

AN ORDINANCE VACATING CERTAIN EASEMENTS LOCATED AT 3501 SW MARKET STREET IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-054 was submitted by Foresight Real Estate, LLC, requesting vacation of existing easements located at 3501 SW Market St in Lee's Summit, Missouri; and,

WHEREAS, two easements were dedicated to the City via the plat titled *Firestone SW Market Street*, recorded by Document #2020E0041392; and one easement was dedicated to the City via separate document, recorded by Document #2001I0018921; and,

WHEREAS, the Planning Commission considered the request on April 14, 2022, 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 A PERMANENT DRAINAGE EASEMENT SHOWN ON THE RECOEDED PLAT OF FIRESTONE SW. MARKET STREET, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, AS INSTRUMENT NO. 2020E0041392, IN BOOK 1190 AT PAGE 63, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, OF SAID FIRESTONE SW. MARKET STREET, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SW MARKET STREET, AS NOW ESTABLISHED; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 53°09'45" E, A RADIUS OF 459.32 FEET, AND AN ARC LENGTH OF 15.81 FEET; THENCE S 54°19'08" E, A DISTANCE OF 139 FEET; THENCE S 2°26'15" W, A DISTANCE OF 3720 FEET; THENCE N 87°33'45" W, A DISTANCE OF 15.00 FEET, TO A POINT ON THE EAST LINE OF SAID LOT 1, THENCE N 2°26'15" E, ALONG SAID EAST LINE OF SAID LOT 1, A DISTANCE OF 29.10 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE N 54°19'08" W, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 136.22 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,564 SQUARE FEET.

and;

ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT SHOWN ON THE RECOEDED PLAT OF FIRESTONE SW. MARKET STREET, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, AS INSTRUMENT NO. 2020E0041392, IN BOOK 1190 AT PAGE 63, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, OF SAID FIRESTONE SW. MARKET STREET; THENCE N 2°26'15" E, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 36.16 FEET; THENCE S 72°47'53" E, A DISTANCE OF 62.11 FEET; THENCE

S 2°26'15" W, A DISTANCE OF 73.75 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF AN EASMENT RECORDED AS INSTRUMENT 200118921, IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE; THENCE S 69°26'44" W ALONG SAID NORTHWESTERLY LINE OF SAID EASEMENT, A DISTANCE OF 21.73 FEET, TO A POINT ON THE EAST LINE OF LOT 1A, OF QUIKTRIP 200R LOT 1A, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE 2°26'15" E, ALONG SAID LINE, A DISTANCE OF 61.90 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1A; THENCE 87°33'3" W, ALONG THE NORTH LINE OF SAID LOT 1A, A DISTANCE OF 39.81 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,850 SQUARE FEET.

and;

ALL THAT PART OF AN EXISTING UTILITY EASEMENT, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED IN DOCUMENT 2001i0018921, RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE N 2°24' E, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 328.41 FEET; THENCE S 87°35'53" E, A DISTANCE OF 166.31 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MARKET STREET, AS NOW ESTABLISHED; THENCE S 87°38'47" E, A DISTANCE OF 0.27 FEET; THENCE N 10°48'49" E, A DISTANCE OF 25.04 FEET; THENCE S 85°45'06" E A DISTANCE OF 260.68 FEET, THENCE S 87°56'56" E, A DISTANCE OF 45.15 FEET; THENCE N 69°21'00" E, A DISTANCE OF 13.75 FEET, TO THE POINT ON THE EAST LINE OF QUIKTRIP 200R LOT 1A, A SUBDIVISION IN LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE POINT OF BEGINNING, OF THE PORTION OF THE EXSISTING UTILITY EASMENT TO BE VACATED; THENCE N 2°29'44" E, ALONG SAID EAST LINE, A DISTANCE OF 16.30 FEET; THENCE, ALONG THE PERIMETER OF THE EXSOSTING EASMENT FOR THE FOLLOWING THREE (3) COURCES; THENCE N 69°21'00" E, A DISTANCE OF 41.21 FEET; THENCE S 20°39'00" E, A DISTANCE OF 15.00 FEET; THENCE S 69°21'00" W, A DISTANCE OF 47.60 FEET, TO THE POINT OF BEGINNING, CONTAINING 120 SQUARE FEET.

SECTION 2. That the following condition of approval applies:

1. The ordinance approving the vacation of easement shall be recorded with the Jackson County Recorder of Deeds office and a copy of the recorded document shall be returned to the Development Services Department prior to the issuance of a sign permit or building permit.

