

ELECTRONICALLY RECORDED  
JACKSON COUNTY, MISSOURI

07/19/2022 12:48 PM

FEE: \$48.00 10 PGS

INSTRUMENT NUMBER  
2022E0067739



**CITY OF LEE'S SUMMIT, MISSOURI**  
**DOCUMENT TO BE RECORDED**  
WITH JACKSON COUNTY, MISSOURI

DATE OF DOCUMENT: July 15, 2022

DOCUMENT TITLE: Ordinance No. 9453

GRANTOR(S) NAME: Ordinance No. 9453

GRANTEE(S): City of Lee's Summit  
ADDRESS: 220 SE Green Street  
Lee's Summit, MO 64063

LEGAL DESCRIPTION: Please see Pages 1 - 3 of the subject document.

STATE OF MISSOURI)  
COUNTY OF JACKSON) (SS

This is to certify that the attached is a full, true and complete copy as same is recorded in the Office of the City Clerk of the City of Lee's Summit, Missouri.

Ordinance No. 9453 - AN ORDINANCE AMENDING ORDINANCE NO. 9416 AND VACATING CERTAIN EASEMENTS LOCATED AT 3501 SW MARKET STREET IN THE CITY OF LEE'S SUMMIT, MISSOURI.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of said City of Lee's Summit, Missouri this 15th, day of July, 2022.

  
City Clerk - Trisha Fowler Arcuri

Please return recorded copies to: Trisha Fowler Arcuri, City Clerk  
City of Lee's Summit  
220 SE Green Street  
Lee's Summit, MO 64063



AN ORDINANCE AMENDING ORDINANCE NO. 9416 AND VACATING CERTAIN EASEMENTS LOCATED AT 3501 SW MARKET STREET IN THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2022-054 was submitted by Foresight Real Estate, LLC, requesting vacation of existing easements located at 3501 SW Market Street in Lee's Summit, Missouri; and,

WHEREAS, two easements were dedicated to the City via the plat titled *Firestone SW Market Street*, recorded by Document #2020E0041392; one easement was dedicated to the City via separate document, recorded by Document #2001I0018921; and one easement was dedicated to the City via separate document, recorded by Documents #I99910038039 and 2008E0114649; and,

WHEREAS, the Planning Commission considered the original request on April 14, 2022, and rendered a report to the City Council recommending that the vacation of easement be approved; and,

WHEREAS, the City Council approved the original request on May 17, 2022, by Ordinance No. 9416; and,

WHEREAS, it has since been determined that Ordinance No. 9416 only referenced and included the legal descriptions for three (3) of the four (4) easements intended to be vacated; and,

WHEREAS, staff presents a new ordinance correctly referencing the vacation of a total of four (4) easements and that amends the previously approved Ordinance No. 9416; 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:

*ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT SHOWN ON THE RECORDED PLAT OF FIRESTONE SW. MARKET STREET, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, AS INSTRUMENT NO. 2020E0041392, IN BOOK 1190 AT PAGE 63, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, OF SAID FIRESTONE SW. MARKET STREET, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SW MARKET STREET, AS NOW ESTABLISHED; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF N 53°09'45" E, A RADIUS OF 459.32 FEET, AND AN ARC LENGTH OF 15.81 FEET; THENCE S 54°19'08" E, A DISTANCE OF 139.31 FEET; THENCE S 2°26'15" W, A DISTANCE OF 37.20 FEET; THENCE N 87°33'45" W, A DISTANCE OF 15.00 FEET, TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE N 2°26'15" E, ALONG SAID EAST LINE OF SAID LOT 1, A DISTANCE OF 29.10 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE N 54°19'08" W, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 136.22 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,564 SQUARE FEET.*

and;

ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT SHOWN ON THE RECORDED PLAT OF FIRESTONE SW. MARKET STREET, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, AS INSTRUMENT NO. 2020E0041392, IN BOOK 1190 AT PAGE 63, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, OF SAID FIRESTONE SW. MARKET STREET; THENCE N 2°26'15" E, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 36.16 FEET; THENCE S 72°47'53" E, A DISTANCE OF 62.11 FEET; THENCE S 2°26'15" W, A DISTANCE OF 73.75 FEET, TO A POINT ON THE NORTHWESTERLY LINE OF AN EASEMENT RECORDED AS INSTRUMENT 2001I0018921, IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE; THENCE S 69°26'44" W, ALONG SAID NORTHWESTERLY LINE OF SAID EASEMENT, A DISTANCE OF 21.73 FEET, TO A POINT ON THE EAST LINE OF LOT 1A, OF QUIKTRIP 200R LOT 1A, A SUBDIVISION OF LAND IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI; THENCE N 2°26'15" E, ALONG SAID EAST LINE, A DISTANCE OF 61.90 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1A; THENCE N 87°33'03" W, ALONG THE NORTH LINE OF SAID LOT 1A, A DISTANCE OF 39.81 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,850 SQUARE FEET.

