



CITY PLAN COMMISSION STAFF REPORT

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

July 17, 2024

Project Name

E 87th Terrace Vacation

Docket #5**Request**

CD-ROW-2024-00004

Vacation of Public Right of Way

Applicant

Rachelle Biondo

Rouse Frets White Goss Gentile Rhodes,
P.C

Owner

87 T LLC

Location

2814 E 87th Terrace

Area

About 1.07 acres

Zoning

M3-5

Council District

5th

County

Jackson County

School District

Center 120

Surrounding Land Uses

North: Industrial, Zoned M3-5

South: Industrial, Zoned M3-5

East: Industrial, Zoned M3-5

West: Undeveloped, Zoned R-80

KC Spirit Playbook Alignment

Not Applicable

Land Use Plan

The Swope Area Plan recommends Light Industrial uses for the subject property.

Major Street Plan

The City's Major Street Plan does not identify East 87th Terrace at this location.

APPROVAL PROCESS**PROJECT TIMELINE**

The application for the subject request was filed on 03/18/2024. Scheduling deviations from 2024 Cycle 5.1 have occurred due to the amount of time it takes to receive approval from outside agencies. The applicant provided the documents on 05/31/2024.

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 East 87th Terrace. It serves as the primary access to multiple parcels; all parcels have the same ownership. The Dodson Industrial District Levee is to the east of the right of way to be vacated.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a Vacation of Public Right of Way in District M3-5 of about 800 feet in length generally located along the north and south of East 87th Terrace.

CONTROLLING CASE

None

PROFESSIONAL STAFF RECOMMENDATION

Docket #5 **Approval Subject to Conditions**

VACATION REVIEW

The street requested to be vacated is currently an improved stub street which provides access to the five properties on either side of East 87th Terrace. All properties on either side of the road are owned by the same company. Staff has included a condition requiring a cross access easement to be recorded at the time of the vacation recording to ensure all properties have legal access to a public right of way. Land uses in the area are mostly light industrial.

The applicant is only vacating a portion of the existing street, the remaining turnaround on the easternmost side of the street will not be vacated as requested by the Water Department. Prior to submitting the vacation application, the applicant met with the Water Department to discuss the turnaround at the eastern end of the right of way. Due to the Dodson Industrial Levee to the east, the Water Department requested that the turnaround not be included in the vacation request.

There are public and private utilities within the Public Right of Way. Public Utilities include Water and Sewer mains. Private Utilities include Spire, Evergy, Street Lights, AT&T, and Sewer.

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.

This right of way vacation is for East 87th Terrace with access from Prospect Avenue. The applicant will be required to provide a cross-access easement at the time of recording the vacation to ensure all properties have legal access to the 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 proposed right-of-way to be vacated is only used by the five surrounding properties. The right of way in question does not serve any future public purpose other than general connectivity to the levee to the east.

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 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 result in a dead-end street with a small turnaround at the eastern end. City Staff and the applicant discussed vacating the full street, however the Water Department requested the turnaround be left for the Dodson Industrial Levee to the east.

88-560-10-F. The vacation shall not result in street traffic being routed through an alley.

No traffic will be routed through the street 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,



