

BILL NO. 24-122

AN ORDINANCE VACATING A PORTION OF A CERTAIN EASEMENT LOCATED AT 2214 SW OSAGE DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2024-100 was submitted by Clayton Properties Group Inc., requesting vacation of an existing easement located at 2214 SW Osage Drive in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City via the Osage Second Plat and,

WHEREAS, the Planning Commission considered the request on July 16, 2024 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 is hereby and herewith vacated:

The full release of a 17.00 feet wide Drainage Easement, located in Lots 82 and 83, OSAGE THIRD PLAT (LOTS 76 THRU 87 INCLUSIVE AND TRACTS O & P) a subdivision of land in the Northeast Quarter of Section 35, Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri recorded February 10, 2023 as Instrument Number 2023E0008522 in Book 208 at Page 82 in the Office of Recorder of Deeds, Jackson County, Missouri, said 17.00 feet wide Drainage Easement established by OSAGE SECOND PLAT (LOTS 42 THRU 75, INCLUSIVE AND TRACTS I, J, K, L, M & N), a subdivision of land in said Lee's Summit, recorded August 24, 2022 as Instrument Number 2022E0079078 in Book 206 at Page 1 in said Office of Recorder of Deeds, Jackson County, Missouri being bounded and described by or under the direct supervision of Jeffrey P. Means P.L.S. 2000147866, as a Drainage Easement Vacation as follows: Commencing at the Northeast corner of said Northeast Quarter; thence North 88°07'14" West, on the North line of said Northeast Quarter, 1,319.40 feet to the Northwest corner of the Northeast Quarter of said Northeast Quarter; thence leaving said North line, South 02°10'22" West, on the West line of said Northeast Quarter of said Northeast Quarter, 80.40 feet to the Northwest corner of said OSAGE THIRD PLAT (LOTS 76 THRU 87 INCLUSIVE AND TRACTS O & P); thence continuing South 02°10'22" West on said West line of said Northeast Quarter of said Northeast Quarter, also being the West line of said OSAGE THIRD PLAT (LOTS 76 THRU 87 INCLUSIVE AND TRACTS O & P), 599.12 feet to the Southwest corner of Tract P of said OSAGE THIRD PLAT (LOTS 76 THRU 87 INCLUSIVE AND TRACTS O & P), also being a point on the West line of Tract I, of said OSAGE SECOND PLAT (LOTS 42 THRU 75, INCLUSIVE AND TRACTS I, J, K, L M & N); thence South 88°11'07" East, on the South line of said Tract P, 20.13 feet to the Northwest corner of Lot

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59-A of OSAGE, LOTS 59-A & 59-B, a Minor Subdivision of land in said Lee's Summit recorded December 7, 2023 as Instrument Number 2023E0087541 in Book 214 at Page 15 in said Office of Recorder of Deeds, Jackson County, Missouri; thence South $88^{\circ}11'07''$ East on said South line of said Tract P, also being the North line of said Lot 59-A, a distance of 3.24 feet to the Southeast corner of said Tract P, also being the Southwest corner of Lot 82 of said OSAGE THIRD PLAT (LOTS 76 THRU 87 INCLUSIVE AND TRACTS O & P); thence South $88^{\circ}11'07''$ East on said North line of said Lot 59-A, also being the South line of said Lot 82, a distance of 34.74 feet to the Northeast corner of said Lot 59-A, also being the Northwest corner of Lot 59-B, of said OSAGE, LOTS 59-A & 59-B; thence South $88^{\circ}11'07''$ East on said South line of said Lot 82, and North line of said Lot 59-B, a distance of 27.99 feet to the Southwest corner of said 17.00 feet wide Drainage Easement also being the Point of Beginning of the tract of land to be herein described; thence leaving said North line and said South line, North $01^{\circ}48'53''$ East, on the West line of said 17.00 feet wide Drainage Easement, 17.00 feet to the Northwest corner of said 17.00 feet wide Drainage Easement; thence South $88^{\circ}11'07''$ East, on the North line of said 17.00 feet wide Drainage Easement, also being 17.00 feet Northerly and parallel to said South line of said Lot 82, a distance of 102.27 feet to a point on the Easterly line of said Lot 82, also being a point on the West line of Lot 83 of said OSAGE THIRD PLAT (LOTS 76 THRU 87 AND TRACTS O & P); thence South $88^{\circ}11'07''$ East, on said North line of said 17.00 feet wide Drainage Easement, also being 17.00 feet Northerly and parallel to the South line of said Lot 83, a distance of 146.50 feet to the Northeast corner of said 17.00 feet wide Drainage Easement, also being a point on the Westerly line of an 18.50 feet wide Drainage Easement established by said OSAGE SECOND PLAT (LOTS 42 THRU 75, INCLUSIVE AND TRACTS I, J, K, L, M & N); thence South $01^{\circ}48'53''$ West, on the East line of said 17.00 feet wide Drainage Easement and said West line of said 18.50 feet wide Drainage Easement, also being 18.50 feet Westerly and parallel to the East line of said Lot 83, a distance of 17.00 feet to the Southeast corner of said 17.00 feet wide Drainage Easement, also being the Southwest corner of said 18.50 feet wide Drainage Easement, also being a point on the South line of said Lot 83, also being a point on the Westerly line of Lot 44 of said OSAGE SECOND PLAT (LOTS 42 THRU 75, INCLUSIVE AND TRACTS I, J, K, L, M & N); thence North $88^{\circ}11'07''$ West, on the South line of said 17.00 wide Drainage Easement, on said South line of said Lot 83 and on said Westerly line of said Lot 44, a distance of 4.77 feet to the Northeast corner of Lot 56-B, of OSAGE, LOTS 56-A & 56-B, a Minor Subdivision of land in said Lee's Summit recorded December 7, 2023 as Instrument Number 2023E0087542 in Book 214 at Page 19 in said Office of Recorder of Deeds, Jackson County, Missouri; thence North $88^{\circ}11'07''$ West on said South line of said 17.00 feet wide Drainage Easement, said South line of said Lot 83, also being the North line of said Lot 56-B, 39.00 feet to the Northwest corner of said Lot 56-B, also being the Northeast corner of Lot 56-A of said OSAGE, LOTS 56-A & 56-B; thence North $88^{\circ}11'07''$ West on said South line of

