

## **BILL NO. 22-116**

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AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF RIGHT-OF-WAY ALONG THE WEST SIDE OF SW LONGVIEW BOULEVARD BETWEEN SW SENSATION DRIVE AND SW TOWER PARK DRIE (ADJACENT TO 420 SW LONGVIEW BOULEVARD), IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the right-of-way was established by the minor plat (Appl. #PL2005-211) titled *New Longview Roadway Plat Tracts J thru U*, dedicating a portion of the subject right-of-way, was recorded at Jackson County Recorder of Deeds, by Document #2005I0061432 and,

WHEREAS, Application #PL2022-086, submitted by NLVC, 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 May 12, 2022, 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 June 7, 2022, and rendered a decision to vacate said right-of-way.

SECTION 1. That the following described right-of-way is hereby and herewith vacated:

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

*A 40 foot wide tract of land being part of Southwest Longview Boulevard right-of-way as platted in "NEW LONGVIEW ROADWAY PLAT, TRACTS J THROUGH U", a subdivision in the said City of Lee's Summit, as recorded in Jackson County Recorder of Deeds as Instrument Number 2005I0061432, lying adjacent to and parallel with the East line of the "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B", a subdivision in the City of Lee's Summit, Jackson County, Missouri, as recorded in Jackson County Recorder of Deeds as Instrument Number 2021E47726 and being more particularly described as follows.*

*Beginning at the Northwest corner of said Southwest Longview Boulevard right-of-way of said "NEW LONGVIEW ROADWAY PLAT, TRACTS J THROUGH U";*

*thence along the North line of said "NEW LONGVIEW ROADWAY PLAT, TRACTS J THROUGH U", North 58 degrees 46 minutes 33 seconds East, a distance of 40.00 feet;*

*thence along a line 40.00 East of and parallel with East line of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B" and the West line of said Southwest Longview Boulevard right-of-way, South 31 degrees 13 minutes 27 seconds East, a distance of 252.81 feet; thence South 58 degrees 46 minutes 33 seconds West, a distance of 40.00 feet to the Southeast corner of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B";*

*thence along the East line of said "MINOR PLAT OF TOWER PARK LOTS 7A AND 7B" and the West line of said Southwest Longview Boulevard right-of-way, North 31 degrees 13 minutes 27 seconds West, a distance of 252.81 feet to the Point of Beginning, and containing 10112.40 square feet or 0.2321 acres, more or less.*

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SECTION 2. That the following conditions of approval apply:

1. A private utility easement dedicated to AT&T to cover their infrastructure.
2. A sidewalk easement dedicated to the City to cover the existing public sidewalk within the right-of-way that is being vacated.
3. A condition indicating that the vacation shall not become effective until the first two conditions are met.

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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

APPROVED AS TO FORM:

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*City Attorney Brian W. Head*