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JACKSON COUNTY, MISSOURI

06/28/2023 3:13 PM

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INSTRUMENT NUMBER

2023E0045450

230486

Jackson County
Recorder of Deeds
Exempt Document

This document has been recorded under exempt status
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Diana Smith
Recorder of Deeds

415 E. 12th Street, Room 104
Kansas City, MO 64106

112 W. Lexington, Suite 30
Independence, MO 64050

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

DATE OF DOCUMENT: June 15, 2023

DOCUMENT TITLE: 230486 Vacation Ordinance

Grantor(s): City of Kansas City, MO
Name &
Address:

Grantee(s): City of Kansas City, MO
Name &
Address: 414 E 17th Street
KCMO 64106

LEGAL DESCRIPTION:
See Page(s) 1 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 27th day of June, 2023

Marilyn Sanders
City Clerk

By Marilyn Sanders City Clerk



Return all Recorded Originals To:
OFFICE OF THE CITY CLERK, 414 E. 12th Street, 25th Floor, Kansas City, Missouri 64106



File #: 230486

ORDINANCE NO. 230486

Vacating a portion of unused right-of-way on about 11,000 square feet generally located to the west of Hardesty Avenue between East Truman Road and Van Brunt Drive; and directing the City Clerk to record certain documents. (CD-ROW-2023-00009)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Council of Kansas City does hereby find and declare that on the 1st day of May, 2023, a petition was filed with the City Clerk of Kansas City by Patty Yang for the vacation of all of the north and south alley immediately west of Hardesty Avenue and the east and west alley immediately south of Truman Road located within the subdivisions of Munroe Heights and the Stephen Fisher Addition, extending from the intersection of said alleys east to the west line of Hardesty avenue and south to the north line of Van Brunt Drive, all in Kansas City, Jackson County, Missouri, giving the distinct description of the alleys to be vacated, and also the names of the persons and corporations owning or claiming to own the property fronting thereon, and that the consent of the persons and corporations owning or claiming to own three-fourths of the front feet of the property immediately adjoining said alleys has been obtained in writing, that said consent has 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 all of the north and south alley immediately west of Hardesty Avenue and the east and west alley immediately south of Truman Road located within the subdivisions of Munroe Heights and the Stephen Fisher Addition, extending from the intersection of said alleys east to the west line of Hardesty avenue and south to the north line of Van Brunt Drive, all in Kansas City, Jackson County, Missouri, be and the same is hereby vacated. However, the City of Kansas City reserves an easement and the right to locate, construct and maintain (or to authorize any franchised utility to locate, construct and maintain) conduits, water, gas and sewer pipes, poles and wire, or any of them over, under, along and across the above-described property. The City of Kansas City shall have at all times the right to go upon the above-described property to construct, maintain and repair the same; and nothing in this vacation action shall be construed so as to grant any right to use the above-described property in any manner as would interfere with the construction or reconstruction and proper, safe and continuous maintenance of the aforesaid uses, and specifically, there shall not be built thereon or thereover any structure (except driveways, paved areas, grass, shrubs and fences) without first securing the written approval of the Director of Public Works, with the following conditions:

1. The applicant shall reimburse costs for relocating utilities located in alley to be vacated as required by Spectrum Charter.
2. The developer shall retain utility easement and protect facilities owned and operated by Evergy.
3. Facilities owned and operated by AT&T shall be relocated at the cost of the applicant for the north/south easement. AT&T does not consent to vacating the east/west easement at this time.
4. The developer shall re-establish power sources for streetlights affected by the removal of power lines and transformers within the alley to be vacated at their own expense.
5. The developer shall relocate the existing Tornado Siren in accordance with the Office of Emergency Management.

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.

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



Authenticated as Passed



Quinton Lucas, Mayor



Marilyn Sanders, City Clerk

JUN 15 2023

Date Passed



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-2023-00009

UTILITY CO. Spectrum Charter

Be it known that Guadalupe Villa Campus 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:

Case No. CD-ROW-2023-00009 – A request to vacate ALL OF THE NORTH AND SOUTH ALLEY IMMEDIATELY WEST OF HARDESTY AVENUE AND THE EAST AND WEST ALLEY IMMEDIATELY SOUTH OF TRUMAN ROAD LOCATED WITHIN THE SUBDIVISIONS OF MUNROE HEIGHTS AND THE STEPHEN FISHER ADDITION, EXTENDING FROM THE INTERSECTION OF SAID ALLEYS EAST TO THE WEST LINE OF HARDESTY AVENUE AND SOUTH TO THE NORTH LINE OF VAN BRUNT DRIVE, ALL IN KANSAS CITY, JACKSON COUNTY, MISSOURI. right-of-way line of Paseo Boulevard, in Section 04, Township, 49, Range 33, all in Kansas City, Jackson County, Missouri.

for the following purpose: CONSTRUCTION OF GUADALUPE APARTMENTS

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: Will relocate if we are reimbursed for costs.

- 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.

