



CITY PLAN COMMISSION STAFF REPORT

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

December 19th, 2023

5900 MLK BLVD VACATION

Project Name

Docket #4

Request

CD-ROW-2023-00043
Vacation of ROW

Applicant

Husnain Qaiser
Midwest Fuels

Location 5900 Dr. MLK Jr. Blvd
Area About 0.1 acres
Zoning B3-2, R-7.5
Council District 3rd
County Jackson
School District Raytown 150

Surrounding Land Uses

North: Vacant, zoned R-7.5
South: Outdoor Sales, zoned B3-2
East: Outdoor Sales, zoned B3-2
West: Auto Repair, zoned B3-2, R-5

Major Street Plan

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

Land Use Plan

The Blue Ridge Area Plan recommends Mixed Use Community/Open Space Buffer uses for the subject property.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on October 12th, 2023.

Scheduling deviations from 2022 Cycle U have occurred.

- Applicant had to gather Utility Comment sheets.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

A public hearing notification is not required for Vacations therefore notice is not sent.

REQUIRED PUBLIC ENGAGEMENT

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

EXISTING CONDITIONS

This is a vacant alley with public infrastructure in the alley. To the north is a vacant parcel. To the south is outdoor auto sales that is no longer in use.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a vacation of public right of way in District B3-2 (Business three dash two) on about 0.1 acres generally located at the corner of Bellaire Rd and Sni-A-Bar rd.

PROFESSIONAL STAFF RECOMMENDATION

Docket #4 Recommendation: **Approval, Subject to Conditions**

VACATION REVIEW

This is a vacation of public right of way, off Bellaire Ave, the alley separates two properties to the north and south. The applicant is requesting to vacate the alley, approval would bring the street into more conformance, with the deletion of a dead-end alley. The applicant plans to combine the two lots in order to seek a rezoning for future development. There is currently public sewer in the alley, which Water Services has requested that the sewer line between manholes 5083-103 be abandoned if this vacation is approved. Other private facilities are also in this alley, which have requested easements. No dead ends will be created with the approval of this vacation.

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.

This right of way vacation is for the eastern alley on the block bounded by Bellaire Ave. All adjacent property owners will retain legal access to public 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.

The alley 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 be 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.

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, as the entirety of the alley is proposed for vacation.

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

PROFESSIONAL STAFF RECOMMENDATION

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Justin Smith".

Justin Smith
Planner



Plan Conditions

Report Date: December 14, 2023

Case Number: CD-ROW-2023-00043

Project: 5900 MLK BLVD Vacation

Condition(s) by City Planning and Development Department. Contact Justin Smith at (816)513-8823 / Justin.Smith@kcmo.org with questions.

1. That the applicant retains a utility easement and protect facilities for Spire utilities located in the right-of-way.
2. That the applicant provides a savings clause to be included in the vacation ordinance.
3. That the developer shall abandon in place a portion of the existing 8" VCP sanitary sewer line between manholes 5083-103 and 5083-102. A stub shall remain out of manhole 103 to the east and onto the private property where it is to be capped and location marked for future connection of the private service line to the public main via the stub.
4. That the applicant retains a utility easement and protect facilities for AT&T utilities located in the right-of-way.



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:

All that part of Missouri State Highway No. 9 Right of Way as contained in Blocks 9, 10 and their adjoining street rights of way, Willson Ritchey Addition, a subdivision lying in the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West, in Kansas City, Clay County, described as follows:

COMMENCING at the Northeast corner of the Fractional Northwest Quarter of Section 10, Township 50 North, Range 33 West; thence North 88 degrees 59 minutes 27 seconds West along the North line of said Fractional Northwest Quarter of Section 10 a distance of 364.06 feet to a point; thence South 0 degrees 49 minutes 11 seconds West a distance of 1058.99 feet to a point lying on the South right of way line of Missouri State Highway No. 9 as established in Book 1029 at Page 509 and in Book 857 at Page 43, the POINT OF BEGINNING; thence in a Northeasterly direction along a curve to the right whose initial tangent bears North 76 degrees 05 minutes 36 seconds East, having a radius of 235.00 feet, through a central angle of 27 degrees 08 minutes 15 seconds, an arc distance of 111.30 feet to a point; thence South 69 degrees 10 minutes 06 seconds East a distance of 152.23 feet to a point; thence South 65 degrees 24 minutes 29 seconds East a distance of 119.79 feet to a point; thence South 24 degrees 25 minutes 57 seconds West a distance of 65.33 feet to a point; thence North 64 degrees 02 minutes 29 seconds West a distance of 371.97 feet to the POINT OF

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

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



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Bloyce M Cleaver	EASTWOOD PLAZA LOTS 3 THRU 8	Residence Address: <div style="background-color: gray; height: 20px; width: 100%;"></div>
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(attach additional sheets if required)

Bloyce M. Cleaver

Petitioner

STATE OF

)
) ss.
)

COUNTY OF

DONNA JIMMERSON-WILSON
Notary Public - Notary Seal
Jackson County - State of Missouri
Commission Number 20208235
My Commission Expires Aug 5, 2024

On this 24th day of October in the year 2023, before me, a Notary Public in and for said state, personally appeared Bloyce M Cleaver, 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 24th day of October, 2023

Notary Public in and for Said County and State

Donna Jimmerson-Wilson
Notary Public

My Commission Expires:

August 5, 2024

Case No. 1760-V

Owner's name	Legal description of property	Residence of owner



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(attach additional sheets if required)

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CONSENT OF CORPORATIONS

STATE OF MISSOURI

LEGAL COUNSEL



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-2023-00043

In the matter of the vacation of:

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 OF CORPORATIONS

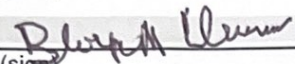
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Bloyce M Cleaver
(print)

(sign)
(Vice) President

5900 BLUE PKY / EASTWOOD PLAZA LOTS 10 TO 13 INCL
EASTWOOD PLAZA LOTS 3 THRU 8

(print)

(sign)
Secretary (if no corporate seal)
(also to be notarized)

Corporate seal above

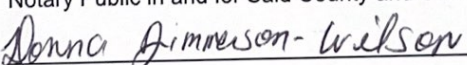
(additional sheets attached as required)

DONNA JIMMERSON-WILSON
Notary Public - Notary Seal
Jackson County - State of Missouri
Commission Number 20208235
My Commission Expires Aug 5, 2024

STATE OF)
COUNTY OF) ss.

On this 24th day of October, 2023 before me, appeared Bloyce M Cleaver, to me personally known, who being by me personally sworn, did say that He/she is the (Vice) President of _____, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said _____ acknowledged said instrument to be the free act and deed of said corporation.

Subscribed and sworn to before me on this 24th day of October, 2023

Notary Public in and for Said County and State

Notary Public

My Commission Expires:

DONNA JIMMERSON-WILSON
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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 OF CORPORATIONS

Case No. CD-ROW-2023-00043

Owner's name	Legal description of property



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(print)
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(sign)
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(additional sheets attached as required)

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