

BILL NO. 16-89

AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED WITHIN THE PLAT ENTITLED "FAIRWAY VILLAGE, LOTS 1-5 & TRACTS A-D," IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-047 was submitted by RPWC Holdings, LLC, requesting vacation of a utility easement within "Fairway Village, Lots 1-5 & Tracts A-D", a recorded subdivision in Lee's Summit, Missouri; and,

WHEREAS, the City of Lee's Summit, Missouri, accepted the plat entitled "Fairway Village, Lots 1-5 & Tracts A-D" by Ordinance No. 4717, passed and adopted by the City Council of the City of Lee's Summit on December 8, 1998; and,

WHEREAS, the said plat was recorded with the County Director of Records by Document No. 1999I0024915 on March 29, 1999, and said easement was referenced on said plat; and,

WHEREAS, the utility companies have been contacted and had no objection to the proposed vacation; and,

WHEREAS, the Public Works and Water Utilities Departments for the City of Lee's Summit have determined that no other uses exist for said easement; and,

WHEREAS, the Planning Commission considered the request on April 26, 2016, 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, located within "Fairway Village, Lots 1-5 & Tracts A-D", is hereby and herewith vacated:

*A portion of a 15.00 foot wide utility easement described as follows:
Commencing at the southeast corner of Lot 5, Fairway Village, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence N 88°04'00" W along the south line of Lot 5 for 118.73 feet; thence N 1°49'21" E for 15.00 feet to the Point of Beginning; thence N 88°04'00" W for 15.00 feet; thence N 1°49'21" E for 186.51 feet; thence S 88°06'04" E for 15.00 feet; thence S 1°49'21" W for 186.52 feet to the Point of Beginning.*

SECTION 2. 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 3. 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 _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED by the Mayor of said city this ____ day of _____, 2016.

Mayor Randall L. Rhoads

ATTEST:

City Clerk Denise R. Chisum

APPROVED AS TO FORM:

City Attorney Brian W. Head