

# LS Memorandum

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## City of Lee's Summit

To: [City Council ]  
From: [Staff ]  
C: [File ]  
Date: [August 15, 2022 ]  
Re: [Application #PL2021-348 - Vacation of Right-Of-Way, a portion of Right-Of-Way abutting 1100 SW 3rd Street; Schlagel & Associates, applicant. ]

[The subject application was heard by the Planning Commission on July 28, 2022. Staff was asked if the reason behind the original dedication of the right-of-way was known. Staff responded that no documentation could be found in the City's files explaining the purpose for the right-of-way dedication. Right-of-way for the surrounding SW McClendon Dr, SW 3<sup>rd</sup> St and SW Oldham Pkwy already existed and there seemingly was no need for a public street extension through this area. Staff can only speculate that the right-of-way was perhaps intended to provide cross-access for the driveway connection to SW McClendon Dr shared by the Chipotle (formerly Pizza Hut) site and the existing Hardee's site.

Since the existing private driveway connection to SW McClendon Dr contained within the subject public right-of-way only serves two privately-owned commercial sites and serves no general public purpose, the existing public right-of-way should be vacated and replaced with a private cross-access easement between the abutting commercial sites. To ensure that access rights to the shared access driveway are maintained for the protection of both commercial sites, the Planning Commission approved a motion to add the language, "which shall be effective in perpetuity" to Condition 1.

1. The vacation of right-of-way shall not become effective until such time as a cross-access easement is dedicated over the existing driveway from SW McClendon Dr shared between Lot 1, Pizza Hut Addition and Lot 1, Hardee's Addition, **which shall be effective in perpetuity. (added by the Planning Commission)**
2. A copy of the recorded cross-access easement shall be provided to the Development Services Department. ]