

## **BILL NO. 18-171**

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AN ORDINANCE VACATING A PORTION OF A CERTAIN SANITARY SEWER EASEMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SW RAINTREE PARKWAY AND SW RAINTREE DRIVE FOR THE PROPOSED CREEKSIDE AT RAINTREE RESIDENTIAL SUBDIVISION IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2017-054 was submitted by LandRock Development, LLC, requesting vacation of a portion of a certain sanitary sewer easement generally located at the southeast corner of SW Raintree Pkwy and SW Raintree Dr for the proposed Creekside at Raintree residential subdivision in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City and recorded by Document #98606, Book 789, page 84 on April 6, 1981; and,

WHEREAS, the Planning Commission considered the request on May 9, 2017, 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 the Permanent Sewer Easement recorded in Book 789, Page 84, Cass County Recorder's Office, and being part of the Northwest ¼ of Section 5, Township 46, Range 31, in Cass County, Missouri and part of the Southwest ¼ of Section 32, Township 47, Range 31, in Jackson County, Missouri, described as follows:*

*Commencing at the southwest corner of said Section 32; thence S87°37'38"E along the south line thereof, 323.35 feet to a point on the west line of said Permanent Sewer Easement and the Point of Beginning; thence N07°08'00"W, along said west line, 257.07 feet; thence departing said west line, S89°28'44"E, 15.13 feet to the east line of said Permanent Sewer Easement; thence S07°08'00"E, along said east line, 379.03 feet; thence departing said east line, N87°38'53"W, 15.21 feet to the west line of said Permanent Sewer Easement; thence N07°08'02"W, along said west line, 121.47 feet to the Point of Beginning.*

*Containing 5,682 square feet, more or less*

SECTION 2. 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 3. 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.

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SECTION 4. 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*