

ORDINANCE NO. 100353

Vacating portions of the plats of Holmes Park, Replat of Holmes Park and King's Rose Hill and existing and vacated rights of way, Kansas City, Jackson County, Missouri, and directing the City Clerk to record certain documents. (1616-V)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The Council of Kansas City does hereby find and declare that on the 15th day of March, 2010, a petition was filed with the City Clerk of Kansas City by Purcell Oxford Investments L.L.C., for the vacation of portions of the plats of Holmes Park, Replat of Holmes Park and King's Rose Hill and any existing or vacated rights of way within the area described as follows: All that part of Blocks 1, 2, and 3, Holmes Park, Tract 1, Replat of Holmes Park, Part of Kings Rose Hill Subdivision, all being subdivisions of land in Kansas City, Jackson County, Missouri, and all that part of the abandoned St. Louis and San Francisco Railroad in the Southwest Quarter of Section 26, Township 48 North, Range 33 West of the Fifth Principal Meridian, Kansas City, Jackson County, Missouri, together with vacated Cypress Avenue, vacated 95th Terrace (Platted as Fourth Street), and the vacated North-South Alley lying within Blocks 1 and 3, Holmes Park, and Tract 1, Replat of Holmes Park being bounded and described as follows: Commencing at the Northwest Corner of the Southwest Quarter of said Section 26; thence South 86 degrees 45 minutes 39 seconds East, along the North line of said Southwest Quarter, 782.12 feet; thence South 03 degrees 14 minutes 21 seconds West, 85.31 feet to a point on the South Right-of-Way line of State Highway Route W (Bannister Road), as now established, said point being the True Point of Beginning of the Tract to be herein described; thence South 86 degrees 38 minutes 08 seconds East, along said South Right-of-Way line, 404.11 feet to its intersection with the West Right-of-Way line of Marion Park Drive (formerly Elmwood Avenue) as now established, thence South 31 degrees 18 minutes 06 seconds East, along said West Right-of-Way line, 71.56 feet; thence South 01 degrees 29 minutes 04 seconds West, along said West Right-of-Way line, 695.90 feet; thence Southerly, along said West Right-of-Way line on a curve to the right, tangent to the last described course, having a radius of 64.66 feet, a central angle of

ORDINANCE NO. 100353

01 degrees 43 minutes 45 seconds, an arc distance of 1.95 feet to a point on the South line of Lot 3, Block 5, said Holmes Park; thence North 88 degrees 22 minutes 42 seconds West along said South line, 51.21 feet to a point on the Easterly Right-of-Way line of the abandoned St. Louis and San Francisco Railroad; thence South 79 degrees 11 minutes 21 seconds West, departing said East line, 50.00 feet to a point on the Centerline of said St. Louis and San Francisco Railroad; thence North 10 degrees 48 minutes 39 seconds West, along said centerline, 29.66 feet; thence South 79 degrees 11 minutes 21 seconds West, departing said Centerline, 50.00 feet to a point on the West line of said St. Louis and San Francisco Right-of-Way line; thence South 78 degrees 06 minutes 58 seconds West, 28.93 feet; thence North 27 degrees 11 minutes 18 seconds West, 587.96 feet; thence North 04 degrees 40 minutes 54 seconds East, 56.92 feet to a point on the Aforementioned South Right-of-Way line of State Highway Route W; thence North 54 degrees 16 minutes 14 seconds East, along said South right-of-way line, 41.23 feet; thence North 39 degrees 40 minutes 12 seconds West, along said South right-of-way line, 150.49 feet; thence North 56 degrees 54 minutes 03 seconds East, 104.32 feet to the True Point of Beginning, and all utility easements over, under, across and along said area, all in Section 26, Township 48 North, Range 33 West, Kansas City, Jackson County, Missouri, giving the distinct description of the plats and 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 due notice of the pendency of said petition has been given in the newspaper doing the city printing, and that the consent of the persons and corporations owning property within the plats and person 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 portions of the plats of Holmes Park, Replat of Holmes Park and King's Rose Hill and any existing or vacated rights of way within the area described as follows: All that part of Blocks 1, 2, and 3, Holmes Park, Tract 1, Replat of Holmes Park, Part of Kings Rose Hill Subdivision, all being subdivisions of land in Kansas City, Jackson County, Missouri, and all that part of the abandoned St. Louis and San Francisco Railroad in the Southwest Quarter of Section 26, Township 48 North, Range 33 West of the Fifth Principal Meridian, Kansas City, Jackson County, Missouri, together with vacated Cypress Avenue, vacated 95th Terrace (Platted as Fourth Street), and the vacated North-South Alley lying within Blocks 1 and 3, Holmes Park, and Tract 1, Replat of Holmes Park being bounded and described as follows: Commencing at the Northwest Corner of the Southwest Quarter of said Section 26; thence South 86 degrees 45 minutes 39 seconds East, along the North line of said Southwest Quarter, 782.12 feet; thence South 03 degrees 14 minutes 21 seconds West, 85.31 feet to a point on the South Right-of-Way line of State Highway Route W (Bannister Road), as now established, said point being the True Point of Beginning of the Tract to be herein described; thence South 86

