



Legislation Details (With Text)

File #: 211035 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 11/10/2021 **In control:** Council

On agenda: 12/9/2021 **Final action:** 12/9/2021

Title: Vacating a portion of N.E. 76th Street generally located west of N. Flintlock Road in Kansas City, Clay County, Missouri; retaining an easement; and directing the City Clerk to record certain documents. (CD-ROW-2021-00032)

Sponsors: Heather Hall

Indexes:

Code sections:

Attachments: 1. No Fact Sheet, 2. Authenticated Ordinance 211035

Date	Ver.	Action By	Action	Result
12/9/2021	1	Council	Passed	Pass
12/8/2021	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
12/1/2021	1	Neighborhood Planning and Development Committee	Hold on Agenda	
11/10/2021	1	Council		

ORDINANCE NO. 211035

Vacating a portion of N.E. 76th Street generally located west of N. Flintlock Road in Kansas City, Clay County, Missouri; retaining an easement; and directing the City Clerk to record certain documents. (CD-ROW-2021-00032)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on September 9, 2021, a petition was filed with the City Clerk of Kansas City by Shooting Star Development, LLC for the vacation of a portion of N.E. 76th Street, Kansas City, Clay County, Missouri described as follows:

A tract of land being part of the Southwest Quarter and Northwest Quarter Section 14, Township 51 North, Range 32 West, being in Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; Thence South 89°20'53" East, along the North line of said Southwest Quarter, 1,385.08 feet; Thence North 00°39'07" East, 25.00 feet, to the Point of Beginning; Thence South 89°20'53" East, 515.89 feet; Thence South 00°41'39" West, 86.45 feet; Thence North 38°59'50" West, 47.33 feet; Thence North 89°20'52" West, 485.62 feet; Thence North 00°39'07" East, 50.00 feet, to the Point of Beginning. Contains 26,345 square feet or 0.60 acres more or less.

The petition included giving the distinct description of the right-of-way 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 right-of-way 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 Southwest Quarter and Northwest Quarter Section 14, Township 51 North, Range 32 West, being in Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; Thence South 89°20'53" East, along the North line of said Southwest Quarter, 1,385.08 feet; Thence North 00°39'07" East, 25.00 feet, to the Point of Beginning; Thence South 89°20'53" East, 515.89 feet; Thence South 00°41'39" West, 86.45 feet; Thence North 38°59'50" West, 47.33 feet; Thence North 89°20'52" West, 485.62 feet; Thence North 00°39'07" East, 50.00 feet, to the Point of Beginning. Contains 26,345 square feet or 0.60 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 and any existing facilities within the right of way will be protected.

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 Clay 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:

Sarah Baxter
Assistant City Attorney

Approved by the City Plan Commission

Joseph Rexwinkle, 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