

ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI

12/14/2023 12:57 PM

FEE: \$60.00 14 PGS

INSTRUMENT NUMBER

2023E0089215



	<p>CITY OF KANSAS CITY, MISSOURI CERTIFICATE OF THE CITY CLERK DOCUMENT TO BE RECORDED JACKSON COUNTY</p>
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DATE OF DOCUMENT: December 7, 2023

DOCUMENT TITLE: Vacation Ordinance 231001

Grantor(s): Route frets White Goss
Name &
Address:

Grantee(s): City of Kansas City, Mo
Name &
Address: 414 E 12th Street
KCMO 64106

LEGAL DESCRIPTION:
See Page(s) 12 of Exhibit _____ of the subject document.

The above appears in records and is on file in the Office of the City Clerk, 25th Floor, City Hall, and Kansas City, Missouri. I hereby, certify that this is a true and correct copy of the above ordinance.

IN TESTIMONY WHEREOF, I have set my hand affixed the seal of the City on the 13th day of December, 2023

Marilyn Sanders
City Clerk

By Marilyn Sanders City Clerk



Return all Recorded Originals To:
OFFICE OF THE CITY CLERK, 414 E. 12th Street, Kansas City, Missouri 64106

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 231001

Vacating the Gallery Oak Condominium Plat, generally located at 4000 Oak Street; and directing the City Clerk to record certain documents. (CD-ROW-2023-00030)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that a petition was filed for the vacation of Gallery Oak Condominiums, a condominium in Kansas City, Jackson County, Missouri, according to the recorded condominium plat thereof, giving the distinct description of the condominium to be vacated and also the names of the persons and corporations owning condominium units, and that the consents of the persons and corporations owning condominium units has been obtained in writing, that said consents have been acknowledged as deeds are acknowledged, and was duly filed with the petition for such vacation in the City Clerk's Office.

Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

Section 3. That the Council finds that no private rights will be unreasonably injured or endangered by this vacation and that the public will suffer no unreasonable loss or inconvenience thereby.

Section 4. That the Gallery Oak Condominiums, a condominium plat in the City of Kansas City, Jackson County, Missouri, according to the recorded plat thereof, be and the same is hereby vacated.

Section 5. That the City Clerk of Kansas City, Missouri, be and she is hereby authorized and directed to acknowledge this ordinance as deeds are acknowledged, and to cause this ordinance

and the consent of property owners hereinbefore referred to, to be filed for record in the Recorder's Office in Jackson County, Missouri.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.



Authenticated as Passed

Ryan K. K. Sh
Quinton Lucas, Mayor

[Signature]
Marilyn Sanders, City Clerk

DEC 07 2023
Date Passed

Approved as to form:

Sarah Baxter
Sarah Baxter
Senior Associate City Attorney

Approved by the City Plan Commission

[Signature]
Secretary

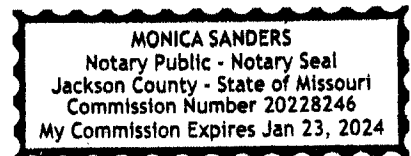
STATE OF MISSOURI)
) ss.
COUNTY OF Jackson)

On the 7th day of December, 2023, before me, a Notary Public in and for said County, personally appeared Marilyn Sanders to me known to be the City Clerk of Kansas City, Missouri, in the above and foregoing ordinance mentioned, and acknowledged the said ordinance to be the act and deed of said Kansas City, duly passed by the Council of said City, and became effective as herein stated.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri, the day and year first above written.

My term expires Jan 23, 2024.

Monica Sanders
Notary Public within and for
County, Missouri



IN RECORDER'S OFFICE

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

I, the undersigned, Recorder of Deeds within and for the County aforesaid, do hereby certify that the foregoing instrument of writing was on the _____ day of _____, A.D. 20____, at _____ o'clock _____ minutes M., duly filed for record in this office, and with certificate of acknowledgment thereon endorsed, is recorded in the records of this office in Book _____, at page _____.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office at Kansas City, Missouri, this day and year last aforesaid.

