



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 5/9/2022      **In control:** Council

**On agenda:** 6/9/2022      **Final action:** 6/9/2022

**Title:** Vacating Norton Avenue between E. 38th Street on the north and E. 39th Street on the south; and directing the City Clerk to record certain documents. (CD-ROW-2021-00038)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 220472 StaffReport\_01-18-22, 2. 220472 Fact\_Sheet, 3. 220472 Norton Ave Vacation Package, 4. 220472 Vacation Map, 5. 220472 CPC Dispo 011822, 6. Authenticated Ordinance 220472, 7. 220472.Recorded Information 6.14.2022

Date	Ver.	Action By	Action	Result
6/9/2022	1	Council	Passed	Pass
6/8/2022	1	Neighborhood Planning and Development Committee	Adv and Do Pass	Pass
5/26/2022	1	Council	referred	

ORDINANCE NO. 220472

Vacating Norton Avenue between E. 38<sup>th</sup> Street on the north and E. 39<sup>th</sup> Street on the south; and directing the City Clerk to record certain documents. (CD-ROW-2021-00038)

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 19th day of October, 2021, a petition was filed with the City Clerk of Kansas City by Anderson Engineering for the vacation of all of Norton Avenue, from the north right-of-way line of 39th Street, north to the south right-of-

way line of 38th Street, said right-of-way to be vacated being part of the Northeast Quarter of Section 22, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri; giving the distinct description of the street 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 street 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 of Norton Avenue, from the north right-of-way line of 39th Street, north to the south right-of-way line of 38th Street, said right-of-way to be vacated being part of the Northeast Quarter of Section 22, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri; 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; is hereby approved, subject to the following conditions:

1. A utility easement shall be retained for the entirety of the area to be vacated.
2. An access easement shall be retained for the entirety of the area to be vacated.
3. No buildings shall be constructed over any water services department easement or infrastructure.

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.

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Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney

