

## **BILL NO. 24-063**

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AN ORDINANCE VACATING A PORTION OF DEDICATED RIGHT-OF-WAY LOCATED AT THE NORTHWEST CORNER OF NE HARDAGE CIRCLE AND NE TODD GEORGE ROAD (ABUTTING 1502 NE HARDAGE CIRCLE) AND RETAINING AN EASEMENT OVER A PORTION OF THE VACATED RIGHT-OF-WAY IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the subject right-of-way was dedicated via the plat titled *Calloway Heights* and recorded with the Jackson County Recorder of Deeds office by Instrument #1943-I-0483981; and,

WHEREAS, Application #PL2023-223, submitted by Diana Gronberg, 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 March 14, 2024, 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 April 9, 2024, 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:

*BEGINNING AT THE NORTHEAST CORNER OF LOT 12, OF CALLOWAY HEIGHTS;  
THENCE SOUTH 79°26'04" EAST, 27.70 FEET TO THE WEST LINE OF A 50.00 FEET RIGHT-OF-WAY CONVEYANCE RECORDED IN BOOK 1583 AT PAGE 341;  
THENCE SOUTH 09°54'01" WEST ALONG SAID WEST LINE, 137.56 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NE TODD GEORGE ROAD, AS NOW ESTABLISHED;  
THENCE NORTH 86°49'23" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 31.00 FEET, TO THE EAST LINE OF LOT 14, OF SAID CALLOWAY HEIGHTS;  
THENCE NORTH 02°33'48" EAST, ALONG SAID EAST LINE OF LOTS 14 AND 13, 75.92 FEET, TO THE NORTHEAST CORNER OF LOT 13, SAID CALLOWAY HEIGHTS;  
THENCE NORTH 20°49'37" EAST, ALONG THE EAST LINE OF SAID LOT 12, 67.43 FEET, TO THE POINT OF BEGINNING.  
CONTAINS 4,880 SQUARE FEET MORE OR LESS.*

*THE CITY OF LEE'S SUMMIT WILL RETAIN EASEMENT RIGHTS ACROSS THE EAST 10 FEET OF THE ABOVE DESCRIBED LAND TO LOCATE, CONSTRUCT AND MAINTAIN POLES, WIRES, ANCHORS, CONDUITS, AND/OR STRUCTURES FOR WATER, GAS, SANITARY SEWER, STORM SEWER, SURFACE DRAINAGE CHANNEL, ELECTRICITY, TELEPHONE, CABLE TELEVISION OR ANY OTHER NECESSARY PUBLIC UTILITY OR SERVICE.*

SECTION 2. That the following conditions of approval apply:

1. A utility easement shall be retained over the eastern 10' of the vacated right-of-way as depicted and described in the exhibit and legal description document dated November 7, 2023, and appended to the approving ordinance as Attachment A.

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SECTION 3. That the vacation of right-of-way and utility easement retention shall be in accordance with the exhibit and legal description dated November 7, 2023, appended hereto as Attachment A and made a part hereof.

SECTION 4. 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 5. 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*