Legislation Details (With Text)

File #:	240091	**Version:**	2	**Name:**	
Type:	Ordinance			**Status:**	Passed
File created:	1/12/2024			**In control:**	Council
On agenda:	2/8/2024			**Final action:**	2/8/2024

Title: Sponsor: Director of City Planning and Development Department
COMMITTEE SUBSTITUTE

Vacating a portion of public right-of-way in District B3-2 (Business 3 (Dash 2)) generally located on the corner of Bellaire Road and Sni-A-Bar Road; and directing the City Clerk to record certain documents. (CD-ROW-2023-00043)

Sponsors: Director of City Planning & Development

Indexes:

Code sections:

Attachments: 1. Docket Memo_CD-ROW-2023-00043, 2. Exhibit Alley Vacation Drawing_CD-ROW-2023-00043, 3. CD-ROW-2023-00043_StaffReport, 4. Staff Presentation CPC_CD-ROW-2023-00043, 5. CPCDisposition Letter_ CD-ROW-2023-00043, 6. Petition to Vacate_CD-ROW-2023-00043, 7. Consent to Vacate_CD-ROW-2023-00043, 8. CPC Staff Presentation PPT 1.31.24, 9. Authenticated Ordinance 240091 CS, 10. Authenticated Ordinance 240091 CS, 11. 240091.Recorded Information 2.28.2024

Date	Ver.	Action By	Action	Result
2/8/2024	1	Council	Passed as Substituted	Pass
2/7/2024	1	Neighborhood Planning and Development Committee	Adv and Do Pass as Cmte Sub	Pass
1/31/2024	1	Neighborhood Planning and Development Committee	Hold on Agenda	
1/25/2024	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 240091

Sponsor: Director of City Planning and Development Department
COMMITTEE SUBSTITUTE

Vacating a portion of public right-of-way in District B3-2 (Business 3 (Dash 2)) generally located on the corner of Bellaire Road and Sni-A-Bar Road; and directing the City Clerk to record certain documents. (CD-ROW-2023-00043)

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, 2024, a petition was filed with the City Clerk of Kansas City by Midwest Fuels for the vacation of a portion of Bellaire Street right-of-way, being described as follows: All that part of Missouri State Highway No. 9 Right of Way as contained in Blocks 9, 10 and their adjoining street rights of way, Willson Ritchey Addition, a subdivision lying in the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West, in Kansas City, Clay County, described as follows: Commencing at the Northeast corner of the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West, thence North 88 degrees 59 minutes 27 seconds West along the North line of said Fractional Northwest Quarter of Section 10 a distance of 364.06 feet to a point; thence South 0 degrees 49 minutes 11 seconds West a distance of 1058.99 feet to a point lying on the South right of way line of Missouri State Highway No. 9 as established in Book 1029 at Page 509 and in Book 857 at Page 43, the point of beginning; thence in a Northeasterly direction along a curve to the right whose initial tangent bears North 76 degrees 05 minutes 36 seconds East, having a radius of 235.00 feet, through a central angle of 27 degrees 08 minutes 15 seconds, an arc distance of 111.30 feet to a point; thence South 69 degrees 10 minutes 06 seconds East a distance of 152.23 feet to a point; thence South 65 degrees 24 minutes 29 seconds East a distance of 119.79 feet to a point; thence South 24 degrees 25 minutes 57 seconds West a distance of 65.33 feet to a point; thence North 64 degrees 02 minutes 29 seconds West a distance of 371.97 feet to the point of beginning; containing 19,043 Square Feet or 0.4372 Acres, more or less, to the point of beginning, 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 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 the portion of right-of-way of St. Louis Avenue west of Santa Fe Street to the Union Pacific Railroad right-of-way, being described as follows: All that part of Missouri State Highway No. 9 Right of Way as contained in Blocks 9, 10 and their adjoining street rights of way, Willson Ritchey Addition, a subdivision lying in the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West, in Kansas City, Clay County, described as follows: Commencing at the Northeast corner of the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West, thence North 88 degrees 59 minutes 27 seconds West along the North line of said Fractional Northwest Quarter of Section 10 a distance of 364.06 feet to a point; thence South 0 degrees 49 minutes 11 seconds West a distance of 1058.99 feet to a point lying on the South right of way line of Missouri State Highway No. 9 as established in Book 1029 at Page 509 and in Book 857 at Page 43, the point of beginning; thence in a Northeasterly direction along a curve to the right whose initial tangent bears North 76 degrees 05 minutes 36 seconds East, having a radius of 235.00 feet, through a

central angle of 27 degrees 08 minutes 15 seconds, an arc distance of 111.30 feet to a point; thence South 69 degrees 10 minutes 06 seconds East a distance of 152.23 feet to a point; thence South 65 degrees 24 minutes 29 seconds East a distance of 119.79 feet to a point; thence South 24 degrees 25 minutes 57 seconds West a distance of 65.33 feet to a point; thence North 64 degrees 02 minutes 29 seconds West a distance of 371.97 feet to the point of beginning; containing 19,043 Square Feet or 0.4372 Acres, more or less, to the point of beginning, be and the same is hereby vacated, subject to the following conditions:

1. That the applicant retains a utility easement and protect facilities for Spire utilities located in the right-of-way.

2. That the developer shall abandon in place a portion of the existing 8" VCP sanitary sewer line between manholes 5083-103 and 5083-102. A stub shall remain out of manhole 103 to the east and onto the private property where it is to be capped and location marker for future connection of the private service line to the public main via the stub.

3. That the applicant retains a utility easement and protect facilities for AT&T utilities located in the right-of-way.

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:

_____
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

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