Larisa Chambi, AICP
Planning Supervisor



Plan Conditions

Report Date: July 10, 2024

Case Number: CD-ROW-2024-00004

Project: E 87th Terrace Vacation

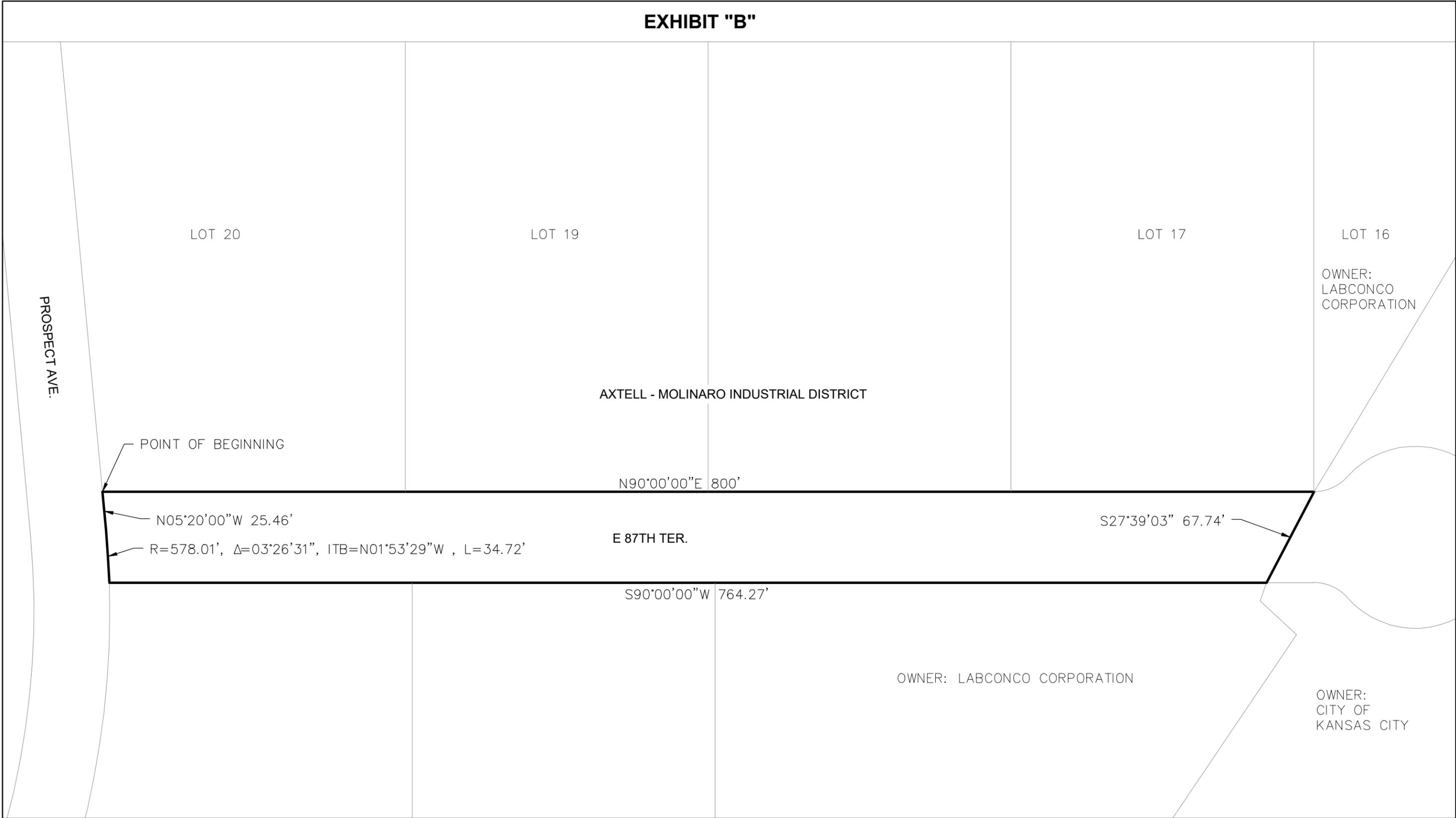
Condition(s) by City Planning and Development Department. Contact Jonathan Feverston at (816) 513-2889 / Jonathan.Feverston@kcmo.org with questions.

1. Access to the levee system should be maintained for the U.S. Army Corps of Engineers to allow for performance of regular maintenance and emergency maintenance as this area is part of the Blue River Corridor in the Swope Area Plan.

Condition(s) by City Planning and Development Department. Contact Larisa Chambi at (816) 513-8822 / Larisa.Chambi@kcmo.org with questions.

2. That the applicant retains a utility easement and protect facilities for AT&T utilities located in the right-of-way.
3. That the applicant retains a utility easement and protect facilities for Spire utilities located in the right-of-way.
4. That the applicant retains a utility easement and protect facilities for Evergy utilities located in the right-of-way.
5. That the applicant retain a utility easement and protect facilities for KCMO Water Service utilities located in the right-of-way and to provide access to KC Water to maintain assets and read meters along vacated street and east side of cul de sac.
6. That the applicant return the street lighting equipment for the three streetlights identified as: SDM1022, SDM1023, SDM1024 located on the south side of 87th Terrace to the city. The cost of any streetlight work/relocation/removal will be a cost to the project.
7. The applicant shall record a cross-access easement for all properties to retain legal access to the public right-of-way at the time of recording of this vacation.

