

BILL NO. 22-96

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 I190 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 I190 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

BILL NO. 22-96

S 2°26'15" W, A DISTANCE OF 73.75 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF AN EASEMENT RECORDED AS INSTRUMENT 2001118921, 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 200110018921, 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

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 _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*