

ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI



12/14/2023 11:44 AM
FEE: \$60.00 14 PGS

INSTRUMENT NUMBER
2023E0089171

	<p>CITY OF KANSAS CITY, MISSOURI CERTIFICATE OF THE CITY CLERK DOCUMENT TO BE RECORDED JACKSON COUNTY</p>
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DATE OF DOCUMENT: December 7, 2023

DOCUMENT TITLE: Vacation Ordinance 231013

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

Grantee(s): City of Kansas City, MO
Name &
Address: 414 E. 12th Street
KCMO

LEGAL DESCRIPTION:
See Page(s) 1, 2 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 13 day of December, 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 #: 231013

ORDINANCE NO. 231013

Vacating a portion of public right-of-way of about 68,000 square feet generally located on East 51st Street between Cherry Street and Rockhill Road and directing the City Clerk to record certain documents (CD-ROW-2022-00002).

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 12th day of January 2022, a petition was filed with the City Clerk of Kansas City by Matt Haase for the vacation of a portion of public right of way of East 51st Street between Cherry Street and Rockhill Road. A part of the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri described as: Beginning at the southwest corner of Block 42, of Rockhill, a subdivision of land in said City of Kansas City, point also being on the east line of Cherry Street; thence South 87°49'52" East along the south line of said Rockhill subdivision and along the north line of 51st Street, 1250.06 feet to the southeast corner of Block 43 of said Rockhill subdivision, said point also being on the west line of Rockhill Road; thence South 02°36'30" West 30.00 feet to the center of said 51st Street; thence South 02°42'06" West 30.00 feet to a point on the east line of Lot 6 of the Resurvey of Mulkey Park a subdivision in said City of Kansas City, said point being 5.00 feet south of the northeast corner of Lot 6 of said Resurvey of Mulkey Park and on the west line of Rockhill Road; thence North 87°49'52" West along the south line of 51st Street as now exists, 1250.00 feet to the northwest corner of Lot 6 of Southwood Park a subdivision in said City of Kansas City, said point also being on the east line of Cherry Street; thence North

02°40'10" East 30.00 feet to the center of said 51st Street; thence North 02°31'32" East 30.00 feet to the point of beginning. Containing 75002 square feet or 1.72 acres of land more or less, giving the distinct description of the right of way 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 right of way 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.

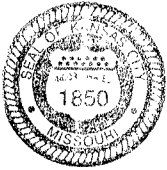
Section 2. That the Council finds that the City Plan Commission has duly endorsed its approval of this Ordinance hereon.

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 a portion of public right of way of East 51st Street between Cherry Street and Rockhill Road a part of the Southeast Quarter of Section 29, and the Northeast Quarter of Section 32, Township 49 North, Range 33 West, in the City of Kansas City, Jackson County, Missouri described as: Beginning at the southwest corner of Block 42, of Rockhill, a subdivision of land in said City of Kansas City, point also being on the east line of Cherry Street; thence South 87°49'52" East along the south line of said Rockhill subdivision and along the north line of 51st Street, 1250.06 feet to the southeast corner of Block 43 of said Rockhill subdivision, said point also being on the west line of Rockhill Road; thence South 02°36'30" West 30.00 feet to the center of said 51st Street; thence South 02°42'06" West 30.00 feet to a point on the east line of Lot 6 of the Resurvey of Mulkey Park a subdivision in said City of Kansas City, said point being 5.00 feet south of the northeast corner of Lot 6 of said Resurvey of Mulkey Park and on the west line of Rockhill Road; thence North 87°49'52" West along the south line of 51st Street as now exists, 1250.00 feet to the northwest corner of Lot 6 of Southwood Park a subdivision in said City of Kansas City, said point also being on the east line of Cherry Street; thence North 02°40'10" East 30.00 feet to the center of said 51st Street; thence North 02°31'32" East 30.00 feet to the point of beginning. Containing 75002 square feet or 1.72 acres of land more or less, giving the distinct description of the right of way to be vacated to the point of beginning 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, and subject to the following conditions:

1. A utility easement is retained and the applicant will protect facilities for AT & T located in the right-of-way.
2. The applicant will coordinate a payment plan with Evergy to take over the streetlights once the vacation is complete, and the applicant will notify the City of Kansas City when this condition has been satisfied.
3. A utility easement is retained for Spectrum to protect facilities located in the right-of-way.
4. A utility easement is retained for Spire to protect facilities located in the right-of-way. The applicant will provide an authenticated copy of this ordinance to Spire.
5. A utility easement is retained for Evergy to protect facilities located in the right-of-way and provide truck access for Evergy.

