

## **BILL NO. 19-158**

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AN ORDINANCE VACATING A CERTAIN UTILITY EASEMENT LOCATED AT 4032 SW BENZIGER DRIVE IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2019-127 was submitted by Engineering Solutions, LLC, requesting vacation of a utility easement located on property addressed 4032 SW Benziger Dr in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City via the plat titled *Napa Valley, 1<sup>st</sup> Plat, Lots 1-88 & Tracts A-M*, recorded by Document #2005-E-0049801; and,

WHEREAS, the Planning Commission considered the request on June 13, 2019, 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 OF THE PLATTED UTILITY EASEMENT ACROSS PART OF LOT 14, AS SHOWN ON THE RECORDED PLAT NAPA VALLEY, FIRST PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 14, A POINT ON THE WEST LINE OF THE NORTHWEST 14 OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 32 WEST; THENCE NORTH 2° 08' 05" EAST, ALONG SAID WEST LINE, A DISTANCE OF 79.75 FEET; THENCE SOUTH 87° 51' 55" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 2° 08' 05" EAST, A DISTANCE OF 14.14 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 72° 39' 49" EAST AND A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 5.10 FEET; THENCE SOUTH 87° 51' 37" EAST, A DISTANCE OF 99.69 FEET; THENCE SOUTH 2° 08' 23" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 87° 51' 37" WEST, A DISTANCE OF 99.69 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT TANGENT TO THE PRECEDING COURSE AND HAVING A RADIUS OF 5.00 FEET, AN ARC DISTANCE OF 7.85 FEET TO THE POINT OF BEGINNING.*

*THE ABOVE DESCRIBED LEGAL DESCRIPTION CONTAINS 1,050.83 SQUARE FEET.*

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 easement.

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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 Head*