

BILL NO. 21-49

AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 400 SW WATERFALL CT IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-382 was submitted by Chad Dumas, requesting vacation of an existing easement located on property addressed 400 SW Waterfall Ct in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City via the plat titled *Winterset Park, 5th Plat, Lots 97-155 & 178-193*, recorded by Document #1994-I-1312138; and,

WHEREAS, the Planning Commission considered the request on February 11, 2021, and rendered a report to the City Council recommending that the vacation of easement be approved; and,

WHEREAS, the City Council for the City of Lee's Summit has determined that no damages are ascertainable by reason of such vacation.

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

SECTION 1. That the following described easement is hereby and herewith vacated:

THE WESTERLY AND NORTHWESTERLY 7.5 FEET OF LOT 111, EXCEPT THE SOUTHERLY 7.5 FEET, WINTERSET PARK, 5TH PLAT, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI.

SECTION 2. That the following condition of approval applies:

1. The ordinance approving the vacation of easement shall be recorded with the Jackson County Recorder of Deeds office and a copy of the recorded document shall be returned to the Development Services Department prior to the issuance of a building permit for a swimming pool.

SECTION 3. That upon the effective date of the vacation of the easement described in Section 1 above, the City releases all right, title and interest in and to the City owned infrastructure located within the easements.

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 of 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.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*