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Pages: 17

Fee: \$69.00 E 20160010360



Katee Porter
Recorder of Deeds

RECORDER OF DEEDS CERTIFICATE CLAY COUNTY, MISSOURI

EXEMPT DOCUMENT

This document has been recorded under exempt status pursuant to RSMO 59.310.4 and this certificate has been added to your document in compliance with the laws of the State of Missouri.



Katee Porter
Recorder of Deeds
Clay County Courthouse
Liberty, MO 64068

BILL NO. 16-19

ORDINANCE NO. 4.346

AN ORDINANCE VACATING CERTAIN EASEMENTS AT THE HEIGHTS AT LINDEN SQUARE GENERALLY LOCATED SOUTH OF AND ADJACENT TO NORTHEAST 70TH STREET, NORTH OF AND ADJACENT TO NORTHEAST 69TH STREET AND EAST OF AND ADJACENT TO NORTH LOCUST STREET.

WHEREAS, The Heights at Linden Square, Final Plat was recorded on June 6, 2013; and

WHEREAS, certain easements located on the property included within the boundaries of said plat are no longer necessary due to the relocation of utilities in conjunction with development of The Heights project; and

WHEREAS, no utilities have objected to the proposed vacation of said easements, the vacation will not damage any person, and the easements are not necessary to the public welfare nor presently in use; and

WHEREAS, pursuant to Section 8.120.100 of the City Code, the Planning Commission reviewed the proposed vacation of easements at its meeting on March 21, 2016, voted to recommend approval of the vacation, and the City Manager was advised in writing of the action taken by the Planning Commission within three days of the meeting of the Planning Commission; and

WHEREAS, pursuant to Section 8.120.080 of the City Code, notice was published in a newspaper of the April 25, 2016 meeting of the City Council where the vacation of easements would be considered; and

WHEREAS, based on the information provided to it, the City Council desires to vacate the easements described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, AS FOLLOWS:

Section 1. The easements legally described in Exhibits "A" through "G" attached hereto and incorporated herein by reference are hereby vacated; and

Section 2. The City Clerk is hereby directed to record a certified copy of this Ordinance in the Office of the Recorder of Deeds, Clay County, Missouri.


Section 3. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 4. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, READ, PASSED AND MADE EFFECTIVE BY THE COUNCIL OF
THE CITY OF GLADSTONE, MISSOURI, THIS 25th DAY OF APRIL, 2016.


Jean B. Moore, Mayor

ATTEST:


Ruth Bocchino, City Clerk



FIRST READING: April 25, 2016
File #1424

SECOND READING: April 25, 2016



All-America City

Gladstone



2008

TO: Planning Commission Members
FROM: Scott Wingerson, Assistant City Manager
DATE: March 17, 2016
SUBJECT: Vacating Certain Easements at The Heights

Please find attached materials related to the above request.

During the approval process for The Heights development, it was noted that several utilities existed and were required to be relocated. As is typical, these utilities were located in easements.

As of this time all utilities have been relocated, clearing the way for the City to vacate or abandon these easements. All new easements are in place with the exception of one.

If you should wish to discuss this matter in greater detail or desire additional information, please advise.

PLANNING COMMISSION
GLADSTONE, MISSOURI
Council Chambers
March 21, 2016
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Ms. Alexander
Mr. Markenson
Ms. McGee
Ms. Poindexter
Mr. Turnage
Mr. Yarber
Chairman Ringhausen

Absent: Mr. New
Ms. Van Duser
Mr. Ward
Mr. Whitton
Mr. Williams

Council & Staff Present:

Mayor Pro-Tem Jean Moore
Scott Wingerson, Assistant City Manager
Alan Napoli, Building Official
Melinda Mehaffy, Econ. Dev. Admin.

Item 2 on the Agenda: Pledge of Allegiance.

Chairman Ringhausen led the group in reciting the Pledge of Allegiance.

Item 3 on the Agenda: Approval of the February 1, 2016 minutes.

MOTION: By Mr. Turnage, second by Mr. Markenson to approve the January 4, 2016 minutes as presented. All said aye. The motion carried.

Item 4 on the Agenda: PUBLIC HEARING: Vacation of Easements: Various easements and rights-of-way at The Heights. File #1424.

Chairman Ringhausen opened the public hearing and called for the staff report.

Mr. Wingerson thanked the Commission for being here tonight and said that this is really more of a clean-up action than anything else. It has to do with the original development of The Heights [apartments]. When it was developed, it was a several block piece of property and there

were lots of rights-of-way that traversed the property as well as sanitary sewer, stormwater and standard easements. The City vacated or “re-applied” easements where staff was absolutely sure they could be when the final plat was approved. Staff also knew at that time, about two years ago, that there would be a variety of easements that would need to be vacated a second time when the utilities were relocated as part of the development process. Development is now complete and the utilities have now all been relocated so it’s time to vacate the remaining easements from the plat. The reason this is important is because the developer is transitioning the project from construction financing to permanent financing so they have to have clean title in order to make that happen. There are a series of seven easements: 2 standards easements, 2 regular easements, and 3 sewer easements for a total of 7 that are required to be vacated in order to clean, or clear the title. All of the easements being vacated are no longer necessary to the City or any of the utility holders. There are no private utilities in any of these easements and in all but one case there’s new easements that have been recorded to the property to protect our interest in the utilities. He offered to answer any questions.

Mr. Markenson asked what private utilities relocated and who paid for those relocations.

Mr. Wingerson said there were some private utilities relocated and the developer paid for those.

Chairman Ringhausen closed the public hearing.

MOTION: By Mr. Markenson, second by Mr. Yarber to various easements and rights-of-way at The Heights.

| | | |
|--------------|----------------------------|------------|
| Vote: | Ms. Alexander | Yes |
| | Mr. Markenson | Yes |
| | Ms. McGee | Yes |
| | Ms. Poindexter | Yes |
| | Mr. Turnage | Yes |
| | Mr. Yarber | Yes |
| | Chairman Ringhausen | Yes |

The motion carried. (7 yes, 0 no) This application will move forward to the City Council on Monday, March 28, 2016.

Item 5 on the Agenda: Communications from the City Council and the City Staff.

Mr. Wingerson said the Commission will have two public hearings at their next meeting on April 4th: an amendment to the Comprehensive Plan and a new building on Brooktree Lane.

Item 6 on the Agenda: Communications from the Planning Commission Members.

Ms. McGee said that everyone should have received a letter from “Gladstone: Shaping Our Future.” She encouraged everyone to read it and RSVP.

Mr. Yarber brought some concerns from a resident in Hamilton Heights regarding streetlights and water coming up from the street.

Mr. Wingerson let Mr. Yarber know to have her contact Public Works for the streetlight request and suggested that they speak after the meeting regarding the water issue.

Ms. Alexander asked if there was anything going on with the retail part of The Heights that can be discussed.

Mr. Wingerson said yes there is, but he cannot discuss at this time.

Ms. Alexander said she would like to attend the Legal Issues workshop at MARC by Chris Williams.

Mr. Wingerson said Ms. Jarrett would get her signed up and reminded the group about it as well.

Mr. Turnage asked about the reconstruction of the McDonalds on NE Antioch Road.

Mr. Wingerson said it is still on hold. He spoke with Mr. Wagy within the last six months and he was optimistic that corporate McDonalds North America would free up their development dollars to move forward with a new concept. He will follow-up again.

Ms. Alexander asked what the situation is with the Conoco station.

Mr. Wingerson answered that plan review is complete and it will be submitted to the City Council on Monday, March 28th.

Item 7 on the Agenda: Adjournment

Chairman Ringhausen adjourned the meeting at 7:10 pm.

Respectfully submitted:

Alan Ringhausen, Chairman

Approved as submitted _____

Becky Jarrett, Recording Secretary

Approved as corrected _____

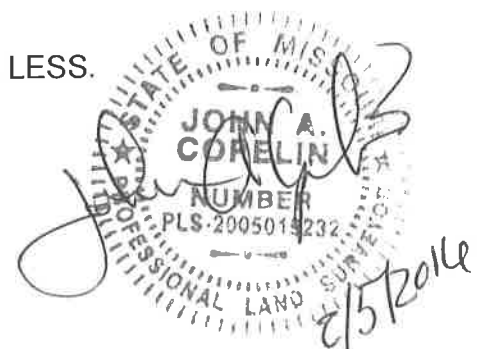
EXHIBIT "A" VACATION OF EASEMENTS

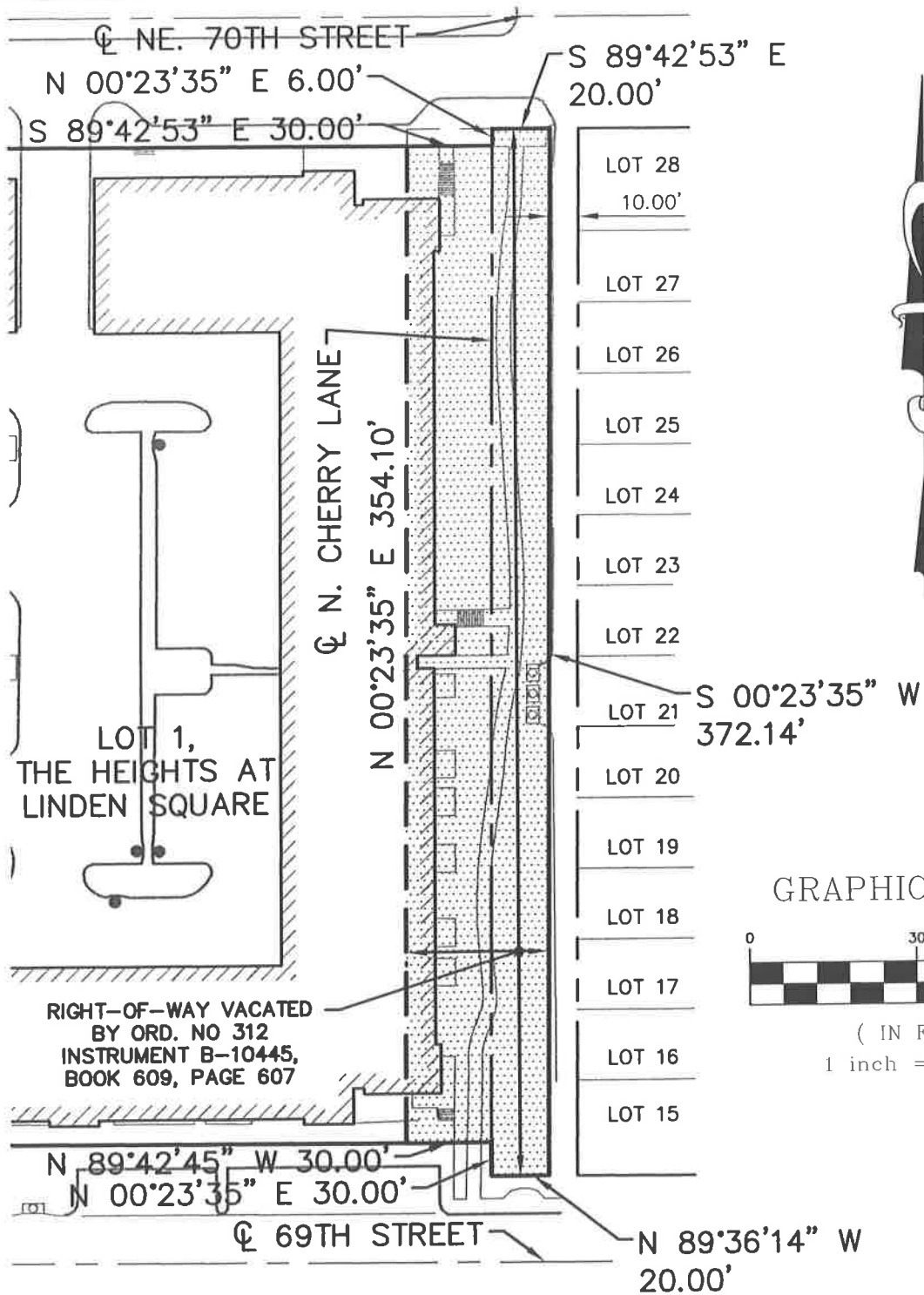
PORTION OF ORDINANCE NO. 312, INSTRUMENT B-10445, BOOK 609, PAGE 607

