File #: 220421

ORDINANCE NO. 220421

Vacating the northernmost 114 feet of street right-of-way generally located to the north of N.E. Barry Road in between N. Indiana Avenue to the east and N. Kansas Place to the west; and directing the City Clerk to record certain documents. (CD-ROW-2022-00010)

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 21st day of March, 2022, a petition was filed with the City Clerk of Kansas City by the City Planning and Development Department for the vacation of a tract of land being part of the Northwest Quarter of Section 7, Township SI North, Range 32 West, in Kansas City, Clay County, ,Missouri, being more particularly described as follows: Commencing at the northeast corner of said Northwest Quarter; thence South 00°38‘45” West, along the east line of said Northwest Quarter, 1055.52 feet; thence North 89°22’33” West, 74.80 feet, to the north right-of-way line of N.E. Barry Road, as now established, said point also being the point of beginning; thence South 13°38‘43” West, 100.83 feet; thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet and an arc length of 20.08 feet; thence North 89°40‘03” West, 1234.45 feet, to the west line of the east half of said Northwest Quarter; thence North 00°39’52” East, 51.21 feet, to the north right-of-way line of said N.E. Barry Road; thence along said north right-of-way line the following four courses; thence North 84°46‘49” East, 180.70 feet; thence South 89°30’33" East, 465.00 feet; thence North 00°29’27” East, 47.00 feet; thence South 89°14’06" East, 627.01 feet, to the point of beginning, containing 111,236 square feet or 2.55 acres 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 Northwest Quarter of Section 7, Township SI North, Range 32 West, in Kansas City, Clay County, ,Missouri, being more particularly described as follows: Commencing at the northeast corner of said Northwest Quarter; thence South 00°38'45" West, along the east line of said Northwest Quarter, 1055.52 feet; thence North 89°22'33" West, 74.80 feet, to the north right-of-way line of N.E. Barry Road, as now established, said point also being the point of beginning; thence South 13°38'43" West, 100.83 feet; thence on a curve to the right, tangent to the last described course, having a radius of 15.00 feet and an arc length of 20.08 feet; thence North 89°40'03" West, 1234.45 feet, to the west line of the east half of said Northwest Quarter; thence North 00°39'52" East, 51.21 feet, to the north right-of-way line of said N.E. Barry Road; thence along said north right-of-way line the following four courses; thence North 84°46'49" East, 180.70 feet; thence South 89°30'33" East, 465.00 feet; thence North 00°29'27" East, 47.00 feet; thence South 89°14'06" East, 627.01 feet, to the point of beginning, containing 111,236 square feet or 2.55 acres 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 one condition:

1. The recipient of the vacated right-of-way shall establish and retain a utility easement and protect facilities owned and operated by Evergy prior to recording this Ordinance.

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.

Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

MAY 19 2022

Date Passed

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney

Approved by the City Plan Commission

Secretary

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

On the _____ day of _____, 20___, before me, a Notary Public in and for said County, personally appeared _____ 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.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri, the day and year first above written.

My term expires _____, 20____.

Notary Public within and for
County, Missouri

IN RECORDER'S OFFICE

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

I, the undersigned, Recorder of Deeds within and for the County aforesaid, do hereby certify that the foregoing instrument of writing was on the _____ day of

_____, A.D. 20____, at _____ o'clock _____ minutes M., duly filed for record in this office, and with certificate of acknowledgment thereon endorsed, is recorded in the records of this office in Book _____, at page _____.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office at Kansas City, Missouri, this day and year last aforesaid.

_____
Recorder

By_____
Deputy