

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE vacating a recorded easement for the establishment of a future public road.

ORDINANCE #4322, July 11, 2011

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section 1. Pursuant to the United Development Code of Jackson County, section 24003.24, Jackson County Code, 1984, a recorded easement located east of the termination of the right-of-way and street pavement for East 92nd Terrace on the south 25 feet of the property addressed 24108 E. 92nd Terrace, is hereby vacated, said tract being specifically described as follows:

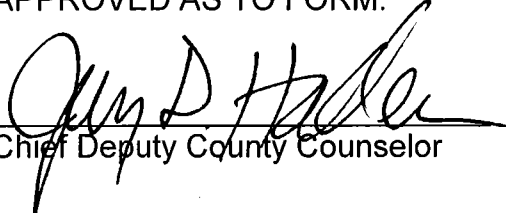
Description: The easement is located east of where the right-of-way and street pavement terminates for East 92nd Terrace on the south 25 feet of the property addressed 24108 E. 92nd Terrace and is described in Recorded Document I220124 as follows: "An easement for the establishment of a future public road over all of the South 25 feet of the East 330 feet of the West 660 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 48, Range 31 in Jackson County, Missouri, except the South 244.45 feet thereof."

Section 2. The Legislature, pursuant to the application of Arvel and Carol Allman (LA-2011-022), requesting the vacation embodied in this Ordinance and with notice that the Jackson County Plan Commission unanimously recommended approval of this application at a public hearing on June 16, 2011, does adopt this Ordinance pursuant to

the Jackson County Charter authorizing the Legislature to exercise legislative power pertaining to planning and zoning.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:



Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance #4322 introduced on July 11, 2011, was duly passed on August 15, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

8.15.11

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4322.

8/15/2011

Date



Michael D. Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION


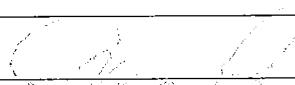
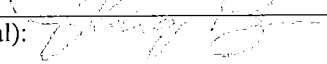
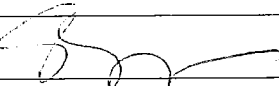
Completed by County Counselor's Office:

~~Ord No.:~~ 4322

Sponsor(s): XXXXXX

Date: July 11, 2011

<p>SUBJECT</p>	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>Requesting vacation of recorded easement for the establishment of a future public road (Document I220124 dated 4/4/75).</u></p>										
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Amount authorized by this legislation this fiscal year:</td> <td style="width: 20%; text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____</p>	Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT
Amount authorized by this legislation this fiscal year:	\$										
Amount previously authorized this fiscal year:	\$										
Total amount authorized after this legislative action:	\$										
Amount budgeted for this item * (including transfers):	\$										
Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT										
<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): N.A. Prior resolutions and (date): N.A.</p>										
<p>CONTACT INFORMATION</p>	<p>RLA drafted by: Mark Trosen, Planning and Environmental Health Administrator, 881-4645</p>										
<p>REQUEST SUMMARY</p>	<p>Requesting an ordinance for vacation of a recorded easement to Jackson County for the establishment of a future public road. The recorded easement is document I220124 dated April 4, 1975.</p> <p>Description: The easement is located east of where the right-of-way and street pavement terminates for East 92nd Terrace on the south 25 feet of the property addressed 24108 E. 92nd Terrace and is specifically described on Attachment to RLA-1.</p> <p>WHEREAS, Section 24003.24 of the Unified Development Code (UDC) establishes the purpose and process for the vacation of streets and reservations;</p> <p>WHEREAS, a public reservation is defined as a tract of public land or easement reserved for some special use, as for a road and is a certain right to use the real property of another without possessing it;</p> <p>WHEREAS, on April 4, 1975, Robert and Marilyn Freeland, owners of the property at that time, signed an easement document that established a future public road over all of the south 25 feet of the tract described above. The easement was conveyed to Jackson County and recorded;</p> <p>WHEREAS, application for vacation of any street or a public reservation may be made by the County or by any owner of property on which the street or public reservation lies or adjoins;</p> <p>WHEREAS, Arvel and Carol Allman own the property that contains the easement and Mark and Wendie Trent own the property adjoining the easement:</p> <p>WHEREAS, the Jackson County Plan Commission on June 16, 2011 held a public hearing and accepted testimony pertaining to easement vacation requested by the Allmans and Trents;</p> <p>WHEREAS, there was no one present in opposition to the request to vacate the easement;</p> <p>WHEREAS, the Staff has no objection to the vacation of the easement because a public road could not be constructed within the 25 foot easement unless an additional 25 feet is provided by the Trents and this easement has been in place for over 36 years with no plans to extend 92nd Terrace to the east;</p> <p>THEREFORE, the Plan Commission determined that no private rights will be injured or endangered and the public will suffer no loss or inconvenience and voted 6 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>										

CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS	See Attachment to RLA-2	
REVIEW 	Department Director: Jerry A. Page, P.E. 	Date: 6/22/2011
	Finance (Budget Approval): <i>If applicable</i> 	Date:
	Division Manager: 	Date: 6/23/11
	County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

ATTACHMENT TO RLA-1:

LA-2011-022 (Allman, Arvel & Carol and Trent, Mark & Wendie)

Description: The easement is located east of where the right-of-way and street pavement terminates for East 92nd Terrace on the south 25 feet of the property addressed 24108 E. 92nd Terrace and is described in Recorded Document I220124 as follows: "An easement for the establishment of a future public road over all of the South 25 feet of the East 330 feet of the West 660 feet of the Northeast ¼ of the Northeast ¼ of Section 26, Township 48, Range 31 in Jackson County, Missouri, except the South 244.45 feet thereof."

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from June 16, 2011

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Easement (Document No. I220124 dated 4/4/75)

Aerial Map illustrating location of 25 foot easement

1. LA-2011-022 – Allman and Trent

Requesting the vacation of an easement for the establishment of a future public road over all of the south 25 feet of the east 330 feet of the west 660 feet of the northeast quarter of the northeast quarter of Section 26, Township 48, Range 31 in Jackson County, Missouri, except the south 244.45 feet thereof. The easement is located east of where the right-of-way and street pavement terminates for 92nd Terrace on the south 25 feet of the property addressed 24108 E. 92nd Terrace. There is no public road within easement. The document conveying the easement to Jackson County is dated April 4, 1975 and was recorded as document number I220124.

Mr. Trosen introduced LA-2011-022 and entered 11 exhibits into the record. Mr. Trosen gave the staff report with comments and recommendation as follows: the request is for vacation of an easement for the establishment of a future public road over all of the south 25 feet of the east 330 feet of the west 660 feet of the northeast quarter of the northeast quarter of Section 26, Township 48, Range 31 in Jackson County, Missouri, except the south 244.5 feet thereof. The easement is located east of where the right-of-way and street pavement terminates for East 92nd Terrace on the south 25 feet of the Allman property addressed 24108 E. 92nd Terrace. The easement is 25 feet wide and the length is approximately 330 feet and contains an area of 8,250 square feet or 0.189 acres.

Section 24003.24 of the Unified Development Code establishes the purpose and process for the vacation of streets and reservations. A public reservation is defined as a tract of public land or easement reserved for some special use, as for a road. An easement is a certain right to use the real property of another without possessing it. If no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, then all or a portion of any street or public reservation, including easements, may be vacated. Applications for vacation of any street or a public reservation may be made by the County or by any owner of property on which the street or public reservation lies or adjoins. This easement lies on the Allman property and adjoins the Trent property.

On April 4, 1975, Robert and Marilyn Freeland, owners of the property at that time, signed an easement document that established a future public road over all of the south 25 feet of the tract described. The easement was conveyed to Jackson County. After researching county documents in the Clerk of the County Legislature office, staff could not find any documentation that the county accepted the easement. The easement document further states that the described easement is to remain in full force and in effect until such time as it may be vacated by order of the Jackson County Legislature.

A public road could not be constructed within the 25 foot easement unless an additional 25 feet is assigned by the property owners to the south, Mark and Wendie Trent. The minimum right-of-way needed to construct a road within is 50 feet. This easement has been in place for over 36 years with no plans to extend 92nd Terrace to the east. This easement has been in place for over 36 years with no plans to extend 92nd Terrace to the east. The property owners are requesting the vacation of the easement because they see no public benefit if 92nd Terrace was extended the length of their property. The Allmans and the Trents have no plans to subdivide and develop their property. The County, specifically Public Works Department, has no immediate or future plans to extend 92nd Terrace. Staff recommends approval of LA-2011-022.

