

# ELECTRONICALLY RECORDED JACKSON COUNTY, MISSOURI

12/14/2023 1:06 PM FEE:\$57.00 13 PGS

INSTRUMENT NUMBER 2023E0089217



CITY OF KANSAS CITY, MISSOURI CERTIFICATE OF THE CITY CLERK DOCUMENT TO BE RECORDED JACKSON COUNTY

DATE OF DOCUMENT:	December 7,2023 230995
DOCUMENT TITLE:	Vacation Ordinance
Grantor(s): Name & Address:	Route Freets White Goss
Grantee(s) Name & Address:	City of Kansas, MD 4141 E 17th Street Komo 64106
LEGAL DESCRIPTION See Page(s)	of Exhibit of the subject document.
The above appears in re Kansas City, Missouri.	ecords and is on file in the Office of the City Clerk, 25 <sup>th</sup> Floor, City Hall, and I hereby, certify that this is a true and correct copy of the above ordinance.
IN TESTIMONY WHER	EOF, I have set my hand affixed the seal of the City on the 13th day of
Marilyn Sanders City Clerk	CO WCORPORAT
Marilyn Sange	City Clerk South till
Return all Recorded C	originals To:

OFFICE OF THE CITY CLERK, 414 E. 12<sup>th</sup> Street, 25<sup>th</sup> Floor, Kansas City, Missouri 64106

# COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 230995

Vacating the Mayella Condominium Plat, generally located at 4152 McGee Street; and directing the City Clerk to record certain documents. (CD-ROW-2023-00027)

# 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 Mayella 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 Mayella 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	Approved as to form:
50 Kyana moth	ALLON AN POR CA
Quinton Licas Mayor	Sarah Baytan
Quinterly a control of the control o	Sarah Baxter Senior Associate City Attorney
AP	Semoi Associate City Attorney
Marilyn Sanders, City Clerk	Approved by the City Plan Commission
Date Passed 7 2023	AM_
	Sepretary
STATE OF MISSOURI )	
COUNTY OF Galoon) ss.	, 20 23, before me, a Notary Public in and for to me known to be
On the 1th day of December	. 20 <b>23</b> before me, a Notary Public in and for
said County, personally appeared	inlum Sandus 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 a	as herein stated.
	unto 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 2	23 ,2024.
	7100 ·
	VY Jonical Mandy
	Notary Public within and for
	County, Missouri  MONICA SANDERS
DIDEC	Notary Public - Notary Seal  Jackson County - State of Missouri
IN RECO	DRDER'S OFFICE  Jackson County - State of Missouri Commission Number 20228246 My Commission Expires Jan 23, 2024
STATE OF MISSOURI )	my Commission Experience
) ss.	
COUNTY OF)	
	eds within and for the County aforesaid, do hereby t of writing was on the day of

, A.D. 20	, at	o'clock	minutes M., duly filed for
, A.D. 20_ record in this office, and with certifi	cate of ackn	nowledgment there	on endorsed, is recorded in the
records of this office in Book			
			- Control of the Cont
	Red	corder	
	Ву		



# 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:

Mayella 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	a-es-a-a-f-24. 17-46; 40 (4)39/9) 56444/970 1962244 1793 19904644 (4) 13.64 (47990/4);4793 9644844 1964-176 (4
City Clerk	b	y 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.goy/planning

Owner's name	Legal description of property	Residence of owner
operties Plus LLC	Mayella Condominium Plat	P.O. Box 10110 Kansas City, MO 64171
ttach additional sheets if re	an iradi	
inder deditorer areers it re	PROPERTIES F	PHRITT
	By: Name:	Draich Weinglig raging member

STATE OF MISSOULI ) SS.

On this <u>Page</u> in the year 2023, before me, a Notary Public in and for said state, personally appeared <u>Page</u>, 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 faregoing 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 2 day of Corp. 2023.

Notary Public in and for Said County and State

Notary Public

My Commission Expires:

NOTAR SEAL

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



# 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-2023-00027

In the matter of the vacation of:

Mayella Condominium Plat

Know all men by these presents: That the undersigned, being owners of the reat estate described below set opposite our names respectively and immediately adjoining the area for the vacation of which a petition has been filled, 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.