and;

ALL THAT PART OF AN EXISTING UTILITY EASEMENT, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, DESCRIBED IN DOCUMENT 2001I0018921, RECORDED IN THE JACKSON COUNTY RECORDER OF DEEDS OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE N 2°24'07" E, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 328.41 FEET; THENCE S 87°35'53" E, A DISTANCE OF 166.31 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MARKET STREET, AS NOW ESTABLISHED; THENCE S 87°38'47" E, A DISTANCE OF 0.27 FEET; THENCE N 10°48'49" E, A DISTANCE OF 25.04 FEET; THENCE S 85°45'06" E, A DISTANCE OF 260.68 FEET, THENCE S 87°56'56" E, A DISTANCE OF 45.15 FEET; THENCE N 69°21'00" E, A DISTANCE OF 13.75 FEET, TO THE POINT ON THE EAST LINE OF QUIKTRIP 200R LOT 1A, A SUBDIVISION IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, SAID POINT ALSO BEING THE POINT OF BEGINNING, OF THE PORTION OF THE EXISTING UTILITY EASEMENT TO BE VACATED; THENCE N 2°29'44" E, ALONG SAID EAST LINE, A DISTANCE OF 16.30 FEET; THENCE, ALONG THE PERIMETER OF THE EXISTING EASEMENT FOR THE FOLLOWING THREE (3) COURSES; THENCE N 69°21'00" E, A DISTANCE OF 41.21 FEET; THENCE S 20°39'00" E, A DISTANCE OF 15.00 FEET; THENCE S 69°21'00" W, A DISTANCE OF 47.60 FEET, TO THE POINT OF BEGINNING, CONTAINING 120 SQUARE FEET.

and;

ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT RECORDED IN DOC. 199910038039 AND 2008E0114649 IN THE OFFICE OF REGISTER OF DEEDS IN JACKSON COUNTY, MISSOURI AND PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 47 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE N 2°27'04" E, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 803.61 FEET; THENCE S 87°34'13" E, A DISTANCE OF 576.87 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW MARKET STREET, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N 77°58'41" E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SW MARKET STREET, A DISTANCE OF 49.21 FEET; THENCE S 12°01'19" E, A DISTANCE OF 64.47 FEET; THENCE S 77°58'41" W, A DISTANCE OF 49.21 FEET; THENCE N 12°01'19" W, A DISTANCE OF 64.47 FEET TO THE POINT OF BEGINNING, CONTAINING 3,173 SQUARE FEET OR 0.0728 ACRES, MORE OR LESS.

SECTION 2. That the following condition of approval applies:

1. This ordinance amends Ordinance No. 9416, which was approved by City Council on May 17, 2022, by adding an additional easement to be vacated which is the fourth legal description in Section 1 of this ordinance.
2. The ordinance approving the vacation of easement shall be recorded with the Jackson County Recorder of Deeds office and a copy of the recorded document shall be returned to the Development Services Department prior to the issuance of a sign permit or building permit.

SECTION 3. 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 4. 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 5. 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.

PASSED by the City Council of the City of Lee's Summit, Missouri, this 12<sup>th</sup> day of July, 2022.

  
Mayor William A. Baird

ATTEST:

  
City Clerk Trisha Fowler Arcuri



**BILL NO. 22-134**

**ORDINANCE NO. 9453**

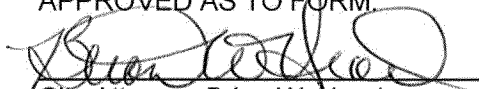
APPROVED by the Mayor of said city this 14<sup>th</sup> day of July, 2022.