SECTION 3. 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 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 of the County in which the property is located.

BILL NO. 22-96

ORDINANCE NO. 9416

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 17th day of May, 2022.



Mayor William A. Baird

ATTEST:

Deputy Stacy Lombarde

City Clerk ~~Trisha Fowler Arcuri~~

APPROVED by the Mayor of said city this 19 day of May, 2022.



Mayor William A. Baird

ATTEST:

Deputy Stacy Lombarde

City Clerk ~~Trisha Fowler Arcuri~~

APPROVED AS TO FORM:



City Attorney Brian W. Head

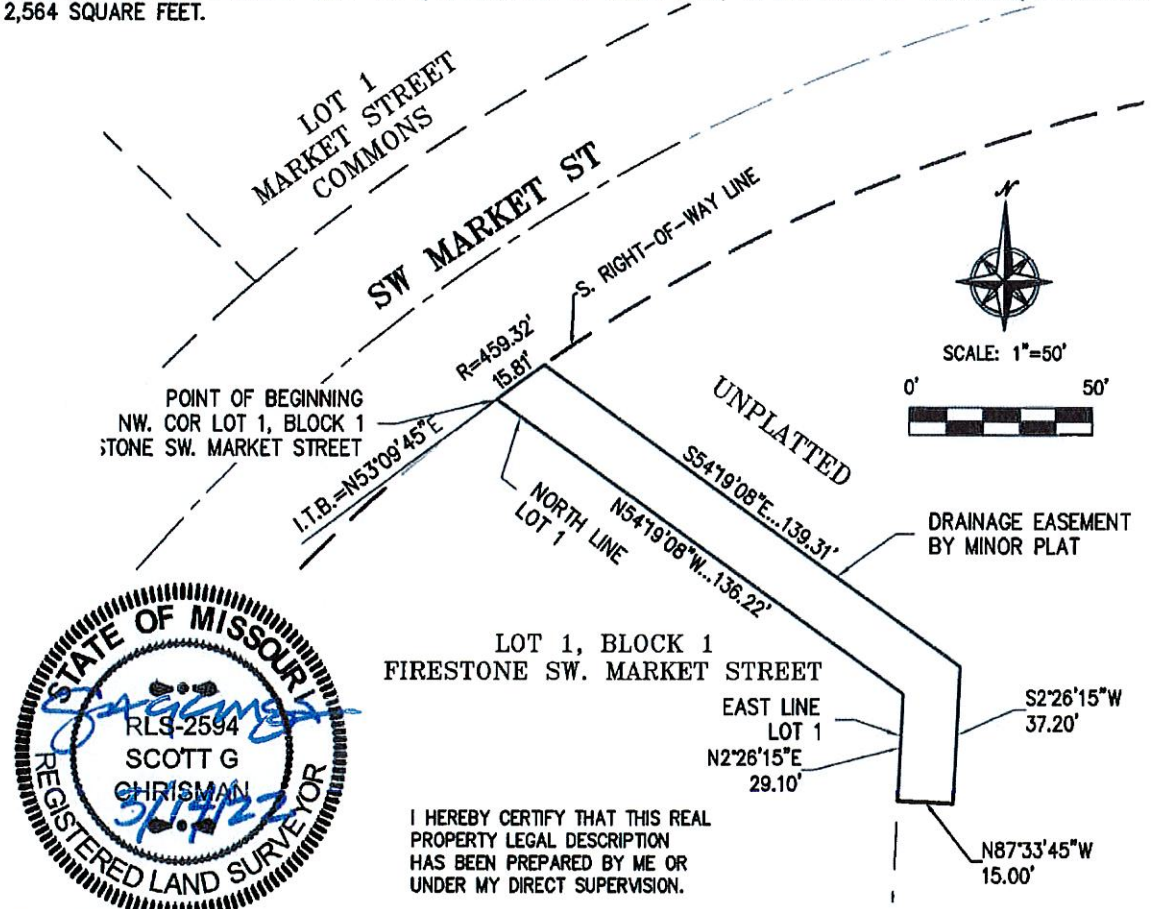
EXHIBIT "A"

VACATION OF PERMANENT DRAINAGE EASEMENT

PART OF THE S.W. 1/4 SECTION 29, T. 47 N., R. 31 W., IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

DESCRIPTION:
 THIS DESCRIPTION WAS PREPARED BY SCOTT G. CHRISMAN, PLS# 2594, DATED MARCH 14, 2022 FOR PROJECT NUMBER 210639. ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT SHOWN ON THE RECORDED PLAT OF FIRESTONE SW. MARKET STREET, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, AS INSTRUMENT NO. 2020E0041392, IN BOOK 1190 AT PAGE 63, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LOT 1, BLOCK 1
 FIRESTONE SW. MARKET STREET

I HEREBY CERTIFY THAT THIS REAL
 PROPERTY LEGAL DESCRIPTION
 HAS BEEN PREPARED BY ME OR
 UNDER MY DIRECT SUPERVISION.

