



CITY PLAN COMMISSION STAFF REPORT

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

January 2, 2024

Gabriel Condominium Vacation
Project Name

Docket #5

Request

CD-ROW-2023-00047
Vacation of Condominium Plat

Applicant

Travis Wymore
Withers, Bryant, Igoe & Mullennix, P.C.
2 S Main St Liberty, MO 64068

Location

625 E Armour Blvd

Area

About 0.7 acres

Zoning

R-0.5/R-5

Council District

4th

County

Jackson

School District

Kansas City MO 110

Surrounding Land Uses

North: High Density Res., zoned R-0.5

South: Low Density Res., zoned R-5

East: Low Density Res., zoned R-5

West: High Density Res., zoned R-0.5

Major Street Plan

The City's Major Street Plan does not identify East Armour Blvd at this location

Land Use Plan

The Midtown/Plaza Area Plan recommends Residential Urban Density uses for the subject property.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on November 15th, 2023.

(No) Scheduling deviations from 2023 Cycle A have occurred.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

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

REQUIRED PUBLIC ENGAGEMENT

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

EXISTING CONDITIONS

The existing building serves as condominiums that occupy the subject site. Although platted as condominiums, the units are currently owned by a single owner who currently rents the condominiums as multi-unit apartments.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a vacation of a condominium plat in District R-0.5/R-5 (Residential dash zero point five/ Residential dash five) on about 0.8 acres generally located at the southeast corner of E Armour Blvd and Kenwood Ave.

PROFESSIONAL STAFF RECOMMENDATION

Docket #5 Recommendation: **Approval**

VACATION REVIEW

The applicant is trying to vacate the Gabriel Condominium Plat. A condominium plat is defined as, a system of separate ownership of individual units with each unit owner entitled to a percentage ownership in the common elements evidenced by the recording of a plat and declaration of condominium pursuant to RSMo chapter 448. In this case, the building is platted as a condominium, but each unit is owned by one entity. The applicant is currently renting out each unit of the condominium as a multi-unit- building and is the sole owner of each condo. This vacation of the condominium plat would return the structure into a multi-unit building under one ownership. The following vacations do not propose any changes other than the information labeled above and there will be no physical changes to each of the existing building. The condominium association and bylaws will also be dissolved with approval of this vacation.

STREET, ALLEY OR PLAT VACATIONS

In order to determine that no private rights will be unreasonably injured or endangered by the vacation and the public will suffer no unreasonable loss or inconvenience, the city planning and development director, city plan commission, and city council must consider at least the following factors:

88-560-10-A. All property owners adjacent to the right-of-way shall have legal access to another public right-of-way. Such access shall be physically feasible and shall not result in an unreasonable burden or unsafe conditions on the alternate right-of-way.

This right of way vacation is for the western alley on the block bounded by XX street, XX street, XX street, and XX street. 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.

While many of the blocks in the area bounded by Broadway Blvd, W 17th street, Baltimore Ave, and W 20th street have two north-south alleyways, it is not uncommon for one or both to be vacated. The alley in question does not serve any current or future public purpose other than general alley-connectivity.

88-560-10-C. The vacation will not result in a violation of 88-405.

The vacation will not be in violation of 88-405.

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

The vacation will not disrupt any street network but will have a small impact on the physical connectivity.

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

Not applicable as this is vacation of a condominium plat.

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

Not applicable as this is vacation of a condominium plat

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, this is a condominium vacation.

88-560-10-H. The right-of-way to be vacated is not on the Major Street Plan.

Not applicable, this is a condominium vacation.

ATTACHMENTS

1. Applicants Submittal

PROFESSIONAL STAFF RECOMMENDATION

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

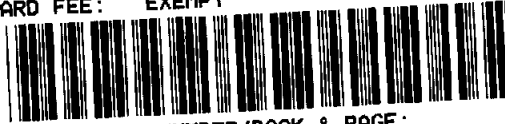
Respectfully Submitted,

Justin Smith
Planner

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

04/15/2011 03:09:39 PM

INSTRUMENT TYPE: PLAT FEE: \$116.00 3 Pages
NON-STANDARD FEE: EXEMPT



INSTRUMENT NUMBER/BOOK & PAGE:

2011E0035636

Book: 136 Page: 66
ROBERT T. KELLY, DIRECTOR, RECORDER OF DEEDS

**Jackson County
Recorder of Deeds
Exempt Document**

This document has been recorded under exempt status
pursuant to RSMo 59.310.4.