  
Mayor William A. Baird

ATTEST:

  
City Clerk Trisha Fowler Arcuri

APPROVED AS TO FORM:

  
City Attorney Brian W. Head



# EXHIBIT "A"

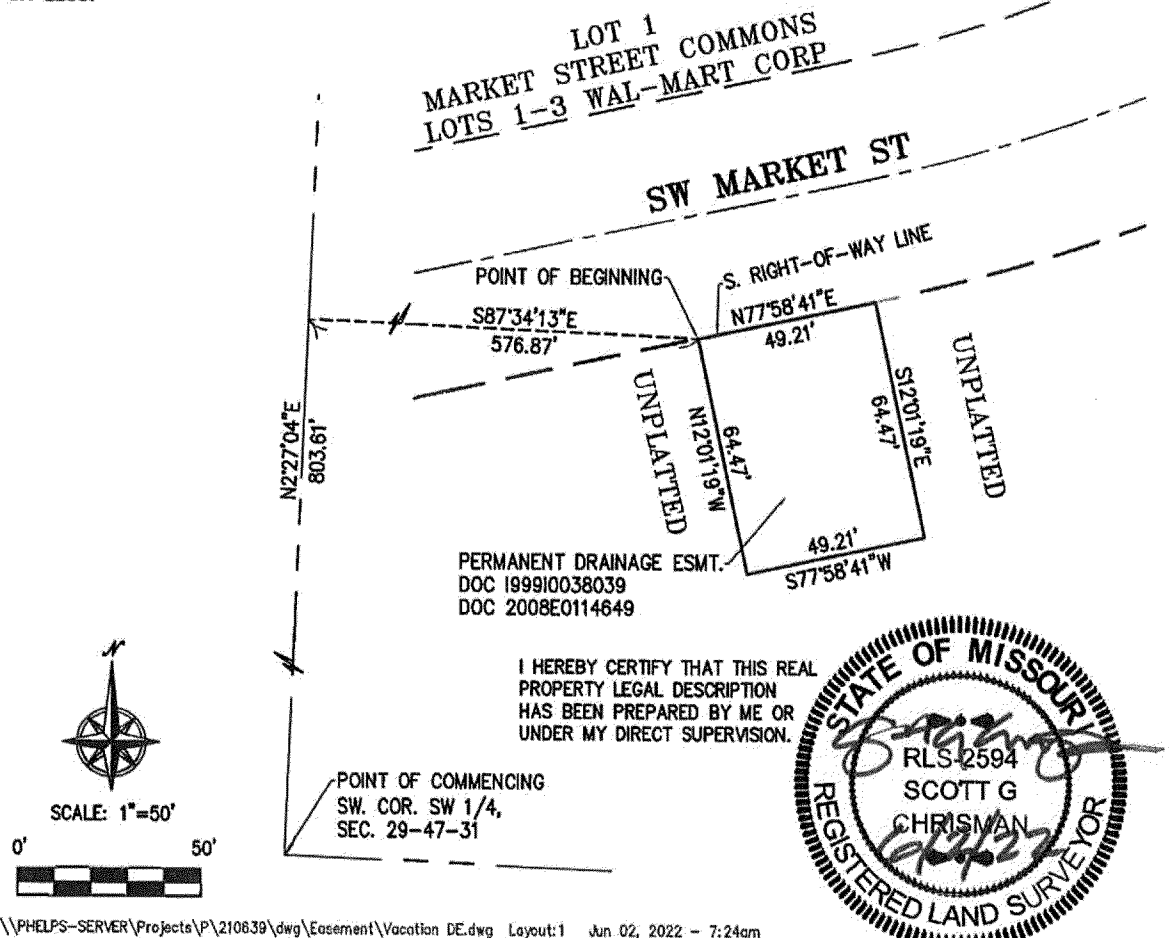
## VACATION OF PERMANENT DRAINAGE EASEMENT

