



CITY PLAN COMMISSION STAFF REPORT

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

June 5, 2024

Project Name
Fremont St and East 55th Ter Vacation

Docket #12

Request
CD-ROW-2023-00053
Vacation of Public Right of Way

Applicant
Herb Hardwick
Hardwick Law Firm

Owner
Carrena Moultrie

Location 6344 E 55th Ter
Area About 130 feet
Zoning R-7.5
Council District 3rd
County Jackson
School District Raytown 150

Surrounding Land Uses
North: Urbavore, Zoned R-80
South: Single Unit Residential, Zoned R-7.5
East: Single Unit Residential, Zoned R-7.5
West: Single Unit Residential, Zoned R-7.5

KC Spirit Playbook Alignment
Not Applicable.

Land Use Plan
The Blue Ridge Area Plan recommends Residential Low Density uses for the subject property.

Major Street Plan
The City's Major Street Plan does not identify any streets at this location.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on December 13, 2023. Scheduling deviations from 2024 Cycle 1.1 have occurred due to the amount of time it takes to retrieve documents from outside utility companies.

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 an unimproved street which serves as a drive to two parcels. All parcels will retain frontage on a public street. To the east, west, and south are single unit homes. To the north is Urbavore Urban Farm, which utilizes this right of way as a form of access to the parcel.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a Vacation of Public Right of Way in District R-7.5 (Residential) of about 130 feet in length generally located on Fremont Avenue north of East 55th Terrace.

CONTROLLING CASE

There is no controlling case.

PROFESSIONAL STAFF RECOMMENDATION

Docket #12 Recommendation: **Approval**

VACATION REVIEW

The street proposed for vacation is an undeveloped right-of-way terminating in a dead end to the north. The surrounding land uses to the east, west, and south comprise single-family, detached residential homes. To the north, the Urbavore Urban Farm is situated and utilizes the right-of-way for property access. The Urbavore parcel fronts Bennington Avenue.

There are no existing utilities within the public right-of-way under consideration of vacation.

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.

The proposed right-of-way vacation pertains to the unimproved section of the street located north of East 55th Terrace, designated as Fremont Street according to the underlying plat. All adjacent property owners will maintain their legal access to the public right-of-way. The neighbor to the north will continue to have legal access to the public right-of-way. Following the directive of the Board of Zoning Adjustment (BZA), the Master Planned Development (MPD) is required for the property to the north, the MPD will address the primary site access via Bennington Avenue. It should be noted that no formal application has been submitted at this time by Urbavore Farms.

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 proposed right-of-way vacation involves an unimproved section of right of way, that neither serves any current nor anticipated future purpose as a primary access route to any property. This right-of-way provides access to the property to the north; however, to the best of staff's knowledge, this access was not correctly permitted for right-of-way usage.

As directed by the Board of Zoning Adjustment (BZA), the proposed Master Planned Development (MPD) Plan will formalize the use of the property to the north. Should an MPD Plan be submitted and approved, any subsequent development on the site that deviates from the approved plan would necessitate an amendment to the MPD Plan.

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 of the Zoning and Development Code.

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

The vacation will not disrupt any existing street network as the unimproved street dead ends to the north.

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

The proposed vacation will not create a dead-end street or alley, as the entire length of the alley is included in the vacation proposal.

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. 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** as stated in the utility comment sheets.