\\PHELPS-SERVER\Projects\210639\dwg\Easement\Vacation DE (1).dwg Layout:1 Mar 14, 2022 - 3:20pm

PEI	PLANNING	PHELPS ENGINEERING, INC	(913) 393-1155	CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82	PROJECT NO. 210639
	ENGINEERING	1270 N. Winchester	Fax (913) 393-1166	ENGINEERING - E-391	DATE: 3/14/22
	IMPLEMENTATION	Olathe, Kansas 66061	www.phelpsengineering.com	CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128	BY: SNH
				ENGINEERING-2007005058	

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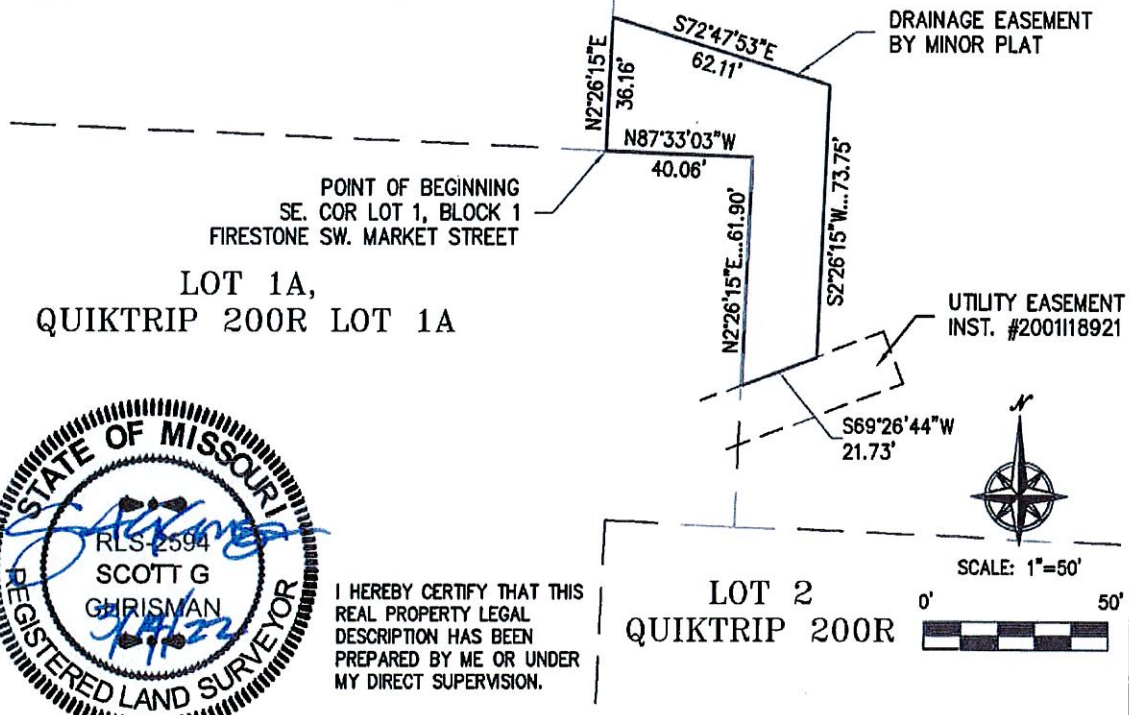
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LOT 1, BLOCK 1
FIRESTONE SW. MARKET STREET

UNPLATTED



I HEREBY CERTIFY THAT THIS REAL PROPERTY LEGAL DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

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PLANNING PHELPS ENGINEERING, INC (913) 393-1155
ENGINEERING 1270 N. Winchester Fax (913) 393-1166
IMPLEMENTATION Olathe, Kansas 66061 www.phelpsengeering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82 PROJECT NO. 210639
ENGINEERING - E-391 DATE: 3/14/22
CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128 BY: SNH
ENGINEERING-2007005058

EXHIBIT "A"

