO. 21-67**

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AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 4205 SW SAPELO DR IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2021-041 was submitted by Nathan & Nikole Muncy, requesting vacation of a portion of an existing easement located on property addressed 4205 SW Sapelo Dr in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City via the plat titled *Harbor Cove, 2<sup>nd</sup> Plat, Lots 9-38*, recorded by Document #1993-I-1219373; and,

WHEREAS, the Planning Commission considered the request on February 11, 2021, 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 is hereby and herewith vacated:

*THE NORTHERLY 10.00 FEET OF THE 20.00 FEET DRAINAGE AND UTILITY EASEMENT OF LOT 15, HARBOR COVE 2<sup>ND</sup> PLAT, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MO, RECORDED SEPTEMBER 30, 1993, AS INSTRUMENT NO. 11219373 IN BOOK 153 AT PAGE 93, JACKSON COUNTY RECORDER OF DEEDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 14°03'16" WEST, ALONG THE WEST LINE OF SAID LOT 15, A DISTANCE OF 20.07 FEET; THENCE NORTH 71°05'30" EAST, A DISTANCE OF 7.53 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 71°05'30" EAST, ALONG THE NORTHERLY LINE OF THE EXISTING DRAINAGE AND UTILITY EASEMENT, A DISTANCE OF 125.09 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 15; THENCE SOUTH 60°02'10" EAST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 0.14 FEET; THENCE SOUTH 00°07'00" WEST, A DISTANCE OF 10.47 FEET; THENCE SOUTH 71°05'30" WEST, A DISTANCE OF 122.62 FEET; THENCE NORTH 14°03'16" WEST, A DISTANCE OF 10.04 FEET TO THE POINT OF BEGINNING.*

SECTION 2. That the following condition of approval applies:

1. The northern 10' of the 20'-wide drainage and utility easement along the south boundary of Lot 15, *Harbor Cove, 2<sup>nd</sup> Plat, Lots 9-38* shall be vacated.

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SECTION 3. 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.

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 of 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 \_\_\_\_\_, 2021.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

APPROVED AS TO FORM:

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