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.



Authenticated as Passed
Quinton Lucas
 Quinton Lucas, Mayor
Marilyn Sanders
 Marilyn Sanders, City Clerk
DEC 07 2023
 Date Passed

Approved as to form:
Sarah Baxter
 Sarah Baxter
 Senior Associate City Attorney

Approved by the City Plan Commission
[Signature]
 Secretary

STATE OF MISSOURI)
) ss.
 COUNTY OF Jackson)

On the 7th day of December, 2023, before me, a Notary Public in and for said County, personally appeared Marilyn Sanders to me known to be the City Clerk of Kansas City, Missouri, in the above and foregoing ordinance mentioned, and acknowledged the said ordinance to be the act and deed of said Kansas City, duly passed by the Council of said City, and became effective as herein stated.



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:

A PART OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 49 NORTH, RANGE 33 WEST, IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 42, OF ROCKHILL, A SUBDIVISION OF LAND IN SAID CITY OF KANSAS CITY, POINT ALSO BEING ON THE EAST LINE OF CHERRY STREET; THENCE SOUTH 87°49'52" EAST ALONG THE SOUTH LINE OF SAID ROCKHILL SUBDIVISION AND ALONG THE NORTH LINE OF 51ST STREET, 1250.06 FEET TO THE SOUTHEAST CORNER OF BLOCK 43 OF SAID ROCKHILL SUBDIVISION, SAID POINT ALSO BEING ON THE WEST LINE OF ROCKHILL ROAD; THENCE SOUTH 02°36'30" WEST 30.00 FEET TO THE CENTER OF SAID 51ST STREET; THENCE SOUTH 02°42'06" WEST 30.00 FEET TO A POINT ON THE EAST LINE OF LOT 6 OF THE RESURVEY OF MULKEY PARK A SUBDIVISION IN SAID CITY OF KANSAS CITY, SAID POINT BEING 5.00 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 6 OF SAID RESURVEY OF MULKEY PARK AND ON THE WEST LINE OF ROCKHILL ROAD; THENCE NORTH 87°49'52" WEST ALONG THE SOUTH LINE OF 51ST STREET AS NOE EXISTS, 1250.00 FEET TO THE NORTHWEST CORNER OF LOT 6 OF SOUTHWOOD PARK A SUBDIVISION IN SAID CITY OF KANSAS CITY, SAID POINT ALSO BEING ON THE EAST LINE OF CHERRY STREET; THENCE NORTH 02°40'10" EAST 30.00 FEET TO THE CENTER OF SAID 51ST STREET; THENCE NORTH 02°31'32" EAST 30.00 FEET TO THE POINT OF BEGINNING. CONTAINING 75002 SQUARE FEET OR 1.72 ACRES OF LAND MORE OR LESS.

For the following purpose: The Curators of the University of Missouri is proposing the vacation of 51st Street between Cherry Street and Rockhill Road in the City of Kansas City, Missouri. This proposed vacation would increase campus safety by closing this portion of 51st Street to traffic and would facilitate walking and bicycling through the center of campus.

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

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Following are the names of the property owners owning or claiming to own all the property abutting said area proposed to be vacated:

Table with 3 columns: Owner's name, Legal description of property, Residence of owner. Rows include The Curators of the University of Missouri and Linda Hall Library Trust.

(attach additional sheets if required)

APPROVED AS TO LEGAL FORM 8-31-23 san

THE CURATORS OF THE UNIVERSITY OF MISSOURI

Signature of Ryan Rapp, Petitioner

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

On this 21st day of August in the year 2023 before me, a Notary Public in and for said state, personally appeared Ryan Rapp, Executive Vice President for Finance and Operations, Chief Financial Officer, and Treasurer of The Curators of the University of Missouri, a Missouri public



PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS

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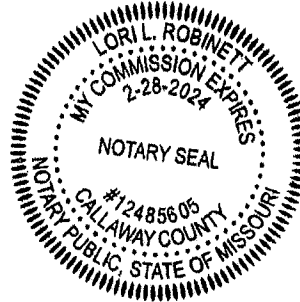
corporation, known to me to be the person who executed the within instrument and acknowledged to me that he/she executed the same on behalf of said public corporation for the purposes therein stated, and that he/she knows personally that the persons named on the above and foregoing petition are the persons 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 21st day of Aug., 2023

