

ORDINANCE NO. 200141

Vacating a portion of N.E. Barnes Road generally located east of I-35 to allow for a lot combination and directing the City Clerk to record certain documents. (CD-ROW-2019-00017)

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 13th day of August, 2019, a petition was filed with the City Clerk of Kansas City by Rudy Jacobs for the vacation of that portion of N.E. Barnes Avenue, (platted as South Parallel Avenue), between Block 8 and 9 in Kansas City Suburban Estates, a subdivision in the SE 1/4 of Section 32, Township 51 North of the Baseline, Range 32 West of the Fifth Principle Meridian, City of Kansas City, Clay County, Missouri, described as follows: Commencing at the southwest corner of the SE 1/4 of said Section 32; thence North 00 degrees 42 minutes 45 seconds East, along the west line of said SE 1/4 a distance of 1047.78 feet; thence South 89 degrees 17 minutes 15 seconds East, a distance of 163.69 feet to a point on the easterly right of way of Missouri Highway I-35 said point of being on the northerly right of way line N.E. Barnes Avenue; thence South 49 degrees 18 minutes 60 seconds West a distance of 37.80 feet to the centerline of N.E. Barnes Avenue and the point of beginning of that portion herein described; thence South 49 degrees 18 minutes 60 seconds West a distance of 37.80 feet to a point on the northwest corner of the northern boundary line of Lot 9, Block 8, Kansas City Suburban Acreage Estates; thence easterly along the northern boundary line a distance of 210 feet to a point on the northern boundary line being at the northeast corner of Lot 9 Block 8, Kansas City Suburban Acreage Estates; thence northerly and perpendicular to the northern boundary line a distance of 25 feet to a point on centerline of N.E. Barnes Avenue, thence westerly along the centerline of N.E. Barnes Ave to the point of beginning and those portions of Lot 1 and Lot 2 of Block 9 in Kansas City Suburban Acreage Estates, a subdivision in the SE 1/4 of Section 32, Township 51 North of the Baseline, Range 32 West of the Fifth Principle Meridian, City of Kansas City, Clay County, Missouri, described as a whole as follows: Commencing at the southwest corner of the SE 1/4 of said Section 32, thence North 00 degrees 42 minutes 45 seconds East, along the west line of said SE 1/4, a distance of 1047.78 feet; thence South 89 degrees 17 minutes 15 seconds East, a distance of 163.69 feet to a point on the easterly right of way line of Missouri Highway I-35, said

ORDINANCE NO. 200141

point also being on the northerly right of way line of N.E. Barnes Avenue and the point of beginning of those portions herein described; thence North 49 degrees 18 minutes 50 seconds East, along said easterly right of way line, a distance of 213.60 feet to a point on the north-easterly line of said Lot 2; thence South 40 degrees 44 minutes 04 seconds East, along said north-easterly line, a distance of 145.88 feet to the south-easterly corner of said Lot 2, said point also being on the north-westerly right of way line of said N.E. Barnes Avenue, said point also being on a curve from which a radial bears North 25 degrees 57 minutes 02 seconds West; thence westerly along said north-westerly right of way line and said curve, to the right, having a radius of 300.00 feet, thru a central angle of 26 degrees 39 minutes 47 seconds, an arc distance of 139.61 feet; thence North 89 degrees 17 minutes 15 seconds West, along the northerly right of way line of said N.E. Barnes Avenue, a distance of 122.17 feet to the point of beginning. Said portions contain 18295 square feet and are subject to all easements of record. That portion of proposed vacation of N.E. Barnes Avenue, (platted as South Parallel Avenue.), in Kansas City Suburban Acreage Estates, a subdivision in the SE 1/4 of Section 32, Township 51 North of the Baseline, Range 32 West of the Fifth Principle Meridian, City of Kansas City, Clay County, Missouri, described as follows: Commencing at the southwest corner of the SE 1/4 of said Section 32; thence North 00 degrees 42 minutes 45 seconds East, along the west line of said SE 1/4, a distance of 1047.78 feet; thence South 89 degrees 17 minutes 15 seconds East, a distance of 163.69 feet to a point on the easterly right of way line of Missouri Highway I-35, said point also being on the northerly right of way line of N.E. Barnes Avenue and the point of beginning of that portion herein described; thence South 89 degrees 17 minutes 15 seconds East, along the northerly right of way line of said N.E. Barnes Avenue, a distance of 122.17 feet; thence easterly along said northerly right of way line and along a curve, to the left, having a radius of 300.00 feet, thru a central angle of 06 degrees 10 minutes 13 seconds, an arc distance of 32.31 feet; thence South 05 degrees 27 minutes 28 seconds East, a distance of 25.00 feet to the centerline of said N.E. Barnes Avenue; thence westerly along said centerline and a curve, to the right, having a radius of 325.00 feet, thru a central angle of 06 degrees 10 minutes 13 seconds, an arc distance of 35.00 feet; thence North 89 degrees 17 minutes 15 seconds West, along said centerline, a distance of 150.53 feet to a point on the easterly right of way line of said Missouri Highway I-35; thence North 49 South 89 degrees 17 minutes 15 seconds East 18 minutes 50 seconds East, along said easterly right of way line, a distance of 37.80 feet to the point of beginning. Said portion contains 4260 square feet and is subject to all easement of record, 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.

