

## **ORDINANCE NO. 040968**

**Vacating a portion of 135th Street east of relocated Missouri Highway 150, and directing the City Clerk to record certain documents. (1468-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 June, 2004, a petition was filed with the City Clerk of Kansas City by State Line Shops, L.L.C., for the vacation of all that part of the South 1/2 of the Fractional Section 19, Township 47 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described as follows: Commencing at the northeast corner of the South 1/2 of said Fractional Section 19; thence South 03°29'47" West along the east line of the South 1/2 of said Fractional Section 19, a distance of 44.86 feet to a point on the southerly right of way of 135th Street, as now established; thence North 84°24'53" West along said southerly right of way a distance of 117.47 feet to the point of beginning; thence South 67°27'38" west along said southerly right of way a distance of 363.84 feet; thence South 58°19'06" West along said southerly right of way a distance of 389.08 feet; thence North 30°08'50" West, a distance of 25.01 feet; thence North 58°19'06" East along a line parallel to and 25 feet north of said right of way a distance of 389.97 feet; thence North 65°27'38" East along a line parallel to and 25 feet north of said right of way a distance of 322.32 feet to the westerly extension of the southerly right of way of 135th Street; thence South 84°24'53" East along said westerly extension a distance of 49.81 feet 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 due notice of the pendency of said petition has been given for twenty (20) days in the newspaper doing the city printing, 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 all that part of the South 1/2 of the Fractional Section 19, Township 47 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described

as follows: Commencing at the northeast corner of the South 1/2 of said Fractional Section 19; thence South 03°29'47" West along the east line of the South 1/2 of said Fractional Section 19, a distance of 44.86 feet to a point on the southerly right of way of 135th Street, as now established; thence North 84°24'53" West along said southerly right of way a distance of 117.47 feet to the point of beginning; thence South 67°27'38" west along said southerly right of way a distance of 363.84 feet; thence South 58°19'06" West along said southerly right of way a distance of 389.08 feet; thence North 30°08'50" West, a distance of 25.01 feet; thence North 58°19'06" East along a line parallel to and 25 feet north of said right of way a distance of 389.97 feet; thence North 65°27'38" East along a line parallel to and 25 feet north of said right of way a distance of 322.32 feet to the westerly extension of the southerly right of way of 135th Street; thence South 84°24'53" East along said westerly extension a distance of 49.81 feet to the point of beginning, 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.

Section 4. That the City Clerk of Kansas City, Missouri, be and she is hereby

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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 5. 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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M. Margaret Sheahan Moran  
Assistant City Attorney

Approved by the City Plan Commission

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Charles Myers, Chairman

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\_\_\_\_.

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\_\_\_\_\_  
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