

ORDINANCE NO. 150671

Vacating the alley next east of Benton Boulevard from the south line of E. 22nd Street to the north line of E 23rd Street; retaining an easement; and directing the City Clerk to record certain documents. (1710-V).

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on the 10th day of June, 2015, a petition was filed with the City Clerk of Kansas City by Michael Jantsch of Jantsch Architects for the vacation of the alley next east of Benton Boulevard from the south line of E. 22nd Street to the north line of E. 23rd Street, all in Section 10, Township 49 North, Range 33 West, Kansas City, Jackson County, Missouri, giving the distinct description of the alley to be vacated, and also the names of the persons and corporations owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said alley has been obtained in writing, that said consent has been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That the alley next east of Benton Boulevard from the south line of E. 22nd Street to the north line of E. 23rd Street, all in Section 10, Township 49 North, Range 33 West, Kansas City, Jackson County, Missouri, be and the same is hereby vacated. However, the City of Kansas City reserves an easement and the right to locate, construct and maintain (or to authorize any franchised utility to locate, construct and

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maintain) conduits, water, gas and sewer pipes, poles and wire, or any of them over, under, along and across the above-described property. The City of Kansas City shall have at all times the right to go upon the above-described property to construct, maintain and repair the same; and nothing in this vacation action shall be construed so as to grant any right to use the above-described property in any manner as would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses, and specifically, there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) without first securing the written approval of the Director of Public Works. This easement also requires that any security gates which cross a fire access road have an approved means of emergency operations, and that the streetlights are re-fed electricity at the cost of the petitioner/property owner.

Section 5. That the City Clerk of Kansas City, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance and the consent of property owners hereinbefore referred to, to be filed for record in the Recorder's Office in Jackson County, Missouri.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.

Approved as to form and legality:

M. Margaret Sheahan Moran  
Assistant City Attorney

Approved by the City Plan Commission

Diane Binckley, Secretary

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF Jackson

On the 27<sup>th</sup> day of August, 2015, before me, a Notary Public in and for said County, personally appeared Marilyn Sanders to me known to be the City Clerk of Kansas City, Missouri, in the above and foregoing ordinance mentioned, and acknowledged the said ordinance to be the act and deed of said Kansas City, duly passed by the Council of said City, and became effective as herein stated.