Recorder

By _____
Deputy



PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor, Kansas City, MO 64106-2795
Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

To the Honorable Council of Kansas City, Missouri:

The undersigned, being an owner of real estate fronting and abutting on the portion of the area hereinafter described, for the vacation of which this petition is filed, does hereby petition the Council of Kansas City to pass an ordinance vacating:

Gallery Oak Condominium Plat

The undersigned petitioner agrees in consideration of the vacation that if, because of said vacation, any public improvements are to be made, or repaired, or made or repaired by the City on any street, avenue, alley, thoroughfare or public property intersected by the area to be vacated, the cost of such improvements or repairs shall be paid by the undersigned petitioner upon demand from the City.

Filed _____, 20____	
_____	by _____
City Clerk	Deputy



PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS


City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcma.gov/planning

Following are the names of the property owners owning or claiming to own all the property abutting said area proposed to be vacated:

Owner's name	Legal description of property	Residence of owner
Properties Plus LLC	Gallery Oak Condominium Plat	P.O. Box 10110 Kansas City, MO 64171

(attach additional sheets if required)

PROPERTIES PLUS LLC

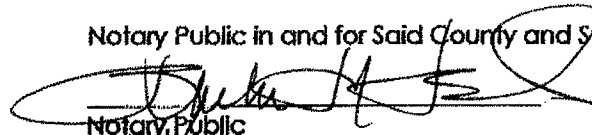
By: 
Name: Daniel Wundt
Title: managing member

STATE OF Missouri)
COUNTY OF JACKSON) ss.

On this 2nd day of October in the year 2023, before me, a Notary Public in and for said state, personally appeared Daniel Wundt, known to me to be the person who executed the within instrument and acknowledged to me that he/she executed the same for the purposes therein stated, and that he/she knows personally that the persons named on the above and foregoing petition are the persons owning or claiming to own the property set opposite their names, and that they own or claim to own all the property abutting said area to be vacated.

Subscribed and sworn to before me on this 2nd day of October, 2023.

Notary Public in and for Said County and State



NOTARY PUBLIC



RACHELLE M. BIONDO
My Commission Expires
July 31, 2024
Jackson County
Commission #12499262

My Commission Expires:

7/31/24



CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

Case No. CD-ROW-2023-00030

In the matter of the vacation of:

Gallery Oak Condominium Plat

Know all men by these presents: That the undersigned, being owners of the real estate described below set opposite our names respectively and immediately adjoining the area for the vacation of which a petition has been filed, do as such abutting owners hereby consent that said area may be vacated in manner and form, as set out in said petition. We severally own the property set opposite our names printed and signed below.

Filed _____, 20____	
_____	by _____
City Clerk	Deputy




CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

CONSENT OF LIMITED LIABILITY COMPANIES

Case No.

Owner's name	Legal description of property
Properties Plus LLC By:  Name: <u>Daniel Wundt</u> Title: <u>managing member</u>	Gallery Oak Condominium

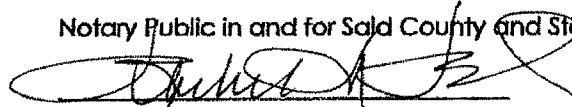
(additional sheets attached as required)

STATE OF MISSOURI)
COUNTY OF JACKSON) ss.

On this 2nd day of October, 2023, before me, a Notary Public in and for said state, personally appeared Daniel Wundt, who being by me duly sworn did say that he/she is the managing member of Properties Plus LLC Missouri limited liability company, and that the within instrument was signed and sealed in behalf of said limited liability company by authority of its members, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein stated.

Subscribed and sworn to before me on this 2 day of October, 2023.