### PART OF THE S.W. 1/4 SECTION 29, T. 47 N., R. 31 W., IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

**DESCRIPTION:**

THIS DESCRIPTION WAS PREPARED BY SCOTT G. CHRISMAN, MOLS 2594 DATED FEBRUARY 8, 2022 FOR PROJECT NUMBER 210639. ALL THAT PART OF A PERMANENT DRAINAGE EASEMENT RECORDED IN DOC. 199910038039 AND 2008E0114649 IN THE OFFICE OF REGISTER OF DEEDS IN JACKSON COUNTY, MISSOURI AND PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 47 NORTH, RANGE 31 WEST, IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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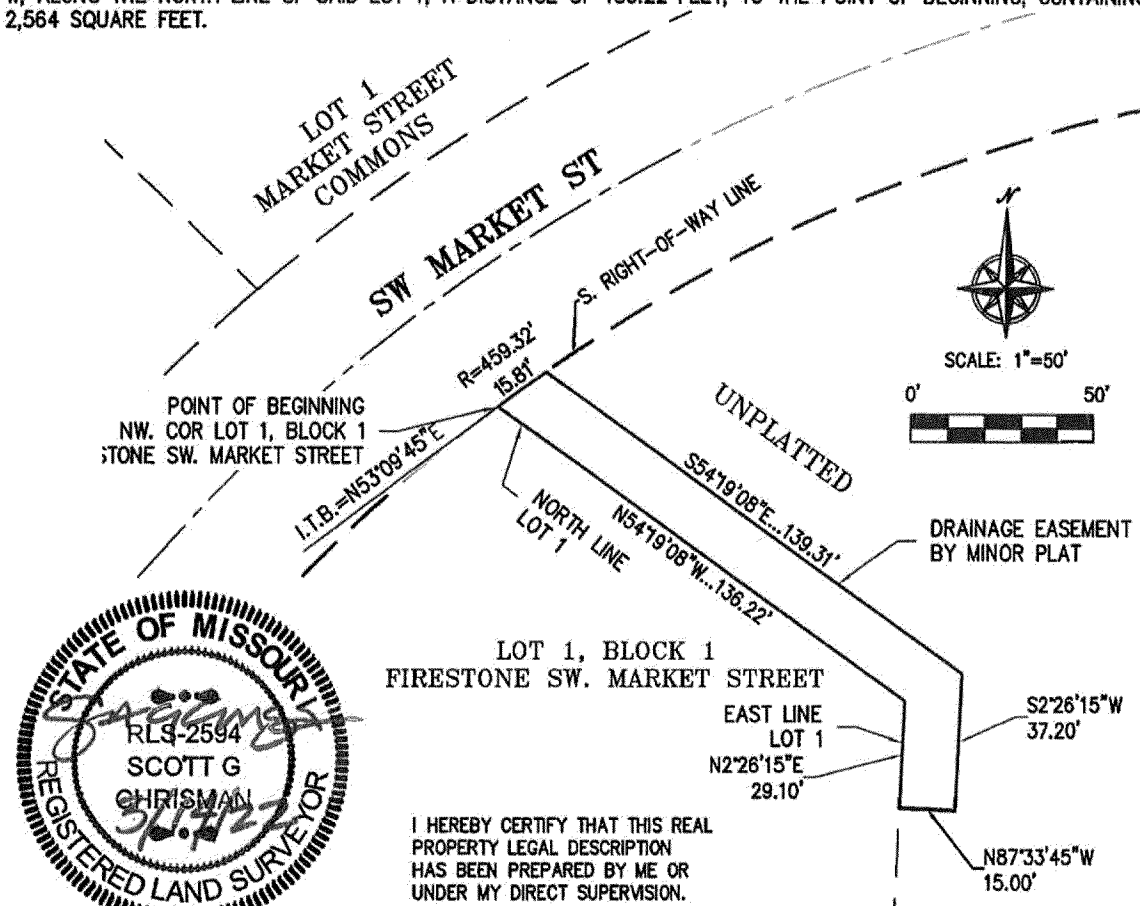
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IMPLEMENTATION

**PHELPS ENGINEERING, INC**

1270 N. Winchester

Olathe, Kansas 66061

(913) 393-1155

Fax (913) 393-1166

www.phelpsengineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND

SURVEYING - LS-82

ENGINEERING - E-391

CERTIFICATE OF AUTHORIZATION MISSOURI

LAND SURVEYING-2007001128

ENGINEERING-2007005058

PROJECT NO. 210639

DATE: 3/14/22

BY: SNH

# EXHIBIT "A"

## VACATION OF PERMANENT DRAINAGE EASEMENT

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LOT 1, BLOCK 1  
FIRESTONE SW. MARKET STREET

UNPLATTED

LOT 1A,  
QUIKTRIP 200R LOT 1A



I HEREBY CERTIFY THAT THIS  
REAL PROPERTY LEGAL  
DESCRIPTION HAS BEEN  
PREPARED BY ME OR UNDER  
MY DIRECT SUPERVISION.

