

BILL NO. 18-37

AN ORDINANCE VACATING DEDICATED RIGHTS-OF-WAY FOR PORTIONS OF SW LONGVIEW BLVD AND SW FASCINATION DR, GENERALLY LOCATED AT THE INTERSECTION OF SW LONGVIEW BLVD AND SW FASCINATION DR, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the rights-of-way were dedicated to the City on the minor plats *Tower Park Commercial Phase 1* which was recorded by Instrument #2004I0093170; *Tower Park Commercial Phase 2* which was recorded by Instrument #2004I0107121; *New Longview Roadway Plat Tracts J thru U* which was recorded by Instrument #2005I0061432; and on the final plats *New Longview Commercial District, 2nd Plat, Lot 44 & Tracts A & B* which was recorded by Instrument #2007E0156403; *New Longview Commercial District, 3rd Plat, Lots 42, 43, 51-54, Tracts C, D & E* which was recorded by Instrument #2010E0015502; and,

WHEREAS, Application #PL2018-013, submitted by the City of Lee's Summit, requesting vacation of the rights-of-way for portions of SW Longview Blvd and SW Fascination Dr, 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 February 13, 2018, and rendered a report to the City Council containing findings of fact and recommending that the requested vacation of rights-of-way be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on March 1, 2018, and rendered a decision to vacate said rights-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 rights-of-way is hereby and herewith vacated:

TRACT I:

*THAT PART OF THE NORTHWEST 1/4 SECTION 10, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 53, **NEW LONGVIEW COMMERCIAL DISTRICT, THIRD PLAT, LOTS 42, 43, 51-54, TRACTS C, D AND E**, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF FASCINATION DRIVE AND THE WEST RIGHT OF WAY LINE OF KESSLER DRIVE, AS BOTH ARE ESTABLISHED BY SAID PLAT; THENCE NORTH 87°-11'-23" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 528.69 FEET TO THE SOUTHWEST CORNER OF SAID LOT 54; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, ALONG A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 480.00 FEET, A CENTRAL ANGLE OF 34°-25'-14", AND AN ARC DISTANCE OF 288.36 FEET TO THE SOUTHEAST RIGHT OF WAY LINE OF LONGVIEW BOULEVARD, AS NOW ESTABLISHED; THENCE SOUTH 76°-13'-27" EAST ALONG THE EASTERLY EXTENSION OF SAID SOUTHEAST RIGHT OF WAY LINE, A DISTANCE OF 22.87 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 60°-22'-24" EAST, A RADIUS OF 464.00 FEET, A CENTRAL ANGLE OF 32°-26'-13", AND AN ARC DISTANCE OF 262.68 FEET; THENCE SOUTH 87°-11'-23" EAST, A DISTANCE OF 528.69 FEET TO THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF KESSLER DRIVE, AS ESTABLISHED BY SAID PLAT; THENCE NORTH 2°-48'-37" EAST ALONG*

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THE SOUTHERLY EXTENSION OF SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING, CONTAINING 12,868 SQUARE FEET OR 0.295 ACRES, MORE OR LESS.

TRACT II:

THAT PART OF THE NORTHWEST 1/4 SECTION 10, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, **MINOR PLAT OF FASCINATION AT NEW LONGVIEW, LOTS 1 & 2**, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE, SAID POINT BEING THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF FASCINATION DRIVE AND THE WEST RIGHT OF WAY LINE OF KESSLER DRIVE, AS BOTH ARE ESTABLISHED BY SAID PLAT; THENCE NORTH 87°-11'-23" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 528.69 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, ALONG A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 30°-29'-40", AND AN ARC DISTANCE OF 223.54 FEET TO THE EAST RIGHT OF WAY LINE OF LONGVIEW BOULEVARD, AS NOW ESTABLISHED; THENCE NORTH 13°-46'-36" EAST ALONG THE NORTHERLY EXTENSION OF SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 21.05 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 64°-08'-51" EAST, A RADIUS OF 436.00 FEET, A CENTRAL ANGLE OF 28°-39'-46", AND AN ARC DISTANCE OF 218.11 FEET; THENCE SOUTH 87°-11'-23" EAST, A DISTANCE OF 528.69 FEET TO THE NORTHERLY EXTENSION OF SAID WEST RIGHT OF WAY LINE OF KESSLER DRIVE; THENCE SOUTH 2°-48'-37" WEST ALONG THE NORTHERLY EXTENSION OF SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING, CONTAINING 11,992 SQUARE FEET OR 0.275 ACRES, MORE OR LESS.

TRACT III:

THAT PART OF THE NORTHWEST 1/4 SECTION 10, TOWNSHIP 47 NORTH, RANGE 32 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, **MINOR PLAT OF FASCINATION AT NEW LONGVIEW, LOTS 1 & 2**, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE, SAID POINT BEING ON THE NORTHEAST RIGHT OF WAY LINE OF LONGVIEW BOULEVARD, AS NOW ESTABLISHED; THENCE NORTH 31°-13'-52" WEST ALONG SAID NORTHEAST RIGHT OF WAY LINE, A DISTANCE OF 913.26 FEET (PLAT 913.19 FEET) TO THE EAST RIGHT OF WAY LINE OF SAID LONGVIEW BOULEVARD; THENCE SOUTH 13°-46'-36" WEST ALONG THE SOUTHERLY EXTENSION OF SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 59.39 FEET; THENCE SOUTH 31°-13'-52" EAST, A DISTANCE OF 829.28 FEET TO THE WESTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF KESSLER DRIVE, AS NOW ESTABLISHED; THENCE SOUTH 76°-13'-52" EAST ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 59.39 FEET TO THE POINT OF BEGINNING, CONTAINING 36,594 SQUARE FEET OR 0.840 ACRES, MORE OR LESS.

SECTION 2. That the following conditions of approval apply:

1. A sidewalk and utility easement shall be granted to cover the vacated portions of right-of-way.

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 for the County in which the property is located.

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SECTION 4. That this ordinance shall be in full force and effect from and after its approval by the Mayor and the granting and recording of a sidewalk and utility easement as required by Section 2 hereof.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2018.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED by the Mayor of said city this ____ day of _____, 2018.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

City Attorney Brian W. Head