

## **BILL NO. 19-38**

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AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF NW LOWENSTEIN DRIVE, LOCATED WEST OF NW PRYOR ROAD, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the right-of-way was established by the final plats (Appl. #1959-010 and Appl. #1977-062) titled *Arbor Estates* and *Corlew's Estate* plats, respectively, recorded with the Jackson County Recorder of Deeds office by Instrument No. 720677, Book 22, Pg. 88 and Instrument No. I278239, respectively,

WHEREAS, Application #PL2018-233, submitted by Drake Development, 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 February 14, 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 March 5, 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 upon completion of the condition of approval set out in Section 2 of this Ordinance:

*ALL THAT PART OF THE SOUTHEAST ¼ OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 48, RANGE 32, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*All of Lowenstein right-of-way lying within the southeast quarter of the southeast Quarter of Section 35, Township 48, Range 32, City of Lee's Summit, County of Jackson, State of Missouri.*

SECTION 2. That the following condition of approval apply:

1. The vacation of right-of-way shall not take effect until such time as a temporary utility easement covering the existing AT&T, Spire, KCP&L and the City of Lee's Summit Water Utilities infrastructure is dedicated in a manner approved by the Director of Public Works.

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 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:

\_\_\_\_\_  
*Nancy Yendes, Chief Counsel*  
Infrastructure and Planning