



# CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri  
City Planning & Development Department  
[www.kcmo.gov/cpc](http://www.kcmo.gov/cpc)

September 4<sup>th</sup>, 2024

**Bellaire Avenue Street Vacation**  
Project Name

Docket #5

**Request**

CD-ROW-2024-00019  
Vacation of Public Right of Way

**Applicant**

Richard Shafer  
BHC Rhodes

**Owner**

Langley Enterprises, LLC.

**Location** 5819 E 32<sup>nd</sup> St  
**Area** About 54,000 sqft  
**Zoning** M1-5  
**Council District** 3rd  
**County** Jackson  
**School District** Kansas City 110

**Surrounding Land Uses**

**North:** Residential, Zoned M1-5  
**South:** Public Park, Zoned B3-2  
**East:** Public Park, Zoned M1-5  
**West:** Industrial Uses, Zoned M1-5

**KC Spirit Playbook Alignment**

Not Applicable

**Land Use Plan**

The Riverfront Industrial Area Plan recommends Industrial uses for the subject property.

**Major Street Plan**

The City's Major Street Plan does not identify Bellaire Avenue at this location.

**APPROVAL PROCESS**



**PROJECT TIMELINE**

The application for the subject request was filed on July 2<sup>nd</sup>, 2024. Scheduling deviations from 2024 Cycle 8.2 have occurred.

- Applicant was sending and receiving utilities comment sheets and adjacent owner consent.

**NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED**

A public hearing notification is not required for Vacations of Public Right of Way therefore notice is not sent.

**REQUIRED PUBLIC ENGAGEMENT**

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

**EXISTING CONDITIONS**

The subject right of way which is proposed to be vacated is Bellaire Avenue. It does not serve as the primary access to any parcel. To the east and west, are vacant platted properties, East Center blocks 14 through 19. To the south, is the vacant property that the applicant is the property owner. To the north, is residential single-family properties.

**SUMMARY OF REQUEST + KEY POINTS**

The applicant is seeking approval of a Vacation of Public Right of Way in District M1-5 of about 90 feet in length generally located at the south corner of Bellaire Ave and East 32<sup>nd</sup> Street.

**CONTROLLING CASE**

None.

**PROFESSIONAL STAFF RECOMMENDATION**

Docket #5 Recommendation: **Approval Subject to Conditions**

## VACATION REVIEW

The street proposed for vacation is currently an unimproved street that terminates in a dead end. The surrounding area includes vacant, platted properties to the east and west, specifically within East Center Blocks 14 through 19. To the south lies a parcel of land owned by the applicant. Single-family residential properties development lies to the north of East 32<sup>nd</sup> Street.

The objective of this vacation request is to facilitate the development of the site to the south, which is zoned for industrial use. The applicant's intention is to fully utilize the property located at 5819 East 32<sup>nd</sup> Street. A key element of the applicant's intent involves the vacation of Bellaire Avenue, among several other street vacations proposed in conjunction with this development. This is a companion case with CD-ROW-2024-00015. This proposal is part of a broader initiative that includes multiple vacation requests in the vicinity. A development plan would be required since the site is zoned industrial and larger than 10 acres.

The public right-of-way in question currently has only private utilities within the right-of-way, specifically AT&T facilities. The lack of public utilities has simplified the vacation process. There is a condition

## SPECIFIC REVIEW CRITERIA

### 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.**

All adjacent property owners will retain legal access to public right-of-way. Adjacent parcels will have access from E. 32<sup>nd</sup> Street.

**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.**

The right-of-way in question does not serve any current or future public purpose other than general alley-connectivity.

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

The vacation will not result in any lots in violation of 88-405.

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

The vacation will not disrupt any street network and will not have an impact on the physical connectivity.

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

The proposed vacation will 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.**

No traffic will be routed through an alley as a result of this vacation.

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

This vacation will not vacate half the width of any street or alley.

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

The area being vacated is not on the Major Street Plan.

**ATTACHMENTS**

1. Conditions Report
2. Applicants Submittal
  - a. Exhibit
  - b. Legal Description
  - c. Petition to Vacate
  - d. Consent to Vacate
  - e. Utility Comment Sheets

**PROFESSIONAL STAFF RECOMMENDATION**

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

Respectfully Submitted,

A handwritten signature in black ink that reads "Justin Smith". The signature is written in a cursive, flowing style.

