

AN ORDINANCE VACATING A 100' x 100' PERMANENT CONSTRUCTION EASEMENT ABUTTING LOTS 539 AND 540 OF EAGLE CREEK, 12<sup>TH</sup> PLAT, IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2018-083 was submitted by the City of Lee's Summit, requesting vacation of a 100' x 100' permanent construction easement abutting Lots 539 and 540 of Eagle Creek, 12<sup>th</sup> Plat in the City of Lee's Summit, Missouri; and,

WHEREAS, the easement agreement was dedicated between Hunt Midwest Real Estate Development, Inc. and the City and recorded by Document #2011E0081886 on September 6, 2011; and,

WHEREAS, the Planning Commission considered the request on July 10, 2018, and rendered a report to the City Council recommending that the vacation of easement be approved; and,

WHEREAS, the City Council for the City of Lee's Summit has determined that no damages are ascertainable by reason of such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the following described easement is hereby and herewith vacated:

*A tract of land in the Northwest Quarter of Section 23, Township 47, Range 32, City of Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence North 87°35'47" West along the North line of said Northwest Quarter, 1001.10 feet; thence South 02°24'13" West, 105.00 feet to the Point of Beginning of the tract to be herein described; thence continuing South 02°24'13" West, 100.00 feet; thence North 87°35'47" West, 100.00 feet; thence North 02°24'13" East, 100.00 feet; thence South 87°35'47" East, 100.00 feet to the Point of Beginning.*

SECTION 2. That upon the effective date of the vacation of the easement described in Section 1 above, the City releases all right, title and interest in and to the City owned infrastructure located within the easements.

SECTION 3. That the City Clerk be and is hereby authorized and directed to acknowledge a copy of this ordinance and to record same in the Office of the Recorder of Deeds of the County in which the property is located.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

**BILL NO. 18-159**

**ORDINANCE NO. 8473**


PASSED by the City Council of the City of Lee's Summit, Missouri, this 2<sup>nd</sup> day of October, 2018.

  
\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

  
\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

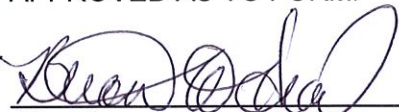
APPROVED by the Mayor of said city this 9<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Mayor William A. Baird

ATTEST:

  
\_\_\_\_\_  
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney Brian W. Head

## EXHIBIT A

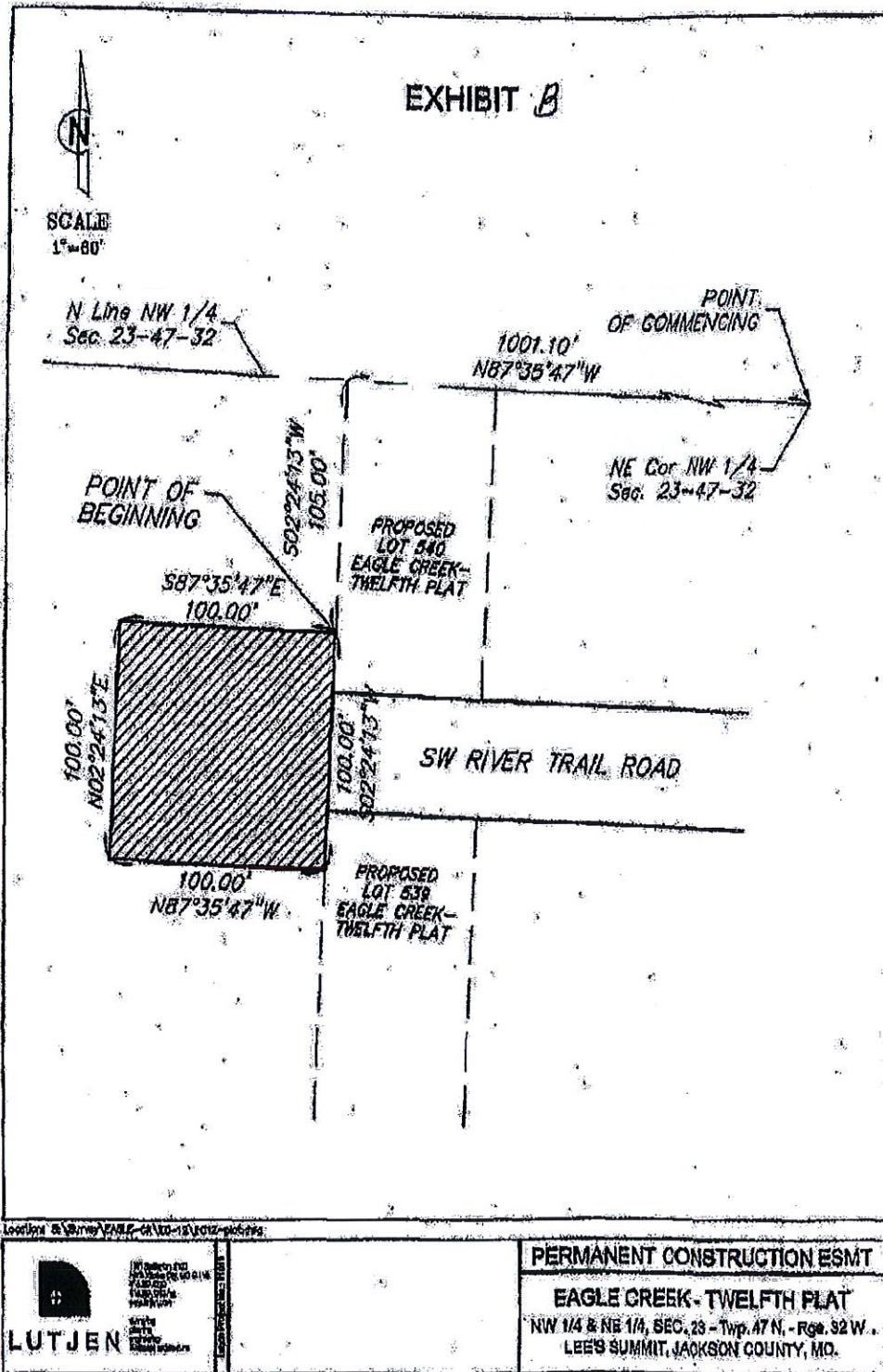
A tract of land in the Northwest Quarter of Section 23, Township 47, Range 32, City of Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence North  $87^{\circ}35'47''$  West along the North line of said Northwest Quarter, 1001.10 feet; thence South  $02^{\circ}24'13''$  West, 105.00 feet to the Point of Beginning of the tract to be herein described; thence continuing South  $02^{\circ}24'13''$  West, 100.00 feet; thence North  $87^{\circ}35'47''$  West, 100.00 feet; thence North  $02^{\circ}24'13''$  East, 100.00 feet; thence South  $87^{\circ}35'47''$  East, 100.00 feet to the Point of Beginning.

