

BILL NO. 22-134

AN ORDINANCE AMENDING ORDINANCE NO. 9416 AND 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 Street 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; one easement was dedicated to the City via separate document, recorded by Document #2001I0018921; and one easement was dedicated to the City via separate document, recorded by Documents #I99910038039 and 2008E0114649; and,

WHEREAS, the Planning Commission considered the original 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 approved the original request on May 17, 2022, by Ordinance No. 9416; and,

WHEREAS, it has since been determined that Ordinance No. 9416 only referenced and included the legal descriptions for three (3) of the four (4) easements intended to be vacated; and,

WHEREAS, staff presents a new ordinance correctly referencing the vacation of a total of four (4) easements and that amends the previously approved Ordinance No. 9416; 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 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:

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 139.31 FEET; THENCE S 2°26'15" W, A DISTANCE OF 37.20 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.

BILL NO. 22-134

and;

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 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 S 2°26'15" W, A DISTANCE OF 73.75 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF AN EASEMENT RECORDED AS INSTRUMENT 200110018921, 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 N 2°26'15" E, ALONG SAID EAST LINE, A DISTANCE OF 61.90 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1A; THENCE N 87°33'03" 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°24'07" 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.

and;

ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT RECORDED IN DOC. I99910038039 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:

BILL NO. 22-134

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.

SECTION 2. That the following condition of approval applies:

1. This ordinance amends Ordinance No. 9416, which was approved by City Council on May 17, 2022, by adding an additional easement to be vacated which is the fourth legal description in Section 1 of this ordinance.
2. 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.

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 _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

BILL NO. 22-134

APPROVED by the Mayor of said city this ____ day of _____, 2022.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*