

BILL NO. 17-17

AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED WITHIN THE PLAT ENTITLED "LOT 6A, REPLAT OF LOTS 6 AND 7, HOLLOWAY GARDENS AND PART OF TRACT A, GEORGE'S ADDITION," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #2016-202 was submitted by Trent & Christy Yager, requesting vacation of a utility easement within "LOT 6A, REPLAT OF LOTS 6 AND 7, HOLLOWAY GARDENS AND PART OF TRACT A, GEORGE'S ADDITION," a recorded subdivision in Lee's Summit, Missouri; and,

WHEREAS, the City of Lee's Summit, Missouri, accepted the minor plat entitled "LOT 6A, REPLAT OF LOTS 6 AND 7, HOLLOWAY GARDENS AND PART OF TRACT A, GEORGE'S ADDITION; and,

WHEREAS, the said plat was recorded with the County Director of Records by Document No. 1994I1277587 on May 26, 1994, and said easement was referenced on said plat; 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 January 10, 2017, 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 "LOT 6A, REPLAT OF LOTS 6 AND 7, HOLLOWAY GARDENS AND PART OF TRACT A, GEORGE'S ADDITION," is hereby and herewith vacated:

A PORTION OF A 7.5' UTILITY EASEMENT DEDICATED ON THE PLAT OF "HOLLOWAY GARDENS", RECORDED UNDER DOCUMENT NUMBER 1966I0894871, OF THE JACKSON COUNTY, MISSOURI RECORDS, AND PART OF LOT 6A OF THE "REPLAT OF LOTS 6 AND 7, HOLLOWAY GARDENS AND PART OF TRACT A, GEORGE'S ADDITION" RECORDED UNDER DOCUMENT NUMBER 1994I1277587, OF THE JACKSON COUNTY, MISSOURI RECORDS, LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 48 NORTH, RANGE 31 WEST, IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, "HOLLOWAY GARDENS", SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 6A "REPLAT OF LOTS 6 AND 7, HOLLOWAY GARDENS AND PART OF TRACT A, GEORGES ADDITION"; THENCE SOUTH 71°36'14" EAST,

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ALONG THE NORTHERLY LINE OF SAID LOT 6 AND LOT 6A, A DISTANCE OF 8.13 FEET TO THE NORTHEAST CORNER OF SAID UTILITY EASEMENT; THENCE SOUTH 04°18'35" EAST, ALONG THE EASTERLY LINE OF SAID 7.5' UTILITY EASEMENT, A DISTANCE OF 61.86 FEET; THENCE SOUTH 85°41'25" WEST, 7.50 FEET TO THE WEST LINE OF SAID LOT 6 AND LOT 6A; THENCE NORTH 04°18'35" WEST, ALONG THE WEST LINE OF SAID LOT 6 AND LOT 6A, 65.00 FEET TO THE POINT OF BEGINNING, CONTAINS 476 SQUARE FEET, MORE OR LESS.

SECTION 2. 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 easement.

SECTION 3. 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 4. 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 _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*