ALL THAT PART OF THAT BALANCE OF OAKLEY AVENUE (CHERRY LANE) A STREETWAY IN THE CITY OF GLADSTONE, COUNTY OF CLAY, STATE OF MISSOURI, LYING ADJACENT TO AND ABUTTING BLOCK 28, LOT 4, 5, 6, AND 7, AND ADJOINING TENTH STREET (70TH STREET NORTH) ON THE SOUTHEAST CORNER AND ABUTTING LOTS, 15, 16, 17, 18, 19, 20, 21, AND 22, BLOCK 21, ON THE EAST SIDE OF OAKLEY AVENUE (CHERRY LANE), ADJOINING TENTH STREET (70TH STREET NORTH) ON THE NORTH. OAKLEY AVENUE (CHERRY LANE) ABUTTING BLOCK 27, LOTS 1, 2, 3, 4, 5, 6, AND 7, WEST SIDE, AND ADJOINING TENTH STREET (70TH STREET NORTH) ON THE NORTH AND NINTH STREET (69TH STREET NORTH) ON THE SOUTH AND BUTTING BLOCK 28 ON THE EAST, LOTS 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28, EXCEPT THE EAST 10.00 FEET THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

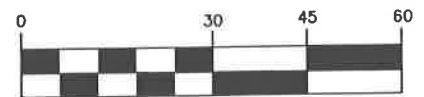
BEGINNING AT THE NORTHEAST CORNER OF LOT 1, THE HEIGHTS AT LINDEN SQUARE, A SUBDIVISION IN SAID CITY, COUNTY AND STATE; THENCE ON THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 1 N00°23'35"E, A DISTANCE OF 6.00 FEET; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF NE.70TH STREET, AS NOW ESTABLISHED, S89°42'53"E, A DISTANCE OF 20.00 FEET TO A POINT 10.00 FEET WEST OF THE NORTHWEST CORNER OF SAID LOT 28; THENCE ALONG A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY LINE OF SAID LOTS 15 THRU 28, S00°23'35"W, A DISTANCE OF 372.14 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NE.69TH STREET, AS NOW ESTABLISHED; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°36'14"W, A DISTANCE OF 20.00 FEET; THENCE N00°23'35"E, A DISTANCE OF 12.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 N89°42'45"W, A DISTANCE OF 30.00 FEET; THENCE ALONG A LINE 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 1 N00°23'35"E, A DISTANCE OF 354.10 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1 S89°42'53"E, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 18,065 SQUARE FEET OR 0.41 ACRE, MORE OR LESS.





GRAPHIC SCALE



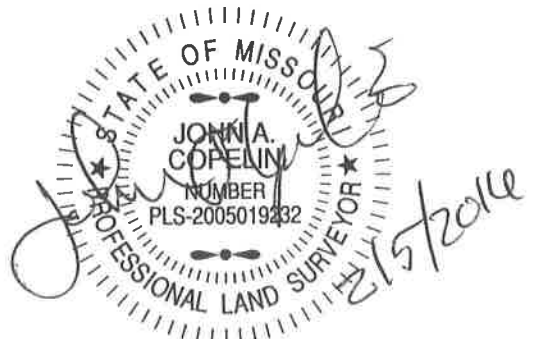
(IN FEET)
1 inch = 60 ft.

VACATION OF EASEMENTS EXHIBIT "A"

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KAW VALLEY ENGINEERING



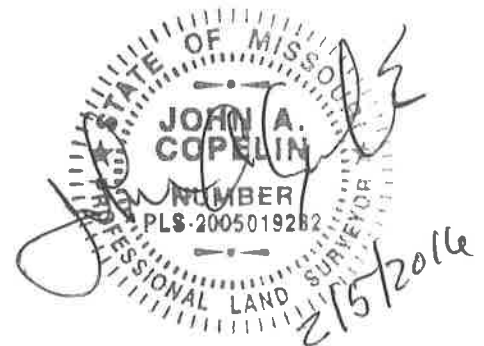
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EXHIBIT "B" STANDARD SEWER EASEMENT VACATION