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-2018-083-

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RECORDER'S CERTIFICATION  
JACKSON COUNTY, MISSOURI  
09/06/2011 03:29:15 PM

INSTRUMENT TYPE: EASE FEE: \$30.00 4 Pages



INSTRUMENT NUMBER/BOOK & PAGE:

2011E0081886

ROBERT T. KELLY, DIRECTOR, RECORDER OF DEEDS

## EASEMENT

THIS AGREEMENT, made this 18<sup>th</sup> day of JULY, 2011, by and between Hunt Midwest Real Estate Development, Inc., "Grantor", a Corporation organized and existing under the laws of the State of Missouri, and the City of Lee's Summit, Missouri, a Municipal Corporation of Jackson and Cass Counties, Missouri, with a mailing address of 220 S.E. Green Street, Lee's Summit, Missouri, Grantee.

WITNESSETH, that the Grantor, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does by these presents grant, bargain, sell, convey, and confirm unto said Grantee, its successors and assigns, a right-of-way easement for the construction, improvement, reconstruction and maintenance of a right-of-way for public use as a dead-end section of street, roadway or thoroughfare to allow vehicles to turnaround while using SW River Trail Road where said road terminates at the western boundary of the Eagle Creek - Twelfth Plat Subdivision as shown in the attached Exhibit, on, over, along, across, and under the following described lots, tracts, or parcels of land lying, being and situated in the County of Jackson, and the State of Missouri, to-wit:

A tract of land in the Northwest Quarter of Section 23, Township 47, Range 32, City of Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence North 87°35'47" West along the North line of said Northwest Quarter, 1001.10 feet; thence South 02°24'13" West, 105.00 feet to the Point of Beginning of the tract to be herein described; thence continuing South 02°24'13" West, 100.00 feet; thence North 87°35'47" West, 100.00 feet; thence North 02°24'13" East, 100.00 feet; thence South 87°35'47" East, 100.00 feet to the Point of Beginning.

GRANTOR further states that it is lawfully seized of title to the land through which said easement is granted and that it has good and lawful right to convey said easement to the Grantee herein.

GRANTOR AND GRANTEE understand that this Easement is needed in order for Grantor to comply with certain obligations related to the development of the Eagle Creek - Twelfth Plat Subdivision. Grantee agrees to grant a release of this Easement upon the effective granting of right-of-way for the extension of River Trail Road over and through the easement area described above as part of the platting of the property immediately to the west of the Eagle Creek - Twelfth Plat Subdivision.

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Project:  
Tract:

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-2018-083-

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THIS GRANT and easement shall, at all times be deemed to be and shall be, a continuing covenant running with the land and shall be binding upon the successors and assigns of the Grantor.

TO HAVE AND TO HOLD THE SAME, together with all appurtenances and immunities thereunto belonging or in any way appertaining, unto the City of Lee's Summit, Missouri, a Municipal Corporation, and to its successors and assigns forever.

IN WITNESS WHEREOF, Grantor, a Corporation, has caused these presents to be signed by its President, and attested by its Secretary, and its Corporate Seal to be hereunto affixed this 18<sup>th</sup> day of JULY, 2011.

Hunt Midwest Real Estate Development, Inc.