Notary Public in and for Said County and State


Notary Public

My Commission Expires: 7/31/24



RACHELLE M. BIONDO
My Commission Expires
July 31, 2024
Jackson County
Commission #12499262



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
 City Planning & Development Department
www.kcmo.gov/cpc

231001 November 7th, 2023

Vacation of Condominium Plat
Project Name

Docket # 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8

Request

- CD-RW-2023-00027
Vacation of Condominium Plat
- CD-RW-2023-00029
Vacation of Condominium Plat
- CD-RW-2023-00030
Vacation of Condominium Plat
- CD-RW-2023-00031
Vacation of Condominium Plat
- CD-RW-2023-00032
Vacation of Condominium Plat
- CD-RW-2023-00033
Vacation of Condominium Plat
- CD-RW-2023-00034
Vacation of Condominium Plat
- CD-RW-2023-00035
Vacation of Condominium Plat

Applicant

Patricia Jensen
 Route Frets White Goss Gentile Rhodes,
 P.C

- Location** Various - see below
- Area** Various - see below
- Zoning** Various - see below
- Council District** Various - see below
- County** Jackson
- School District** Various - see below

Surrounding Land Uses

- North:** Various – see analysis
- South:** Various – see analysis
- East:** Various – see analysis
- West:** Various – see analysis

APPROVAL PROCESS



PROJECT TIMELINE

The applications for the subject request was filed on 9/05/2023. Scheduling deviations from 2023 Cycle S have occurred.

- Applicant was fulfilling Petition to Vacate and gathering letter of consent

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

A public hearing notification was sent to the surrounding property owners within 300 feet of the subject site.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to this request.

EXISTING CONDITIONS

All the existing buildings serve as condominiums that occupy the subject sites. Although platted as condominiums, the units are currently owned by a single owner who currently rents them as apartments.

SUMMARY OF REQUEST + KEY POINTS

See analysis below.

CONTROLLING CASE

There is no controlling case.

PROFESSIONAL STAFF RECOMMENDATION

Docket #	Recommendation:
12.1	Approval
12.2	Approval
12.3	Approval
12.4	Approval
12.5	Approval
12.6	Approval
12.7	Approval
12.8	Approval

VACATION REVIEW

The applicant is requesting to vacate eight condominium plats. A condominium is defined as, a system of separate ownership of individual units with each unit owner entitled to a percentage ownership in the common elements evidenced by the recording of a plat and declaration of condominium pursuant to RSMo chapter 448. In each case, the buildings are platted as condominiums, but each unit is owned by one entity. The applicant is currently renting out each unit of the condominium as a multi-unit building and is the sole owner of each condo. This vacation of the condominium plat would return the structures into a multi-unit building under one ownership. All of the following vacations do not propose any changes other than the information labeled above and there will be no physical changes to each of the existing buildings. The vacation will change the ownership from multiple condominium owners to single ownership of each building. The condominium association and bylaws will also be dissolved.

APPROVAL CRITERIA OF STREET, ALLEY OR PLAT VACATIONS

In order to determine that no private rights will be unreasonably injured or endangered by the vacation and the public will suffer no unreasonable loss or inconvenience, the city planning and development director, city plan commission, and city council must consider at least the following factors:

88-560-10-A. All property owners adjacent to the right-of-way shall have legal access to another public right-of-way. Such access shall be physically feasible and shall not result in an unreasonable burden or unsafe conditions on the alternate right-of-way.

88-560-10-B. The retention of the public right-of-way or subdivision serves no current purposes and no future useful public purpose is anticipated.

88-560-10-C. The vacation will not result in a violation of 88-405.

