

## **BILL NO. 19-13**

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AN ORDINANCE VACATING A CERTAIN DRAINAGE EASEMENT LOCATED AT 837 NW DONOVAN RD IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-183 was submitted by Northpoint Development, requesting vacation of an existing drainage easement located on property addressed 837 NW Donovan Rd in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City via the plat titled *Summit Innovation Center, 1<sup>st</sup> Plat, Lots 1-7*, recorded by Document #2015-E-0054787; and,

WHEREAS, the location of the subject easement was replatted as part of the plat titled *Summit Innovation Center, 2<sup>nd</sup> Plat, Lots 7A and 8*, recorded by Document #2015-E-0109577; and,

WHEREAS, the location of the subject easement was again replatted as part of the plat titled *Summit Orchard, 1<sup>st</sup> Plat, Lots 1-4 & Tract A*, recorded by Document #2016-E-0079184; and,

WHEREAS, the Planning Commission considered the request on December 13, 2018, 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:

*A Drainage Easement Vacation being a part of Lot 1, Summit Orchard First Plat, Lots 1-4 & Tract A, a subdivision in Lee's Summit, Jackson County, Missouri, said drainage easement being 20 feet wide and was established by the Plat of SUMMIT INNOVATION CENTER – FIRST PLAT, recorded in Document No. 2015E0054787 of the records of said Jackson County, the centerline of said easement being described as follows:*

*COMMENCING at the most Northerly Northwest corner of said Lot 1, said point also lying on the Southerly right-of-way line of Northwest Tudor Road; thence North 8°012'27" seconds East along the Northerly line of said Lot 1, a distance of 268.2 feet to the POINT OF BEGINNING;*

*Thence departing said Northerly line, South 9°46'07" East, a distance of 50.00 feet to the POINT OF TERMINATION. Containing 1,000 square feet, or 0.023 acres, more or less.*

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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.

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 \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

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

APPROVED AS TO FORM:

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