This certificate has been added to your document
in compliance with the laws of the
State of Missouri.



Robert T. Kelly, Recorder of Deeds

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

308 W. Kansas, Suite 104
Independence, MO 64050

This page has been recorded as a permanent part of your document. Please do not remove.



DIVISION OF FINANCE
COLLECTION DEPARTMENT

JACKSON COUNTY COURTHOUSE
415 EAST 12TH STREET (FIRST FLOOR)
KANSAS CITY, MISSOURI 64108

TAXPAYER SERVICES (816) 881-3232
BUSINESS TAXES (816) 881-3188

TAX CERTIFICATE FOR PLAT

INSTRUCTIONS TO TAXPAYER

1. Have Part I of this Tax Certificate completed by the Mapping Section of the Assessment Department.
2. Take to Taxpayer Services at either the Kansas City or Independence Courthouse. They will complete Parts II and III.
3. You cannot record your plat until these steps are completed.

PART I: TO BE COMPLETED BY ASSESSMENT DEPARTMENT
(Use one form for each parcel number)

Legal Description: (RTS OR SUB) _____

Current County Parcel/ID # 30-210-05-02
BY Andrea Kelley DATE 4/11/11

10 '09 '08

PART II: TO BE COMPLETED BY COLLECTION DEPARTMENT

(Return to Mapping Section, Assessment Department if unable to follow payment history back three years. Attach documentation if paid. Attach bill if taxes due).

YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY
2010	-0-	12-16-10	<i>[Signature]</i>
2009	-0-	12-28-09	<i>[Signature]</i>
2008	-0-	5-1-09	<i>[Signature]</i>

