

## **BILL NO. 23-196**

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AN ORDINANCE VACATING DEDICATED RIGHT-OF-WAY FOR A NORTH-SOUTH ALLEY SEGMENT LOCATED EAST OF NE DOUGLAS STREET AND SOUTH OF NE ELM STREET (ADJACENT TO 105 NE ELM STREET), IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the subject alley right-of-way was dedicated via the plat titled *W.B. Howard's Second Addition* and recorded with the Jackson County Recorder of Deeds office by Instrument #1867-P-0020079; and,

WHEREAS, Application #PL2022-421, submitted by Chris and Nicolette Saddler, 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 September 28, 2023, 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 October 24, 2023, 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:

*A 20-FOOT-WIDE STRIP OF LAND LOCATED IN BLOCK 2, W.B. HOWARD'S SECOND ADDITION, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTHWEST CORNER OF LOT 3 OF SAID BLOCK 2; THENCE ALONG THE WEST LINE OF SAID LOT 3, SOUTH 29°22'38", EAST, A DISTANCE OF 160.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE LEAVING SAID WEST LINE, SOUTH 61°21'10" WEST, A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 2; THENCE ALONG THE EAST LINE OF SAID LOT 5 AND THE PROLONGATION THEREOF, NORTH 29°22'38" WEST, A DISTANCE OF 160.00 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID BLOCK 2; THENCE LEAVING SAID EAST LINE, NORTH 61°21'10" EAST, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.*

*THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 3,200 SQUARE FEET.*

SECTION 2. That the following conditions of approval apply:

1. An easement shall be retained over the entire 20' wide x 160' long vacated right-of-way to cover the existing public and private infrastructure located within the subject right-of-way.

SECTION 3. That the vacation of right-of-way shall be in accordance with the exhibit and legal description dated November 29, 2022, appended hereto as Attachment A and made a part hereof.

**BILL NO. 23-196**

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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 \_\_\_\_\_, 2023.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*