Notary Public in and for Said County and State

Lori L. Robinett
Notary Public

My Commission Expires:





CITY PLAN COMMISSION STAFF REPORT

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

November 7th, 2023

UMKC Vacation of 51st St
Project Name

Docket #13

Request
 CD-ROW-2022-00002
 Vacation of ROW

Applicant
 Matt Haase
 UMKC
 5115 Oak St

Troy Lillebo
 UMKC
 5115 Oak St

Location 700 E 51st St
Area About 0.8 acres
Zoning R-5
Council District 6th
County Jackson
School District KCMO 110

Surrounding Land Uses

North: Civic Uses, zoned R-5
South: Civic Uses, zoned R-5
East: Civic Uses, zoned R-5
West: Civic Uses, zoned R-5

Major Street Plan

At this location, East 51st Street is not listed on the Major Street Plan.

Land Use Plan

The Midtown/Plaza Area Plan recommends Institutional uses for the subject property.

APPROVAL PROCESS



PROJECT TIMELINE

The application for the subject request was filed on 1/12/2022. Scheduling deviations from 2022 Cycle E have occurred.

- Applicant was gathering utility comments

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

A public hearing notification was sent to the surrounding property owners within 300 feet of the subject site. The subject site is located within the boundaries of 49/63 Coalition, the association was notified.

REQUIRED PUBLIC ENGAGEMENT

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

EXISTING CONDITIONS

The existing street serves students and staff of UMKC facilities. The school of computing and engineering and Linda Hall Library is on the southern side of E 51st Street. On the northern side of the street is Miller Nichols Library, a recreational stadium along with other civic buildings. There is currently a crosswalk to provide pedestrian access to both buildings.

SUMMARY OF REQUEST + KEY POINTS

The applicant is seeking approval of a vacation of East 51st Street in District R-5 (Residential) on about 0.8 acres generally located between Cherry Street and Rockhill Road.

CONTROLLING CASE

There is no controlling case.

PROFESSIONAL STAFF RECOMMENDATION

Docket #13 Recommendation: Approval with Conditions

VACATION REVIEW

East 51st Street at this location is a heavy pedestrian area which serves the Robert W. Plaster Free Enterprise and Research Center and the Miller Nichols Library along with other civic buildings. If the vacation is approved all properties in the area will continue to have access to public right of way but will be blocked off to automotive traffic. The applicant (UMKC) owns property on both sides of the right of way requested to be vacated except the portion of Linda Hall Library. However, the applicant plans to put removable bollards to allow for emergency access as needed. The removable bollards will be placed at 51st and Cherry St and 51st and Rockhill Road. Approval of this vacation will convert the current right of way into a pedestrian only path, removing potential conflict between pedestrians and vehicular traffic.

88-560-06-A – Requires that 75% of the property owners fronting or abutting the right of way to be vacated provides notarized consent. The applicant owns approximately 100% of the abutting right of way.

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 51st Street between the blocks of Rockhill Road and Cherry 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.

East 51st Street is surrounded by private streets and its primary use is for the students and faculty members of UMKC, East 51st Street serves no current purpose and no future useful public purpose is anticipated.

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. Approval of this vacation will enhance pedestrian 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 East 51st Street between Rockhill Road and Cherry Street 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.

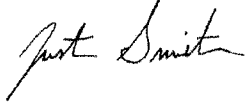
ATTACHMENTS

1. Conditions Report
2. Applicants Submittal

PROFESSIONAL STAFF RECOMMENDATION

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

Respectfully Submitted,



Justin Smith
Planner



Plan Conditions

Report Date: November 01, 2023

Case Number: CD-ROW-2022-00002

Project: UMKC

Condition(s) by City Planning and Development Department. Contact Justin Smith at (816)513-8823 / Justin.Smith@kcmo.org with questions.