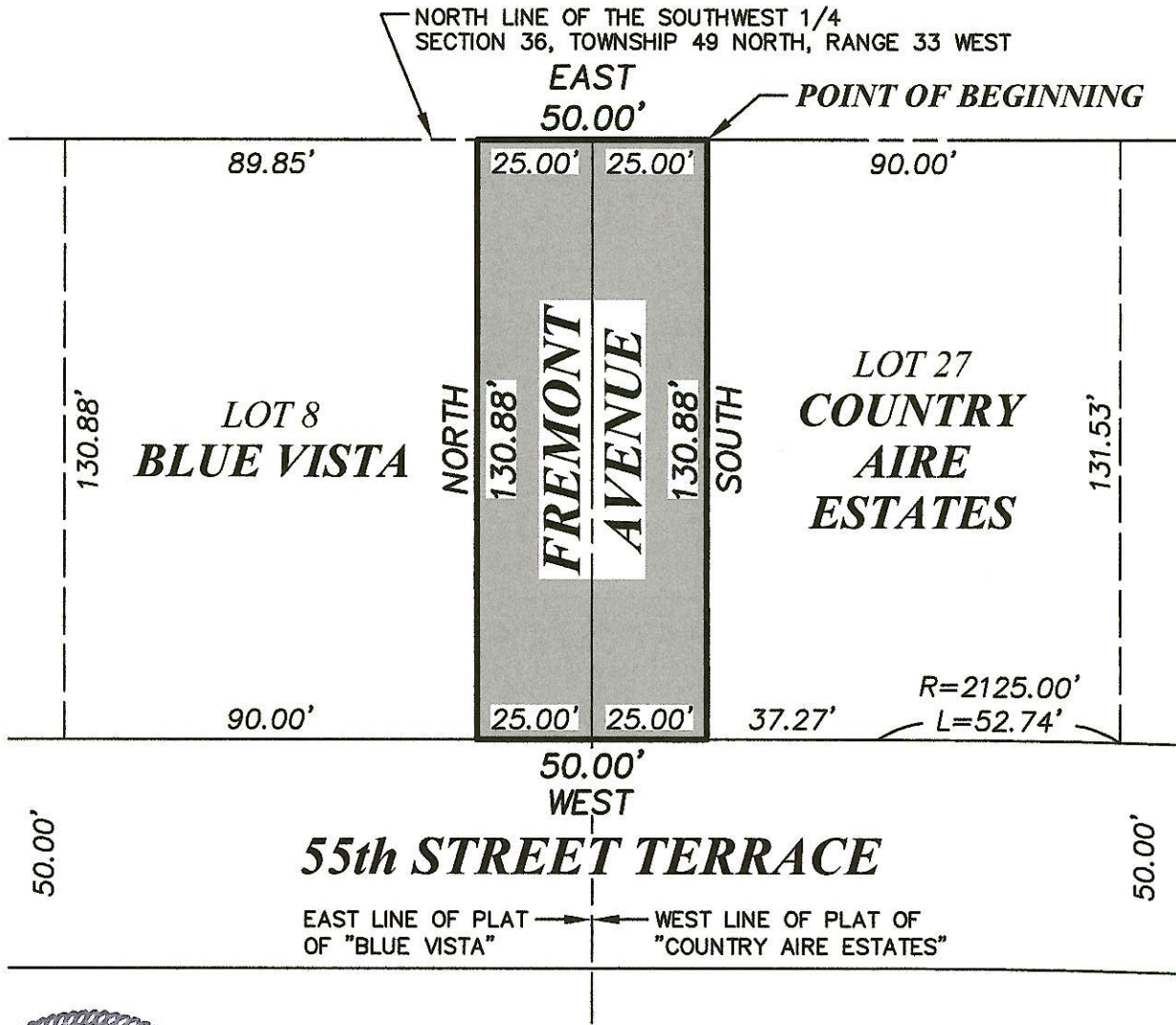
Respectfully Submitted,



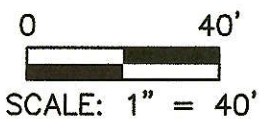
Matthew Barnes
Planner

EXHIBIT 'A'

SHEET 2 OF 2



JOHN P. WEBSTER
PLS #200900066



REV. -	DESCRIPTION FREMONT AVENUE	FREMONT AVENUE RIGHT OF WAY VACATION KANSAS CITY, JACKSON COUNTY, MISSOURI	
CAD FILE NO. 43386dw1.dwg	DRAWN BY: JPW	CHECKED BY: -	
ANDERSON SURVEY COMPANY 1270 NE DELTA SCHOOL ROAD LEE'S SUMMIT, MISSOURI 64064 (816) 246-5050		FOR: CARENNA MOULTRIE 6210 EAST 56th STREET KANSAS CITY, MISSOURI 64129	PROJECT NO. 24-01-43386-1 DATE: 12-30-2023
MISSOURI CERTIFICATE OF AUTHORITY 000076			

