

## **BILL NO. 21-242**

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AN ORDINANCE VACATING A CERTAIN EASEMENT LOCATED AT 2030 NW O'BRIEN RD IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2020-323 was submitted by Clayton Properties Group, Inc, requesting vacation of an existing easement located at 2030 NW O'Brien Rd in Lee's Summit, Missouri; and,

WHEREAS, the easement was dedicated to the City via the plat titled *West Village Commercial Development, Lots 3A and 3B*, recorded by Document #2018E0040337; and,

WHEREAS, the Planning Commission considered the request on November 4, 2021, 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 Temporary Construction Easement #3 as recorded in SANITARY SEWER EASEMENT, Instrument Number 2018E0040337 in Jackson County Recorder of Deeds office, also being part of Lot 3B, WEST VILLAGE COMMERCIAL DEVELOPMENT, LOTS 3A AND 3B, a subdivision of land in the Northeast and Southeast Quarters of Section 2 Township 47 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri recorded as Instrument Number 2019E0018413 in Book I182 at Page 62 in said Jackson County Recorder of Deeds Office, being bounded and described by or under the direct supervision of Jeffrey P. Means, P.L.S. 2000147866, as a Temporary Construction Easement #3 Vacation as follows: Commencing at the Northwest corner of the South half of the South half of said Northeast Quarter also being the Northwest corner of said Lot 3B; thence South 87°37'42" East on the North line of said South half of said South half of said Northeast Quarter, also being the North line of said Lot 3B, also being the South line of THE FORESTS OF BROOKRIDGE ESTATES THIRD PLAT, LOTS 117-133, a subdivision of land in said Lee's Summit recorded as Instrument Number I1198645 in Book I53 at Page 46 in said Jackson County Recorder of Deeds Office, also being the Southerly line of BROOKRIDGE ESTATES-SECOND PLAT, LOTS 39-84, a subdivision of land in said Lee's Summit recorded as Instrument Number 1802804 in Book I44 at Page 57 in said Jackson County Recorder of Deeds Office, 731.76 feet to the Point of Beginning of the tract of land to be herein described; thence continuing South 87°37'42" East on said North lines and said South line of said THE FORESTS OF BROOKRIDGE ESTATES THIRD PLAT, LOTS 117-133, a distance of 35.84 feet; thence leaving said North lines and said South line South 47°45'36" East, 32.21 feet; thence South 16°23'41" East, 50.91 feet; thence South 16°43'53" East, 162.53 feet; thence South 01°30'02" West, 89.33 feet; thence South 17°21'30" East, 112.85 feet; thence South 10°15'00" East, 103.42 feet; thence South 06°41'13" West, 34.34 feet; thence South 35°58'49" West, 40.66 feet; thence North 06°35'57" East, 66.81 feet; thence North 10°15'00" West, 99.22 feet; thence North 17°21'30" West, 114.92 feet; thence North 01°30'02" East, 89.45 feet; thence North 16°43'53" West, 159.38 feet; thence North 16°23'41" West, 45.36 feet; thence North 47°45'36" West, 45.18 feet; thence North 66°15'36" West, 9.40 feet to the Point of Beginning. Containing 12,119 square feet or 0.28 acres, more or less.*

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SECTION 2. That the following condition of approval applies:

1. The ordinance approving the vacation of easement shall be recorded with the Jackson County Recorder of Deeds office and a copy of the recorded document shall be returned to the Development Services Department prior to the issuance of a sign permit or building permit.

SECTION 3. 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 4. 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 5. 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 \_\_\_\_\_, 2021.

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

ATTEST:

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

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor *William A. Baird*

ATTEST:

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

APPROVED AS TO FORM:

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