

ORDINANCE NO. 160559

Vacating approximately 485 square feet of right-of-way located at the southwest corner of W. 27th Terrace and Mercier Street in Kansas City, Jackson County, Missouri; reserving an easement; and directing the City Clerk to record certain documents. (1724-V)

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 20th day of July, 2016, a petition was filed with the City Clerk of Kansas City by Doug Lytle for the vacation of that part of West 27th Terrace (formerly Merrill Place), as established by the plat of Winter Park, a subdivision in the City of Kansas City, Jackson County, Missouri, lying north of and adjacent to Lot 1, Block 3, said Winter Park, being more particularly described as follows: beginning at the northeast corner of said Lot 1; thence North 0 degrees 00 minutes 00 seconds East, along the northerly prolongation of the east line of said Lot 1, a distance of 12.00 feet; thence North 89 degrees 56 minutes 00 seconds West, parallel to the north line of said Lot 1, a distance of 36.59 feet, to a point on the northerly prolongation of the west line of said Lot 1; thence South 32 degrees 18 minutes 32 seconds West, along last said northerly prolongation, a distance of 14.19 feet, to the northwest corner of said Lot 1; thence South 89 degrees 56 minutes 00 seconds East, along the north line of said Lot 1, a distance of 44.17 feet, to the point of beginning, containing 485 square feet or 0.011 acres, more or less, 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.

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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 West 27th Terrace (formerly Merrill Place), as established by the plat of Winter Park, a subdivision in the City of Kansas City, Jackson County, Missouri, lying north of and adjacent to Lot 1, Block 3, said Winter Park, being more particularly described as follows: beginning at the northeast corner of said Lot 1; thence North 0 degrees 00 minutes 00 seconds East, along the northerly prolongation of the east line of said Lot 1, a distance of 12.00 feet; thence North 89 degrees 56 minutes 00 seconds West, parallel to the north line of said Lot 1, a distance of 36.59 feet, to a point on the northerly prolongation of the west line of said Lot 1; thence South 32 degrees 18 minutes 32 seconds West, along last said northerly prolongation, a distance of 14.19 feet, to the northwest corner of said Lot 1; thence South 89 degrees 56 minutes 00 seconds East, along the north line of said Lot 1, a distance of 44.17 feet, to the point of beginning, containing 485 square feet or 0.011 acres, more or less, 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. That Fire Department access shall be maintained through the retained easement (established alley).

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:

M. Margaret Sheahan Moran
Assistant City Attorney

