

BILL NO. 22-170

AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY ALONG THE EAST SIDE OF SW MCCLENDON DRIVE ADJACENT TO 1100 SW 3RD STREET IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, a 50' wide x 70' long segment of right-of-way was dedicated via separate document and was recorded at Jackson County Recorder of Deeds, by Document #1984I0598455; and,

WHEREAS, a 50' wide x 65' long segment of right-of-way was dedicated via separate document and was recorded at Jackson County Recorder of Deeds, by Document #1986I0667242; and,

WHEREAS, Application #PL2021-348, submitted by Schlager & Associates, 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 July 28, 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 August 23, 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:

Doc. I-598455 Description;

Commencing at the Northwesterly corner of Lot 83, HIGHWAY LANE ADDITION, a subdivision in the City of Lee's Summit, Jackson County Mo., said point being on the Easterly right-of-way of McClendon Drive (25 ft. from the centerline thereof); thence along the easterly right-of-way line of said McClendon Drive (25 feet from the centerline thereof) South 42 degrees 30 minutes 45 seconds East, 6 ft. to the true point of beginning of this roadway easement; thence parallel to and 6 ft. Southeasterly of the Northerly line of said lot, North 47 degrees 34 minutes 15 seconds East, 70 ft.; thence parallel to the Easterly right-of-way line of said McClendon Drive South 42 degrees 30 minutes 45 seconds East, 50 ft.; thence parallel to and 14 ft. Northwesterly of the Southerly line of said lot, South 47 degrees 34 minutes 15 seconds West, 70 ft. to a point on the Easterly right-of-way of said drive (25 ft. from the centerline thereof), said point also being on the Westerly line of said lot; thence along the Easterly right-of-way line of said drive (25 ft. from the centerline thereof) North 42 degrees 30 minutes 45 seconds West, 50 ft. to the true point of beginning, containing 3500 square feet.

AND ALSO

Doc. I-677242 Description;

All of the Southeast 50.00 feet of the Northwest 56.00 feet of Lot 83, HIGHWAY LANE ADDITION, a subdivision in the city of Lee's Summit, Jackson County, Missouri, except that

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part conveyed to the City of Lee's Summit by the right-of-way deed recorded as Document No. I-598455 in Book I-1368 at Page 442.

SECTION 2. That the following conditions of approval apply:

1. The vacation of right-of-way shall not become effective until such time as a cross-access easement is dedicated over the existing driveway from SW McClendon Dr shared between Lot 1, Pizza Hut Addition and Lot 1, Hardee's Addition, which shall be effective in perpetuity.
2. A copy of the recorded cross-access easement shall be provided to the Development Services Department.

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:

City Attorney Brian W. Head

