



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 12, 2021

Department Administration

Director Approval *Kelly Passauer*

AGENDA ITEM Consider the following actions:

1. Authorizing the Mayor to sign a Quitclaim Deed for a lot on East Myrtle Street; and
2. Adopting an ordinance vacating a portion of East Myrtle Street.

SUMMARY RECOMMENDATION City staff recommends authorizing the Mayor to sign a Quitclaim Deed; and adopting an ordinance vacating a portion of East Myrtle Street.

BACKGROUND The Montgomery County Commission held a worksession with the City Commission on May 24, 2021. During that worksession both Commissions provided direction to proceed with vacating a portion of East Myrtle Street and North Wald Avenue in conjunction with a rezoning and conditional use permit request for a County parking lot located southwest of Myrtle Street and Wald Avenue. On May 27, 2021 the City Commission adopted the attached ordinance vacating the streets as requested. The County also inquired about extending the vacation of Myrtle Street further east which is bordered by County property on the south and a City lot containing a liftstation on the north. Since when property is vacated, ownership reverts to the property owners on each side City staff was asked if the City needs to retain ownership of the lot. In checking with the City Engineer it was determined that as long as access to the City's liftstation and any other utilities on the lot was maintained, that the City had no other use for this lot. A Quitclaim deed has been prepared by the City Attorney, in addition to a draft ordinance extending the vacation of East Myrtle Street to the east edge of the subject lot.

SUGGESTED MOTIONS

1. Consider authorizing the Mayor to sign a Quitclaim Deed for Lot 3, Block 2, River View Addition, City of Independence, Montgomery County, Kansas, subject to a permanent easement.
2. Based upon a finding that no private rights will be injured or endangered and that the public will suffer no loss or inconvenience, I move to adopt Ordinance 4369 vacating additional portions of East Myrtle Street starting at the point of easternmost vacation by Ordinance 4362, then extending further eastward to the East edge of Lot 3, Block 2, River View Addition to the City of Independence.

SUPPORTING DOCUMENTS

1. Quitclaim Deed
2. Ordinance 4362 adopted May 27, 2021
3. Proposed Ordinance 4369
4. Exhibit A -- Aerial