



CITY PLAN COMMISSION STAFF REPORT

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

April 2, 2024

Project Name
39th and Wyoming Alley Vacation

Docket #3

Request
CD-ROW-2023-00041
Vacation of Public Right of Way

Applicant
Aaron March
Rouse Frets White Goss Gentile Rhodes

Location 1412 W 39th St
Area About 2,175 SF
Zoning B3-2
Council District 4th
County Jackson
School District Kansas City Missouri
110

Surrounding Land Uses

North: Single Unit Residential, Zoned R-5
South: Multifamily Residential, Zoned B3-2
East: Multifamily Residential, Zoned B3-2
West: Multifamily Residential, Zoned B3-2

KC Spirit Playbook Alignment
Not Applicable

Land Use Plan
The Midtown/Plaza Area Plan recommends Residential Medium Density uses for the subject property.

Major Street Plan
The City's Major Street Plan does not identify the Right of Way at this location.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on September 21, 2023. Scheduling deviations from the original cycle have occurred due to the requirements of vacation application and the process of gathering Utility Comments.

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 currently used as a parking lot for three multifamily buildings. It does not serve as the primary access to any parcel. The alley does not continue through to the east but dead-ends at the change in elevation.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a Vacation of Public Right of Way in District B3-2 (Commercial) of about 2175 Square Feet generally located east of Wyoming Street approximately 120 feet north of West 39th Street.

CONTROLLING CASE

There is no controlling case for this site.

PROFESSIONAL STAFF RECOMMENDATION

Docket #3 Recommendation: **Approval Subject to Conditions**

VACATION REVIEW

The street requested to be vacated is currently an improved alley which dead ends at the rear property line of homes along Terrace Street. Land uses to the south are multifamily structures which currently use the alley as parking. Approval of this vacation would not prevent anyone from accessing their property as all structures fronting this alley have access along adjacent streets.

There are public and private utilities within the Public Right of Way. Public Utilities include the sewer main which KCMO Water Services is requiring that the main be relocated. Private Utilities included in this right of way are Every facilities. The applicant must retain an easement and protect the facilities.

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 the alley on the block bounded by West 39th Street, Wyoming Street, Terrace Street, and Valentine Road. 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. This alley only serves the apartments which use this site as parking.

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 a small 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, 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 black ink, appearing to read 'Matthew Barnes', with a large, stylized flourish at the end.

Matthew Barnes
Planner



Plan Conditions

Report Date: March 25, 2024

Case Number: CD-ROW-2023-00041

Project: 39th and Wyoming Alley Vacation

Condition(s) by City Planning and Development Department. Contact Matthew Barnes at (816) 513-8817 / matthew.barnes@kcmo.org with questions.

1. The applicant shall relocate facilities required by KCMO Water Services.
2. The applicant shall retain all utility easements and protect facilities required by Evergy.

VACATED 15' ALLEY DESCRIPTION

A Tract of land being all of a 15.00 foot alley, in BLOCK 4, BONFILS HEIGHTS, a subdivision in Kansas City, Jackson County, Missouri, being more particularly described as follows:

Beginning at the Northwest corner of Lot 7, of said BLOCK 4, BONFILS HEIGHTS, also being the East Right-of-Way of Wyoming Street, as now established;

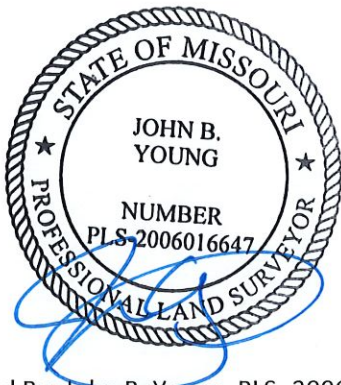
Thence North 00°04'22" West, along said East Right-of-Way line, 15.01 feet, to the Southwest corner of Lot 6, of said BLOCK 4, BONFILS HEIGHTS;