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.

ORDINANCE NO. 200141

Section 4. That portion of N.E. Barnes Avenue, (platted as South Parallel Avenue), between Block 8 and 9 in Kansas City Suburban Estates, a subdivision in the SE 1/4 of Section 32, Township 51 North of the Baseline, Range 32 West of the Fifth Principle Meridian, City of Kansas City, Clay County, Missouri, described as follows: Commencing at the southwest corner of the SE 1/4 of said Section 32; thence North 00 degrees 42 minutes 45 seconds East, along the west line of said SE 1/4 a distance of 1047.78 feet; thence South 89 degrees 17 minutes 15 seconds East, a distance of 163.69 feet to a point on the easterly right of way of Missouri Highway I-35 said point of being on the northerly right of way line N.E. Barnes Avenue; thence South 49 degrees 18 minutes 60 seconds West a distance of 37.80 feet to the centerline of N.E. Barnes Avenue and the point of beginning of that portion herein described; thence South 49 degrees 18 minutes 60 seconds West a distance of 37.80 feet to a point on the northwest corner of the northern boundary line of Lot 9, Block 8, Kansas City Suburban Acreage Estates; thence easterly along the northern boundary line a distance of 210 feet to a point on the northern boundary line being at the northeast corner of Lot 9 Block 8, Kansas City Suburban Acreage Estates; thence northerly and perpendicular to the northern boundary line a distance of 25 feet to a point on centerline of N.E. Barnes Avenue, thence westerly along the centerline of N.E. Barnes Ave to the point of beginning and those portions of Lot 1 and Lot 2 of Block 9 in Kansas City Suburban Acreage Estates, a subdivision in the SE 1/4 of Section 32, Township 51 North of the Baseline, Range 32 West of the Fifth Principle Meridian, City of Kansas City, Clay County, Missouri, described as a whole as follows: Commencing at the southwest corner of the SE 1/4 of said Section 32, thence North 00 degrees 42 minutes 45 seconds East, along the west line of said SE 1/4, a distance of 1047.78 feet; thence South 89 degrees 17 minutes 15 seconds East, a distance of 163.69 feet to a point on the easterly right of way line of Missouri Highway I-35, said point also being on the northerly right of way line of N.E. Barnes Avenue and the point of beginning of those portions herein described; thence North 49 degrees 18 minutes 50 seconds East, along said easterly right of way line, a distance of 213.60 feet to a point on the north-easterly line of said Lot 2; thence South 40 degrees 44 minutes 04 seconds East, along said north-easterly line, a distance of 145.88 feet to the south-easterly corner of said Lot 2, said point also being on the north-westerly right of way line of said N.E. Barnes Avenue, said point also being on a curve from which a radial bears North 25 degrees 57 minutes 02 seconds West; thence westerly along said north-westerly right of way line and said curve, to the right, having a radius of 300.00 feet, thru a central angle of 26 degrees 39 minutes 47 seconds, an arc distance of 139.61 feet; thence North 89 degrees 17 minutes 15 seconds West, along the northerly right of way line of said N.E. Barnes Avenue, a distance of 122.17 feet to the point of beginning. Said portions contain 18295 square feet and are subject to all easements of record. That portion of proposed vacation of N.E. Barnes Avenue, (platted as South Parallel Avenue.), in Kansas City Suburban Acreage Estates, a subdivision in the SE 1/4 of Section 32, Township 51 North of the Baseline, Range 32 West of the Fifth Principle Meridian, City of Kansas City, Clay County, Missouri, described as follows: Commencing at the southwest corner of the SE 1/4 of said Section 32; thence North 00 degrees 42 minutes 45 seconds East, along the west line of said SE 1/4, a distance of 1047.78 feet; thence South 89 degrees 17 minutes 15 seconds East, a distance of 163.69 feet to a point on the easterly right of way line of Missouri Highway I-35, said point also being on the northerly right of way line of N.E. Barnes Avenue and the point of beginning of that portion herein described; thence South 89 degrees 17 minutes 15 seconds East, along the northerly right of way line of said N.E.

ORDINANCE NO. 200141

Barnes Avenue, a distance of 122.17 feet; thence easterly along said northerly right of way line and along a curve, to the left, having a radius of 300.00 feet, thru a central angle of 06 degrees 10 minutes 13 seconds, an arc distance of 32.31 feet; thence South 05 degrees 27 minutes 28 seconds East, a distance of 25.00 feet to the centerline of said N.E. Barnes Avenue; thence westerly along said centerline and a curve, to the right, having a radius of 325.00 feet, thru a central angle of 06 degrees 10 minutes 13 seconds, an arc distance of 35.00 feet; thence North 89 degrees 17 minutes 15 seconds West, along said centerline, a distance of 150.53 feet to a point on the easterly right of way line of said Missouri Highway I-35; thence North 49 South 89 degrees 17 minutes 15 seconds East 18 minutes 50 seconds East, along said easterly right of way line, a distance of 37.80 feet to the point of beginning. Said portion contains 4260 square feet and is subject to all easement of record, 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 the applicant retain a utility easement and protect all Spire facilities and maintain Fire Department access to the public fire hydrant located on the remaining distal end of N.E. Barnes Road.

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
Assistant City Attorney

Approved by the City Plan Commission

Secretary

ORDINANCE NO. 200141

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