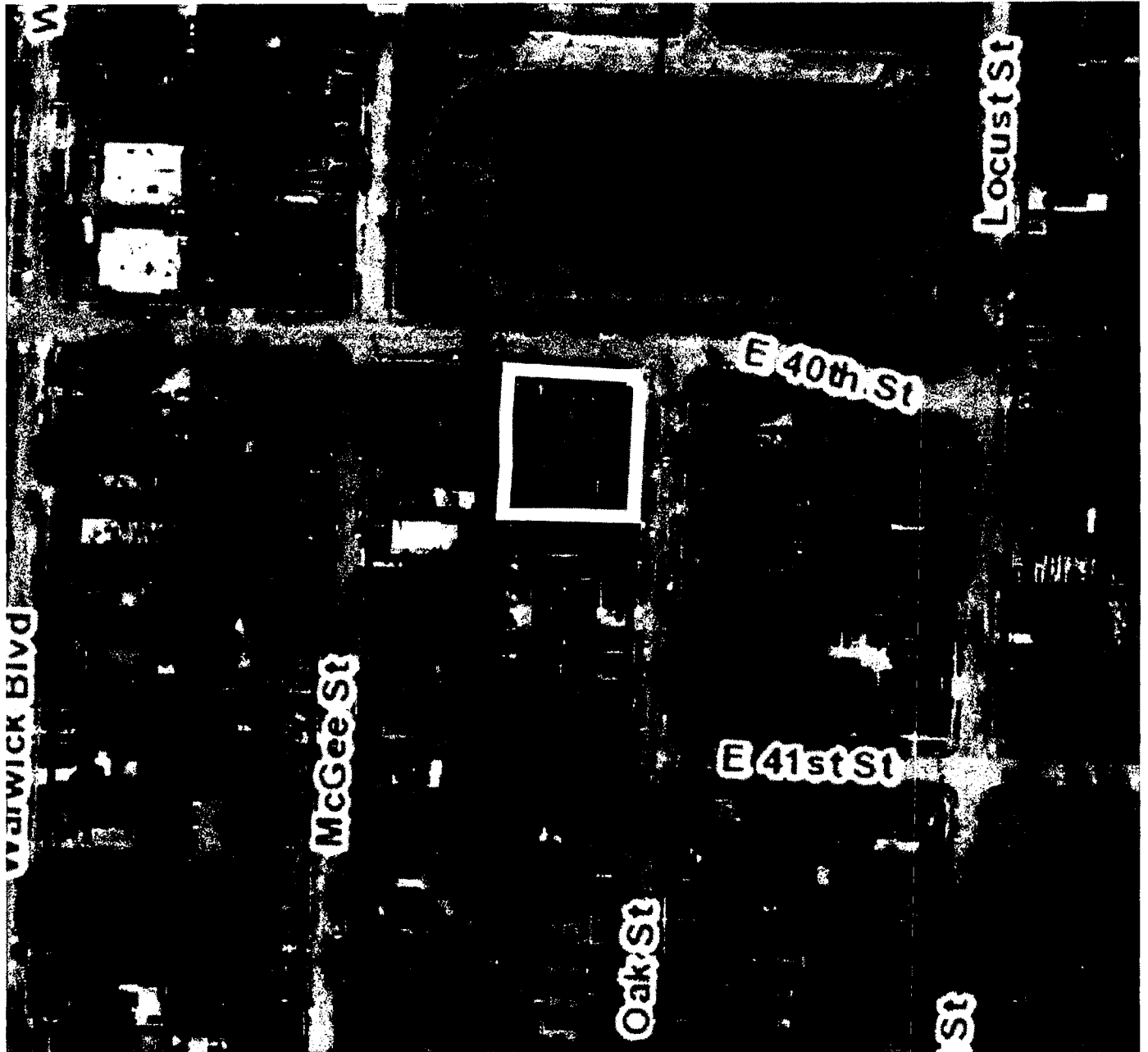
88-560-10-D. The vacation shall not disrupt the constructed street network or reduce existing physical connectivity.

88-560-10-E. The vacation shall not result in a dead-end street or alley.

88-560-10-F. The vacation shall not result in street traffic being routed through an alley.

88-560-10-G. The vacation shall not vacate half the width of a street or alley.