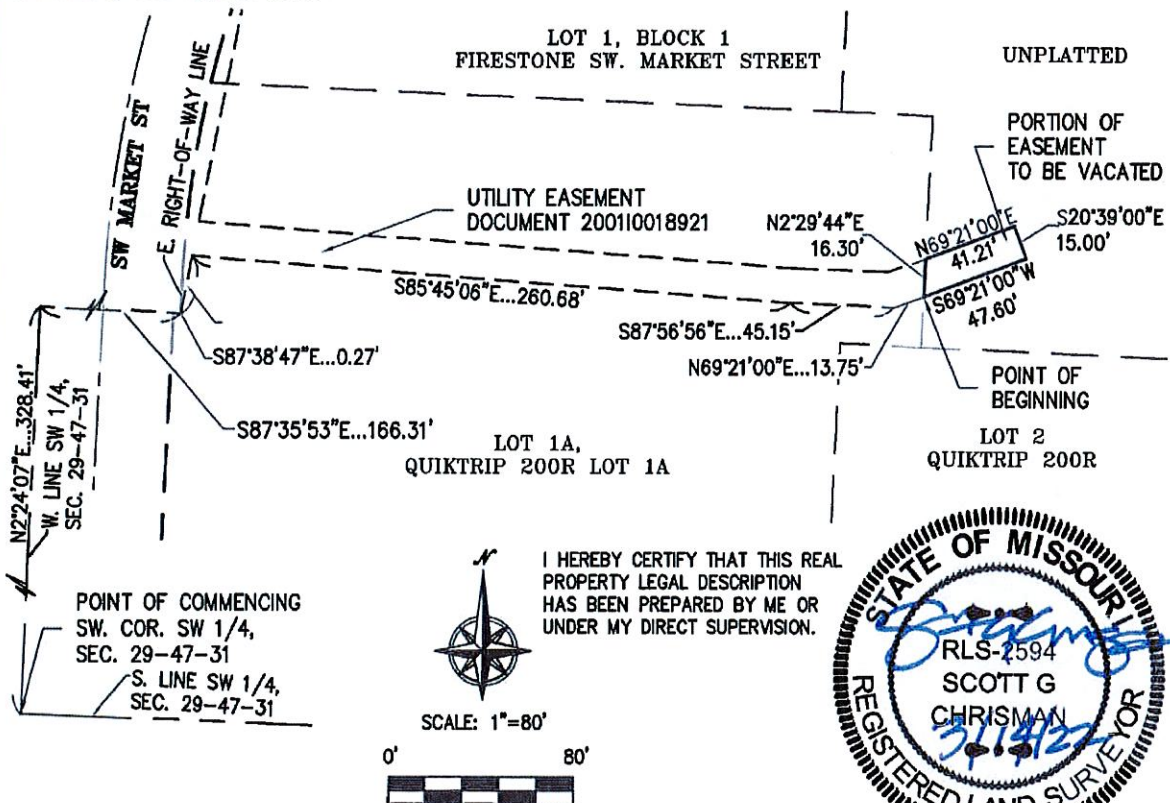
VACATION OF PART OF A UTILITY EASEMENT

PART OF THE S.W. 1/4 SECTION 29, T. 47 N., R. 31 W., IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

DESCRIPTION:

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COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE N 2°24'07" E, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 328.41 FEET; THENCE S 87°35'53" E, A DISTANCE OF 166.31 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MARKET STREET, AS NOW ESTABLISHED; THENCE S 87°38'47" E, A DISTANCE OF 0.27 FEET; THENCE N 10°48'49" E, A DISTANCE OF 25.04 FEET; THENCE S 85°45'06" E, A DISTANCE OF 260.68 FEET, THENCE S 87°56'56" E, A DISTANCE OF 45.15 FEET; THENCE N 69°21'00" E, A DISTANCE OF 13.75 FEET, TO THE POINT ON THE EAST LINE OF QUIKTRIP 200R LOT 1A, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE POINT OF BEGINNING, OF THE PORTION OF THE EXISTING UTILITY EASEMENT TO BE VACATED; THENCE N 2°29'44" E, ALONG SAID EAST LINE, A DISTANCE OF 16.30 FEET; THENCE, ALONG THE PERIMETER OF THE EXISTING EASEMENT FOR THE FOLLOWING THREE (3) COURSES; THENCE N 69°21'00" E, A DISTANCE OF 41.21 FEET; THENCE S 20°39'00" E, A DISTANCE OF 15.00 FEET; THENCE S 69°21'00" W, A DISTANCE OF 47.60 FEET, TO THE POINT OF BEGINNING, CONTAINING 120 SQUARE FEET.