EXHIBIT "B"



OWN
Engineering beyond.[™]

8455 College Boulevard
Overland Park, KS 66210
816.777.0400
COA# E-137

LABCONCO CORPORATION
**E 87TH TERRACE
STREET VACATION**
E 87TH TER AND PROSPECT AVE, KANSAS CITY, JACKSON COUNTY, MO

DRAWN BY: BTG	FIELD BY: N/A
DATE: 03-13-2024	FIELD BK: -



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-2024-00004

In the matter of the vacation of:

E. 87th Terrace described as follows:

All that part of Axtell Molinaro Industrial District, a subdivision in Kansas City, Jackson County Missouri being more particularly described as follows (the basis of bearing for this description is the North line of said subdivision also being the North line of the Southwest Quarter of Section 22, Township 48, Range 33, and has been prepared by Samuel J. DePriest MO PLS 2001300041 or under my direct supervision, March 13, 2024):

Beginning at the southwest corner of Lot 20 of said subdivision, thence North 90 degrees 00 minutes 00 seconds East, with the north right of way line of East 87th Terrace, a distance of 800 feet, more or less, to a point on the west line of a tract of land described in a warranty deed to the City of Kansas City, Missouri found in instrument number 2005K0049704; thence South 27 degrees 39 minutes 03 seconds East, no longer with said right of way line, a distance of 67.74 feet to a point on the south right of way line of East 87th Terrace and to a point on the west line of a tract of land described in a warranty deed to the City of Kansas City, Missouri found in instrument number 2005K0049704; thence South 90 degrees 00 minutes 00 seconds West, with said right of way, a distance of 764.27 feet to a point on the east right of way line of Prospect Avenue; thence on a curve to the left having a radius of 578.01 feet, a central angle of 03 degree 26 minutes 31 seconds, an initial tangent bearing of North 01 degrees 53 minutes 29 seconds West, a distance of 34.72 feet, all being with the east right of way of Prospect Avenue; thence North 05 degrees 20 minutes 00 seconds West, a distance 25.46 feet to the point of beginning. The above described tract of land contains 46,917 square feet or 1.07 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



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-2024-00004

UTILITY CO.: Evergy

Be it known that Labconco Corporation, 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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for the following purpose: Expansion of corporate campus

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.

Jasper Mirabile
Authorized Representative

5/21/2024
Date

Return this form to:

_____	_____
Applicant Name	Phone
_____	_____
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-2024-00004

UTILITY CO.: KCMO Fire Department

Be it known that Labconco Corporation, 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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for the following purpose: Expansion of corporate campus

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

M Schroeder

Authorized Representative

4/23/2024

Date

Return this form to:

Applicant Name

Phone

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-2024-00004

UTILITY CO.: KCMO Public Works Department;
Street Lighting Services

Be it known that Labconco Corporation, 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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for the following purpose: Expansion of corporate campus

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 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 have three street lights in the area you're wishing us to vacate on the south side of 87th ter.

(SDM1022, SDM1023,SDM1024) . Upon approval of your street vacation request, the street lighting equipment must be return to the city. Any streetlight work/relocations/removals will be a cost to the project.

- 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.

Joseph Newton

04/19/2024

Authorized Representative

Date

Return this form to:

Applicant Name

Phone

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-2024-00004

UTILITY CO.: KCMO Public Works Department ;
Streets and Traffic Division

Be it known that Labconco Corporation, 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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 - 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.

Authorized Representative

4/18/2024

Date

Return this form to:	
Applicant Name	Phone
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-2024-00004

UTILITY CO.: Spire

Be it known that Labconco Corporation, 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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for the following purpose: Expansion of corporate campus

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 - Relocate facilities
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- Please return this form to the applicant within 30 days.

John L. Strauss

Johnny Strauss - Right of Way Representative for Spire 4/2/2024
Authorized Representative Date

Return this form to:	
_____	_____
Applicant Name	Phone
_____	_____
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
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CASE NO. CD-ROW-2024-00004

UTILITY CO.: AT&T

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- Please return this form to the applicant within 30 days.