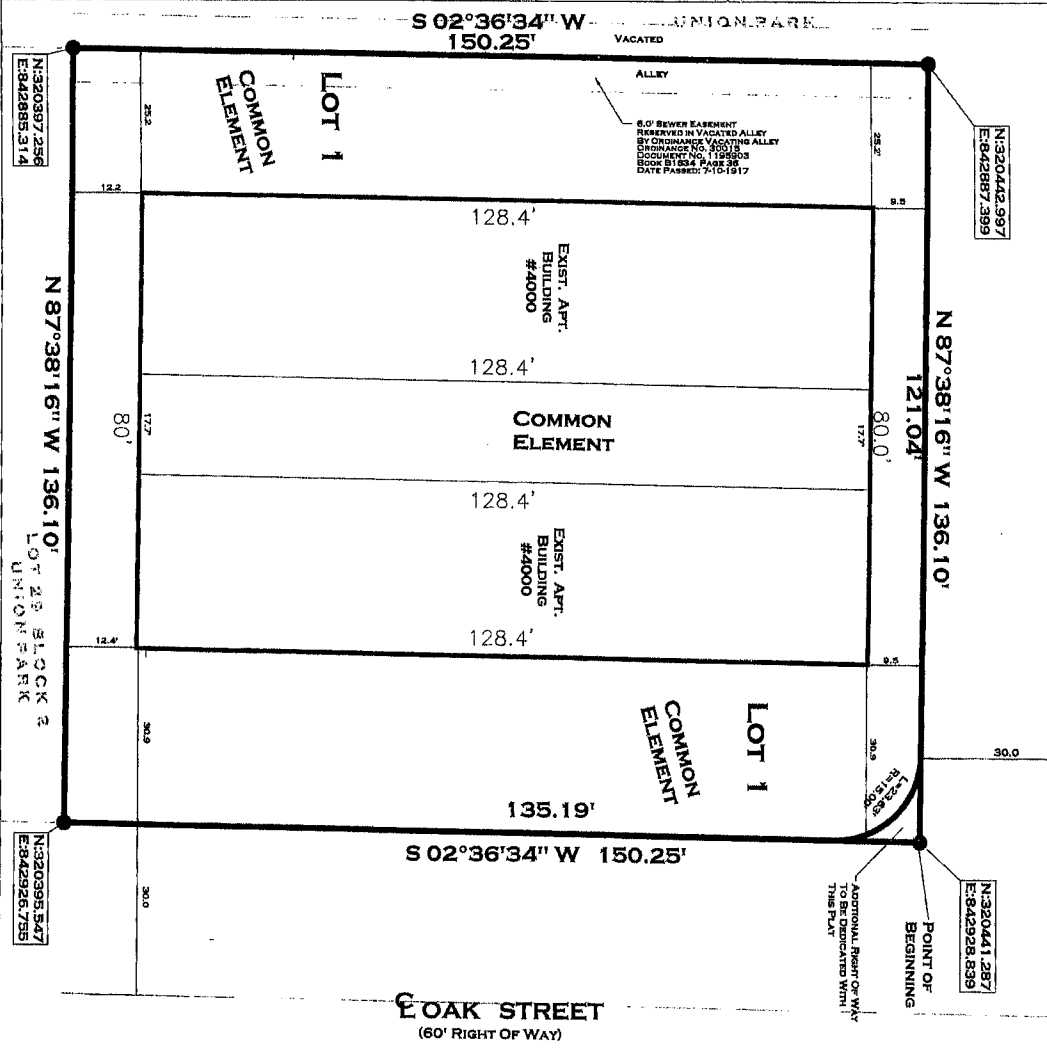
88-560-10-H. The right-of-way to be vacated is not on the Major Street Plan.



<p>Docket #: 12.3</p> <p>Case #: CD-ROW-2023-00030 Gallery Oak Condominium</p>	<p>Location Area Zoning Council District County School District</p>	<p>4000 Oak St About 0.5 acres R-2.5 4th Jackson Kansas City Missouri 110</p>	<p>Surrounding Land Uses North: Recreation South: Multi-Family Residential East: Single-Family Residential West: Single-Family Residential</p>	<p>Legal Ad: A request to approve a condominium plat in District R-2.5 (Residential) on about 0.5 acres generally located at 4000 Oak St.</p>
<p>**PROPOSED VACATION IS IN CONFORMANCE WITH 88-560 - VACATION OF ALLEYS, STREETS AND PLATS**</p>				

2407E01B&ST
FINAL PLAT
GALLERY OAK CONDOMINIUM
 KANSAS CITY, JACKSON COUNTY MISSOURI

E EAST 40TH STREET
 (60' RIGHT OF WAY)



