

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120734

Approving the plat of QuikTrip Store #178, an addition in Jackson County, Missouri; accepting various easements; authorizing the Director of City Development to execute and/or accept certain agreements; waiving the requirement that the developer obtain a subordination agreement from Panhandle Eastern Pipeline Company; and authorizing the City Clerk to record this ordinance and attached documents. (SD1444)

WHEREAS, in order to ensure that the rights of the public to the use of street right-of-way will not be infringed upon, section 88-405-10-N.1 of the Code of Ordinances requires that any utility or other easement be subordinate to the rights of the public in the street right-of-way, except when the requirement is waived by the City Council; and

WHEREAS, the developer is dedicating right-of-way along Carondelet Drive and State Line Road that crosses an existing easement owned by Panhandle Eastern Pipeline Company (“Panhandle”); and

WHEREAS, Panhandle consents to the right-way-dedication but will not agree to subordinate its existing easement to City right-of-way; and

WHEREAS, there is no other feasible solution for the developer to pursue to induce Panhandle to subordinate its existing easement to City right-of-way and approval of the plat without the subordination agreement is necessary for reasonable and acceptable development of the property; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the plat of QuikTrip Store #178, a subdivision in Jackson County, Missouri, a true and correct copy of which is attached hereto and incorporated herein by reference, is hereby approved.

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Section 2. That the plat granting and reserving unto Kansas City an easement and license or right to locate, construct, operate and maintain facilities including, but not limited to, water, gas, sewerage, telephone, cable TV, surface drainage, underground conduits, pad mounted transformers, service pedestals, any and all of them upon, over, under and along the strips of land outlined and designated on the plat by the words utility easement or U/E be and the same are hereby accepted and where other easements are outlined and designated on the plat for a particular purpose, be and the same are hereby accepted for the purpose as therein set out.

Section 3. That the Director of City Development is hereby authorized to execute and/or accept any and all agreements necessary to clear the title of any right of way, utility easements or other public property dedicated on the plat.

Section 4. That the Council finds that Panhandle consents to the developer dedicating right of way along Carondelet Drive and State Line Road across Panhandle's easement but will not agree to subordinate its easement to the City right-of-way; there is no other feasible solution for developer to pursue to induce Panhandle to subordinate its easement; and approval of the plat without a subordination agreement from Panhandle is necessary for reasonable and acceptable development of the property. Therefore, the Council grants an exception to the requirement for a subordination agreement from Panhandle as required by Section 88-405-10-N.1 and approves the plat without the requirement for a subordination agreement

Section 5. That the City Clerk is hereby directed to record copies of this ordinance, together with the documents described herein and all other relevant documents, when the plat has been released for recording, in the Office of the Recorder of Deeds of Jackson County, Missouri.

Section 6. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney