

BILL NO. 16-137

AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR ALL OF SE OLDHAM COURT AND A PORTION OF SE OLDHAM PARKWAY LOCATED AT ITS INTERSECTION WITH SE OLDHAM COURT WITHIN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-021, submitted by the City of Lee's Summit, requesting vacation of the dedicated right-of-way for all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection with SE Oldham Court, was referred to the Planning Commission as required by the Unified Development Ordinance No. 5209; and,

WHEREAS, the subject property was among a larger portion of land originally acquired by the Missouri Highways and Transportation Commission via Trustee's Deed, and was recorded with the County by Instrument #1998I0063613, for the purposes of constructing improvements to the M-291 North and US 50 Highway interchange project, and

WHEREAS, a Quitclaim Deed for 5 tracts of land, including the subject property, conveying the property from the Missouri Highways and Transportation Commission to the City of Lee's Summit was recorded with the County by Instrument #2002I0000419, and

WHEREAS, a Quitclaim Deed was recorded by Instrument #2002I00298729, for the purposes of correcting the description as shown in a conveyance on the January 3, 2002, recorded Quitclaim Deed, and

WHEREAS, Application #PL2016-021, submitted by the City of Lee's Summit, requesting vacation of the right-of-way of all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection with SE Oldham Court, 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 April 12, 2016, 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 May 5, 2016, and rendered a decision to vacate said right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the following described right-of-way for all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection with SE Oldham Court is hereby and herewith vacated:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 47 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8; THENCE NORTH 87°-46'-29" WEST ALONG THE SOUTH LINE THEREOF, A

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DISTANCE OF 579.14 FEET, TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE EAST 30 ACRES OF THE WEST 60 ACRES OF THE EAST 1/2 OF SAID SOUTHEAST 1/4 OF SAID SECTION 8; THENCE NORTH 2°-13'-31" EAST, ALONG SAID EAST LINE A DISTANCE OF 2210.50 FEET, TO A POINT 354.33 FEET RIGHT OF STATION 22+427.255 (DEED= STATION 22+427.7), THIS AND THE FOLLOWING STATIONS/OFFSETS BEING IN RELATION TO THE SURVEYED CENTERLINE OF U.S. ROUTE 50, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING NORTH 2°-13'-31" EAST, A DISTANCE OF 96.78 FEET, TO A POINT 257.55 FEET RIGHT OF STATION 22+427.514 (DEED= STATION 22+428.00); THENCE SOUTH 87°-46'-29" EAST, A DISTANCE OF 248.19 FEET, TO A POINT 259.05 FEET (DEED=258.53 FEET) RIGHT OF STATION 22+503.436 (DEED= STATION 22+503.60); THENCE NORTH 2°-13'-31" EAST, A DISTANCE OF 119.07 FEET, TO A POINT 140.00 FEET RIGHT OF STATION 22+503.627 (DEED=22+503.400); THENCE SOUTH 88°-04'-29" EAST, A DISTANCE OF 316.19 FEET, TO A POINT 140.00 FEET RIGHT OF STATION 22+600 OF SAID SURVEYED CENTERLINE OF U.S. ROUTE 50, SAID POINT ALSO BEING 91.93 FEET LEFT OF STATION 22+609.223 OF THE SURVEYED CENTER LINE OF THE SOUTH OUTER ROAD (SE OLDHAM ROAD), AS ESTABLISHED BY DOCUMENT NO. 2000I0030897; THENCE SOUTH 38°-04'-38" WEST, A DISTANCE OF 539.84 FEET, TO A POINT 52.49 FEET LEFT OF STATION 22+445.1 OF SAID SURVEYED CENTER LINE OF THE SOUTH OUTER ROAD (SE OLDHAM ROAD), SAID POINT ALSO BEING ON SAID EAST LINE; THENCE NORTH 2°-13'-31" EAST, ALONG SAID EAST LINE, A DISTANCE OF 221.02 FEET, TO A POINT 354.86 FEET (DEED=354.33 FEET) RIGHT OF STATION 22+503283 (DEED=STATION 22+503.60); THENCE NORTH 87°-59'-58" WEST, A DISTANCE OF 248.19 FEET, TO THE POINT OF BEGINNING. THE ABOVE DESCRIPTION CONTAINS 92,812 SQUARE FEET OR 2.131 ACRES, MORE OR LESS.

SECTION 2. That the following conditions of approval apply:

1. The vacation shall not become effective until a new easement is dedicated for the existing infrastructure.

SECTION 3. That an easement acceptable to the affected utility companies accommodating existing infrastructure shall be dedicated.

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.

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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*