

BILL NO. 20-135

AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A PORTION OF NW AUDUBON LN LOCATED WEST OF NW CARSON DR AND ADJACENT TO 212 NW CARSON DR, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the right-of-way was established by the final plat (Appl. #PL2020-059) titled *Winterset Valley, 12th Plat, Lots 1435 thru 1471 & Tracts A12 thru D12*, recorded with the Jackson County Recorder of Deeds office by Instrument No. 2019-E-0066556-1; and,

WHEREAS, Application #PL2020-144, submitted by Gale Communities, Inc., 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 23, 2020, 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 4, 2020, 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:

Part of NW Audubon Lane as platted in Winterset Valley 12th Plat more particularly described as follows:

Beginning at the Southeast corner of said NW Audubon Lane, said point also being the Northeast corner of Lot 1452 of said 12th Plat; thence North 13 degrees 10 minutes 19 seconds East, along the East line of said right of way a distance of 50.00 feet to the Northeast corner of said right of way; thence South 76 degrees 49 minutes 41 seconds East, along the North line of said right of way a distance of 123.04 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 46 degrees 05 minutes 50 seconds West, a radius of 46.00 feet, a central angle of 61 degrees 28 minutes 19 seconds and an arc length of 49.35 feet; thence South 13 degrees 10 minutes 19 seconds West, a distance of 3.01 feet to a point on the South line of said right of way; thence North 76 degrees 49 minutes 41 seconds West, along the said south line a distance of 121.25 feet, to the Point of Beginning.

SECTION 2. That the following conditions of approval apply:

1. The vacation of right-of-way shall not go into effect until such time as a new general utility easement is dedicated to cover existing infrastructure located within the subject right-of-way.

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.

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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 _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*