



Legislation Details (With Text)

File #: 220606 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 6/28/2022 **In control:** Council
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Title: Vacating a portion of N.E. 51st Street in between N. Belmont Avenue and N. Beacon Avenue in District R-6 (Residential 6) to allow for the construction of a new single-family home, and directing the City Clerk to record certain documents. (CD-ROW-2021-00003)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CD-CPC-2021-00003_Factsheet.pdf, 2. 12_CD-ROW-2021-00003_StaffReport_06-07-22, 3. Belmont Vacation Package, 4. Stamped_5101 n belmont vacate ROW_v1, 5. CPC Dispo 6-7-22.pdf, 6. 220606.Recorded Information 7.28.2022, 7. Authenticated Ordinance 220606

Date	Ver.	Action By	Action	Result
7/21/2022	1	Council	Passed	Pass

ORDINANCE NO. 220606

Vacating a portion of N.E. 51st Street in between N. Belmont Avenue and N. Beacon Avenue in District R-6 (Residential 6) to allow for the construction of a new single-family home, and directing the City Clerk to record certain documents. (CD-ROW-2021-00003)

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 18th day of April, 2022, a petition was filed with the City Clerk of Kansas City by Greg Stervinou Construction Co., Inc., for the vacation of that part of Nall Addition, lying between Lots 58, 59, 70, 71, a subdivision in the Southwest Quarter of Section 33, Township 51, Range 32, located in Kansas City, Clay County,

Missouri, according to the recorded thereof, described as follows: Beginning at the northwest corner of said Lot 71; thence South 89 Degrees 29 Minutes 08 Seconds East along the south right of way line of Second Street, Platted (Unimproved) a distance of 145.93 feet to the northwest corner of said Lot 58; thence continuing South 89 Degrees 29 Minutes 08 Seconds East along the south right of way line of Second Street, Platted (Unimproved) a distance of 145.00 feet to a point on the west right of way line of North Beacon Avenue (platted as Ridge Avenue) said point being the northeast corner of said Lot 58; thence North 00 Degrees 53 Minutes 23 Seconds East a distance of 40.00 feet to a point on the north right of way Line of Second Street, Platted (Unimproved) said point being the southeast corner of said Lot 59; thence North 89 Degrees 29 Minutes 08 Seconds West along said north right of way line a distance of 158.56 feet; thence North 00 Degrees 56 Minutes 33 Seconds East a distance of 5.00 feet; thence North 89 Degrees 29 Minutes 08 Seconds West a distance of 132.13 feet to a point on the east right of way line North Belmont Avenue (platted as Maple Avenue) said point being the southwest corner of Lot 70B; thence South 01 Degrees 12 Minutes 03 Seconds West along said east right of way line, a distance of 45.00 feet to the point of beginning, containing 12,294 square feet, 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 that part of Nall Addition, lying between Lots 58, 59, 70, 71, a subdivision in the Southwest Quarter of Section 33, Township 51, Range 32, located in Kansas City, Clay County, Missouri, according to the recorded thereof, described as follows: Beginning at the northwest corner of said Lot 71; thence South 89 Degrees 29 Minutes 08 Seconds East along the south right of way line of Second Street, Platted (Unimproved) a distance of 145.93 feet to the northwest corner of said Lot 58; thence continuing South 89 Degrees 29 Minutes 08 Seconds East along the south right of way line of Second Street, Platted (Unimproved) a distance of 145.00 feet to a point on the west right of way line of North Beacon Avenue (platted as Ridge Avenue) said point being the northeast corner of said Lot 58; thence North 00 Degrees 53 Minutes 23 Seconds East a distance of 40.00 feet to a point on the north right of way Line of Second Street, Platted (Unimproved) said point being the southeast corner of said Lot 59; thence North 89 Degrees 29 Minutes 08 Seconds West along said north right of way line a distance of 158.56 feet; thence North 00 Degrees 56 Minutes 33 Seconds East a distance of 5.00 feet; thence North 89 Degrees 29 Minutes 08 Seconds West a distance of 132.13 feet to a point on the east right of way line North Belmont Avenue (platted as Maple Avenue) said point being the southwest corner of Lot 70B; thence South 01 Degrees 12 Minutes 03 Seconds West along said east right of way line, a distance of 45.00 feet to the point of beginning, containing 12,294 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:

- A. The developer shall retain an easement and protect facilities or relocate facilities, at the developer's expense, owned and operated by ATT.
- B. The developer shall retain an easement and protect facilities owned and operated by 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.

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
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