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	PLANNING	PHELPS ENGINEERING, INC	(913) 393-1155	CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82	PROJECT NO. 210639
	ENGINEERING	1270 N. Winchester	Fax (913) 393-1166	ENGINEERING - E-391	DATE: 3/14/22
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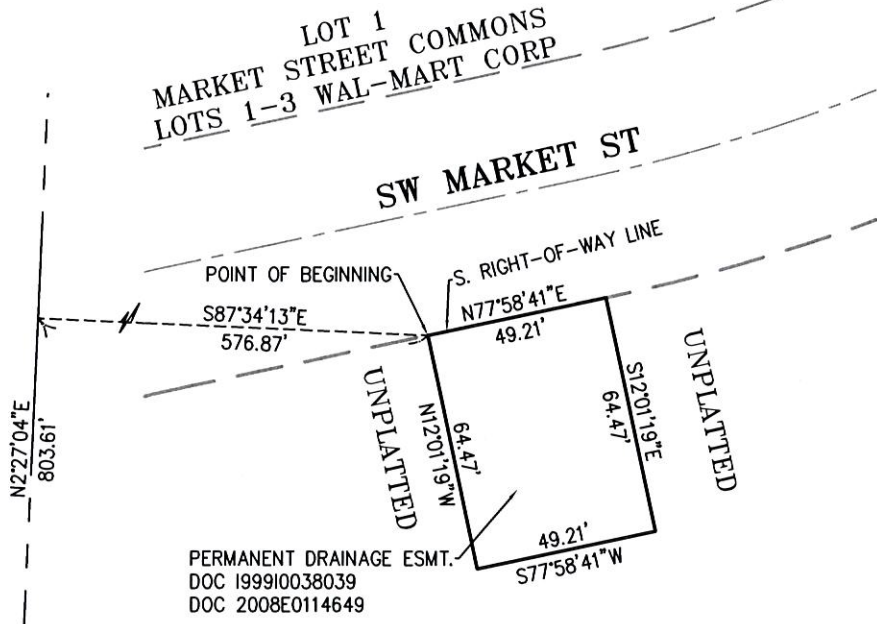
VACATION OF PERMANENT DRAINAGE EASEMENT

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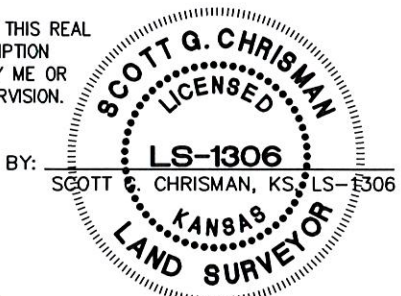
DESCRIPTION:

THIS DESCRIPTION WAS PREPARED BY SCOTT G. CHRISMAN, MOLS 2594 DATED FEBRUARY 8, 2022 FOR PROJECT NUMBER 210639. ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT RECORDED IN DOC. 199910038039 AND 2008E0114649 IN THE OFFICE OF REGISTER OF DEEDS IN JACKSON COUNTY, MISSOURI AND PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 47 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE N 2°27'04" E, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 803.61 FEET; THENCE S 87°34'13" E, A DISTANCE OF 576.87 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW MARKET STREET, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N 77°58'41" E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SW MARKET STREET, A DISTANCE OF 49.21 FEET; THENCE S 12°01'19" E, A DISTANCE OF 64.47 FEET; THENCE S 77°58'41" W, A DISTANCE OF 49.21 FEET; THENCE N 12°01'19" W, A DISTANCE OF 64.47 FEET TO THE POINT OF BEGINNING, CONTAINING 3,173 SQUARE FEET OR 0.0728 ACRES, MORE OR LESS.



I HEREBY CERTIFY THAT THIS REAL PROPERTY LEGAL DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.



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	PLANNING ENGINEERING IMPLEMENTATION	PHELPS ENGINEERING, INC 1270 N. Winchester Olathe, Kansas 66061	(913) 393-1155 Fax (913) 393-1166 www.phelpsengineering.com	CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82 ENGINEERING - E-391 CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128 ENGINEERING-2007005058	PROJECT NO. 210639 DATE: 2/8/22 BY: DAG
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Appl. #PL2022-054 - VACATION OF EASEMENT
3501 SW Market St.
Foresight Real Estate, LLC, applicant