PART III: TO BE COMPLETED BY AUTHORIZED COLLECTION DEPARTMENT SUPERVISOR

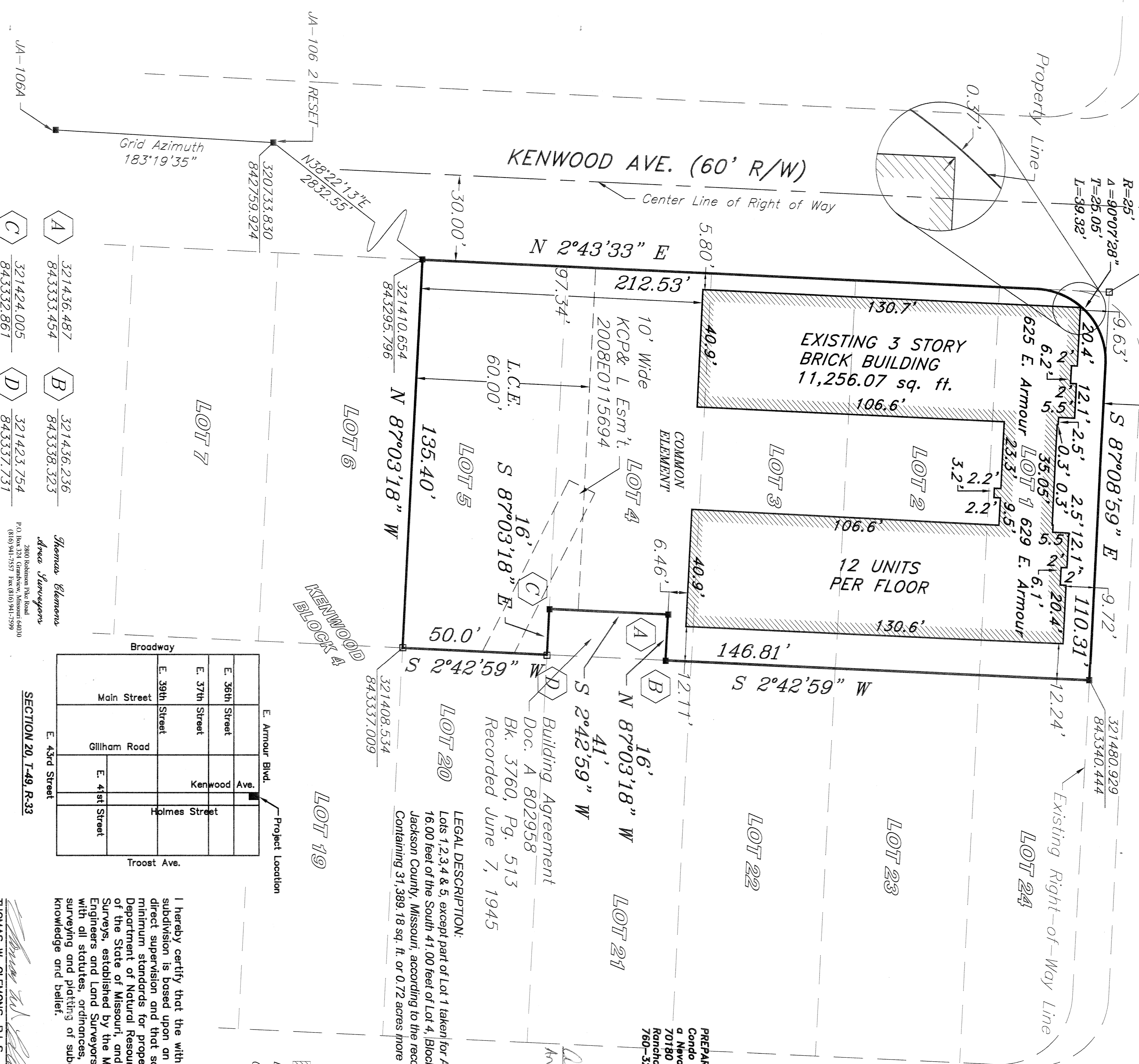
(This is to certify, that according to the records of the Collection Department, the State, County and School Taxes for Real Property have been paid in full for 100908 and all prior years for the above described property.)

4-15-11 *[Signature]*
DATE SUPERVISOR

2011E0035636-1

Filed for Record in the City of
April 15, 2011
At 3:00 o'clock P.M.
Recorded in Book 236, At Page 66
Instrument Number 2011E0035636
By *Thomas W. Clemons*
Director Recorder of Deeds
Deputy
Recorder's Fee \$ 116.00
843299.240
321482.981

Center Line of Right of Way
50.00'
E. ARMOUR BLVD. (100' R/W)
C.O. No. 9958 6-24-1898
A Final Condominium Plat in The Northwest Quarter,
Northeast Quarter, Section 20, Township
49 North, Range 33 West, Kansas City,
Jackson County, Missouri.



GABRIEL CONDOMINIUM

SCALE: 1"=20'
DATE: FEBRUARY 5, 2010

PREPARED FOR/ DEVELOPER:
Condo Couture, Limited Partnership,
a Nevada Limited Partnership,
70190 Chappel Road
Rancho Mirage, CA 92270
760-324-1151

Andrea Kelley GIS 4/14/11
Andrea Kelley GIS

LEGAL DESCRIPTION:
Lots 1, 2, 3, 4 & 5, except part of Lot 1 taken for Armour Boulevard and except the East 16.00 feet of the South 41.00 feet of Lot 4, BLOCK 4, KENWOOD, a subdivision in Kansas City, Jackson County, Missouri, according to the recorded plat thereof.
Containing 31,389.18 sq. ft. or 0.72 acres more or less.

LEGEND
■ EXISTING IRON ROD
□ SET 1/2" IRON ROD & CAP
▨ EDGE OF BUILDING
▨ L.C.E. LIMITED COMMON ELEMENTS (SEE NOTE 4)
▨ C.E. COMMON ELEMENT (SEE NOTE 4)

SECTION 20, T-49, R-33

E. 36th Street	E. 39th Street
E. 37th Street	Gillham Road
E. 43rd Street	Kenwood Ave.
	Holmes Street
	Trout Ave.

I hereby certify that the within Plat of "GABRIEL CONDOMINIUM" subdivision is based upon an actual survey made by me or under my direct supervision and that said survey meets or exceeds the current minimum standards for property boundary surveys as established by the Department of Natural Resources, Division of Geology and Land Survey, of the State of Missouri, and Missouri Standards for Property Boundary Surveys, established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. I further certify that I have complied with all statutes, ordinances, and regulations governing the practice of surveying and plotting of subdivisions to the best of my professional knowledge and belief.

THOMAS W. CLEMONS, P.L.S., 1958

STREET DEDICATION: The streets shown on this plat and not heretofore dedicated to public use as thoroughfares, are hereby so dedicated.
PLAT DEDICATION: The undersigned owners of the herein described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be hereafter known as "GABRIEL CONDOMINIUM".
RIGHT OF EGRESS: The right of entrance and egress in travel along any street or drive within the boundaries of the property is hereby granted to Kansas City, Missouri, for the purpose of fire and police protection, maintenance of water mains, sanitary and storm sewer lines, collection of garbage and refuse and to the United States Postal Service for the delivery of mail, provided, however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither Kansas City, Missouri nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.
MONEY IN LIEU OF PARKLAND: The Developer elects to pay the City of Kansas City, Missouri, a sum of \$3,993,111 in lieu of required parkland dedication for 36 Residential Condominium units pursuant to Section 66-128 Code of Ordinances of the City of Kansas City, Missouri.
BUILDING LINES: Building lines or setback lines are hereby established, as shown on the accompanying plat, and no building or portion thereof shall be built between this line and the lot line nearest thereto.

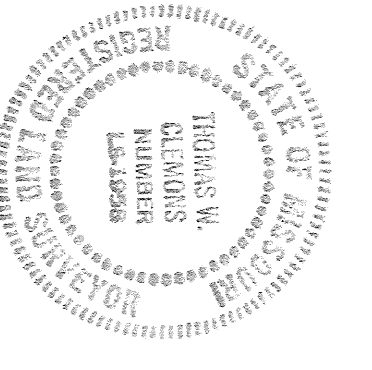
IN TESTIMONY WHEREOF, Condo Couture, Limited Partnership, a Nevada limited partnership company, have caused these presents to be signed by its General Partner this 5th day of February, 2011.
Nicole L. Earb
Nicole L. Earb - General Partner

STATE OF CALIFORNIA
COUNTY OF Kern
On February 22, 2011 before me, MIKE MURRILL personally appeared Nicole L. Earb, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.
My Commission expires: Nov 01, 2012
Mike Murrill
Notary Public
Print Name: MIKE MURRILL

CITY PLANNING COMMISSION
Approved: April 6, 2010
Chairman: *Ewert Aspin*
City Engineer: *Gregory J. Rakos, P.E.*
Assistant Secretary: *John Eckardt*
Director: *Stacy J. Harris, P.E.*

COUNCIL: This is to certify that this plat was submitted to and approved by the City Council of Kansas City, Missouri by Ordinance No. 1023 duly authenticated as passed this 12 day of March, 2010.
Walter Thompson
Mayor
Mark Fuldholser
City Clerk - Vickie Thompson