LOT 2  
QUIKTRIP 200R

DRAINAGE EASEMENT  
BY MINOR PLAT

UTILITY EASEMENT  
INST. #2001118921



SCALE: 1"=50'



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CERTIFICATE OF AUTHORIZATION KANSAS LAND  
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LAND SURVEYING-2007001128  
ENGINEERING-2007006058

PROJECT NO. 210639

DATE: 3/14/22

BY: SNH

# EXHIBIT "A"

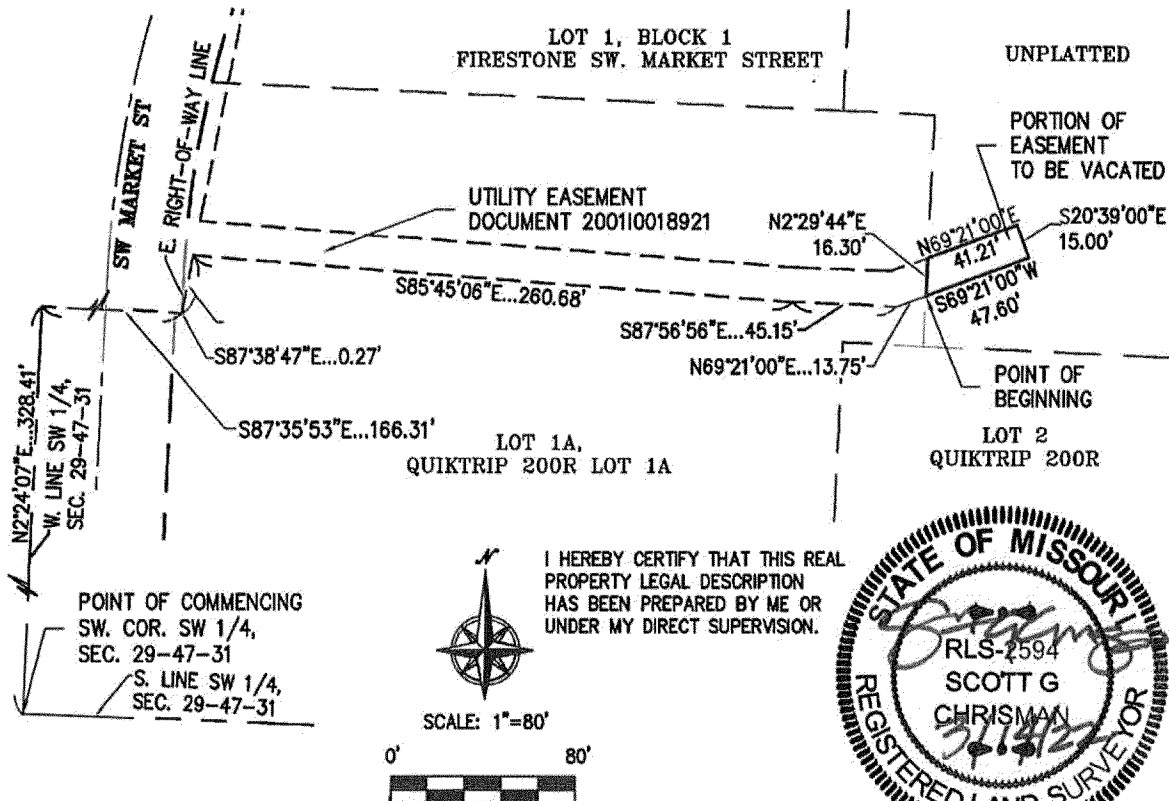
## VACATION OF PART OF A UTILITY EASEMENT

### PART OF THE S.W. 1/4 SECTION 29, T. 47 N., R. 31 W., IN THE CITY OF LEE'S SUMMIT, JACKSON COUNTY, MISSOURI

**DESCRIPTION:**

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I HEREBY CERTIFY THAT THIS REAL PROPERTY LEGAL DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.



\\PHELPS-SERVER\Projects\P\210639\dwg\Easement\Vacation DE (3).dwg Layout:1 Mar 14, 2022 - 4:25pm

|            |   |  |   |  |  |
|------------|---|--|---|--|--|
| <b>PEI</b> | PLANNING<br>ENGINEERING<br>IMPLEMENTATION | <b>PHELPS ENGINEERING, INC</b><br>1270 N. Winchester<br>Olathe, Kansas 66061 | (913) 393-1155<br>Fax (913) 393-1166<br>www.phelpsengineering.com | CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82<br>ENGINEERING - E-391<br>CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128<br>ENGINEERING-2007005058 | PROJECT NO. 210639<br>DATE: 3/14/22<br>BY: SNH |
|------------|---|--|---|--|--|

Appl. #PL2022-054 - VACATION OF EASEMENT  
3501 SW Market St.  
Foresight Real Estate, LLC, applicant