Jeremy Watson

3/29/24

Authorized Representative

Date

Return this form to:

_____	_____
Applicant Name	Phone
_____	_____
Address	Email



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

CASE NO. CD-ROW-2024-00004

UTILITY CO.: Spectrum Charter

Be it known that Labconco Corporation, 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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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

3-29-2024

Authorized Representative

Date

Return this form to:	
Applicant Name	Phone
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-2024-00004

UTILITY CO.: Vicinity Energy

Be it known that Labconco Corporation, 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:

E. 87th Terrace described as follows:

All that part of Axtell Molinaro Industrial District, a subdivision in Kansas City, Jackson County Missouri being more particularly described as follows (the basis of bearing for this description is the North line of said subdivision also being the North line of the Southwest Quarter of Section 22, Township 48, Range 33, and has been prepared by Samuel J. DePriest MO PLS 2001300041 or under my direct supervision, March 13, 2024):

Beginning at the southwest corner of Lot 20 of said subdivision, thence North 90 degrees 00 minutes 00 seconds East, with the north right of way line of East 87th Terrace, a distance of 800 feet, more or less, to a point on the west line of a tract of land described in a warranty deed to the City of Kansas City, Missouri found in instrument number 2005K0049704; thence South 27 degrees 39 minutes 03 seconds East, no longer with said right of way line, a distance of 67.74 feet to a point on the south right of way line of East 87th Terrace and to a point on the west line of a tract of land described in a warranty deed to the City of Kansas City, Missouri found in instrument number 2005K0049704; thence South 90 degrees 00 minutes 00 seconds West, with said right of way, a distance of 764.27 feet to a point on the east right of way line of Prospect Avenue; thence on a curve to the left having a radius of 578.01 feet, a central angle of 03 degree 26 minutes 31 seconds, an initial tangent bearing of North 01 degrees 53 minutes 29 seconds West, a distance of 34.72 feet, all being with the east right of way of Prospect Avenue; thence North 05 degrees 20 minutes 00 seconds West, a distance 25.46 feet to the point of beginning. The above described tract of land contains 46,917 square feet or 1.07 acres. (See attached drawing)

for the following purpose: Expansion of corporate campus

- Our utility/agency has facilities or interest within this right of way:
 - Yes (proceed to #2)
 - No (form complete)
- 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.

Craig McNeil, Vicinity Distribution Supervisor *Craig McNeil*
Authorized Representative

4/01/2024
Date

Return this form to:	
_____	_____
Applicant Name	Phone
_____	_____
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-2024-00004

UTILITY CO.: KCMO Water Services Department

Be it known that Labconco Corporation, 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:

E. 87th Terrace described as follows:

All that part of Axtell Molinaro Industrial District, a subdivision in Kansas City, Jackson County Missouri being more particularly described as follows (the basis of bearing for this description is the North line of said subdivision also being the North line of the Southwest Quarter of Section 22, Township 48, Range 33, and has been prepared by Samuel J. DePriest MO PLS 2001300041 or under my direct supervision, March 13, 2024):

Beginning at the southwest corner of Lot 20 of said subdivision, thence North 90 degrees 00 minutes 00 seconds East, with the north right of way line of East 87th Terrace, a distance of 800 feet, more or less, to a point on the west line of a tract of land described in a warranty deed to the City of Kansas City, Missouri found in instrument number 2005K0049704; thence South 27 degrees 39 minutes 03 seconds East, no longer with said right of way line, a distance of 67.74 feet to a point on the south right of way line of East 87th Terrace and to a point on the west line of a tract of land described in a warranty deed to the City of Kansas City, Missouri found in instrument number 2005K0049704; thence South 90 degrees 00 minutes 00 seconds West, with said right of way, a distance of 764.27 feet to a point on the east right of way line of Prospect Avenue; thence on a curve to the left having a radius of 578.01 feet, a central angle of 03 degree 26 minutes 31 seconds, an initial tangent bearing of North 01 degrees 53 minutes 29 seconds West, a distance of 34.72 feet, all being with the east right of way of Prospect Avenue; thence North 05 degrees 20 minutes 00 seconds West, a distance 25.46 feet to the point of beginning. The above described tract of land contains 46,917 square feet or 1.07 acres. (See attached drawing)

for the following purpose: Expansion of corporate campus

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 and provide access to KC Water by manhole access and read meters along vacated street and east of Caldesae.

- 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.

David W. Kuper
Authorized Representative

09/30/2024
Date

Return this form to:	
Applicant Name	Phone
Address	Email