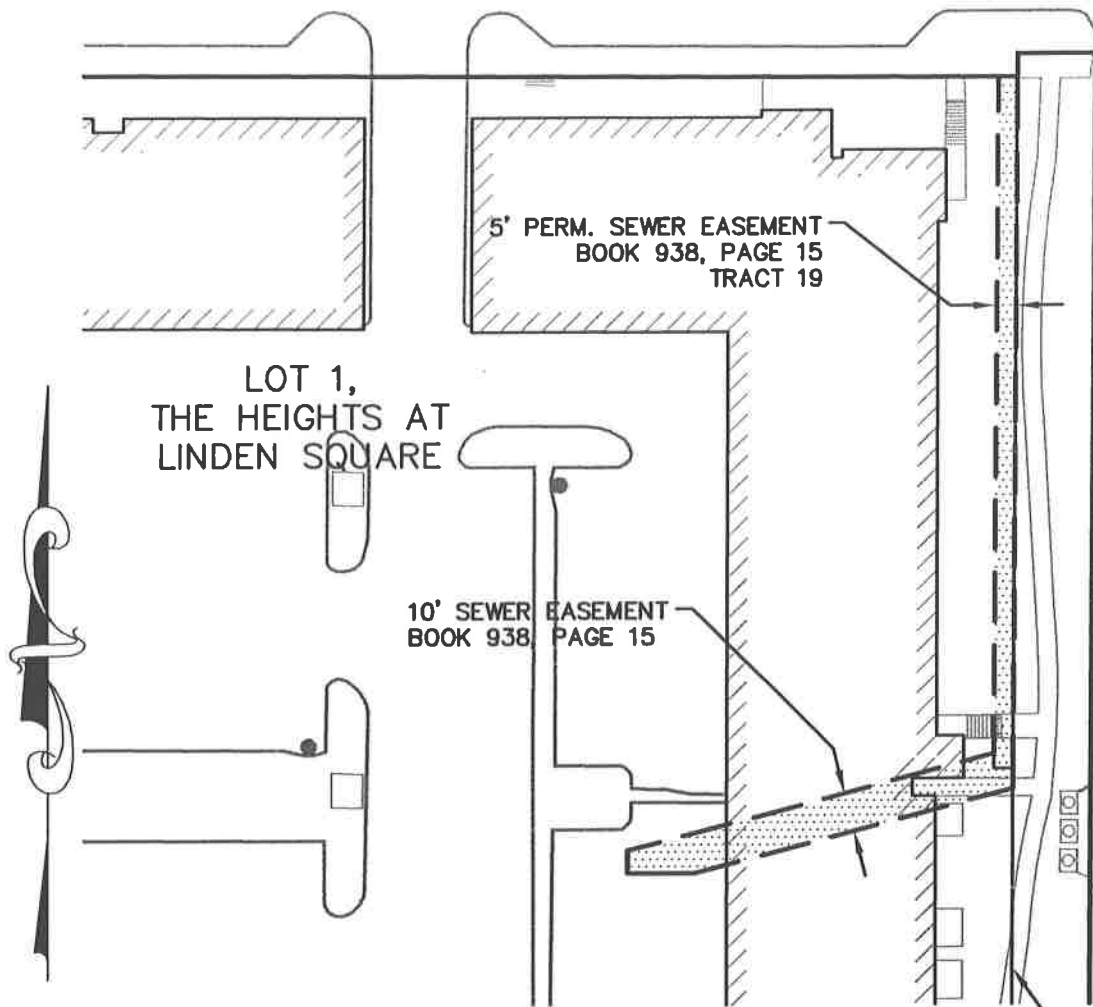
BOOK 938, PAGE 15

TRACT 19

A SEWER LINE EASEMENT OVER THE FOLLOWING DESCRIBED TRACT OF LAND, THE EAST 70 FEET OF LOTS 1, 2, 3 AND 4 AS MEASURED PARALLEL TO THE EAST LINE OF SAID LOTS, BLOCK 27, LINDEN, AN ADDITION IN AND TO THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI; ALSO THE WEST HALF OF VACATED NORTH CHERRY LANE ADJACENT TO THE ABOVE DESCRIBED TRACT OF LAND; A PERMANENT SEWER EASEMENT BEING 10 FEET IN WIDTH, 5 FEET LEFT AND 5 FEET RIGHT AND A TEMOPRARY CONSTRUCTION EASEMENT BEING 50 FEET IN WIDTH, 25 FEET LEFT AND 25 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTER LINE, EXCEPT THAT PART WHICH IS NOT A PART OF THE DESCRIBED TRACT OF LAND: BEGINNING AT A POINT ON THE EAST LINE OF THE DESCRIBED TRACT OF LAND, SAID POINT BEING SOUTH 00°17'42" EAST A DISTANCE OF 178.03 FEET FROM THE NORTHEAST CORNER OF THE DESCRIBED TRACT OF LAND; THENCE SOUTH 71°31'42" WEST A DISTANCE OF 105.27 FEET TO A POINT ON THE WEST LINE OF THE DESCRIBED TRACT OF LAND, SAID POINT BEING NORTH 00°17'42" WEST A DISTANCE OF 0.63 FOOT FROM THE SOUTHWEST CORNER OF THE DESCRIBED TRACT OF LAND, ALSO A PERMANENT EASEMENT OVER THE EAST 5 FEET OF THE NORTH 178.03 FEET AND A TEMOPRARY CONSTRUCTION EASEMENT OVER THE EAST 25 FEET OF THE NORTH 154 FEET OF THE DESCRIBED TRACT OF LAND.



NE. 70TH STREET



GRAPHIC SCALE

N. CHERRY LANE



(IN FEET)

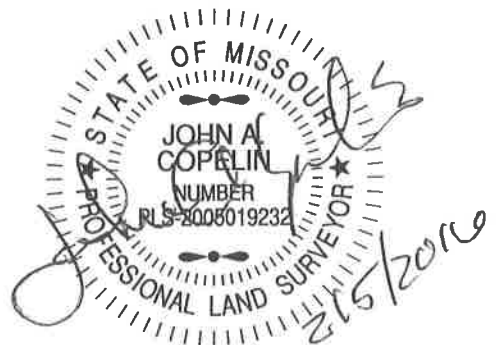
1 inch = 50 ft.

STANDARD SEWER EASEMENT VACATION EXHIBIT "B"

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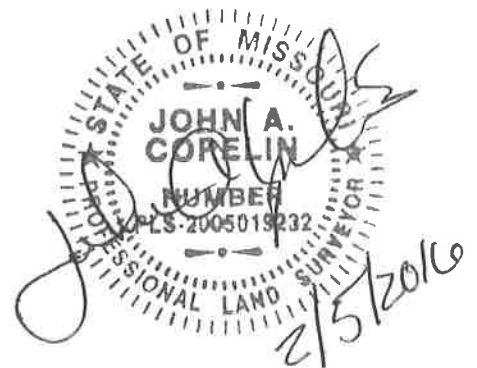