EXHIBIT 'A'

SHEET 1 OF 2

PROJECT: FREMONT AVENUE RIGHT OF WAY VACATION
DATE: DECEMBER 30, 2023
COUNTY/STATE: JACKSON/MISSOURI
ADDRESS: N/A

RIGHT OF WAY VACATION DESCRIPTION:

BEGINNING AT THE NORTHWEST CORNER OF LOT 27, *COUNTRY AIRE ESTATES*, A SUBDIVISION IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI; THENCE SOUTH A DISTANCE OF 130.88 FEET ALONG THE WEST LINE OF SAID LOT 27, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY SAID SUBDIVISION, TO THE NORTH RIGHT OF WAY LINE OF 55th STREET TERRACE AS ALSO ESTABLISHED BY SAID SUBDIVISION; THENCE WEST A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 8, *BLUE VISTA*, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE; THENCE NORTH 130.88 FEET ALONG THE EAST LINE OF SAID LOT 8, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY LAST SAID SUBDIVISION, TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE EAST 50.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.



JOHN P. WEBSTER
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REV. -	DESCRIPTION FREMONT AVENUE		
CAD FILE NO. 43386dw1.dwg	DRAWN BY: JPW	CHECKED BY: -	FREMONT AVENUE RIGHT OF WAY VACATION KANSAS CITY, JACKSON COUNTY, MISSOURI
ANDERSON SURVEY COMPANY 1270 NE DELTA SCHOOL ROAD LEE'S SUMMIT, MISSOURI 64064 (816) 246-5050			FOR: CARRENA MOULTRIE 6210 EAST 56th STREET KANSAS CITY, MISSOURI 64129
MISSOURI CERTIFICATE OF AUTHORITY. 000076			PROJECT NO. 24-01-43386-1 DATE: 12-30-2023



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:

BEGINNING AT THE NORTHWEST CORNER OF LOT 27, COUNTRY AIRE ESTATES, A SUBDIVISION IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI; THENCE SOUTH A DISTANCE OF 130.88 FEET ALONG THE WEST LINE OF SAID LOT 27, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY SAID SUBDIVISION, TO THE NORTH RIGHT OF WAY LINE OF 55th STREET TERRACE AS ALSO ESTABLISHED BY SAID SUBDIVISION; THENCE WEST A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 8, BLUE VISTA, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE; THENCE NORTH 130.88 FEET ALONG THE EAST LINE OF SAID LOT 8, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY LAST SAID SUBDIVISION, TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE EAST 50.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

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

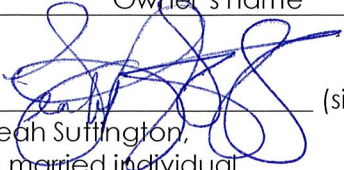


CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

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 INDIVIDUALS

Case No. _____

Owner's name	Legal description of property
 _____ (sign) Leah Suffington, a married individual	COUNTRY AIRE ESTATES LOT 10
_____ (sign)	
_____ (print), spouse of Leah Suttington	

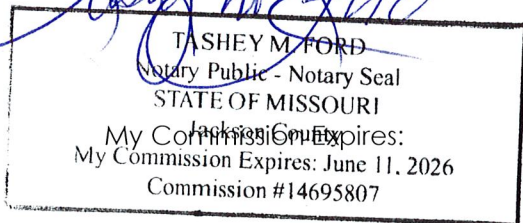
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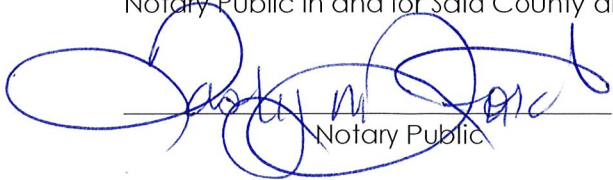
STATE OF Missouri)
) ss.
COUNTY OF Jackson)

On this 6 day of February, 2024, before me personally appeared _____
Leah Suttington
to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

Subscribed and sworn to before me on this 6 day of February, 2024

Notary Public in and for Said County and State





Notary Public

6.11.2026

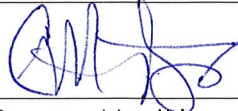
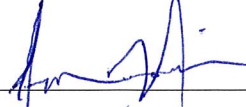


CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

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CONSENT OF INDIVIDUALS

Case No.

