



Legislation Details (With Text)

File #: 220188 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 2/17/2022 **In control:** Council
On agenda: 3/3/2022 **Final action:** 3/3/2022

Title: Vacating a portion of an alley in District UR (Urban Redevelopment) generally located north of E. 31st Street in between Gillham Road to the west and Cherry Street to the east, to allow for construction of 163 apartment units; and directing the City Clerk to record certain documents. (CD-ROW-2021-00031)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2-15 CPC PPT Levy at Martini Corner, 2. 2-15-22 CPC Disposition Letter, 3. 05_CD-ROW-2021-00031_Levy at Martini Corner, 4. Exhibit A, 5. Fact Sheet, 6. Authenticated Ordinance 220188

Date	Ver.	Action By	Action	Result
3/3/2022	1	Council	Passed	Pass
3/2/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass, Debate	Pass
2/24/2022	1	Council		

ORDINANCE NO. 220188

Vacating a portion of an alley in District UR (Urban Redevelopment) generally located north of E. 31st Street in between Gillham Road to the west and Cherry Street to the east, to allow for construction of 163 apartment units; and directing the City Clerk to record certain documents. (CD-ROW-2021-00031)

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 27th day of August, 2021, a petition was filed with the City Clerk of Kansas City by Lamin Nyang for the vacation of all that part of the east-west alley south of and adjacent to Lot 18, except that part now in Gillham Road, all in Bentley's Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri; beginning at the intersection of the east right-of-way line of said Gillham Road and the south line of said alley, also being on the north line of Lot 23, said subdivision, South 87°07'29" East, 9.50 feet from the northwest corner of said Lot 23; thence North 02°16'07" East, along said east right-of-way line, 14.00 feet, to the south line of said Lot 18; thence South 87°07'29" East, along said south line, 115.80 feet, to an angle in said south line; thence North 47°34'19" East, continuing along said south line, 7.03 feet, to the east line of said Lot 18; thence South 02°16'07" West, along the southerly prolongation of said east line, 19.00 feet, to the north line of Lot 19, said subdivision; thence North 87°07'29" West, along the north line of Lots 19, 20, 21, 22, and 23, said subdivision, 120.80 feet, to the point of beginning, containing 1704 square feet, 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 all that part of the east-west alley south of and adjacent to Lot 18, except that part now in Gillham Road, all in Bentley's Springfield Addition, a subdivision in Kansas City, Jackson County, Missouri; beginning at the intersection of the east right-of-way line of said Gillham Road and the south line of said alley, also being on the north line of Lot 23, said subdivision, South 87°07'29" East, 9.50 feet from the northwest corner of said Lot 23; thence North 02°16'07" East, along said east right-of-way line, 14.00 feet, to the south line of said Lot 18; thence South 87°07'29" East, along said south line, 115.80 feet, to an angle in said south line; thence North 47°34'19" East, continuing along said south line, 7.03 feet, to the east line of said Lot 18; thence South 02°16'07" West, along the southerly prolongation of said east line, 19.00 feet, to the north line of Lot 19, said subdivision; thence North 87°07'29" West, along the north line of Lots 19, 20, 21, 22, and 23, said subdivision, 120.80 feet, to the point of beginning, containing 1704 square feet, 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:

1. The developer shall retain a utility easement and protect facilities owned and operated by Evergy.
2. The developer shall retain an easement or relocate facilities, at the developer's expense, owned and operated by ATT.

3. The developer shall retain a utility easement and protect facilities owned and operated by Charter.
4. The developer shall obtain a Service Line Kill Permit for Reg. 85544 and Reg. 82283 prior to issuance of demolition permit or building permit, whichever occurs first.
5. The developer shall coordinate with Evergy to provide a source of power to the existing streetlight poles (SBF0267, SBF0269, SBF0270) owned and operated by the Kansas City, Missouri Department of Public Works.

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 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