

## **BILL NO. 20-128**

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AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 1000 NE COLBERN RD IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-168 was submitted by JE Dunn Construction Co., requesting vacation of a portion of an existing utility easement located on property addressed 1000 NE Colbern Rd in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated was established by a Utility Easement Conveyance document recorded with Jackson County, MO by Document #1989I090459; and,

WHEREAS, the Planning Commission considered the request on July 23, 2020, 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:

*All that part of Lot 1, Rice Acres, a subdivision of land in the City of Lee's Summit, Jackson County Missouri, according to the recorded plat thereof, being described by Timothy Blair Wiswell, Professional License No. 2009000067 of Olsson, Inc., and lying in the Northeast Quarter of Section 29, Township 48 North, Range 31 West, in the City of Lee's Summit, Jackson County, Missouri, described as follows:*

*COMMENCING at the Southwest Corner of the Northeast Quarter of said Section 29; thence South 88 degrees 28 minutes 52 seconds East, on the South line of the Northeast Quarter of said Section 29, a distance of 1881.98 feet, to a point being the Southerly prolongation of the West line of said Lot 1, said point also being the Southerly prolongation of the East line of a certain tract of land conveyed by Quit Claim Deed recorded in Doc. No. 2006E0125134;*

*thence North 01 degrees 23 minutes 04 seconds East, on said Southerly prolongations, a distance of 55.66 feet, to a point being the Southwest corner of said Lot 1 and the Southeast corner of said certain tract of land conveyed by Quit Claim Deed recorded in Doc. No. 2006E0125134, said point also being on the North right-of-way line of Colbern Road, as now established;*

*thence continuing North 01 degrees 23 minutes 04 seconds East, on the West line of said Lot 1 and the East line of said certain tract of land conveyed by Quit Claim Deed recorded in Doc. No. 2006E0125134, a distance of 461.87, to the Southwest corner of an existing access easement, 30.00 feet in width, as recorded in Doc. No. 1989I0906979, said point also being the POINT OF BEGINNING;*

*thence continuing North 01 degrees 23 minutes 04 seconds East, on said East and West lines and the West line of said access easement, a distance of 30.00, to the Northwest corner of said access easement and the Northwest corner of said Lot 1;*

*thence South 88 degrees 38 minutes 41 seconds East, departing said East and West lines and on the North line of said access easement and the North line of said Lot 1, a distance of 108.44*

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feet, to a point being on the East line of an existing sanitary sewer easement, 15.00 feet in width, as recorded in Doc. No. 1992I1130617;  
thence South 01 degrees 21 minutes 45 seconds West, departing said North line and on said East line, a distance of 30.00 feet, to a point being on the South line of said existing access easement;  
thence North 88 degrees 38 minutes 41 seconds West, on said South line and a line being 30.00 feet South of and parallel with said North line, a distance of 108.44 feet, to the POINT OF BEGINNING, containing 3,253 square feet or 0.0747 acres, more or less.

SECTION 2. 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 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 of 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*