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**File #: 220601**

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ORDINANCE NO. 220601

Vacating a portion of Myrtle Avenue on about 0.53 acres in District R-6 (Residential dash 6) generally located in between E. 52nd Street to the north and E. 53rd Street to the south, and directing the City Clerk to record certain documents. (CD-ROW-2021-00012).

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 6th day of April, 2021, a petition was filed with the City Clerk of Kansas City by Bob Langenkamp for the vacation of a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described as dedicated Myrtle Street at a location between 52nd Street and 53rd Street, commencing at the southeast corner of Lot 71 of the Mountain View Plat; thence North 02°30'25.44" East, 603.360 feet, along the east property lines of Lots 58-71 of the Mountain View Plat; thence South 87°29'34.56" East, 25 feet; thence South 02°30'25.44" West, 299.881 feet along the west property line of Lot 11 of the Mountain View Plat; thence South 87°22'52.12" East, 25.00 feet; thence South 02°30'25.44" West, 303.431 feet, along the west property line of Lot 11 of the Mountain View Plat; thence North 87°29'34.56" West 50.00 feet, to the point of beginning, containing 22,670 square feet, more or less, giving the distinct description of the tract of land 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 tract of land 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 a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described as dedicated Myrtle Street at a location between 52nd Street and 53rd Street, commencing at the southeast corner of Lot 71 of the Mountain View Plat; thence North 02°30'25.44" East, 603.360 feet, along the east property lines of Lots 58-71 of the Mountain View Plat; thence South 87°29'34.56" East, 25 feet; thence South 02°30'25.44" West, 299.881 feet along the west property line of Lot 11 of the Mountain View Plat; thence South 87°22'52.12" East, 25.00 feet; thence South 02°30'25.44" West, 303.431 feet, along the west property line of Lot 11 of the Mountain View Plat; thence North 87°29'34.56" West 50.00 feet, to the point of beginning, containing 22,670 square feet, more or less, 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 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, subject to the following conditions:

- A. The applicant shall have their licensed master plumber secure a kill permit from Kansas City Water for the private 2" water main in the south portion of Myrtle Avenue prior to approval of the vacation by City Council.
- B. The applicant shall remove streetlight facilities for poles SDI0125 & SDI0126 at the expense of the applicant prior to release of the vacation for recording. The removal of these facilities shall not impact any other streetlights along E. 53rd Street. The applicant shall coordinate the disconnection of the existing lighting circuit to any adjacent poles with the Public Works Streetlight Maintenance Supervisor. All Kansas City, Missouri equipment must be returned to their maintenance contractor, who at the time of the passage of this ordinance is Black and McDonald.



