

ORDINANCE NO. VAC-2880

VACATION NO. 2010-2

AN ORDINANCE VACATING A RIGHT-OF-WAY IN THE VICINITY OF 127TH AND GRANT STREETS, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BELOW:

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. Pursuant to the provisions of K.S.A. 13-443 and K.S.A. 12-512a, the Governing Body of the City of Overland Park, Kansas, for good cause and by its own application does hereby vacate the following right-of-way to-wit:

Legal Description:

ALL THAT PART OF GRANT STREET RIGHT-OF-WAY AS SHOWN ON THE RECORDED PLAT OF ASCENSION HEIGHTS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID ASCENSION HEIGHTS; THENCE N 1°59'30" W, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF LOT 3, BLOCK 1 OF SAID ASCENSION HEIGHTS; THENCE N 88°00'30" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRANT STREET AND ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 20.00 FEET; THENCE SOUTHEASTERLY, SOUTHERLY, SOUTHWESTERLY AND WESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRANT STREET AND ALONG THE SOUTHERLY LINE OF SAID LOT 3 AND ALONG THE WESTERLY LINE OF LOT 2, BLOCK 1 OF SAID ASCENSION HEIGHTS AND ALONG THE NORTHERLY LINE OF SAID LOT 1 AND ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 157.08 FEET; THENCE S 88°00'30" W, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRANT STREET AND ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5,927 SQUARE FEET, MORE OR LESS.

TOGETHER WITH:

ALL THAT PART OF GRANT STREET RIGHT-OF-WAY AS SHOWN ON THE RECORDED PLAT OF ASCENSION HEIGHTS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 1 OF SAID ASCENSION HEIGHTS; THENCE NORTHERLY AND NORTHEASTERLY ON A CURVE TO THE RIGHT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N 02°35'59" E AND A RADIUS OF 385.00 FEET, AN ARC DISTANCE OF 100.07 FEET TO THE SOUTHWEST CORNER OF LOT 6,

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BLOCK 1 OF SAID ASCENSION HEIGHTS; THENCE SOUTHEASTERLY, SOUTHERLY, SOUTHWESTERLY AND WESTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRANT STREET AND ALONG THE SOUTHERLY LINE OF SAID LOT 6 AND ALONG THE WESTERLY LINE OF LOT 5, BLOCK 1 OF SAID ASCENSION HEIGHTS AND ALONG THE NORTHERLY LINE OF SAID LOT 4 AND ON A CURVE TO THE RIGHT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF S 76°13'52" E AND A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 150.58 FEET TO THE POINT OF BEGINNING, CONTAINING 3,819 SQUARE FEET, MORE OR LESS.

SECTION 2. STIPULATIONS AND CONDITIONS. The vacation granted in Section 1 of this ordinance is hereby made contingent upon the performance and observance of the following regulations, stipulations, conditions, and restriction, to-wit:

- a. The vacated right-of-way shall be retained as a utility easement.

SECTION 3. The City Clerk shall cause this ordinance to be duly published and file a certified true and correct copy in the office of the Johnson County Clerk to enter the same in the transfer records and directing the Records and Tax Administration to record the same in the deed records of Johnson County, Kansas.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED by the City Council this 19th day of July, 2010.

APPROVED by the Mayor this 19th day of July, 2010.

(s) Carl Gerlach
Carl Gerlach, Mayor

ATTEST:

(s) Marian Cook
Marian Cook, City Clerk

APPROVED AS TO FORM:

(s) J. Bart Budetti
J. Bart Budetti, Senior Assistant City Attorney