Fled, 20	_
City Clerk	by Deputy
I	



# 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.

gand-Mayayaan ahaan ahaa Madahaan ahaan	
Owner's name	Legal description of property
By: Daniel Uliu Title: managing member	Mayella Condominium
(additional sheets attached as rec	juired)
member of any blue of a instrument was signed and sealed members, and acknowledged so liability company for the purposes	
Subscribed and swom to be	efore me on this 2 day of October 2023.
My Commission Expires: 7/3//	Notary Public in and for Said County and State  Notary Public  RACHELLE M. BIONDO My Commission Expires July 31, 2024 Jackson County Commission #12499262
{31502/72419; 1002584. }	•••



# CITY PLAN COMMISSION STAFF REPORT

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

230995

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-ROW-2023-00027 Vacation of Condominium Plat CD-ROW-2023-00029 Vacation of Condominium Plat

CD-ROW-2023-00030

Vacation of Condominium Plat

CD-ROW-2023-00031

Vacation of Condominium Plat

CD-ROW-2023-00032

Vacation of Condominium Plat

CD-ROW-2023-00033

Vacation of Condominium Plat CD-ROW-2023-00034

Vacation of Condominium Plat

CD-ROW-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**

City Plan Staff City Council Commission Review

#### 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.

# **VACATION ANALYSIS & SITE LOCATION**



Docket #: 12.1 Case #

CD-ROW-2023-00027 Mayella

Condominium

Location Area Zoning **Council District** County **School District** 

4152 McGee St 0.15 Acres R-1.5 4th Jackson Kansas City

**Surrounding Land Uses: North:** Single-Family Residential

South: Multi-Family Residential

East: Single-Family Residential

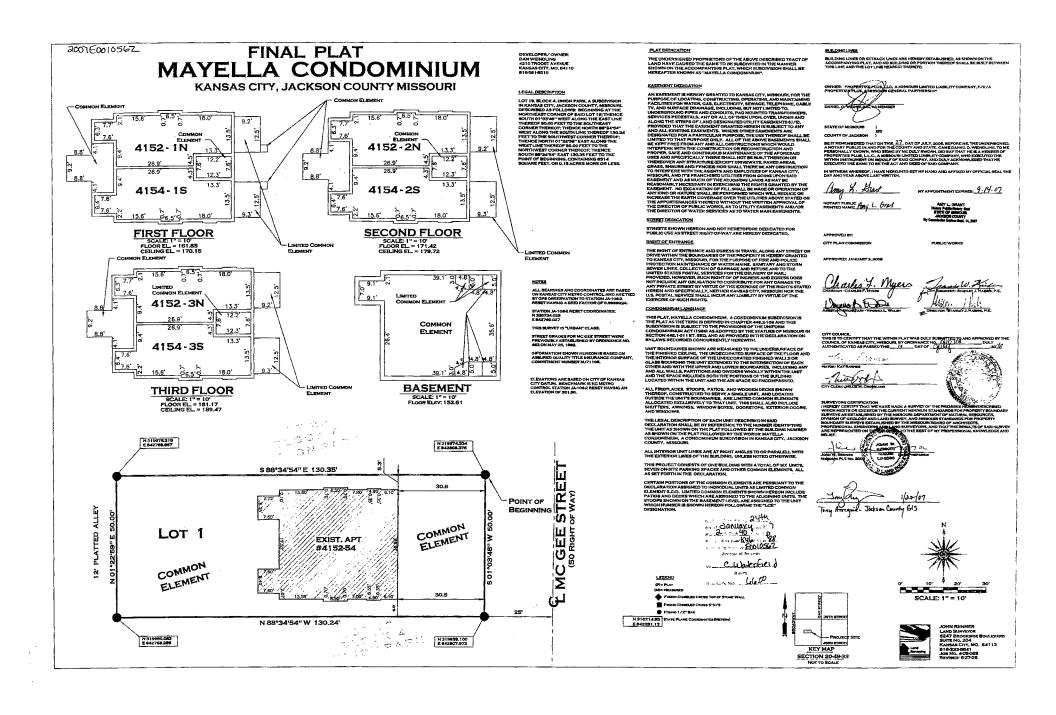
**West:** Single-Family Residential

Legal Ad:

A request to approve a vacation of a condominium plat in District R-2.5 (Residential) on about 0.15 acres generally located at 4152 McGee St.

\*\*PROPOSED VACATION IS IN CONFORMANCE WITH 88-560 - VACATION OF ALLEYS, STREETS AND PLATS AND WILL NOT BE IN CONFLICT WITH 88-405\*\*

Missouri 110



# **ATTACHMENTS**

1. Applicants Submittal

# PROFESSIONAL STAFF RECOMMENDATION

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

Respectfully Submitted,

Justin Smith

Planner