

BILL NO. 23-111

AN ORDINANCE VACATING CERTAIN EASEMENTS LOCATED AT 800 NW WARD ROAD IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2023-03 was submitted by Northpoint Development, requesting vacation of a portion of existing easements located at 800 NW Ward Road in Lee's Summit, Missouri; and,

WHEREAS, the easements were dedicated to the City via separate document recorded by Documents #2021E0082040 & #2016E0069056 and,

WHEREAS, the Planning Commission considered the request on May 11, 2023, 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:

*Part of the Sanitary Sewer Easement recorded as Instrument Number 2016E0069056 and the Sanitary Sewer Easement recorded as Instrument Number 2021E0082040, being part of Lot 10B, Minor Plat of SUMMIT FAIR, LOTS 10A-10C as recorded in Book I208, Page 26, being instrument Number 2023E0001734, in the City of Lee's Summit, Jackson County, Missouri, being more particularly described as follows:
Commencing at the Northwest corner of said Lot 10B;
Thence South 03°08'10" West, along the West line of said Lot 10B, a distance of 315.81 feet
to the true Point of Beginning;
Thence South 87°12'23" East, a distance of 157.30 feet;
Thence North 04°48'13" East, a distance of 163.21 feet;
Thence South 86°51'50" East, a distance of 35.01 feet;
Thence South 04°48'13" West, a distance of 188.02 feet;
Thence North 87°12'57" West, a distance of 35.02 feet;
Thence North 04°48'13" East, a distance of 10.02 feet;
Thence North 87°12'23" West, a distance of 156.86 feet to a point on said West line;
Thence North 03°08'10" East, along said West line, a distance of 14.99 feet to the true POINT OF BEGINNING.
Said Tract containing 8,939 square feet or 0.21 acres more or less.*

SECTION 2. That the following condition of approval applies:

1. The vacation of easement shall not become effective, nor shall a full building permit be issued, until such time as the relocated sanitary sewer main is accepted by the City.

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SECTION 3. The vacation of easement shall be in accordance with Legal Description and Exhibit, labeled Exhibit "A", as conditioned above and appended hereto as Attachment A.

SECTION 4. 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 5. 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 6. 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 _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*