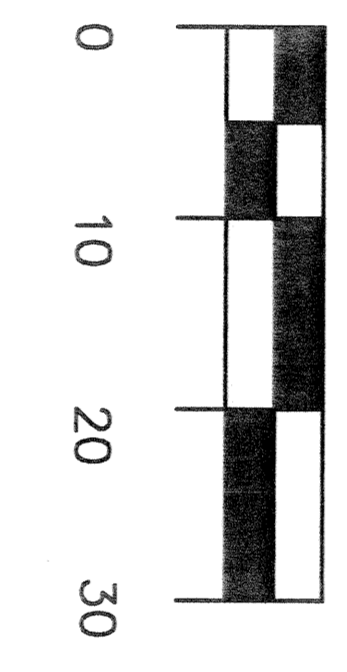
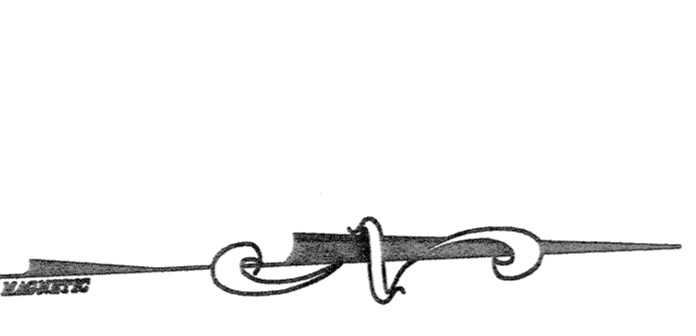
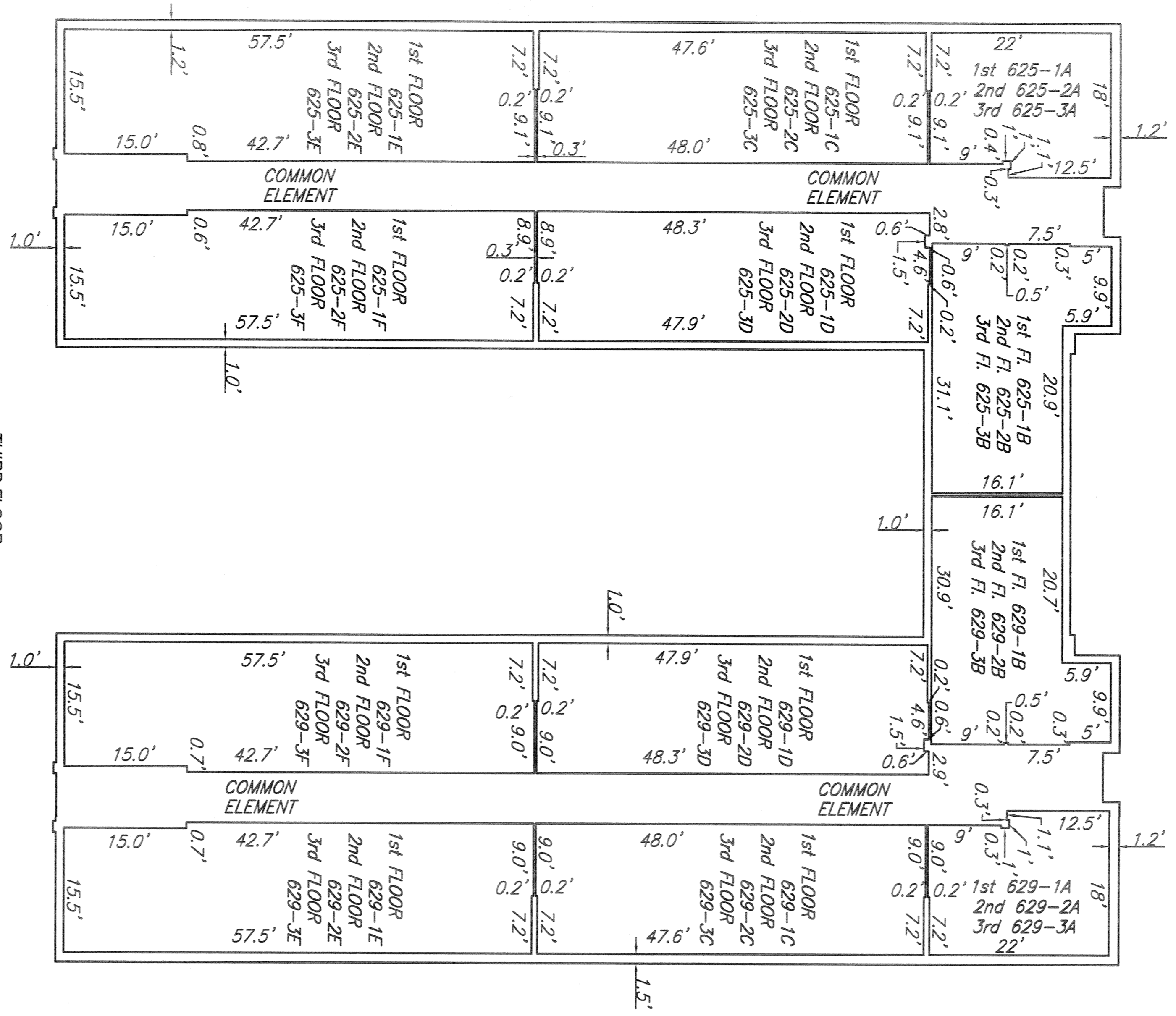
- NOTES:
- This Plat, GABRIEL CONDOMINIUM, is the plat as that term is defined in Section 448.2-109, RSMo., and this GABRIEL CONDOMINIUM (The "Condominium") is subject to the provisions of the Uniform Condominium Act (1986) as adopted by the Revised Statutes of Missouri in Section 448.1-101 Et. Seq. (the "Act") and as provided for in the Declaration of GABRIEL CONDOMINIUM (the "Declaration") recorded concurrently herewith.
 - The boundary lines, dimensions and elevations of each unit (individually, a "Unit" and collectively, "Units") designated on this Plat are the interior unfinished surface of its floors, ceilings and walls, and are more particularly described in the Declaration.
 - All Units on this Condominium are subject to Special Declarant Rights as defined in the the Act and more specifically set forth in the Declaration.
 - Certain portions of this Condominium are Common Element ("Common Element" or "CE") as set forth in the Declaration. Portions of the Common Elements are assigned to individual Units as Limited Common Element ("Limited Common Element" or "LCE") as set forth in the Declaration.
 - The owner of each Unit shall own, an undivided interest in the Common Elements in accordance with the percentage established in the Declaration.
 - The legal description of each Unit described in this Plat, together with its undivided interest in the Common Elements, as established by the Declaration, is by reference to the identifying number of each Unit as set out in this Plat, followed by the words, GABRIEL CONDOMINIUM, a Condominium subdivision in Kansas City, Jackson County, Missouri.
 - This Condominium consists of one (1) building situated on the real estate described in this Plat and such building are comprised of a total of thirty-six (36) Units.
 - Any and all public easements supercede any and all LCE. Any Improvements made within LCE which is also located within a public easement may be removed without compensation.
 - The Portion of Lot 4 not included in this Plat will be combined with Lot 21 within 30 days of recording this Plat.