City of Jackson
 Planning Commission
 11/15/11
 11/15/11

LEGAL DESCRIPTION
 THE ABOVE DESCRIBED PROPERTY IS PART OF THE EAST 40TH STREET AND UNION PARK SUBDIVISION, JACKSON COUNTY, MISSOURI, AS SHOWN ON THE PLAT OF SAID SUBDIVISION, RECORDED IN THE PUBLIC RECORDS OF JACKSON COUNTY, MISSOURI, IN VOLUME 11, PAGE 115. THE PROPERTY IS BOUND BY THE EAST 40TH STREET AND UNION PARK TO THE NORTH AND EAST, AND BY THE EAST 40TH STREET AND UNION PARK TO THE SOUTH AND WEST.

STREETS AND EASEMENTS
 THE STREETS AND EASEMENTS SHOWN ON THIS PLAT ARE AS SHOWN ON THE PLAT OF SAID SUBDIVISION, RECORDED IN THE PUBLIC RECORDS OF JACKSON COUNTY, MISSOURI, IN VOLUME 11, PAGE 115. THE PROPERTY IS BOUND BY THE EAST 40TH STREET AND UNION PARK TO THE NORTH AND EAST, AND BY THE EAST 40TH STREET AND UNION PARK TO THE SOUTH AND WEST.

GENERAL NOTES
 1. THE PLAT OF SAID SUBDIVISION IS A CONDOMINIUM AS DEFINED IN SECTION 66.02, CHAPTER 66, MISSOURI REVENUE STATUTES. THE PROPERTY IS BOUND BY THE EAST 40TH STREET AND UNION PARK TO THE NORTH AND EAST, AND BY THE EAST 40TH STREET AND UNION PARK TO THE SOUTH AND WEST.

NOTES
 1. THE PLAT OF SAID SUBDIVISION IS A CONDOMINIUM AS DEFINED IN SECTION 66.02, CHAPTER 66, MISSOURI REVENUE STATUTES. THE PROPERTY IS BOUND BY THE EAST 40TH STREET AND UNION PARK TO THE NORTH AND EAST, AND BY THE EAST 40TH STREET AND UNION PARK TO THE SOUTH AND WEST.