Beatrice Bernal

Authorized Representative

3/27/2023

Date

Return this form to:

PATTY YANG
Applicant Name

816-283-3456
Phone

1020 E 8TH STREET, KANSAS CITY MO 64106
Address

PYANG@TB-ENGR.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-2023-00009

UTILITY CO. EVERGY

Be it known that Guadalupe Villa Campus 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:

Case No. CD-ROW-2023-00009 - A request to vacate ALL OF THE NORTH AND SOUTH ALLEY IMMEDIATELY WEST OF HARDESTY AVENUE AND THE EAST AND WEST ALLEY IMMEDIATELY SOUTH OF TRUMAN ROAD LOCATED WITHIN THE SUBDIVISIONS OF MUNROE HEIGHTS AND THE STEPHEN FISHER ADDITION, EXTENDING FROM THE INTERSECTION OF SAID ALLEYS EAST TO THE WEST LINE OF HARDESTY AVENUE AND SOUTH TO THE NORTH LINE OF VAN BRUNT DRIVE, ALL IN KANSAS CITY, JACKSON COUNTY, MISSOURI. right-of-way line of Paseo Boulevard, in Section 04, Township, 49, Range 33, all in Kansas City, Jackson County, Missouri.

for the following purpose: CONSTRUCTION OF GUADALUPE APARTMENTS

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.

Jerrold Proctor Authorized Representative

3-16-2023 Date

Return this form to:
PATTY YANG Applicant Name
816-283-3456 Phone
1020 E 8TH STREET, KANSAS CITY MO 64106 Address
PYANG@TB-ENGR.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-2023-00009

UTILITY CO. AT&T

Be it known that Guadalupe Villa Campus 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:

Case No. CD-ROW-2023-00009 – A request to vacate ALL OF THE NORTH AND SOUTH ALLEY IMMEDIATELY WEST OF HARDESTY AVENUE AND THE EAST AND WEST ALLEY IMMEDIATELY SOUTH OF TRUMAN ROAD LOCATED WITHIN THE SUBDIVISIONS OF MUNROE HEIGHTS AND THE STEPHEN FISHER ADDITION, EXTENDING FROM THE INTERSECTION OF SAID ALLEYS EAST TO THE WEST LINE OF HARDESTY AVENUE AND SOUTH TO THE NORTH LINE OF VAN BRUNT DRIVE, ALL IN KANSAS CITY, JACKSON COUNTY, MISSOURI. right-of-way line of Paseo Boulevard, in Section 04, Township, 49, Range 33, all in Kansas City, Jackson County, Missouri.

for the following purpose: CONSTRUCTION OF GUADALUPE APARTMENTS

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: _____

-We will retire the aerial copper cable in the easement running N/S. We will vacate the buried N/S easement once the owner has completed coordination for relocation of fiber optic services so the existing cable can be retired.
-At this time, we will not be able to vacate the E/W easement. This does not appear to conflict with the construction of the new facility based on review with the site plan and the coordinators

- 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

OSP- Engineer

Authorized Representative

March 28th, 2023

Date

Return this form to:	
PATTY YANG	816-283-3456
Applicant Name	Phone
1020 E 8 TH STREET, KANSAS CITY MO 64106	PYANG@TB-ENGR.COM
Address	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-2023-00009

UTILITY CO. KCMO Emergency Management Division

Be it known that Guadalupe Villa Campus 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:

Case No. CD-ROW-2023-00009 – A request to vacate ALL OF THE NORTH AND SOUTH ALLEY IMMEDIATELY WEST OF HARDESTY AVENUE AND THE EAST AND WEST ALLEY IMMEDIATELY SOUTH OF TRUMAN ROAD LOCATED WITHIN THE SUBDIVISIONS OF MUNROE HEIGHTS AND THE STEPHEN FISHER ADDITION, EXTENDING FROM THE INTERSECTION OF SAID ALLEYS EAST TO THE WEST LINE OF HARDESTY AVENUE AND SOUTH TO THE NORTH LINE OF VAN BRUNT DRIVE, ALL IN KANSAS CITY, JACKSON COUNTY, MISSOURI. right-of-way line of Paseo Boulevard, in Section 04, Township, 49, Range 33, all in Kansas City, Jackson County, Missouri.

for the following purpose: CONSTRUCTION OF GUADALUPE APARTMENTS

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: move existing Tornado Siren in accordance with discussion with Engineers

James F. Connelly - Emergency Management Director

- 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.

Robby

Authorized Representative

4/20/23

Date

Return this form to:

PATTY YANG

Applicant Name

816-283-3456

Phone

1020 E 8TH STREET, KANSAS CITY MO 64106

Address

PYANG@TB-ENGR.COM

Email

CASE NUMBER CD-CPC-2023-00046
ADDRESS OR LOCATION 5123 TRUMAN ROAD

AFFIDAVIT OF SIGN POSTING

STATE OF Kansas)

COUNTY OF Johnson)

I, Brian Hochstein being duly sworn upon my oath and being of sound mind and legal age state:

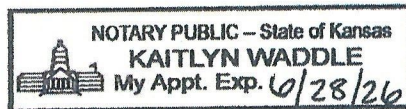
That I am the agent (agent, owner, attorney) of the lot, tract or parcel of land for which the application was filed and did not later than fifteen (15) days prior to the date of first hearing scheduled for the above-referenced case at the above-referenced location, place a sign upon said lot, tract or parcel of land in compliance with the applicable Notice of Hearing procedures in the Zoning and Development Code.

Brian Hochstein
(Print Name)

[Signature]
(Signature)

Subscribed and sworn to before me this 5 day of May, 2023.

[Signature]
Notary Public



My Commission Expires 6/28/2026

Said sign shall be furnished by the City to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame. The sign shall be posted in a fashion visible from a public right-of-way or public place, shall not be further than ten (10) feet from the property line exclusive of the public right-of-way and shall be posted in a manner that the bottom portion of the sign is no further than eighteen (18) inches from the ground. The applicant shall file an affidavit prior to the public hearing stating that said sign has been posted according to these regulations.