This is a Class C Urban Property.
Street grades previously established as follows:
Kenwood Avenue: May 20, 1898 by Ordinance Number 9777
E. Armour Boulevard: May 19, 1905 by Ordinance Number 28728
All bearings and coordinates shown are based on the Missouri State Plane Grid System, NAD-1983, West Zone, using a combined grid factor of 0.9999027. Coordinates are in meters.
DIMENSIONS TO BUILDING CORNERS ARE RIGHT ANGLES TO THE PROPERTY LINES.

2011E0035636-2

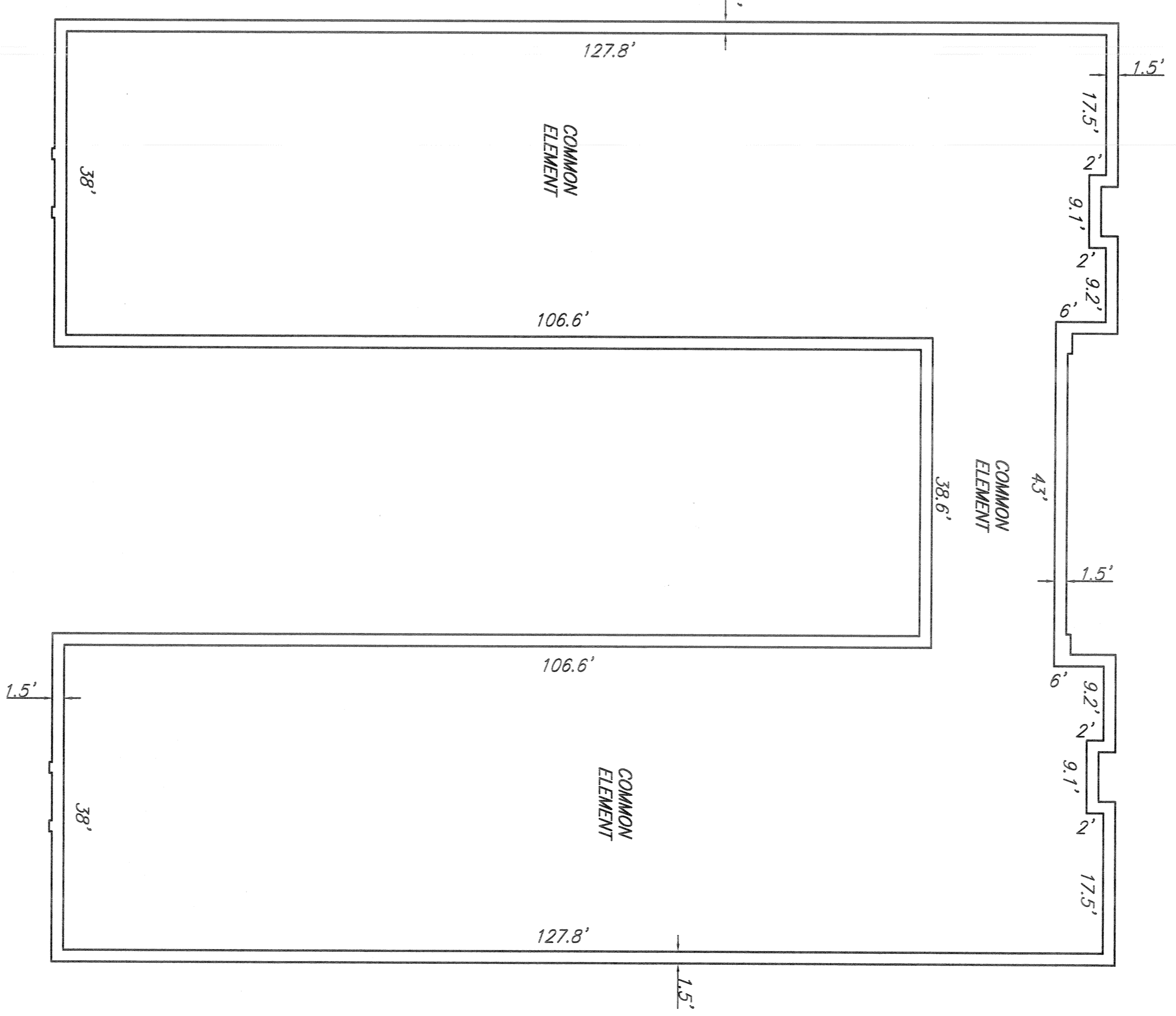
36 Condominiums Units
GABRIEL
CONDOMINIUM
 A Final Condominium Plat in The Northwest Quarter,
 Northeast Quarter, Section 20, Township
 49 North, Range 33 West, Kansas City,
 Jackson County, Missouri.



DATE: AUGUST 13, 2009



BASEMENT FLOOR
 CEILING ELEVATION 241.94
 FLOOR ELEVATION 233.94



THIRD FLOOR
 CEILING ELEVATION 270.43
 FLOOR ELEVATION 262.06
 SECOND FLOOR
 CEILING ELEVATION 260.91
 FLOOR ELEVATION 252.54
 FIRST FLOOR
 CEILING ELEVATION 251.39
 FLOOR ELEVATION 243.02

BENCH MARK
 KCMO Index 2073
 S.E. Cor. Armour & Kenwood,
 a Chiseled "square KC" on N.E.
 corner bottom step, entrance to
 porch of 629 E. Armour Blvd.
 which is second entrance to
 same bldg east of Kenwood.
 KCMO Datum Elev. 236.647

Thomas W. Clemons
 drcw Surveyors
 2800 Robinson Pike Road
 P.O. Box 324 Grandview, Mo. 64030
 (816) 941-7557 Fax (816) 941-7599

THOMAS W. CLEMONS, MO. P.L.S. 1958