Justin Smith  
Planner



## Plan Conditions

Report Date: August 29, 2024

Case Number: CD-ROW-2024-00019

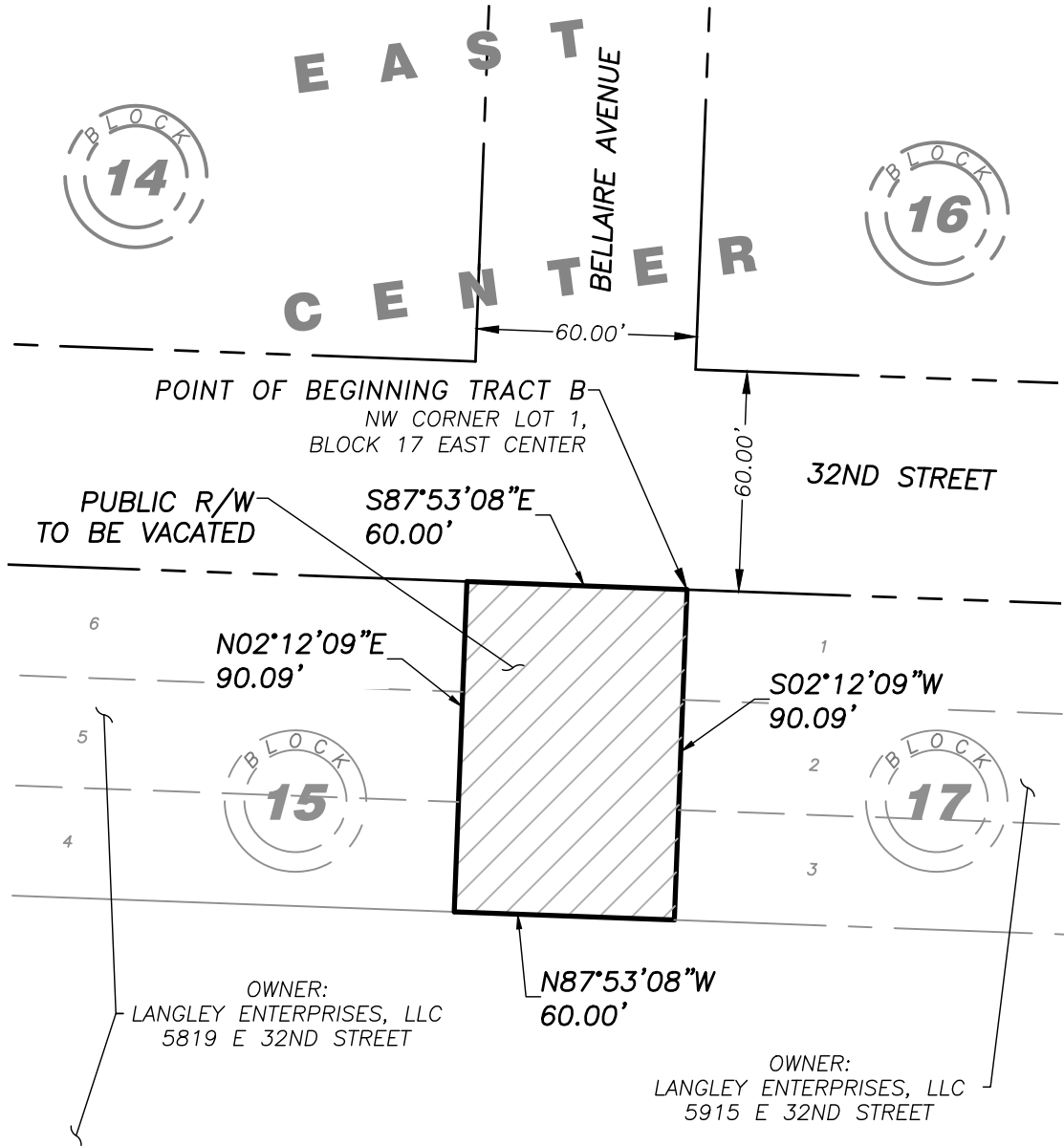
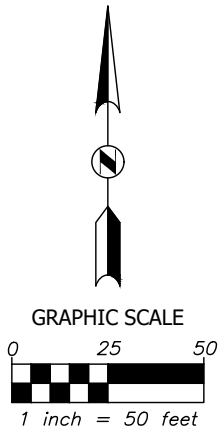
Project: Bellaire Avenue Street Vacation

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*Condition(s) by City Planning and Development Department. Contact Justin Smith at (816) 513-8823 / [justin.smith@kcmo.org](mailto:justin.smith@kcmo.org) with questions.*

1. The applicant shall retain all utility easements and protect facilities or relocate facilities at the applicant's expense as required by Evergy.

