


# City of Lee's Summit

## Department of Planning and Codes Administration

April 8, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director   
RE: **PUBLIC HEARING – Application #PL2016-021 – VACATION OF RIGHT-OF-WAY – all of SE Oldham Ct. and a portion of SE Oldham Pkwy. located at its intersection with SE Oldham Ct.; City of Lee's Summit, applicant**

### Commentary

This application is to vacate all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection with SE Oldham Court. The subject right-of-way is surplus property obtained by the City from MoDOT in 2002. The City has no use or need for the right-of-way. The City has sold the surplus property with a commitment to vacate the right-of-way that encumbers it.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. There was one objection to the requested vacation by the AT&T utility company. No other objections were received.

### Recommendation

Staff recommends **APPROVAL** of the vacation of right-of-way, subject to the following:

1. The vacation shall not become effective until a new easement is dedicated for the existing infrastructure.

### Project Information

**Vacation of Right-of-way:** all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection of SE Oldham Court

**Location:** SE Oldham Pkwy., approximately 1/5 mile east for SE Hamblen Rd.

**Zoning:** Existing right-of-way is currently not zoned

**Surrounding zoning and use:**

**North:** PI (Planned Industrial) – vacant parcel & US 50 Hwy.

**South:** PI (Planned Industrial) – skating rink

**East (across SE Oldham Pkwy):** CP-2 (Planned Community Commercial) – auto dealership

**West:** PI (Planned Industrial) – vacant parcel

### Background

- July 22, 1998 – The subject property was among a larger portion of land originally acquired by the Missouri Highways and Transportation Commission via Trustee's Deed, recorded as Instrument #1998I0063613, for the purposes of constructing improvements to the M-291 North and US 50 Highway interchange project.

- January 3, 2002 – A Quitclaim Deed for 5 tracts of land, including the subject property, conveying the property from the Missouri Highways and Transportation Commission to the City of Lee's Summit was recorded by Instrument #2002I0000419.
- April 10, 2002 – A Quitclaim Deed was recorded by Instrument #2002I00298729, for the purposes of correcting the description as shown in a conveyance on the January 3, 2002, recorded Quitclaim Deed.
- September 18, 2015 -- The City entered into a contract for the sale of the subject property to MarvMar Properties, LLC.
- September 23, 2015 – The minor plat (Appl. #PL2014-116) of *Oldham East Business Park, Lots 1, 2, and 3* was recorded with the Jackson County Recorder of Deeds as Instrument #2015E0085849.
- January 6, 2016 – The property sale closed on this date. Prior to closing, the City committed to MarMar Properties, LLC that it would apply for vacation of the right-of-way still encumbering the property.

### **Analysis of Vacation of Right-of-way**

This application is to vacate all of SE Oldham Court and a portion of SE Oldham Parkway located at its intersection with SE Oldham Court. The subject right-of-way is surplus property for which the City has not use or need, and which the City has sold.

Letters were sent to the utility companies (KCP&L, Laclede Gas, AT&T, Time Warner Cable and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. There was one objection to the requested vacation by the AT&T utility company. No other objections were received.

RGM/cs

Attachments:

1. Drawing and description of the right-of-way to be vacated, date stamped February 12, 2016—2 pages
2. Location Map