



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
August 12, 2021

Department Administration

Director Approval David Cowan

AGENDA ITEM Consider an ordinance vacating certain lots and easement designations in the West Laurel Industrial Park; and granting and reserving itself certain utility easements.

SUMMARY RECOMMENDATION City staff recommends approval of Ordinance 4368 vacating easement designations and approval of new easements.

BACKGROUND City Attorney has prepared Ordinance 4368 vacating easements on Lots 14 and 15 in the West Industrial Park for the Distribution Center. The City Attorney has also prepared new utility easements for these lots to replace the previous easements in the Industrial Park for the Distribution Center.

SUGGESTED MOTION I move to approve Ordinance 4368 vacating easements in the West Laurel Industrial Park for lots 14 and 15.

I move to authorize the Mayor to sign new utility easements for Lots 14 and 15 in the West Laurel Industrial Park.

SUPPORTING DOCUMENTS

1. Ordinance
2. Utility Easements

ORDINANCE NO. 4368

An Ordinance Vacating Certain Lots and Easement Designations in the West Laurel Street Industrial Park

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. The governing body has determined that it is in the best interest of the City of Independence, Kansas, to vacate certain lot designations, certain utility easement designations and certain setback restrictions in the West Laurel Street Industrial Park.

Section 2. The designation of Lots 14 and 15 currently located in the West Laurel Street Industrial Park are hereby vacated; the 25-foot wide utility easement separating Lots 14 and 15 in the West Laurel Street Industrial Park is hereby vacated; and the setback restrictions adjacent to the boundary line hereto before dividing Lots 14 and 15 in the West Laurel Street Industrial Park is hereby vacated.

Section 3. Ownership of all vacated portions of real estate shall revert to the owners of the adjacent real estate in proportion to their ownership of frontage on the vacated portions.

Section 4. The area formerly known as Lots 14 and 15 in the West Laurel Street Industrial Park shall now be known as the NE/4 SW/4 of Section 26, Township 32 South, Range 15 East, Montgomery County, Kansas.

Section 5. This Ordinance shall be published in the official City newspaper and shall thereafter take effect thirty (30) days after publication unless one or more interested parties file a

written protest before expiration of such time all as provided by law.

Adopted by the Governing Body of the City of Independence, Kansas, on the 12th day of August, 2021.

LOUIS YSUSI, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

UTILITY EASEMENTS

The **City of Independence, Kansas**, a municipal corporation, hereby grants and reserves unto itself certain utility easements on and across the following described real estate:

NE/4 SW/4 of Section 26, Township 32 South, Range 15 East,
Montgomery County, Kansas

The location of the easements granted and reserved to the City of Independence, Kansas, are as follows:

A. East Side of Property. A 25-foot wide utility easement running north and south parallel to and inside the east property line.

B. South Side of Property. A 25-foot wide utility easement running east and west parallel to and inside the south property line.

C. West Side of Property. A 30-foot wide utility easement running parallel to and inside the west property line.

D. North Side of Property. No utility easement is reserved to the City inside the north property line of the property.

This easement shall be considered a covenant running with the land and shall be binding upon the heirs, successors and assigns of the parties.

CITY OF INDEPENDENCE, KANSAS

Date

By: _____
LOUIS YSUSI, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

STATE OF KANSAS)
) SS:
MONTGOMERY COUNTY)

Be It Remembered that on this _____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Louis Ysusi**, Mayor, and **David W. Schwenker**, City Clerk of the **City of Independence, Kansas**, a municipal corporation, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

In Witness Whereof, I have hereunto set my hand and affixed my seal, the day and year last above written.

NOTARY PUBLIC

My commission expires: