

## **BILL NO. 19-219**

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AN ORDINANCE VACATING THE ALLEY NORTH OF SW 1<sup>ST</sup> STREET BETWEEN NW MARKET STREET AND NW MAIN STREET, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the right-of-way was dedicated as part of W.B. Howard's 2<sup>nd</sup> Addition, recorded with Jackson County by Instrument #1883P0020079 on September 12, 1883; and,

WHEREAS, Application #PL2019-239, submitted by Worley Real Estate 5 NW Market Series, LLC, requesting vacation of the right-of-way, 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 September 12, 2019, 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 October 1, 2019, 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 is hereby and herewith vacated:

*ALL THAT PART OF THE ALLEYWAY WITHIN BLOCK ONE OF WB HOWARD'S SECOND ADDITION TO THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 10 OF BLOCK ONE OF WB HOWARD'S SECOND ADDITION; THENCE WITH THE EASTERLY LINE OF LOTS 10 THRU 13 N31°06'09"W, 306.08' TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF WEST MARKET STREET; THENCE WITH SAID EASTERLY RIGHT-OF-WAY N03°25'22"E, 35.29' TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF WEST MARKET STREET AND THE EASTERLY RIGHT-OF-WAY OF THE 20' ALLEYWAY WITHIN BLOCK ONE OF WB HOWARD'S SECOND ADDITION; THENCE WITH THE WESTERLY LINES OF LOTS 2 THRU 9 S31°06'09"E, 335.65' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF FIRST STREET; THENCE WITH SAID NORTHERLY RIGHT-OF-WAY S60°18'56"W, 20.00' BACK TO THE POINT OF BEGINNING.*

SECTION 2. That the following conditions of approval apply:

1. A general utility easement shall be retained over the entire width and length of the alley right-of-way to cover existing infrastructure located within the subject 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.

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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian Head*