**EXHIBIT B - PARTIAL ROAD VACATION  
 BELLAIRE AVENUE SOUTH OF 32ND STREET  
 IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI  
 MAP (SEE SHEET 2 FOR DESCRIPTION)**



Jul 02, 2024 - 12:35pm Plotted by: kent.shafer I:\039980.00.01 3445 Raytown Road, KCMO\DWG\Survey\039980-VACATE BELLAIRE.dwg

Sheet:

**1**  
OF  
**2**

Drawn By: **RKS**

Project No: **039980**

Field Date: **NA**

Issue Date: **5/28/2024**

Project:

**EXHIBIT B**  
 PARTIAL ROAD VACATION  
 BELLAIRE AVENUE  
 IN THE CITY OF KANSAS CITY,  
 JACKSON COUNTY, MISSOURI

Client:

**LANGLEY RECYCLING, INC.**  
 3557 STADIUM DRIVE  
 KANSAS CITY, MO. 64129

**CIVIL ENGINEERING / SURVEYING / UTILITIES**  
 712 State Avenue, Kansas City, KS 66101  
 Phone: (913) 371-5300

**EXHIBIT B - PARTIAL ROAD VACATION  
OF BELLAIRE AVENUE SOUTH OF 32ND STREET  
IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI  
DESCRIPTION (SEE SHEET 1 FOR MAP)**

A Tract of land being part of Bellaire Avenue, as established by the plat of EAST CENTER, a subdivision of land recorded April 29th, 1925, as document number 1925K0222681, in Book 22 at Page 58, in the West half of the Southwest Quarter of Section 13, Township 49 North, Range 33 West of the Fifth Principal Meridian, in the City of Kansas City, Jackson County, Missouri, being more particularly described by Joseph H. McLaughlin, PLS - 2012018392, with BHC, MO CLS 2006009875-F, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South Right-of-way line of 32nd Street, having a bearing of South 87° 53' 08" East as referenced to the Missouri State Plane Coordinate System, West Zone, NAD 83.)

BEGINNING at the Northwest corner of Lot 1, Block 17, of said EAST CENTER subdivision;

Thence South 02° 12' 09" West, 90.09 feet, on the East Right-of-Way line of Bellaire Avenue as now established;

Thence North 87° 53' 08" West, 60.00 feet, on the South line of said EAST CENTER subdivision, to the West Right-of-Way line of Bellaire Avenue;

Thence North 02° 12' 09" East, 90.09 feet, on said West Right-of-Way line, to the South Right-of-Way line of 32nd Street;

Thence South 87° 53' 08" East, 60.00 feet, to the POINT OF BEGINNING, said Tract containing 5,405 square feet or 0.1333 acres.

I:\039980.00.01 3445 Roytown Road, KCMO\DWG\Survey\039980-VACATE BELLAIRE.dwg

Sheet: **2**  
OF  
**2**

Drawn By: **RKS**  
Project No: **039980**  
Field Date: **NA**  
Issue Date: **5/28/2024**

Project: **EXHIBIT B**  
**PARTIAL ROAD VACATION**  
**BELLAIRE AVENUE**  
**IN THE CITY OF KANSAS CITY,**  
**JACKSON COUNTY, MISSOURI**

Client: **LANGLEY RECYCLING, INC.**  
**3557 STADIUM DRIVE**  
**KANSAS CITY, MO. 64129**



**CIVIL ENGINEERING / SURVEYING / UTILITIES**  
712 State Avenue, Kansas City, KS 66101  
Phone: (913) 371-5300



June 28, 2024

Kent Shafer, BHC  
712 State Avenue  
Kansas City, Kansas 66101

Langley Enterprises, LLC

Subject: Consent Request for Street Vacation - Case No. CD-ROW-2024-~~00015~~ <sup>00019</sup>

To the owner(s) of Langley Enterprises, LLC

You are the listed owner of two parcels of property adjoining Bellaire Avenue described as follows:

EAST CENTER; E 45' OF LOTS 4,5 AND 6 BLK 15 AND PT SW 1/4 SW 1/4 DAF:BEG SE; COR LOT 4 BLK 15 OF EAST CENTER TH E 377' TH SELY 680.99' TH; SWLY 98.37' ALG CURV TO LF TH SELY 40' TH SWLY 60.57' TH SEL; SELY 183.30' ALG CURV TO LF TH NELY 53' TH SELY 323.21' ALG; CURV TO LF TH CONT SELY 57.13' TH SWLY 163.28' TH SELY; 46.13' TO PT ON S LI OF LI OF SD SEC TH W ALG SD SEC LI 570'; MOL TO E ROW OF RAYTOWN RD TH NW ALG ROW LI 410' MOL TH N; 1515' MOL ALG E ROW OF TOPPING AVE TH E 135' ALG S LI OF; EAST CENTER TH N 3' TH E 45' TH S 3' TH E 430' MOL TO POB

EAST CENTER; W 73' OF LOT 1, 2 AND 3 BLK 17

These two parcels of properties are adjacent to Bellaire Avenue Street right-of-way. This portion of street right-of-way has been requested for vacation under Case No. **CD-ROW-2024-00015**. If this right-of-way vacation is approved, you may become the owner of the both the Western half (30 feet in width) and the Eastern half (30 feet in width) of the previous Bellaire Avenue Street right-of-way adjacent (for approximately 90 feet) along your abutting property lines. There would be no cost to you for this process, but the title to the vacated street right-of-way may be added to your property descriptions, and the area would be included in your property tax valuation.

We are requesting your consent (or denial) for this vacation request made by BHC on behalf of our client, Langley Enterprises, LLC. Please review the attached consent form, make your decision, and have it notarized. Once completed, please return the form to me. It will then be submitted to the Kansas City, Missouri Planning and Development Department as part of the vacation application review process.

Also attached is a map indicating the portion of Bellaire Avenue (which was never developed) for which the vacation request has been made, along with the names of other adjacent property owners if any. If you have any questions or need further information, please feel free to contact

me by email to [Kent.Shafer@ibhc.com](mailto:Kent.Shafer@ibhc.com), by phone to 913.638.8670 or to the return address shown above.

Thank you for your attention to this matter.

Respectfully,



913.371.5300



[ibhc.com](http://ibhc.com)



712 State Avenue  
Kansas City, KS 66101

BHC is a Trademark of Brungardt Honomichl & Company, P.A.





# CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

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

## Case No. CD-ROW-2024-00015

In the matter of the vacation of: **Bellaire Avenue (South of E. 32<sup>nd</sup> Street):**

A Tract of land being part of Bellaire Avenue, as established by the plat of EAST CENTER, a subdivision of land recorded April 29th, 1925, as document number 1925K0222681, in Book 22 at Page 58, in the West half of the Southwest Quarter of Section 13, Township 49 North, Range 33 West of the Fifth Principal Meridian, in the City of Kansas City, Jackson County, Missouri, being more particularly described by Joseph H. McLaughlin, PLS - 2012018392, with BHC, MO CLS 2006009875-F, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South Right-of-way line of 32nd Street, having a bearing of South 87° 53' 08" East as referenced to the Missouri State Plane Coordinate System, West Zone, NAD 83.)

BEGINNING at the Northwest corner of Lot 1, Block 17, of said EAST CENTER subdivision;

Thence South 02° 12' 09" West, 90.09 feet, on the East Right-of-Way line of Bellaire Avenue as now established;

Thence North 87° 53' 08" West, 60.00 feet, on the South line of said EAST CENTER subdivision, to the West Right-of-Way line of Bellaire Avenue;

Thence North 02° 12' 09" East, 90.09 feet, on said West Right-of-Way line, to the South Right-of-Way line of 32nd Street;

Thence South 87° 53' 08" East, 60.00 feet, to the POINT OF BEGINNING, said Tract containing 5,405 square feet or 0.1333 acres.

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



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## CONSENT OF LIMITED LIABILITY COMPANIES

Case No. CD-ROW-2024-00015

Owner's name	Legal description of property
<p>Langley Enterprises LLC</p> <p><i>Michael Langley</i></p> <p>Michael Langley</p> <p>7-3-2024</p>	<p>2 separate tracts adjacent to Bellaire Avenue:</p> <p>EAST CENTER; E 45' OF LOTS 4,5 AND 6 BLK 15 AND PT SW 1/4 SW 1/4 DAF:BEG SE; COR LOT 4 BLK 15 OF EAST CENTER TH E 377' TH SELY 680.99' TH; SWLY 98.37' ALG CURV TO LF TH SELY 40' TH SWLY 60.57' TH SEL; SELY 183.30' ALG CURV TO LF TH NELY 53' TH SELY 323.21' ALG; CURV TO LF TH CONT SELY 57.13' TH SWLY 163.28' TH SELY; 46.13' TO PT ON S LI OF LI OF SD SEC TH W ALG SD SEC LI 570'; MOL TO E ROW OF RAYTOWN RD TH NW ALG ROW LI 410' MOL TH N; 1515' MOL ALG E ROW OF TOPPING AVE TH E 135' ALG S LI OF; EAST CENTER TH N 3' TH E 45' TH S 3' TH E 430' MOL TO POB</p> <p>EAST CENTER; W 73' OF LOT 1, 2 AND 3 BLK 17</p>