Mrs. Mershon asked if the property to the east was able to be developed.

Mr. Trosen said if it were developed, the developer would need to request right-of-way from property owners in order to construct a road. He said there were no immediate plans for development of this property.

Mr. Crawford wanted to know how applicants accessed their property.

Mr. Trosen said there was an asphalt extension off the end of 92nd Terrace and driveways to each property came off the extension.

Mrs. Mershon wanted to know if the applicants relied on the easement for access to their properties.

Mr. Trosen said they had driveways off the end of 92nd Terrace and did not use the easement.

Mr. Tarpley wanted to know why a vacation of the easement was being requested now.

Mr. Trosen said that the property owners to the east had requested permission to build a driveway in the easement to access the east property. He said the request was denied as the easement was only for a public road and there was only half the easement necessary for a public road. He said the applicants had no need to utilize the easement for development of their properties and therefore were requesting the vacation.

Mr. Tarpley asked how to access the property to the east.

Mr. Trosen said the property owners owned property off Colbern Road; access could also be done off Howard Road ¼ mile to the east but this was unlikely as there was a large private lake between the property and Howard Road. He said there was an existing driveway off Colbern road used by 2 residences that could be extended to access the property and if this were done, an easement should be obtained in case of future change of ownership.

Mr. Crawford wanted to know if a cul-de-sac would be at the end of 92nd Terrace.

Mr. Trosen said that a road could be extended the depth of one lot without a cul-de-sac; he said that often a temporary cul-de-sac would be constructed if there were a possibility that the street would be extended. He said no further construction was planned for 92nd Terrace.

Mr. Crawford asked if there were a place to turn around at the end of 92nd Terrace.

Mr. Trosen said there were signs indicating that 92nd Terrace was not a "thru street".

There were no further questions for Mr. Trosen.

The applicants, Arvall Allman and Mark and Wendie Trent appeared to give testimony. Mr. Trent said that due to elevations, water flows north from Colbern Road onto his property on its way northwest to a drainage ditch. He said if a raised road or driveway were constructed on the easement, the water would back up onto his property and decrease the property value.

Mr. Allman said he had 35 years' experience in construction work. He said before the Trents' house was built a retention pond had been in that location and that the house was at a lower elevation than the pond had been. Mr. Allman said that the water flowing across the property is often 4 feet wide and a foot deep. He said that a raised road would cause the water to dam; he said between April and June the easement was a wetland. Mr. Allman said he maintained the asphalt at the end of 92nd Terrace. He said that any further development would need to be done by someone who knew how to control water.

Wendie Trent said that construction of a road in the easement would take out their driveway and cross over the lateral field for their on-site wastewater system. She said the lateral field could not be relocated due to setback requirements.

Mr. Trosen said that the county was not currently developing or building roads. If a developer wished to construct a road in the future, it would be the developer's responsibility to obtain the necessary right-of-way from the property owners; the road would need to curb and gutter with storm sewer the same as 92nd Terrace currently was.

Mrs. Trent said there was an established driveway that could be extended to access the property and the access would be closer than using the easement.

Mr. Trent wanted to know if an easement was signed and recorded but never accepted by the legislature, if it were truly an easement.

Counselor Haden said that was a question that couldn't be solved today.

Bob Hedberg, Summit Survey, appeared to give information regarding the application. Mr. Hedberg said he had been working with the Friel family who owned the property to the east of the applicants to determine the possibility of using the easement to build a driveway leading to this property. He said the family owned 40 acres divided into four 10-acre tracts. Mr. Hedberg said the common driveway was owned by the Friels but their son didn't want to use his parents' driveway. Mr. Hedberg said an easement could be filed without meaning anything but a lot of people didn't realize this.

Mr. Tarpley wanted to know how the property to the east was used.

Mr. Hedberg said it was pastureland.

There were no further questions for Mr. Hedberg and no one else to appear in favor of or in opposition to the application.

Mrs. Mershon moved to take LA-2011-022 under advisement. Mr. Crawford seconded the motion.