By: Ora H. Reynolds, Pres.  
Ora H. Reynolds, President

ATTEST:

Donald K. Hagan  
Donald K. Hagan, Secretary

CORPORATE SEAL

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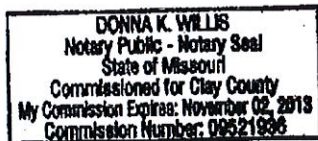
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## ACKNOWLEDGMENT

STATE OF MISSOURI  
COUNTY OF JACKSON

On this 18<sup>th</sup> day of July, 2011, before me appeared Ora H. Reynolds, to me personally known, who, being by me duly sworn did say that she is the President of Hunt Midwest Real Estate Development, Inc., and that the seal affixed to foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said Ora H. Reynolds acknowledged said instrument to be the free act and deed of said corporation.



Donna K. Willis  
Notary Public Signature

DONNA K. WILLIS  
Printed or Typed Name

11/2/13  
My Commission Expires:

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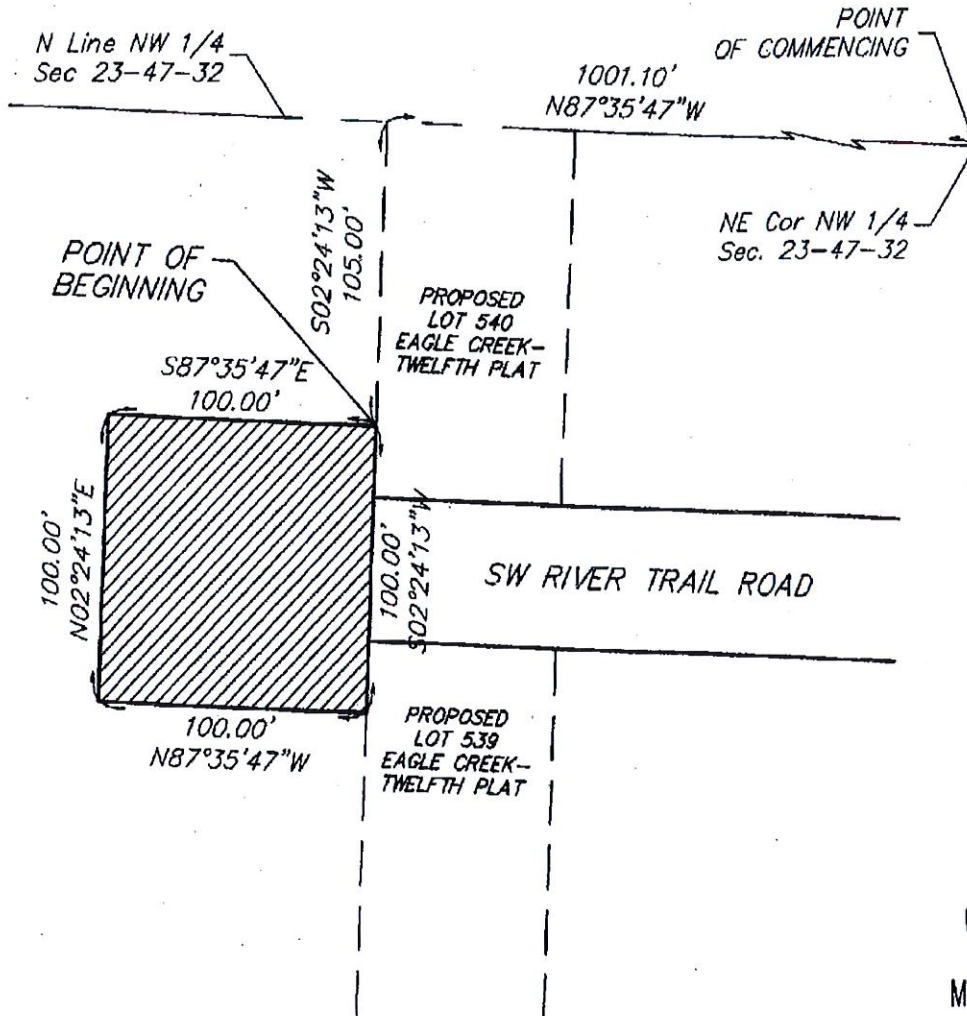
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Tract:



# EXHIBIT

SCALE  
1"=60'



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Location: G:\Survey\EAGLE-CK\ED-12\EC12-plat.dwg



LUTJEN

1201 Sullivan #100  
North Kansas City, MO 64116  
816.357.4330  
816.357.4331 fax  
www.lutjen.com

surveying  
civil engineering  
land use planning

Lutjen Project No.: 18011

## PERMANENT CONSTRUCTION ESMT

EAGLE CREEK - TWELFTH PLAT  
NW 1/4 & NE 1/4, SEC. 23 - Twp. 47 N. - Rge. 32 W.  
LEE'S SUMMIT, JACKSON COUNTY, MO.

-2018-083-

PL#2018-083- VACATION OF EASEMENT  
EAGLE CREEK, 12TH PLAT  
CITY OF LEE'S SUMMIT, APPL.

