

ORDINANCE NO. 080037

Amending Ordinance No. 061014, which amended Ordinance No. 050822 vacating any existing rights of way within a tract of land generally bounded by Delaware Street on the east, Broadway on the west, Front Street on the north and 3rd Street on the south, to correct the legal description, and directing the City Clerk to record certain documents.

WHEREAS, it has been determined that the legal description filed with the petition for vacation that was approved in Ordinance No. 050822 has been found to have an error; and

WHEREAS, Ordinance No. 061014 was passed by the Council of Kansas City, which Ordinance amended Ordinance No. 050822 and purported to correct such legal description; and

WHEREAS, Ordinance No. 061014 has been found to contain a scrivener's error, which error must be corrected; and

WHEREAS, the property owners whose property surrounds the street to be vacated have requested that the error be corrected; and

WHEREAS, the correction will not alter the area that was intended to be vacated;  
NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 1 of Ordinance No. 061014 is hereby amended and restated, to read as follows:

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“Section 1. That Ordinance No. 050822 is hereby amended to correct the legal description, by repealing Section 3 and replacing said section with the following new section:

That any public right-of-way within the property owned by the Kansas City Southern Railroad Company, to be used for the vacation of public right-of-ways within the interior of said description, being approximately bounded by vacated Front Street on the north, Third Street on the south, Broadway Avenue on the west and Delaware Street on the east, all being in the City of Kansas City, Jackson County, Missouri and described as follows: Beginning at the northeast corner of Lot 13, “Campbell Block”, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof; thence southerly along the easterly line of Lots 13, 12, 11, 10 and 9, said “Campbell Block”, to the southeast corner of said Lot 9, “Campbell Block”; thence southwesterly along the southerly line of said Lot 9, to a point on said southerly line that is 44.1 feet, more or less, southwesterly of said southeast corner of Lot 9; thence southerly, to a point on the northerly right-of-way line of Third Street, as now established, that is 345.5 feet, more or less, as measured along said northerly right-of-way line, from the southwest corner of Lot 116, Block 11, “Old Town” a subdivision in said city, county, state, according to the recorded plat thereof; thence northeasterly along said northerly right-of-way line of Third Street, to the southwest corner of said Lot 116, Block 11, “Old Town”; thence northwesterly along the westerly line of Lots 116 and 115, Block 11, said “Old Town”, to the southwest corner of Lot 114, Block 11, said “Old Town”; thence northeasterly along the southerly line of said Lot 114, Block 11, “Old Town”, to the southeast corner of said Lot 114, Block 11, “Old Town”; thence northwesterly along the easterly line of said Lot 114, Block 11, “Old Town”, to a point on said easterly line that is the intersection of said easterly line with the southwesterly prolongation of the southerly line of Lot 15, Block 11, “King & Bouton’s Resurvey”, a subdivision in said city, county, state, according to the recorded plat thereof; thence northeasterly along said southwesterly prolongation and along the southerly line of Lots 15, 14 and 13, Block 11, said “King & Bouton’s Resurvey”, to the southeast corner of said Lot 13, Block 11, “King & Bouton’s Resurvey”, thence northwesterly along the easterly line of said Lot 13, Block 11, “King & Bouton’s Resurvey”, to the southwest corner of Lot 9, Block 11, said “King & Bouton’s Resurvey”; thence northeasterly along the southerly line of said Lot 9, Block 11, “King & Bouton’s Resurvey”, to the southeast corner of said Lot 9, Block 11, “King & Bouton’s Resurvey”, being also a point on the westerly right-of-way line of Wyandotte Street, as now established; thence northwesterly along said westerly right-of-way line, to a point on said westerly right-of-way line that is 50 feet southeasterly of the northeast corner of Lot 10, Block 11, said “King & Bouton’s Resurvey”, as measured along the easterly line thereof, also being the westerly right-of-way line of said

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Wyandotte Street; thence northeasterly along a line that is 50 feet southerly of and parallel with the southerly right-of-way line of Second Street, as now established, to a point on the westerly line of Lot 101, Block 10, aforesaid "Old Town", that is 50 feet southeasterly of the northwest corner of said Lot 101, Block 10, "Old Town", as measured along the westerly line thereof; thence northeasterly, to the northeast corner of said Lot 101, Block 10, "Old Town"; thence northwesterly along the northwesterly prolongation of the easterly line of said Lot 101, Block 10, "Old Town", to the point of intersection of said northwesterly prolongation with the northeasterly prolongation of the southerly line of Lot 146, Block 14, said "Old Town"; thence southwesterly along said northeasterly prolongation, to the southeast corner of said Lot 146, Block 14, "Old Town"; thence northwesterly along the northeasterly line of Lots 146, 144, 143, 142 and 141, Block 14, said "Old Town" and the northwesterly prolongation thereof, to an angle point corner on the easterly line of Lot 131, Block 12, said "Old Town"; thence southeasterly along the easterly line of said Lot 131, Block 12, "Old Town", to the southeasterly corner of said Lot 131, Block 12, "Old Town"; thence southwesterly along the southeasterly line of Lots 131, 130, 129, 128, 127 and 126, Block 12, said "Old Town", to the southwesterly corner of said Lot 126, Block 12, "Old Town"; thence southwesterly, to the northwesterly corner of Lot 18, "Gillis Addition", a subdivision in said city, county, state, according to the recorded plat thereof; thence southwesterly along the arc of a non-tangent curve to the right, with a radius of 657.25 feet and an initial tangent bearing of South 04°47'05" West that is produced by deflecting right 115°14'52" from the last described ahead course, to the southwesterly corner of Lot 28, said "Gillis Addition"; thence southerly, to the point of beginning at the northeast corner of Lot 13, said "Campbell Block," 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 such vacated right of way within 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."

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Section 2. That the City Clerk of Kansas City, Missouri is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance to be filed for record in the Recorder's Office in Jackson, County, Missouri.

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Approved as to form and legality:

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Sarah Baxter  
Assistant City Attorney