Counselor Haden wanted to clarify that the county would generally accept conveyance of property and this was usually done as part of a plat approval; there was no plat involved with this easement. He said only a court could decide if this were a valid easement but that if the commission recommended approval and the legislature vacated the easement, this would not

be an issue. Counselor Haden said the applicants were trying to clear a cloud on their property with regards to the validity of the easement. He said if the easement were available, it was not available for a driveway but only for a road and was not adequate for road purposes. He said if the easement was legal, it had no value to the county because it was only ½ of what was needed to build a road and there were no plans to build a road. He said a driveway easement would be a private negotiation between property owners.

Mr. Tarpley asked if the easement could be used for a walking trail.

Counselor Haden said the easement was not available for any use except a public road.

Mr. Crawford suggested if there was a change in ownership and the 2 lots in the rear were sold, they could become landlocked.

Counselor Haden said the seller would control the land-lock issue. He said through common ownership, there is access to a public road and a driveway easement could be dedicated for access to the rear parcels. Counselor Haden stated that there was easement by prescription whereby a parcel would be used for access with no objection by the property owner and the law would recognize the right for continued use if there had been no issues but there was no indication that this would apply to this situation.

Chairman Antey said the Allmans had the property with the easement and the Trents would need give additional easement for the easement to have use; the current easement has no value.

Mr. Crawford said the current easement had no value to the Friels as it couldn't be used for a driveway and wasn't big enough for a road.

Chairman Antey said there was a common driveway available for access.

Mr. Tarpley wanted to know if approval would do away with the easement.

Counselor Haden stated it would to the extent that it is a valid easement.

Mrs. Mershon asked if vacation of the easement would need to be recorded.

Counselor Haden said recording would be recommended.

Mr. Trosen said the legislative ordinance would be recorded with a copy of the old easement.

Mr. Haley wanted to know if the county would need to obtain right-of-way if the property were to be developed.

Chairman Antey said obtaining right-of-way would be the responsibility of the developer.

Mr. Tarpley moved to approve LA-2011-022. Mr. Haley seconded the motion.

VOTE:

Plan Commission June 16, 2011

Mr. Crawford	Approve
Mr. Haley	Approve
Mrs. Mershon	Approve
Mrs. Querry	Approve
Mr. Tarpley	Approve
Chairman Antey	Approve

LA-2011-022 APPROVED (6 – 0)

STAFF REPORT

PLAN COMMISSION

June 16, 2011

RE: LA-2011-022

Applicants: Arvel and Carol Allman
24108 E. 92nd Terrace
Lee's Summit, MO 64064

Mark and Wendie Trent
24103 E. 92nd Terrace
Lee's Summit, MO 64064

Request: Vacation of an easement for the establishment of a future public road over all of the south 25 feet of the east 330 feet of the west 660 feet of the northeast quarter of the northeast quarter of Section 26, Township 48, Range 31 in Jackson County, Missouri, except the south 244.45 feet thereof.

Location: The easement is located east of where the right-of-way and street pavement terminates for East 92nd Terrace on the south 25 feet of the Allman property addressed 24108 E. 92nd Terrace.

Area: The easement is 25 feet wide and the length is approximately 330 feet; contains an area of 8,250 square feet or 0.189 acres.

Review Criteria:

Section 24003.24 of the Unified Development Code (UDC) establishes the purpose and process for the vacation of streets and reservations.

A public reservation is defined as a tract of public land or easement reserved for some special use, as for a road. An easement is a certain right to use the real property of another without possessing it.

If no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, then all or a portion of any street or public reservation, including easements, may be vacated.

Applications for vacation of any street or a public reservation may be made by the County or by any owner of property on which the street or public reservation lies or adjoins.

This easement lies on the Allman property and adjoins the Trent property.

Comments: On April 4, 1975, Robert and Marilyn Freeland, owners of the property at that time, signed an easement document that established a future public road over all of the south 25 feet of the tract described. The easement was conveyed to Jackson County.

After researching county documents in the Clerk of the County Legislature office, staff could not find any documentation that the county accepted the easement.

The easement document further states that the described easement is to remain in full force and effect until such time as it may be vacated by order of the Jackson County Legislature.

A public road could not be constructed within the 25 foot easement unless an additional 25 feet is assigned by the property owners to the south, Mark and Wendie Trent. The minimum right-of-way needed to construct a road within is 50 feet.

This easement has been in place for over 36 years with no plans to extend 92nd Terrace to the east.