Owner's name	Legal description of property
 _____ (sign) Carrena Moultrie, a married individual	COUNTRY AIRE ESTATES LOT 10
 _____ (sign) <u>Jared Moultrie</u> (print), spouse of Carrena Moultrie	

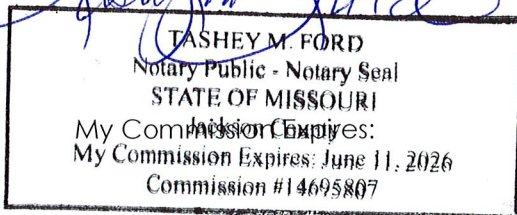
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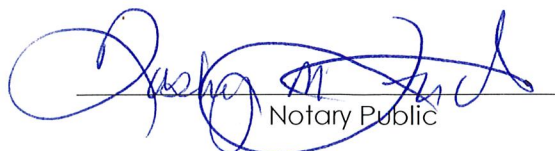
STATE OF Missouri)
) ss.
COUNTY OF Jackson)

On this 6 day of February, 2024, before me personally appeared _____
Carrena & Jared Moultrie
to me known to be the person(s) described in and who executed the foregoing instrument and
acknowledged that he/she/they executed the same as his/her/their free act and deed.

Subscribed and sworn to before me on this 6 day of February, 2024

Notary Public in and for Said County and State




Notary Public

6.11.2026

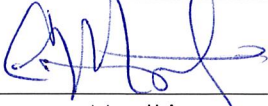
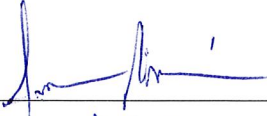
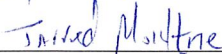


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CONSENT OF INDIVIDUALS

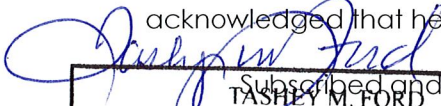
Case No. _____

Owner's name	Legal description of property
 _____ (sign) Carrena Moultrie, a married individual	BLUE VISTA (LOTS 1-18 INCL) LOTS 9 THRU 13
 _____ (sign)	
 _____ (print), spouse of Carrena Moultrie	

(additional sheets attached as required)

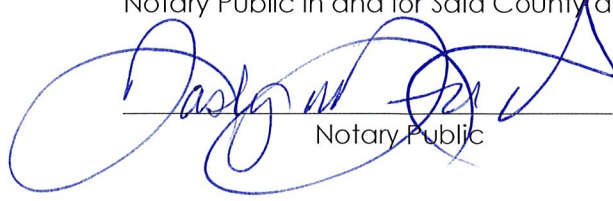
STATE OF Missouri)
) ss.
COUNTY OF Jackson)

On this 10 day of February, 2024, before me personally appeared _____
Carrena & Jared Moultrie
to me known to be the person(s) described in and who executed the foregoing instrument and
acknowledged that he/she/they executed the same as his/her/their free act and deed.


 Subscribed and sworn to before me on this 10 day of February, 2024
TASHEE M. FORD
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Jackson County
 My Commission Expires: June 11, 2026
 Commission #14695807
 My Commission Expires:
6.11.2026

Notary Public in and for Said County and State

 Notary Public





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

CASE NO. CD-ROW-2023-00053

UTILITY CO. EVERGY

Be it known that Carrena Moultrie, being an owner 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:

BEGINNING AT THE NORTHWEST CORNER OF LOT 27, COUNTRY AIRE ESTATES, A SUBDIVISION IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI; THENCE SOUTH A DISTANCE OF 130.88 FEET ALONG THE WEST LINE OF SAID LOT 27, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY SAID SUBDIVISION, TO THE NORTH RIGHT OF WAY LINE OF 55th STREET TERRACE AS ALSO ESTABLISHED BY SAID SUBDIVISION; THENCE WEST A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 8, BLUE VISTA, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE; THENCE NORTH 130.88 FEET ALONG THE EAST LINE OF SAID LOT 8, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY LAST SAID SUBDIVISION, TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE EAST 50.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

for the following purpose: To eliminate public access which has created a nuisance and caused damage to the privately owned property on either side of the described area.

