

BILL NO. 25-143

AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT LOCATED AT 310 SW WARD ROAD IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2025-104 was submitted by Hy-Vee, Inc., requesting vacation of a portion of a utility easement located at 310 SW Ward Rd. in Lee's Summit, Missouri; and,

WHEREAS, utility easements were dedicated to the City as via separate document recorded by Instrument #1984-I-0551978; and,

WHEREAS, the Planning Commission considered the request on July 24, 2025, 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 an existing 15-foot-wide Drainage and Sewer Easement as established in Doc. 1984-I-0551978, being a part of Tract A, Wal-Mart, a subdivision in the City of Lee's Summit, Jackson County, Missouri, in the Northeast Quarter of Section 12, Township 47 North, Range 32 West, more particularly described by Michael J. Bogina, Missouri PLS-2022043970 of Olsson, LC-366, on June 18, 2025, as follows:

COMMENCING at the Southwest corner of said Tract A, Wal-Mart; thence North 02 degrees 47 minutes 00 seconds East, on the West line of said Tract A, a distance of 326.03 feet to a point on a non-tangent curve; thence in a Northerly and Northeasterly direction, continuing on said West line, on a curve to the right whose initial tangent bears North 02 degrees 47 minutes 02 seconds East, having a radius of 269.00 feet, through a central angle of 38 degrees 03 minutes 30 seconds, an arc distance of 178.68 feet to a point on the Northeasterly line of said existing Easement; thence South 51 degrees 00 minutes 07 seconds East, departing said West line and on said Northeasterly line, a distance of 49.96 feet to the POINT OF BEGINNING; thence South 02 degrees 47 minutes 00 seconds West, departing said Northeasterly line and on the East line of said Easement, a distance of 148.80 feet to the Southeast corner of said Easement; thence North 87 degrees 13 minutes 00 seconds West, on the South line of said Easement, a distance of 15.00 feet to the Southwest corner of said Easement; thence North 02 degrees 47 minutes 00 seconds East, on the West line of said Easement, a distance of 141.20 feet to a point on the Southwesterly line of said Easement; thence South 51 degrees 00 minutes 07 seconds East, departing said West line and on the Southeasterly prolongation of said Southwesterly line, a distance of 7.61 feet to a point; thence North 38 degrees 59 minutes 53 seconds East a distance of 15.00 feet to the POINT OF BEGINNING, containing 2,118 Square Feet, or 0.0486 Acres, more or less.

SECTION 2. That the following condition of approval applies:

1. The vacation of easement shall be recorded at Jackson County.

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SECTION 3. The vacation of easement shall be in accordance with Legal Description and Exhibit, labeled "Exhibit A", as conditioned above and appended hereto as Attachment A.

SECTION 4. 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 5. 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 6. 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 _____, 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____ 2025.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*