The property owners are requesting the vacation of the easement because they see no public benefit if 92nd Terrace was extended the length of their property. The Allmans and the Trents have no plans to subdivide and develop their property.

The County, specifically Public Works Department, has no immediate or future plans to extend 92nd Terrace.

Recommendation:

Staff recommends APPROVAL of LA-2011-022.

Respectfully submitted,
Planning and Environmental Division



Mark Trosen
Administrator

PLAN COMMISSION
June 16, 2011

**LA-2011-022 – Vacation of
Easement (Document No. I220124)**

Applicants:

**Arvel and Carol Allman
24108 E. 92nd Terrace
Lee's Summit, MO 64064**

**Mark and Wendie Trent
24103 E. 92nd Terrace
Lee's Summit, MO 64064**

Delivery Confirmation
Property Owners within 185 feet

53-500-01-18
Carol Friel
24300 E. Colbern Rd.
Lee's Summit, MO 64086

53-500-01-23
Arvel Allman
24108 E. 92nd Terrace
Lee's Summit, MO 64064

53-500-01-24
Michael Hinckley
23906 E. 92nd Terrace
Lee's Summit, MO 64064

53-500-01-27
Mark Trent
24103 E. 92nd Terrace
Lee's Summit, MO 64064

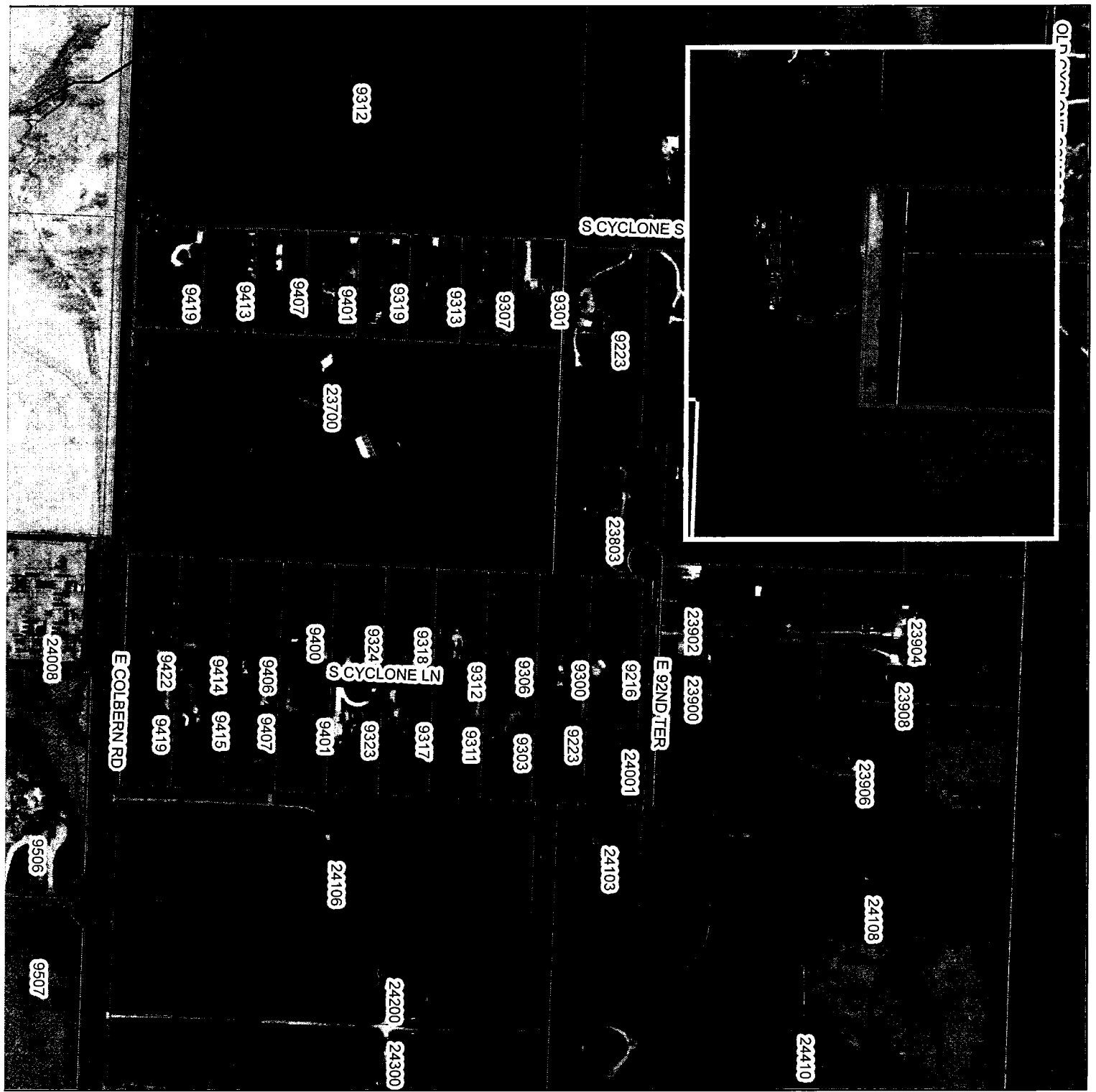
53-500-01-28
Robert Miller
24001 E. 92nd Terrace
Lee's Summit, MO 64064

