

BILL NO. 17-108

AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR PORTIONS OF SE BAILEY ROAD LOCATED APPROXIMATELY ¼ MILE EAST OF SW M-291 HWY. WITHIN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-045, submitted by the Grove at Lee's Summit, LLC, requesting vacation of the dedicated right-of-way for portions of SE Bailey Road located approximately ¼ mile east of SW M-291 Hwy., 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 City of Lee's Summit for the construction of the Bailey Road bridge, and was recorded with the County by Instrument #2010E0113177, for the purposes of constructing improvements to the Bailey Road project, and

WHEREAS, Application #PL2017-045, submitted by the Grove at Lee's Summit, LLC, requesting vacation of the right-of-way of portions of SE Bailey Road located approximately ¼ mile east of SW M-291 Hwy., 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 25, 2017, 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 18, 2017, 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 portions of SE Bailey Road located approximately ¼ mile east of SW M-291 Hwy. is hereby and herewith vacated:

A tract of land being a portion of SE Bailey Road Right-of-Way, in the Southwest Quarter of Section 8, Township 47 North, Range 31 West, of the Fifth Principal Meridian, in Lee's Summit, Jackson County, Missouri, to be vacated, and more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of Section 8, Township 47 North, Range 31 West, of the Fifth Principal Meridian, in Jackson County, Lee's Summit, Missouri, Thence North 87° 49' 40" West, 18.79 feet, on the South line of said Southwest Quarter; Thence North 2° 10' 20" East, 50.00 feet; Thence North 87° 49' 40" West, 710.59 feet, 50.00 feet North of, and parallel with the South line of said Southwest Quarter, to a point of deflection in the North Right-of-Way line of SE Bailey Road; Thence North 83° 24' 50" East, 656.73 feet, on the said North Right-of-Way line of said SE Bailey Road to a point on the West Right-of-Way of the Union Pacific Railroad; Thence South 29° 25' 37" East, 117.41 feet, on said West Right-of-Way line of said Union Pacific Railroad, to the Point of Beginning.

Said tract of land contains 35,529 square feet or 0.81563 acres and subject to all covenants, conditions, restrictions, and easement of record, if any.

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And also...

A tract of land being a portion of SE Bailey Road Right-of-Way, in the Northeast and the Northwest Quarters of Section 17, Township 47 North, Range 31 West, of the Fifth Principal Meridian, in Lee's Summit, Jackson County, Missouri, to be vacated, and more particularly described as follows: Commencing at the North Quarter Corner of Section 17, Township 47 North, Range 31 West, of the Fifth Principal Meridian, in Jackson County, Lee's Summit, Missouri, Thence South 87° 43' 34" East, 42.84 feet, on the North line of said Northeast Quarter; Thence South 2° 16' 26" West, 49.97 feet, to a point on the West Right-of-Way of the Union Pacific Railroad; Thence South 29° 25' 37" East, 164.35 feet, on said West Right-of-Way line of said Union Pacific Railroad to the intersection of said West Right-of-Way line and the South Right-of-Way line of said SE Bailey Road; Thence North 78° 33' 50" West, 869.58 feet, on the said South Right-of-Way line of said SE Bailey Road to a point of deflection in the South Right-of-Way line of SE Bailey Road; Thence South 87° 49' 40" East, 772.12 feet, 50.00 feet South of, and parallel with the North line of said Northwest Quarter to the Point of Beginning. Said tract of land contains 54,043 square feet or 1.24065 acres and subject to all covenants, conditions, restrictions, and easement of record, if any.

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 for 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 _____, 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*