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2943EXB

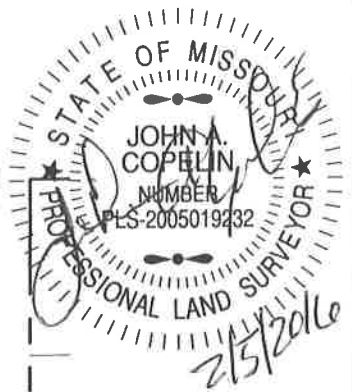
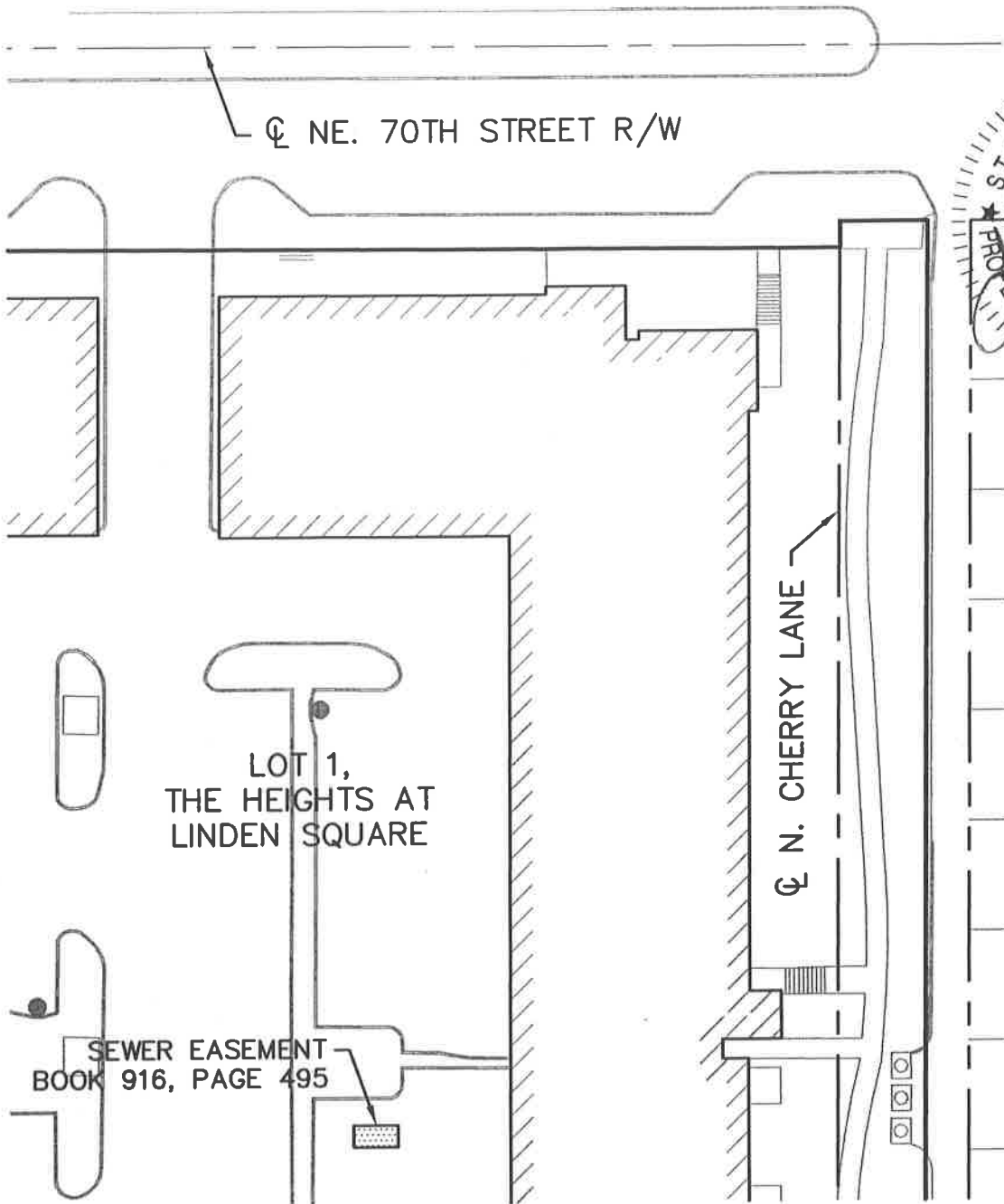
EXHIBIT "C" STANDARD SEWER EASEMENT VACATION

DOCUMENT NO. C6944, BOOK 916, PAGE 495

A PERMANENT SEWER LINE EASEMENT OVER THE SOUTH 5 FEET OF THE EAST 10 FEET AND A TEMPORARY CONSTRUCTION EASEMENT OVER THE SOUTH 25 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND, LOT 4, BLOCK 27, EXCEPT THE EAST 70 FEET OF SAID LOT AS MEASURED PARALLEL TO THE EAST LINE OF SAID LOT, LINDEN, AN ADDITION IN AND TO THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI.



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GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

STANDARD SEWER EASEMENT VACATION EXHIBIT "C"



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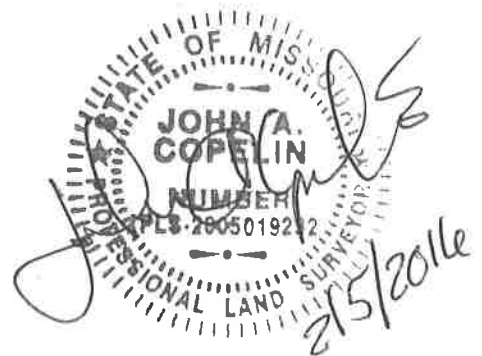
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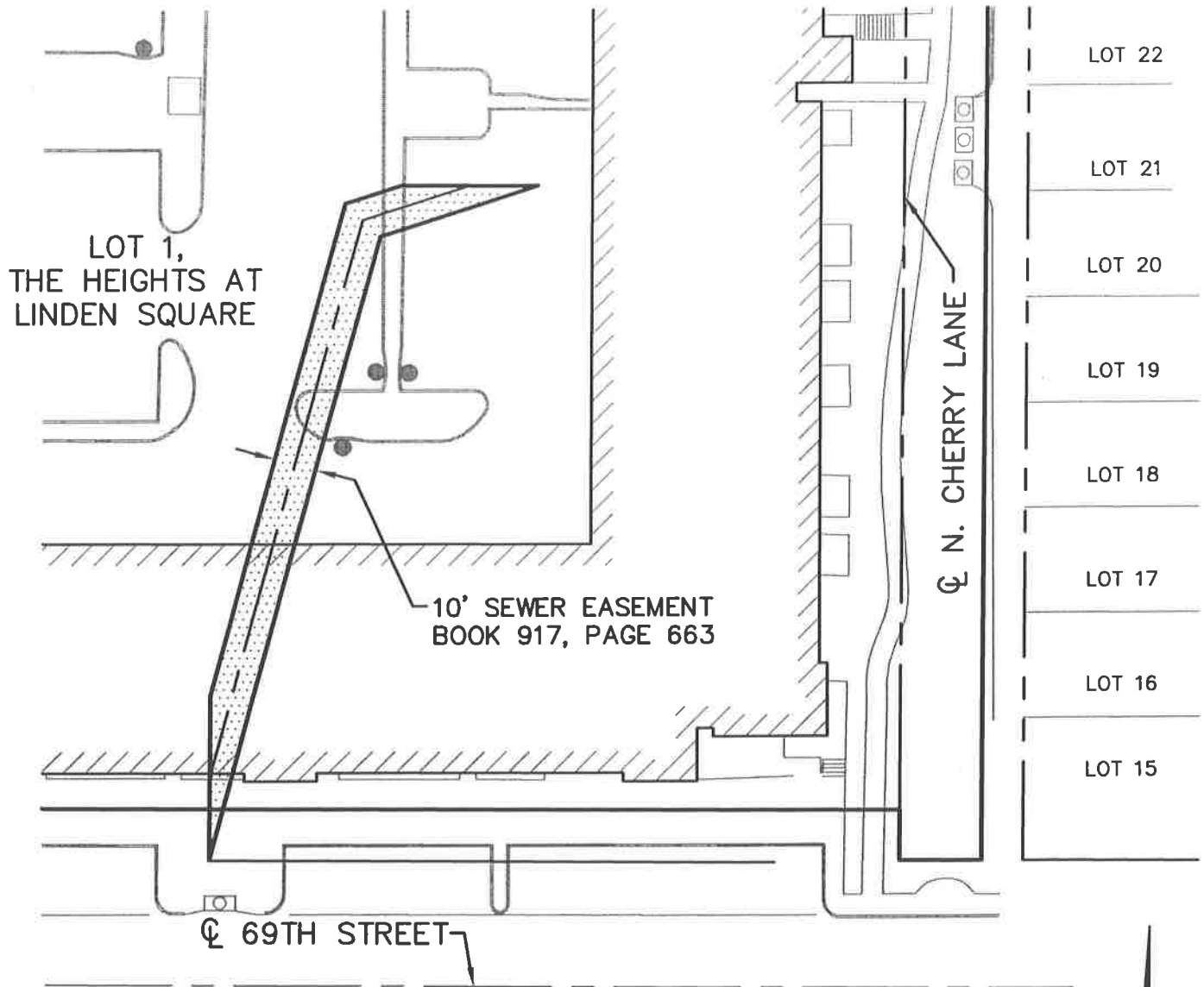
EXHIBIT "D" STANDARD SEWER EASEMENT VACATION