(additional sheets attached as required)

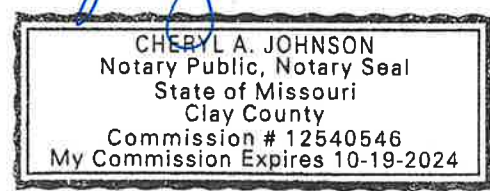
STATE OF Missouri )  
COUNTY OF Clay ) ss.

On this 3 day of July, 2024, before me, a Notary Public in and for said state, personally appeared Michael Langley, general partner of Langley Enterprises LLC, a limited liability partnership, known to me to be the person who executed the within instrument on behalf of said partnership and acknowledged to me that he/she acknowledged said instrument to be the free act and deed of said partnership.

Subscribed and sworn to before me on this 3 day of July, 2024

Notary Public in and for Said County and State  
Cheryl A. Johnson Notary Public

My Commission Expires  
10-19-24





# UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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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](http://www.kcmo.gov/planning)

CASE NO. **CD-ROW-2024-00015**

UTILITY CO. AT&T

Be it known that LANGLEY ENTERPRISES, LLC being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

### **Bellaire Avenue (South of E. 32nd Street):**

BEGINNING at the Northwest corner of Lot 1, Block 17, of said EAST CENTER subdivision;  
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for the following purpose: Future development of property

**1. Our utility/agency has facilities or interest within this right of way:**

- Yes (proceed to #2)  No (form complete)

**2. Our utility/agency:**

- has no objections  
 objects to the vacation and will not waive objection under any conditions (describe below)  
 will waive objections subject to the following conditions (describe below)  
 Retain utility easement and protect facilities  
 Relocate facilities  
 Other: \_\_\_\_\_

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

*Charlie Pedersen*

Authorized Representative

July 8th, 2024

Date

**Return this form to:**

Kent Shafer w/ BHC  
Applicant Name

913-638-8670  
Phone

712 State Ave

Kanas City, KS. 66101  
Address

Kent.Shafer@ibhc.com  
Email



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UTILITY CO. ENERGY

Be it known that LANGLEY ENTERPRISES, LLC being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

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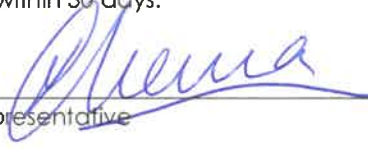
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 objects to the vacation and will not waive objection under any conditions (describe below)  
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     Relocate facilities  
     Other: \_\_\_\_\_

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

AMAR CHEEMA   
Authorized Representative

07/23/2024  
Date

**Return this form to:**

<u>Kent Shafer w/ BHC</u> Applicant Name	<u>913-638-8670</u> Phone
<u>712 State Ave</u> Address	<u>Kent.Shafer@ibhc.com</u> Email
<u>Kanas City, KS. 66101</u> Address	



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for the following purpose: Future development of property

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 objects to the vacation and will not waive objection under any conditions (describe below)  
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- Please return this form to the applicant within 30 days.

*M Schroeder*

Authorized Representative

6/27/2024

Date

**Return this form to:**

Kent Shafer w/ BHC

Applicant Name

913-638-8670

Phone

712 State Ave

Kanas City, KS. 66101

Address

Kent.Shafer@ibhc.com

Email



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Other:

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
Please return this form to the applicant within 30 days.

Sam Akula, KCMO, Public Works Dept.

