



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 11/13/2023 **In control:** Council

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Title: Sponsor: Mayor Quinton Lucas and Councilmembers Andrea Bough and Johnathan Duncan

Vacating a portion of public right-of-way of about 68,000 square feet generally located on East 51st Street between Cherry Street and Rockhill Road and directing the City Clerk to record certain documents (CD-ROW-2022-00002).

Sponsors: Andrea Bough, Quinton Lucas, Johnathan Duncan, Director of City Planning & Development, City Plan Commission, Eric Bunch

Indexes:

Code sections:

Attachments: 1. Docket Memo 231013, 2. 51st St Vacation Memo, 3. 51ST STREET VACATION LEGAL DESCRIPTION_1_12_22_v1 (8), 4. CPCStaffReport_CD-ROW-2022-00002, 5. CPCDispoRec_CD-ROW-2022-00002, 6. 13_CD-ROW-2022-00002_UMKCVacatoionPP, 7. Authenticated Ordinances 231013, 8. 231013.Recorded Information 12.14.2023

Date	Ver.	Action By	Action	Result
12/7/2023	1	Council	Passed	Pass
12/6/2023	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
11/30/2023	1	Council	referred	

ORDINANCE NO. 231013

Sponsor: Mayor Quinton Lucas and Councilmembers Andrea Bough and Johnathan Duncan

Vacating a portion of public right-of-way of about 68,000 square feet generally located on East 51st Street between Cherry Street and Rockhill Road and directing the City Clerk to record certain documents (CD-ROW-

2022-00002).

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 12th day of January 2022, a petition was filed with the City Clerk of Kansas City by Matt Haase for the vacation of a portion of public right of way of East 51st Street between Cherry Street and Rockhill Road. A part of the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri described as: Beginning at the southwest corner of Block 42, of Rockhill, a subdivision of land in said City of Kansas City, point also being on the east line of Cherry Street; thence South $87^{\circ}49'52''$ East along the south line of said Rockhill subdivision and along the north line of 51st Street, 1250.06 feet to the southeast corner of Block 43 of said Rockhill subdivision, said point also being on the west line of Rockhill Road; thence South $02^{\circ}36'30''$ West 30.00 feet to the center of said 51st Street; thence South $02^{\circ}42'06''$ West 30.00 feet to a point on the east line of Lot 6 of the Resurvey of Mulkey Park a subdivision in said City of Kansas City, said point being 5.00 feet south of the northeast corner of Lot 6 of said Resurvey of Mulkey Park and on the west line of Rockhill Road; thence North $87^{\circ}49'52''$ West along the south line of 51st Street as now exists, 1250.00 feet to the northwest corner of Lot 6 of Southwood Park a subdivision in said City of Kansas City, said point also being on the east line of Cherry Street; thence North $02^{\circ}40'10''$ East 30.00 feet to the center of said 51st Street; thence North $02^{\circ}31'32''$ East 30.00 feet to the point of beginning. Containing 75002 square feet or 1.72 acres of land more or less, 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 portion of public right of way of East 51st Street between Cherry Street and Rockhill Road a part of the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri described as: Beginning at the southwest corner of Block 42, of Rockhill, a subdivision of land in said City of Kansas City, point also being on the east line of Cherry Street; thence South $87^{\circ}49'52''$ East along the south line of said Rockhill subdivision and along the north line of 51st Street, 1250.06 feet to the southeast corner of Block 43 of said Rockhill subdivision, said point also being on the west line of Rockhill Road; thence South $02^{\circ}36'30''$ West 30.00 feet to the center of said 51st Street; thence South $02^{\circ}42'06''$ West 30.00 feet to a point on the east line of Lot 6 of the Resurvey of Mulkey Park a subdivision in said City of Kansas City, said point being 5.00 feet south of the northeast corner of Lot 6 of said Resurvey of Mulkey Park and on the west line of Rockhill Road; thence North $87^{\circ}49'52''$ West along the south line of 51st Street as now exists, 1250.00 feet to the northwest corner of Lot 6 of Southwood Park a subdivision in said City of Kansas City, said point also being on the east line of Cherry Street; thence North $02^{\circ}40'10''$ East 30.00 feet to the center of said 51st Street; thence North $02^{\circ}31'32''$ East 30.00 feet to the point of beginning. Containing 75002 square feet or 1.72 acres of land more or less, giving the distinct description of the right of way to be vacated to the point of beginning 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 subject to the following conditions:

1. A utility easement is retained and the applicant will protect facilities for AT & T located in the right-of-way.
2. The applicant will coordinate a payment plan with Evergy to take over the streetlights once the vacation is complete, and the applicant will notify the City of Kansas City when this condition has been satisfied.
3. A utility easement is retained for Spectrum to protect facilities located in the right-of-way.
4. A utility easement is retained for Spire to protect facilities located in the right-of-way. The applicant will provide an authenticated copy of this ordinance to Spire.
5. A utility easement is retained for Evergy to protect facilities located in the right-of-way and provide truck access for Evergy.

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.

Approved as to form:

Sarah Baxter
Senior Associate 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