DOCUMENT NO. C7325, BOOK 917, PAGE 663

A PERMANENT SEWER LINE EASEMENT 10 FEET IN WIDTH, 5 FEET LEFT AND 5 FEET RIGHT AND A TEMPORARY CONSTRUCTION EASEMENT 25 FEET LEFT AND ALL OF THE TRACT HEREIN DESCRIBED RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

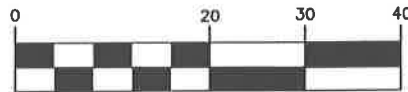
BEGINNING AT A POINT ON THE NORTH LINE OF THE FOLLOWING DESCRIBED TRACT OF LAND, ALL OF LOTS 5, 6 AND 7, BLOCK 27, LINDEN, AN ADDITION IN AND TO THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI, SAID POINT OF BEGINNING BEING NORTH 09°39'45" EAST A DISTANCE OF 60.42 FEET FROM THE NORTHWEST CORNER OF THE DESCRIBED TRACT OF LAND; THENCE SOUTH 71°31'49" WEST A DISTANCE OF 26.50 FEET; THENCE SOUTH 14°29'19" WEST A DISTANCE OF 138.08 FEET TO A POINT ON THE WEST LINE OF THE DESCRIBED TRACT OF LAND, SAID POINT BEING NORTH 0°18'02" WEST A DISTANCE OF 19.69 FEET FROM THE SOUTHWEST CORNER OF THE DESCRIBED TRACT OF LAND.





STANDARD SEWER EASEMENT VACATION EXHIBIT "D"

GRAPHIC SCALE

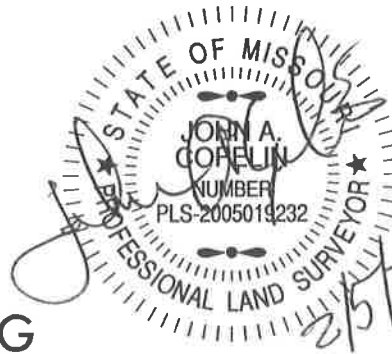


(IN FEET)
1 inch = 40 ft.