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.

Signature of Authorized Representative

3-28-24 Date

Return this form to:
Carrena Moultrie c/o Hardwick Law Firm, LLC
Applicant Name
2405 Grand Boulevard, Suite 800, Kansas City, MO 64108
Address
(816) 221-9445
Phone
hhardwick@hardwicklaw.com/chillman@hardwicklaw.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

CASE NO. CD-ROW-2023-00053

UTILITY CO. KCMO WATER SERVICES DEPARTMENT

Be it known that Carrena Moultrie, being an owner 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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will waive objections subject to the following 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.

Handwritten signature of Travis W. Kiebler and date 02/17/2024

Authorized Representative

Date

Travis W. Kiebler, P.E. - KC Water

Return this form to:

Form with fields for Applicant Name, Address, Phone, and Email. Applicant Name: Carrena Moultrie c/o Hardwick Law Firm, LLC. Address: 2405 Grand Boulevard, Suite 800, Kansas City, MO 64108. Phone: (816) 221-9445. Email: hhardwick@hardwicklaw.com/chillman@hardwicklaw.com



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

City Planning & Development Department
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CASE NO. CD-ROW-2023-00053

UTILITY CO. KCMO FIRE DEPARTMENT

Be it known that Carrena Moultrie, being an owner 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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 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.

M Schroeder

Authorized Representative

3/20/2024

Date

Return this form to:

Carrena Moultrie c/o Hardwick Law Firm, LLC

Applicant Name

(816) 221-9445

Phone

2405 Grand Boulevard, Suite 800, Kansas City, MO 64108

Address

hardwick@hardwicklaw.com/chillman@hardwicklaw.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

CASE NO. CD-ROW-2023-00053

UTILITY CO. KCMO PUBLIC WORKS DEPARTMENT –
STREET LIGHTING SERVICES

Be it known that Carrena Moultrie, being an owner 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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- Please return this form to the applicant within 30 days.

Joseph Newton
Authorized Representative

03/15/2024
Date

Return this form to:

Carrena Moultrie c/o Hardwick Law Firm, LLC
Applicant Name

(816) 221-9445
Phone

2405 Grand Boulevard, Suite 800, Kansas City, MO 64108
Address

hhardwick@hardwicklaw.com/chillman@hardwicklaw.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

CASE NO. CD-ROW-2023-00053

UTILITY CO. KCMO PUBLIC WORKS DEPARTMENT –
STREETS AND TRAFFIC DIVISION

Be it known that Carrena Moultrie, being an owner 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:

BEGINNING AT THE NORTHWEST CORNER OF LOT 27, COUNTRY AIRE ESTATES, A SUBDIVISION IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI; THENCE SOUTH A DISTANCE OF 130.88 FEET ALONG THE WEST LINE OF SAID LOT 27, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY SAID SUBDIVISION, TO THE NORTH RIGHT OF WAY LINE OF 55th STREET TERRACE AS ALSO ESTABLISHED BY SAID SUBDIVISION; THENCE WEST A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF LOT 8, BLUE VISTA, A SUBDIVISION IN SAID CITY, COUNTY, AND STATE; THENCE NORTH 130.88 FEET ALONG THE EAST LINE OF SAID LOT 8, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF FREMONT AVENUE AS ESTABLISHED BY LAST SAID SUBDIVISION, TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 49 NORTH, RANGE 33 WEST; THENCE EAST 50.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

for the following purpose: To eliminate public access which has created a nuisance and caused damage to the privately owned property on either side of the described area.

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.

Sam Akula, KCMO, Public Works Dept.

(816) 513-9861

3/14/2024

Authorized Representative

Date

Return this form to:

Carrena Moultrie c/o Hardwick Law Firm, LLC

Applicant Name

(816) 221-9445

Phone

2405 Grand Boulevard, Suite 800, Kansas City, MO 64108

Address

hhardwick@hardwicklaw.com/chillman@hardwicklaw.com

Email