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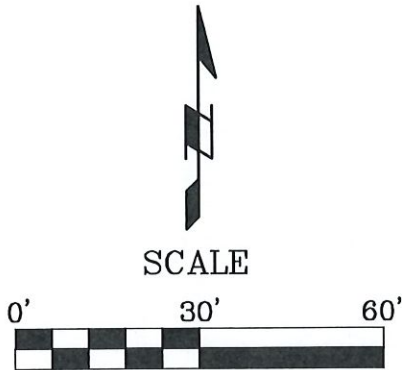
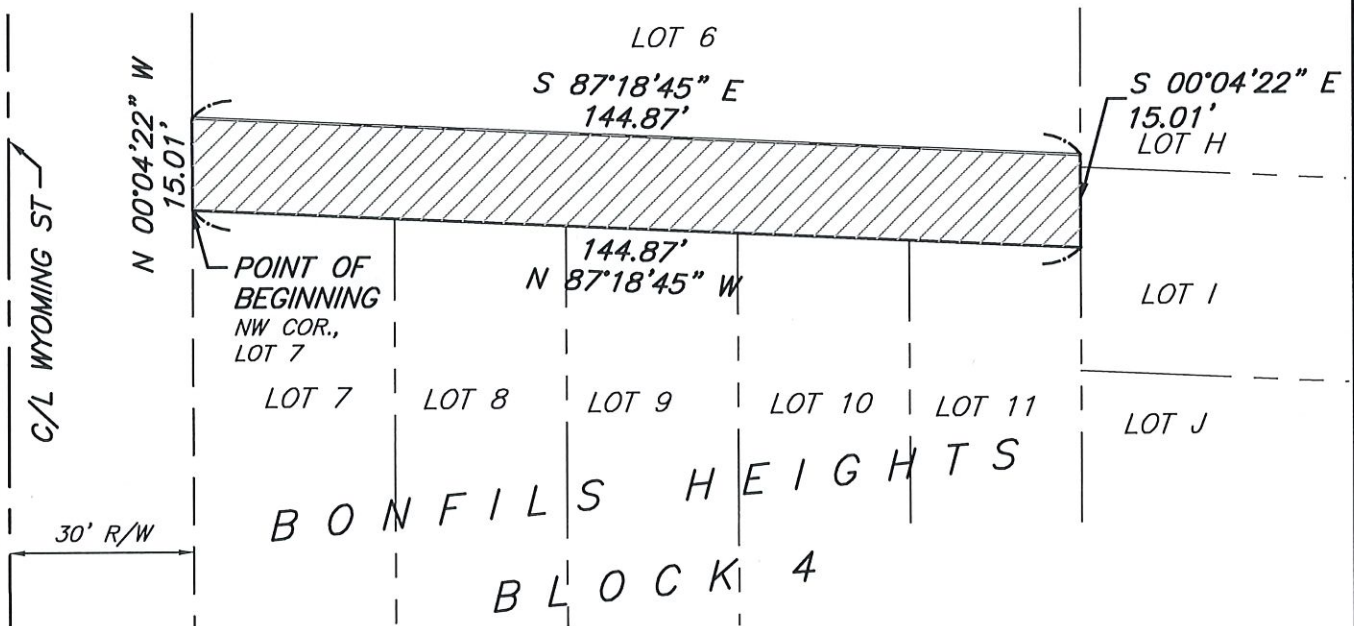
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Thence North 87°18'45" West, along the South line of Lots 7, 8, 9, 10 and 11, of said BLOCK 4, BONFILS HEIGHTS, 144.87 feet, to the Point of Beginning.

Contains 2172 square feet or 0.05 acres more or less.



Prepared By: John B. Young, PLS- 2006016647



Location: S:\23.280 - 3825 Wyoming St\DRAWINGS\2023.08.28 EXHIBITS\23.280-VACATED ALLEY.dwg-Aug 29, 2023-2:12pm



J & J
SURVEY
LLC

8680A N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
PHONE (816)741-1017 • FAX (816)741-1018

15' VACATED ALLEY EASEMENT EXHIBIT

BONFILS HEIGHTS - BLOCK 4
KANSAS CITY, JACKSON COUNTY,
MISSOURI



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

Case No. CD-ROW-2023-00041

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:

A Tract of land being all of a 15.00 foot alley, in BLOCK 4, BONFILS HEIGHTS, a subdivision in Kansas City, Jackson County, Missouri, being more particularly described as follows:

Beginning at the Northwest corner of Lot 7, of said BLOCK 4, BONFILS HEIGHTS, also being the East Right-of-Way of Wyoming Street, as now established;

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Contains 2172 square feet or 0.05 acres more or less.

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____

City Clerk

by _____
Deputy



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
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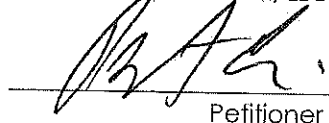
Case No. CD-ROW-2023-00041

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
QMR Bakers Corner,, LLC	Lots 7-10, Block 4, Bonfills Heights	3401 College Blvd., Suite 250 Leawood, Kansas

(attach additional sheets if required)

QMR BAKERS CORNER, LLC


Petitioner

STATE OF

)

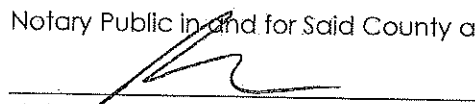
COUNTY OF

) ss.

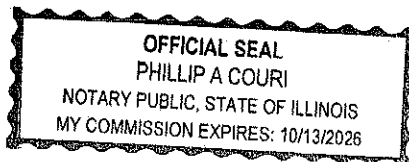
On this 4 day of March in the year 2023, before me, a Notary Public in and for said state, personally appeared Phillip A. Couri, known to me to be the person who executed the within instrument and acknowledged to me that he/she executed the same for the purposes therein stated, and that he/she knows 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 4 day of March, 2023.

Notary Public in and for Said County and State


Notary Public

My Commission Expires:



{33954 / 72379; 1002207. }



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

Case No. CD-ROW-2023-00041

Owner's name	Legal description of property	Residence of owner
Steve Hagelman & Donna Foulk	Lot 11, Block 4, Bonfils Heights	1410 W. 39 th Kansas City, MO 64111
(attach additional sheets if required)		
{33954 / 72379; 1002207. }		



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-2023-00041

In the matter of the vacation of:

A Tract of land being all of a 15.00 foot alley, in BLOCK 4, BONFILS HEIGHTS, a subdivision in Kansas City, Jackson County, Missouri, being more particularly described as follows:

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Thence North 00°04'22" West, along said East Right-of-Way line, 15.01 feet, to the Southwest corner of Lot 6, of said BLOCK 4, BONFILS HEIGHTS;

Thence South 87°18'45" East, along the South line of said Lot 6, 144.87 feet, to the Southeast corner of said Lot 6;

Thence South 00°04'22" East, along the East line of said BLOCK 4, BONFILS HEIGHTS, 15.01 feet, to the Northeast corner of Lot 11, of said BONFILS HEIGHTS;

Thence North 87°18'45" West, along the South line of Lots 7, 8, 9, 10 and 11, of said BLOCK 4, BONFILS HEIGHTS, 144.87 feet, to the Point of Beginning.

Contains 2172 square feet or 0.05 acres more or less.

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____	
_____ City Clerk	by _____ Deputy

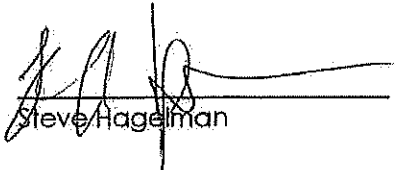
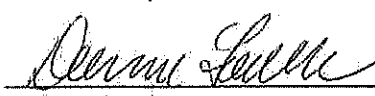


CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

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CONSENT OF INDIVIDUALS

Case No. CD-ROW-2023-00041

Owner's name	Legal description of property
 Steve Hagelman	Lot 11, Block 4, Bonfile Heights
 Donna Foulk	

(additional sheets attached as required)

STATE OF Kansas)
) ss.
 COUNTY OF Wichita)

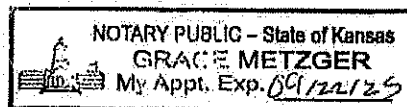
On this 19th day of January, 2023, before me personally appeared Donna Foulk and Steve Hagelman, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

Subscribed and sworn to before me on this 19th day of January, 2023.

Notary Public in and for Said County and State


 Notary Public

My Commission Expires: 09/22/25





CONSENT TO VACATION OF STREETS, ALLEYS AND PLATS

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City Hall, 414 E. 12th Street, 15th floor, Kansas City, MO 64106-2795
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CONSENT OF LIMITED LIABILITY COMPANIES

Case No. CD-ROW-2023-00041

Owner's name	Legal description of property
QMR Bakers Corner, LLC By: <u>[Signature]</u> Name: <u>Peter A. Couri</u> Title: <u>Authorized Signer</u>	Lots 7-10, Block 4, Bonfile Heights

(additional sheets attached as required)

STATE OF _____)
COUNTY OF _____) ss.

On this 4 day of March, 2023, before me, a Notary Public in and for said state, personally appeared Peter A. Couri, who being by me duly sworn did say that he/she is the managing member of QMR Bakers Corner LLC a Illinois limited liability company, and that the within instrument was signed and sealed in behalf of said limited liability company by authority of its members, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein stated.

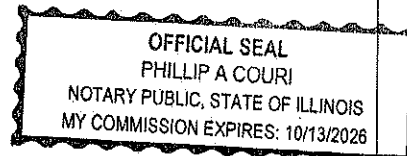
Subscribed and sworn to before me on this 4 day of March, 2023.

Notary Public in and for Said County and State

[Signature]
Notary Public

My Commission Expires:

{33954 / 72379; 1002206. }





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-2023-00041

UTILITY CO. KCMO Fire Department

Be it known that QMR Bakers Corner, 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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Contains 2172 square feet or 0.05 acres more or less.

for the following purpose: Vacation of alley between parcels owned by the same entity.

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.

M Schroeder

Authorized Representative

11/1/2023

Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name
4510 Belleview Avenue, Suite 300

Phone

Kansas City, MO 64111

rbiondo@rousepc.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-2023-00041

UTILITY CO. AT&T

Be it known that QMR Bakers Corner, 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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☐ 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.

Jeremy Watson

Authorized Representative

10-24-2023

Date

Return this form to:

Rachelle M. Blondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name

4510 Belleview Avenue, Suite 300

Phone

Kansas City, MO 64111

rbiondo@rousepc.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-2023-00041

UTILITY CO. KCMO Public Works Department;
Street Lighting Services

Be it known that QMR Bakers Corner, 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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☐ Relocate facilities
☐ Other: _____

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

Joseph Newton

10/23/2023

Authorized Representative

Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name
4510 Belleview Avenue, Suite 300

Phone

Kansas City, MO 64111

rbiondo@rousepc.com

Address

Email

{33954 / 72379; 1002217.}



UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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CASE NO. CD-ROW-2023-00041

UTILITY CO. Spectrum Charter

Be it known that QMR Bakers Corner, 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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- 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.

Delbert Kimbrough

10-19-23

Authorized Representative

Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name
4510 Belleview Avenue, Suite 300

Phone

Kansas City, MO 64111

rbiondo@rousepc.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-2023-00041

UTILITY CO. Spire (formerly Missouri Gas Energy)

Be it known that QMR Bakers Corner, 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:

A Tract of land being all of a 15.00 foot alley, in BLOCK 4, BONFILS HEIGHTS, a subdivision in Kansas City, Jackson County, Missouri, being more particularly described as follows:

Beginning at the Northwest corner of Lot 7, of said BLOCK 4, BONFILS HEIGHTS, also being the East Right-of-Way of Wyoming Street, as now established;

Thence North 00°04'22" West, along said East Right-of-Way line, 15.01 feet, to the Southwest corner of Lot 6, of said BLOCK 4, BONFILS HEIGHTS;

Thence South 87°18'45" East, along the South line of said Lot 6, 144.87 feet, to the Southeast corner of said Lot 6;

Thence South 00°04'22" East, along the East line of said BLOCK 4, BONFILS HEIGHTS, 15.01 feet, to the Northeast corner of Lot 11, of said BONFILS HEIGHTS;

Thence North 87°18'45" West, along the South line of Lots 7, 8, 9, 10 and 11, of said BLOCK 4, BONFILS HEIGHTS, 144.87 feet, to the Point of Beginning.

Contains 2172 square feet or 0.05 acres more or less.

for the following purpose: Vacation of alley between parcels owned by the same entity.

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.

Johnny Strauss - Right of Way Representative for Spire Energy Johnny Strauss

10/10/2023

Authorized Representative

Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name
4510 Belleview Avenue, Suite 300

Phone

Kansas City, MO 64111

rbiondo@rousepc.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-2023-00041

UTILITY CO. Evergy

Be it known that QMR Bakers Corner, 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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☐ 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 CKEMA

Authorized Representative

09/25/2023

Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name
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UTILITY/AGENCY COMMENTS VACATION OF STREETS, ALLEYS AND PLATS

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CASE NO. CD-ROW-2023-00041

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

Be it known that QMR Bakers Corner, 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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☐ 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

9/25/2023

Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name

Phone

4510 Belleview Avenue, Suite 300

Kansas City, MO 64111

rbiondo@rousepc.com

Address

Email

{33954 / 72379; 1002217. }



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-2023-00041

UTILITY CO. KCMO Water Services Department:
System Engineering Division

Be it known that QMR Bakers Corner, 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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☒ 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.

David W. Kiefer
Authorized Representative

09/22/2023
Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name
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CASE NO. CD-ROW-2023-00041

UTILITY CO. Vicinity Energy

Be it known that QMR Bakers Corner, 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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☐ 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
Authorized Representative

Craig McNeil

9/22/2023

Date

Return this form to:

Rachelle M. Biondo, Paralegal
Rouse Frets White Goss Gentiles Rhodes, P.C.

(816) 502-4706

Applicant Name
4510 Belleview Avenue, Suite 300

Phone

Kansas City, MO 64111

rbiondo@rousepc.com

Address

Email