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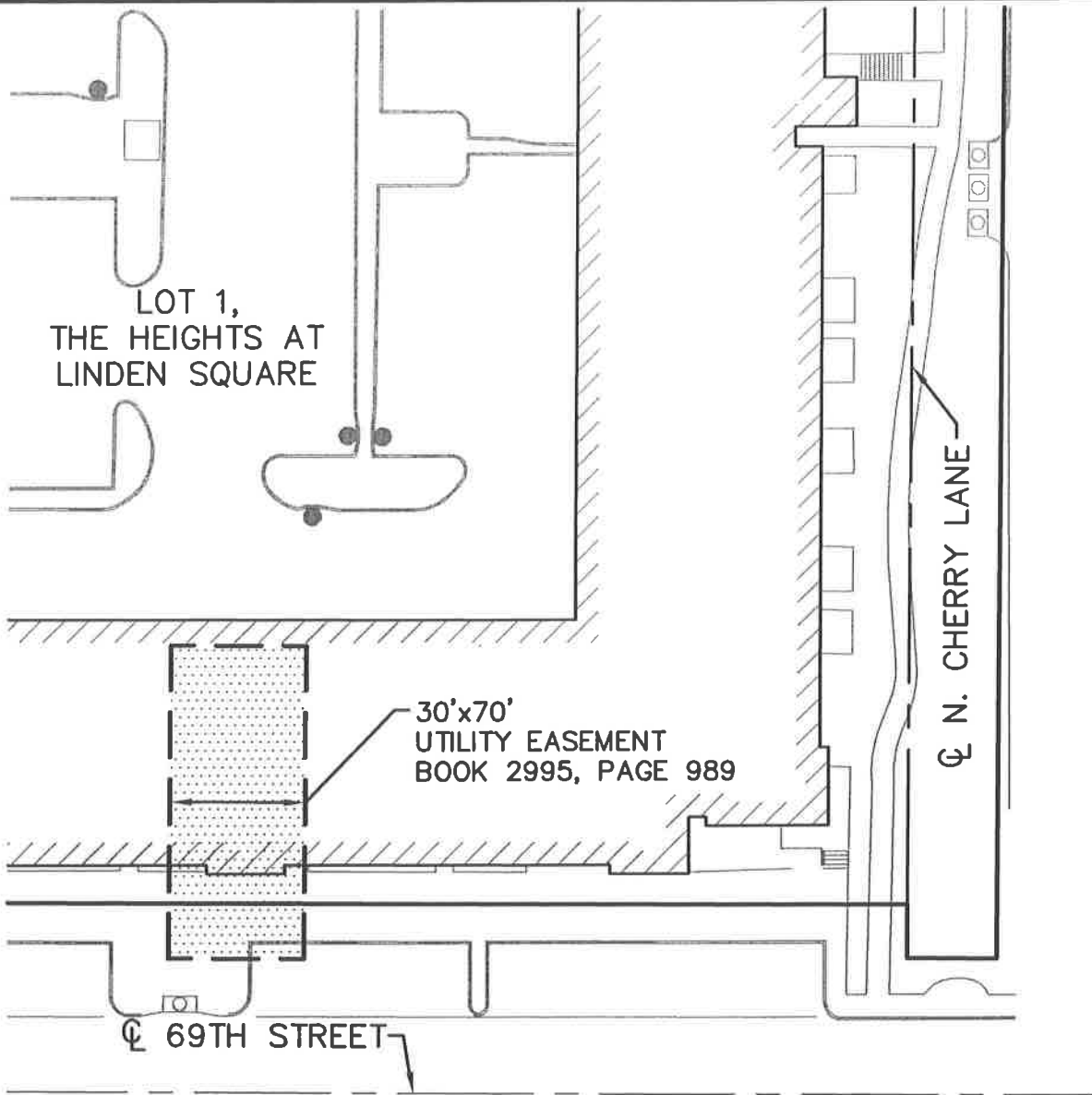
02/05/16
2943EXB

EXHIBIT "E" STANDARD EASEMENT VACATION

DOCUMENT NO. P46600, BOOK 2995, PAGE 989

BEGINNING AT THE SW CORNER OF LOT 7, LINDEN RESURVEY OF LOTS 5-7, BLOCK 27, A SUBDIVISION OF LAND IN GLADSTONE, CLAY COUNTY, MISSOURI; THENCE NORTH, ALONG THE WEST LINE OF SAID LOTS 7 AND 6, A DISTANCE OF 70 FEET; THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 30 FEET; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID LOTS 6 AND 7, A DISTANCE OF 70 FEET; THENCE WEST, ALONG THE SOUTH LINE OF SAID LOT 7, A DISTASNCE OF 30 FEET TO THE POINT OF BEGINNING.





GRAPHIC SCALE



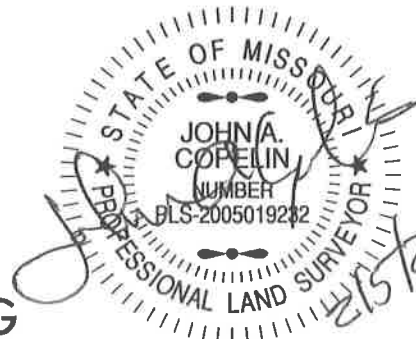
(IN FEET)
1 inch = 40 ft.

STANDARD EASEMENT VACATION EXHIBIT "E"



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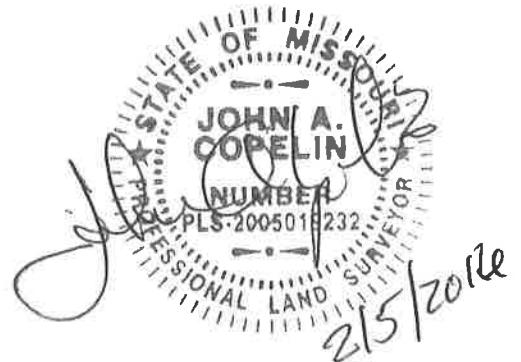