53-500-01-47
James M. Stubbs, Jr.
9223 Cyclone Lane
Lee's Summit, MO 64064



Jackson County
Zoning Map

- Legend**
- 185' Notification Ring
 - Parcels
 - <all other values>
 - Plats
- Rezoning**
- RR-Residential Ranchette
 - Residential Ranchette-Planned
 - RE-Residential Estates
 - RS-Residential Suburban
 - RU-Residential Urban
 - A/U-Single-Family
 - B/U-Two-Family
 - C/U-Multi-Family
 - A1-Mobile Homes District
 - ROP-Residential Office-Planned
 - LB-Local Business
 - LBp-Local Business-Planned
 - GB-General Business
 - GBp-General Business-Planned
 - L-Light Industrial
 - Lp-Light Industrial-Planned
 - HI-Heavy Industrial
 - Inundation Area
 - City_Boundary's selection



LA-2011-022

1 inch equals 400 feet

EX. 5

JACKSON COUNTY, MISSOURI
APPLICATION FOR RIGHT-OF-WAY AND EASEMENT VACATIONS

Type of vacation (check one):

Easement

Street

Road right-of-way

Applicant: Arvel D. + Carol Allman ^{Co-applicants:} Mark A. + Wendie Trent

Address: 24108 E 92nd Terr LSMO 24103 E 92nd Terr LSMO
64064

Phone: 816-554-6982 816-524-5294

APPLICANT INFORMATION:

Application must be filed with the Jackson County Planning and Development Division, 303 West Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.

The following items need to be submitted with the application:

1. A letter to the Administrator of Planning and Development giving the reasons for the vacation request.
2. An accurate legal description of the easement, street or road right-of-way. This needs to be done by a Missouri Registered land surveyor who must sign and seal the legal description document.
3. One (1) copy, size 8 1/2 x 11, of a black and white map which shows the general location of the subject easement, street or road right-of-way.
4. Two (2) copies, (1 size 8 1/2 x 11, 1 copy size 22 x 33) of a black and white map which shows the subject easement, street or road right-of-way in detail.
5. The filing fee of \$250 (non-refundable), check payable to Manager of Finance.

Signature of individual submitting the vacation request:

Arvel Allman Carol Allman 5/10/11
Mark Trent (Signature) Wendie Trent (Date) 5/6/11

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Vacation Case Number LA-2011-022

Date filed 5/11/2011 Date of hearing 6/16/2011 Date Advertised 6/1/2011

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

Sign Posted: 5/31/2011

Attn: Mark Trosen, Administrator Jackson County Public Works

REASONS FOR APPLICATION TO VACATE EASEMENT AT 24108 E 92nd Terr Lees Summit, MO Jackson Co.