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said 17.00 feet wide Drainage Easement, said South line of said Lot 83, also being the North line of said Lot 56-A, a distance of 39.00 feet to the Northwest corner of said Lot 56-A, also being the Northeast corner of Lot 57-B, of OSAGE, LOTS 57-A & 57-B, a Minor Subdivision of land in said Lee's Summit recorded December 7, 2023 as Instrument Number 2023E0087549 in Book 214 at Page 23 in said Office of Recorder of Deeds, Jackson County, Missouri; thence North 88°11'07" West on said South line of said 17.00 feet wide Drainage Easement, said South line of said Lot 83, also being the North line of said Lot 57-B, a distance of 39.00 feet to the Northwest corner of said Lot 57-B, also being the Northeast corner of Lot 57-A of said OSAGE, LOTS 57-A & 57-B; thence North 88°11'07" West on said South line of said 17.00 feet wide Drainage Easement, said South line of said Lot 83, also being the North line of said Lot 57-A, a distance of 24.73 feet to the Southwest corner of said Lot 83, also being the Southeast corner of said Lot 82; thence North 88°11'07" West on said South line of said 17.00 feet wide Drainage Easement, said North line of said Lot 57-A, and said South line of said Lot 82, a distance of 14.27 feet to the Northwest corner of said Lot 57-A, also being the Northeast corner of Lot 58-B of OSAGE, LOTS 58-A & 58-B, a Minor Subdivision of land in said Lee's Summit recorded December 7, 2023 as Instrument Number 2023E0087557 in Book 214 at Page 27 in said Office of Recorder of Deeds, Jackson County, Missouri; thence North 88°11'07" West on said South line of said 17.00 feet wide Drainage Easement, said South line of said Lot 82, and said North line of said Lot 58-B, a distance of 39.00 feet to the Northwest corner of said Lot 58-B, also being the Northeast corner of Lot 58-A of said OSAGE, LOTS 58-A & 58-B; thence North 88°11'07" West on said South line of said 17.00 feet wide Drainage Easement, said line South line of said Lot 82, also being the North line of said Lot 58-A, a distance of 39.00 feet to the Northwest corner of said Lot 58-A, also being the Northeast corner of said Lot 59-B; thence North 88°11'07" West on said South of said 17.00 feet wide Drainage Easement, said South line of said Lot 82 and said North line of said Lot 59-A, a distance of 10.00 feet to the Point of Beginning. Containing 4,229 square feet or 0.10 acres, more or less.

SECTION 2. That the following condition of approval applies:

1. The vacation of easement shall become effective immediately at the time of ordinance approval.

SECTION 3. The vacation of easement shall be in accordance with Legal Description and Exhibit, labeled "Exhibit A", as conditioned above and appended hereto as Attachment A.

SECTION 4. 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 easements.

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SECTION 5. 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 6. 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 _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2024.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*