ORDINANCE NO. 100353

degrees 38 minutes 08 seconds East, along said South Right-of-Way line, 404.11 feet to its intersection with the West Right-of-Way line of Marion Park Drive (formerly Elmwood Avenue) as now established, thence South 31 degrees 18 minutes 06 seconds East, along said West Right-of-Way line, 71.56 feet; thence South 01 degrees 29 minutes 04 seconds West, along said West Right-of-Way line, 695.90 feet; thence Southerly, along said West Right-of-Way line on a curve to the right, tangent to the last described course, having a radius of 64.66 feet, a central angle of 01 degrees 43 minutes 45 seconds, an arc distance of 1.95 feet to a point on the South line of Lot 3, Block 5, said Holmes Park; thence North 88 degrees 22 minutes 42 seconds West along said South line, 51.21 feet to a point on the Easterly Right-of-Way line of the abandoned St. Louis and San Francisco Railroad; thence South 79 degrees 11 minutes 21 seconds West, departing said East line, 50.00 feet to a point on the Centerline of said St. Louis and San Francisco Railroad; thence North 10 degrees 48 minutes 39 seconds West, along said centerline, 29.66 feet; thence South 79 degrees 11 minutes 21 seconds West, departing said Centerline, 50.00 feet to a point on the West line of said St. Louis and San Francisco Right-of-Way line; thence South 78 degrees 06 minutes 58 seconds West, 28.93 feet; thence North 27 degrees 11 minutes 18 seconds West, 587.96 feet; thence North 04 degrees 40 minutes 54 seconds East, 56.92 feet to a point on the Aforementioned South Right-of-Way line of State Highway Route W; thence North 54 degrees 16 minutes 14 seconds East, along said South right-of-way line, 41.23 feet; thence North 39 degrees 40 minutes 12 seconds West, along said South right-of-way line, 150.49 feet; thence North 56 degrees 54 minutes 03 seconds East, 104.32 feet to the True Point of Beginning, and all utility easements over, under, across and along said area, all in Section 26, Township 48 North, Range 33 West, Kansas City, Jackson County, Missouri, be and the same is hereby vacated.

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:



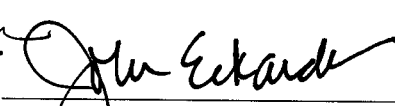
Authenticated as Passed


Mark Funkhouser, Mayor


M. Margaret Sheahan Moran
Assistant City Attorney

Approved by the City Plan Commission


Vickie Thompson, City Clerk


John Eckardt, Acting Secretary

MAY 20 2010

Date Passed

ORDINANCE NO. 100353

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

On the _____ day of _____, 200__, 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 _____, 200__.

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. 200__, 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