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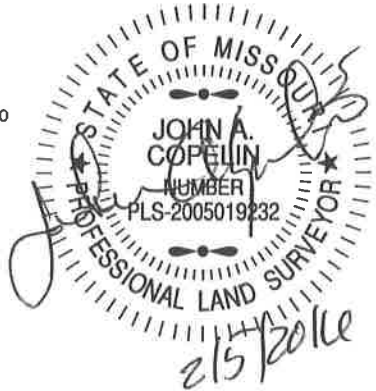
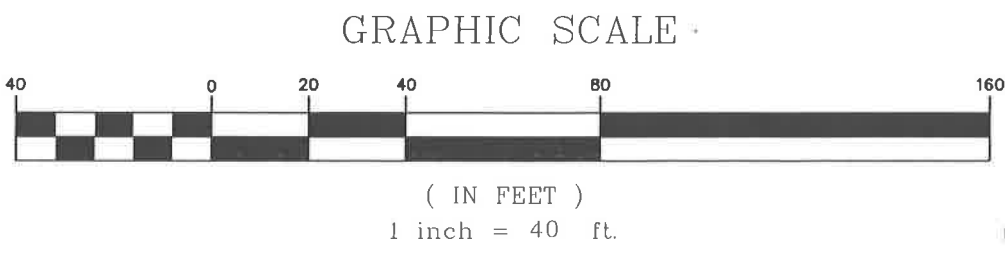
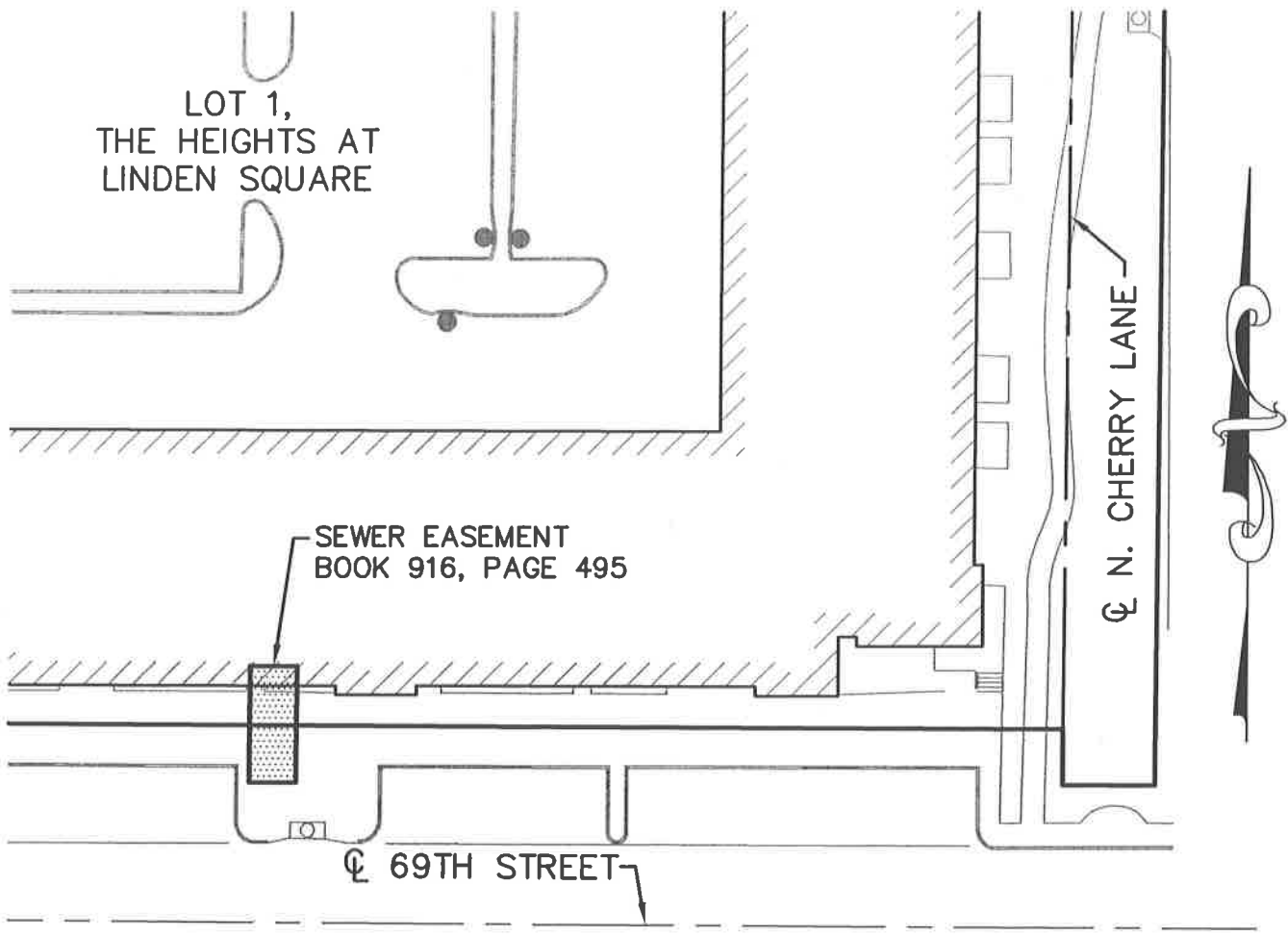
EXHIBIT "F" STANDARD SEWER EASEMENT VACATION

DOCUMENT NO. C6944, BOOK 916, PAGE 495

A PERMANENT SEWER LINE EASEMENT OVER THE SOUTH 5 FEET OF THE EAST 10 FEET AND A TEMPORARY CONSTRUCTION EASEMENT OVER THE SOUTH 25 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND, LOT 4, BLOCK 27, EXCEPT THE EAST 70 FEET OF SAID LOT AS MEASURED PARALLEL TO THE EAST LINE OF SAID LOT, LINDEN, AN ADDITION IN AND TO THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI.



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STANDARD SEWER EASEMENT VACATION EXHIBIT "F"



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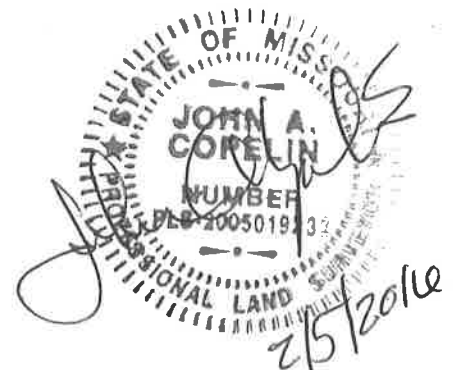
KAW VALLEY ENGINEERING

02/05/16
2943EXB

EXHIBIT "G" VACATION OF EASEMENTS

INSTRUMENT NO. 2013011015, BOOK 7062, PAGE 185

ALL THAT PART OF NORTH CHERRY STREET (PLATTED AS HOWARD AVENUE) LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF NORTH 69TH STREET (PLATTED AS NINTH STREET) AND SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHEAST 70TH (PLATTED AS TENTH STREET), AS SHOWN ON THE PLAT OF LINDEN, A SUBDIVISION OF LAND IN THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI.



☪ N. LOCUST STREET

☪ NE. 70TH STREET

LOT 1,
THE HIEGHTS AT
LINDEN SQUARE

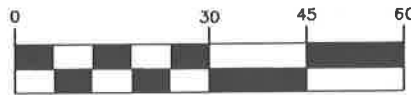
CHERRY STREET R/W VACATED
BY ORD. NO. 4232,
INSTRUMENT NO. 2013011015
IN BOOK 7062 PAGE 15

60.00'

☪ 69TH STREET

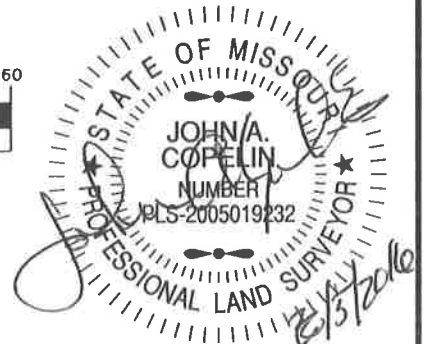
VACATION OF EASEMENTS EXHIBIT "G"

GRAPHIC SCALE



(IN FEET)

1 inch = 60 ft.



02/05/16

2943EXB



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