- ❖ 25 ft deeded to county 36 years ago for "future use of a public road" with no ingress – egress
- ❖ Current amount of property required for a public road is ^{50 ft}~~36~~ ft which would necessitate acquisition of more property from current landowner as well as acquisition of property, with existing driveway, from property owner adjacent to the south boundary of easement
- ❖ Public Works of Jackson County has no future plan of developing this easement for a public road
- ❖ Past property owners have maintained this easement for 36 years with the current property owner having maintained it for the last 10 years of the 36 years
- ❖ A heavy water run-off creating a "marsh" already exists on a section of the 25 ft easement that makes maintenance of the easement and a portion of the adjacent south neighbor's property difficult during spring/fall rains
- ❖ Future use of this easement would create a "dam" effect contributing to more water run-off onto adjacent south neighbor's property with ramifications to existing driveway and property

Ex. 9

Reasons for application to vacate easement cont'd:

- ❖ Neighbors with property adjacent to the east side of easement have an existing drive on their property to allow access to any property that might have been accessed otherwise with use of this easement

- ❖ Neighbors adjacent to the east side of the easement were given instructions by Mark Trosen and Bob Spence on their ability to use their existing drive and also create an additional easement on their property next to the existing drive to Colbern Road to allow their son to build on 10 acres of their property at the end of their existing drive or thereabouts

Arvel Allman Carol Allman 5/6/11
Arvel D. Allman/Carol Allman Date

Mark A. Trent Wendie J. Trent 5/6/11
Mark A. Trent/Wendie J. Trent Date

1220124

EASEMENT

I 617P 982

THIS INDENTURE, made this 4th day of April, 1975 by and between

ROBERT D. FREELAND and MARILYN M. FREELAND,

of the County of Jackson, and State of Missouri, part ies of the first part and the County of Jackson, in the State of Missouri, party of the second part.

WITNESSETH, that the said part ies of the first part, for one dollar and other valuable considerations, to them in hand paid by the said party of the second part, the receipt of which is acknowledged, do by these presents grant, bargain and sell, convey and confirm unto the said second party the easement described below.

99-26-48-31

An easement for the establishment of a future public road over all of the South 25 feet of the East 330 feet of the West 660 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 48, Range 31 in Jackson County, Missouri, except the South 244.45 feet thereof.

The within described easement to remain in full force and effect until such time as it may be vacated by order of the legislature of said Jackson County.

STATE OF MISSOURI } IN THE RECORDER'S OFFICE
COUNTY OF JACKSON }

I, STEVEN A. GIORIOSO, Director of Records of said County, do hereby certify that the within instrument of writing was at 12:00 o'clock on April 2 day of April, A.D., 1975, duly filed for record in my office, and is recorded in the records of this office, in book 1617 at page 752.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Independence, Missouri the day and year in the certificate above written.

STEVEN A. GIORIOSO, D. Wordinger DEPUTY
Director of Records

WE HAVE AND TO HOLD the same, with all rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto said party of the second part, its successors and assigns.

IN WITNESS WHEREOF, the said part ies of the first part have hereunto set their hands and seal s the day and year first above written.

Robert D. Freeland

Marilyn M. Freeland

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

I 617P 983

On this 4th day of April, 1975, before me personally
appeared Robert D. Freeland and Marilyn M. Freeland

to me known to be the persons described in and who executed the foregoing
instrument and acknowledged that they executed the same as their free act
and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal in the County and State aforesaid on the day and year first
above written.

My term expires November 15, 1978.

Mary A. Horner
Notary Public
Mary A. Horner

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this ___ day of _____, 19___, before me personally
appeared _____

and acknowledged that _____ executed the same as the grantors free act
and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
official seal at my office in the County and State aforesaid on the day
and year first above written.

My term expires _____, 19___.

1220124

INDEXED

FROM

STATE OF MISSOURI
COUNTY OF JACKSON
RECEIVED FOR RECORD
1975 AUG 26 PM 2 43

STEVEN GLORISO
DIRECTOR OF RECORDS
D.R.

CERTIFICATE OF RECORD

STATE OF MISSOURI) ss.
COUNTY OF JACKSON)

I do hereby certify that this instru-
ment of writing was filed for record
in my office on _____
19___, at _____ minutes, _____ o'clock and
_____ P.M., and has
been recorded in Book _____
Page _____.

WITNESS my hand and official seal.
Done at office this _____ day of
_____, 19___.

I 617P 982

Recorder

Deputy

Rubie Walker
Walker

R. Horner

100 new fee

NE 1/4 26-44-23

LA-2011-022

24108 E 92nd Terr
Allman

25'

E 92ND TER

330'

24103 E 92nd Terr
Trent

Easement for Establishment of
Future Public Road
Document 197510220124