6/28/2024

Authorized Representative

Date

Return this form to:

Kent Shafer w/ BHC
Applicant Name

913-638-8670
Phone

712 State Ave

Kanas City, KS. 66101
Address

Kent.Shafer@ibhc.com
Email



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Thence South 87° 53' 08" East, 60.00 feet, to the POINT OF BEGINNING, said Tract containing 5,405 square feet or 0.1333 acres.

for the following purpose: Future development of property

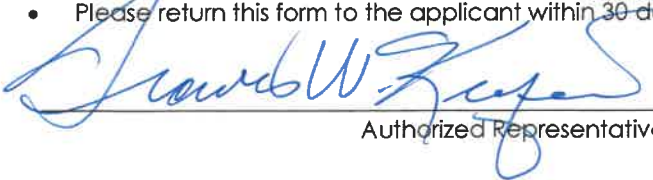
**1. Our utility/agency has facilities or interest within this right of way:**

- Yes (proceed to #2)       No (form complete)

**2. Our utility/agency:**

- has no objections  
 objects to the vacation and will not waive objection under any conditions (describe below)  
 will waive objections subject to the following conditions (describe below)  
     Retain utility easement and protect facilities  
     Relocate facilities  
     Other: \_\_\_\_\_

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

  
\_\_\_\_\_  
Authorized Representative

07/11/2024  
\_\_\_\_\_  
Date

**Return this form to:**

Kent Shafer w/ BHC  
\_\_\_\_\_  
Applicant Name

913-638-8670  
\_\_\_\_\_  
Phone

712 State Ave  
\_\_\_\_\_  
Address

Kent.Shafer@ibhc.com  
\_\_\_\_\_  
Email



# UTILITY/AGENCY COMMENTS 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](http://www.kcmo.gov/planning)

CASE NO. **CD-ROW-2024-00015**

UTILITY CO. \_\_\_\_\_

Be it known that LANGLEY ENTERPRISES, LLC being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

**Bellaire Avenue (South of E. 32nd Street):**

BEGINNING at the Northwest corner of Lot 1, Block 17, of said EAST CENTER subdivision;  
Thence South 02° 12' 09" West, 90.09 feet, on the East Right-of-Way line of Bellaire Avenue as now established;  
Thence North 87° 53' 08" West, 60.00 feet, on the South line of said EAST CENTER subdivision, to the West Right-of-Way line of Bellaire Avenue;  
Thence North 02° 12' 09" East, 90.09 feet, on said West Right-of-Way line, to the South Right-of-Way line of 32nd Street;  
Thence South 87° 53' 08" East, 60.00 feet, to the POINT OF BEGINNING, said Tract containing 5,405 square feet or 0.1333 acres.

for the following purpose: Future development of property

**1. Our utility/agency has facilities or interest within this right of way:**

- Yes (proceed to #2)  No (form complete)

**2. Our utility/agency:**

- has no objections
- objects to the vacation and will not waive objection under any conditions (describe below)
- will waive objections subject to the following conditions (describe below)
  - Retain utility easement and protect facilities
  - Relocate facilities
  - Other: \_\_\_\_\_

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

Jason Rodick Spectrum  
Authorized Representative

7-8-2024

Date

**Return this form to:**

\_\_\_\_\_  
Kent Shafer w/ BHC  
Applicant Name

\_\_\_\_\_  
913-638-8670  
Phone

\_\_\_\_\_  
712 State Ave

\_\_\_\_\_  
Kanas City, KS. 66101  
Address

\_\_\_\_\_  
Kent.Shafer@ibhc.com  
Email





Spire Missouri Inc.  
700 Market St.  
St. Louis, MO 63101

June 21, 2024

Kent Shafer – Sr, CAD Survey Technician  
BHC Engineering  
712 State Avenue  
Kansas City, Kansas 66101

**Re: Vacate Request of 34<sup>th</sup> Street west of Topping Avenue, Vacate of Bellaire Avenue south of East 32<sup>nd</sup> Street, Vacate of Topping Avenue south of East 32<sup>nd</sup> Street, Vacate of White Avenue south of East 32<sup>nd</sup> Street.**

**Case Number CD-ROW-2024-00015.**

**Vacation: Re: Vacate Request of 34<sup>th</sup> Street west of Topping Avenue, Vacate of Bellaire Avenue south of East 32<sup>nd</sup> Street, Vacate of Topping Avenue south of East 32<sup>nd</sup> Street, Vacate of White Avenue south of East 32<sup>nd</sup> Street.**

Kent,

In response to your email letter dated 6/21/2024 relative to the above referenced **Case Number CD-ROW-2024-00015.**

Please be advised that Spire Missouri Inc. (“Spire”) has no facilities located within the area which is requested to be vacated.

Sincerely,

Alex Sammet (Jul 1, 2024 08:37 CDT)

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Alex Sammet  
Right of Way Area Manager, Missouri  
Spire Missouri Inc.

TJF: JLS  
cc: Kent Shafer

Engineering Dept. Approval:   
JMA

System Planning Approval:   
PAC