APPROVED BY:
 [Signature]
 CITY PLANNING COMMISSIONER

APPROVED BY:
 [Signature]
 CITY PLANNING COMMISSIONER

APPROVED BY:
 [Signature]
 CITY PLANNING COMMISSIONER

APPROVED BY:
 [Signature]
 CITY PLANNING COMMISSIONER

APPROVED BY:
 [Signature]
 CITY PLANNING COMMISSIONER

FINAL PLAT
 FOR
GALLERY OAK CONDOMINIUM
 KANSAS CITY, JACKSON COUNTY MISSOURI

GENERAL SITE PLAN

RENNER SURVEYING
 1101 S. 20TH ST.
 SUITE 100
 KANSAS CITY, MO 64111
 816.234.1111

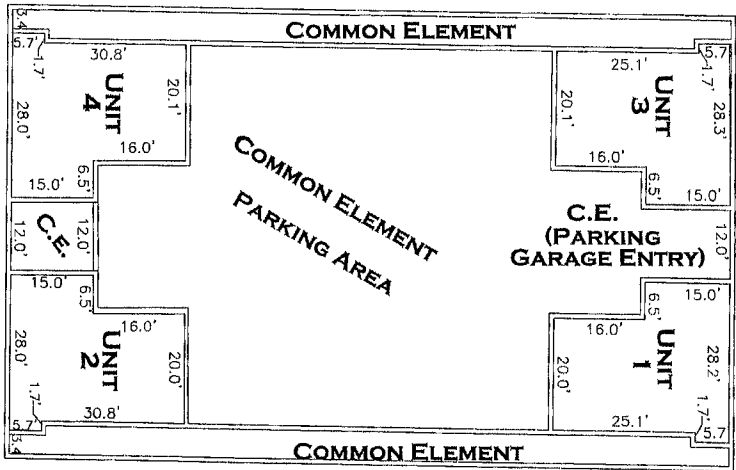
LEGEND
 1" = 20' SCALE
 1" = 10' SCALE

JOHN REINNER
 5217 BRIDGEVIEW BOULEVARD
 KANSAS CITY, MO 64113
 816.234.1111

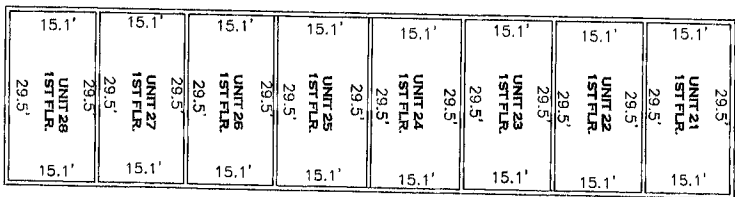
APPROVED BY:
 [Signature]
 CITY PLANNING COMMISSIONER

2007 E.O. 113657

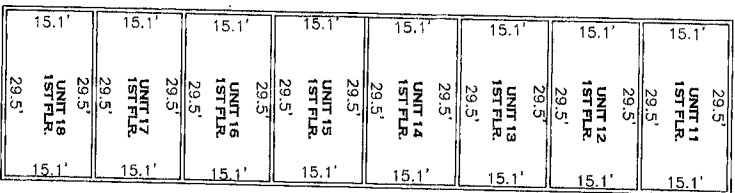
FINAL PLAT GALLERY OAK CONDOMINIUM KANSAS CITY, JACKSON COUNTY MISSOURI



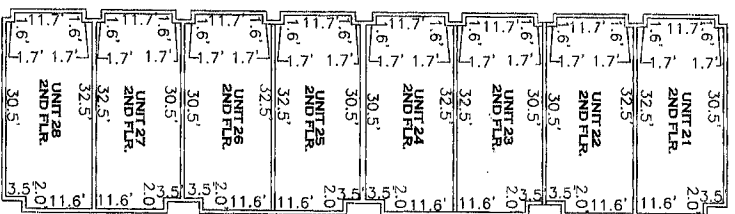
BASEMENT LEVEL 4000
SCALE: 1" = 10'
FIN. FLR. ELEV: 196.84
CEILING ELEV: 194.84



1ST FLOOR PLAN 4000
SCALE: 1" = 10'
FIN. FLR. ELEV: 195.67
CEILING ELEV: 203.67

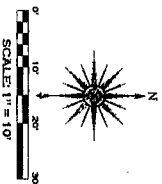
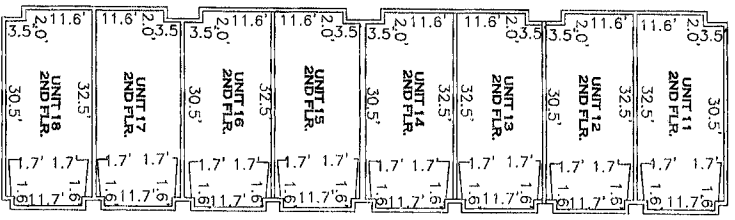


COMMON ELEMENT



2ND FLOOR PLAN 4000
SCALE: 1" = 10'
FIN. FLR. ELEV: 204.55
CEILING ELEV: 212.55

COMMON ELEMENT



JOHN RENNER, LAND SURVEYOR
STATE NO. 20796, EX. 14113
8185833601

LCE = LIMITED COMMON ELEMENT
CE = COMMON ELEMENT



FINAL PLAT
FOR
GALLERY OAK CONDOMINIUM
A CONDOMINIUM SUBDIVISION IN
KANSAS CITY, JACKSON COUNTY MISSOURI

BUILDING LAYOUTS

RENNER SURVEYING
112206
JOB NO. 400609-1
DATE: 06/05/07

PREPARED BY: [Signature]
DATE: 06/05/07

F2

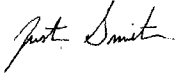
ATTACHMENTS

1. Applicants Submittal

PROFESSIONAL STAFF RECOMMENDATION

City staff recommends **Approval** as stated in the conditions report.

Respectfully Submitted,



Justin Smith
Planner