1. That the applicant retains a utility easement and protect facilities for AT & T utilities located in the right-of-way.
2. KCMO Streetlights will waive objections to the vacation of E. 51st between Cherry St. and Rockhill Rd. if the applicant calls Evergy and coordinates a payment plan to take over the streetlights once the transfer of ownership is complete and that the applicant notifies KCMO Streetlights when transfer of ownership has taken place so they can remove streetlights from billing system.
3. That the applicant retains a utility easement and protect facilities for Spectrum utilities located in the right-of-way.
4. That the applicant retains a utility easement and protect facilities for Spire utilities located in the right-of-way. The applicant shall also provide an authenticated copy of the KCMO ordinance if 51st St is vacated.
5. That the applicant retains a utility easement, protect facilities and retain truck access to facilities for Evergy utilities located in the right-of-way.

Condition(s) by Water Services Department. Contact Heather Massey at (816) 513-2111 / heather.massey@kcmo.org with questions.

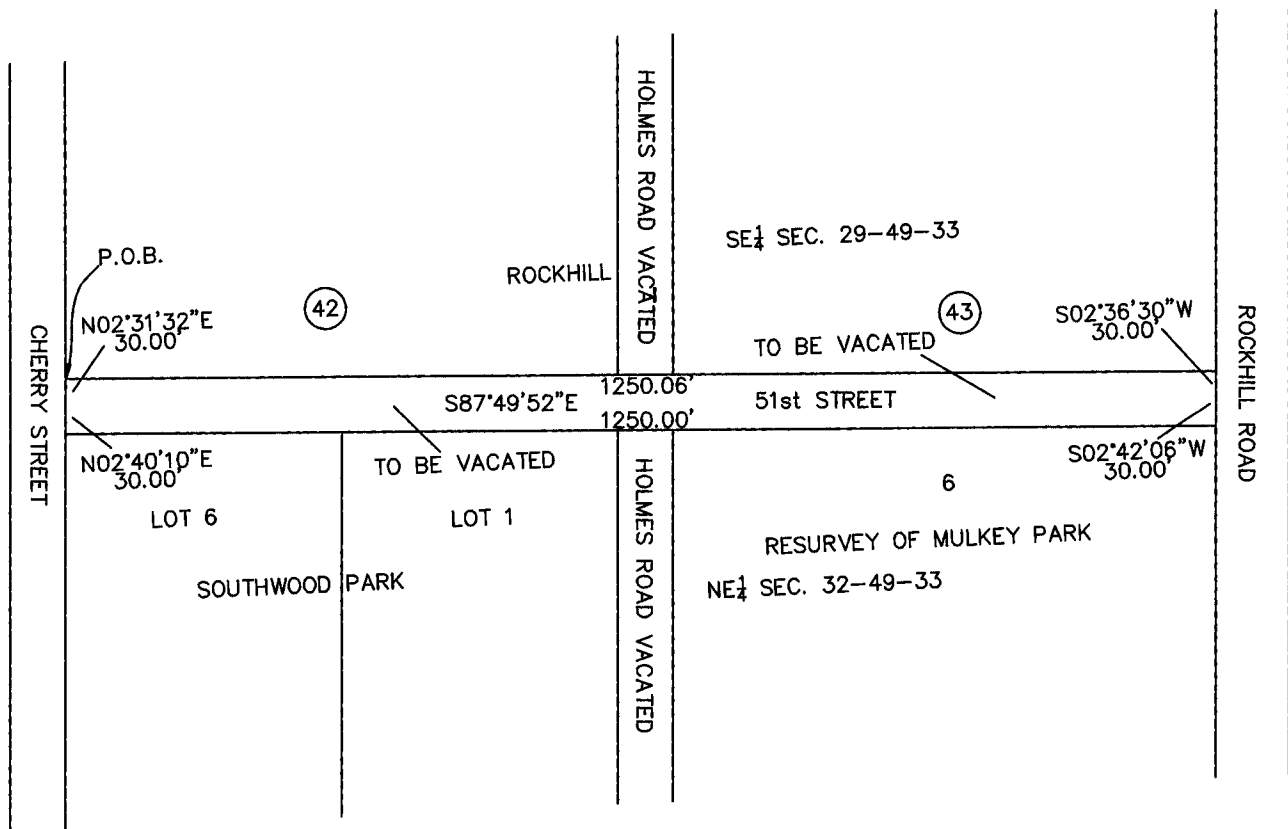
6. Retain utility easement and protect facilities.

EXHIBIT

VACATION OF 51ST STREET



SCALE 1"=200'



231013

51ST STREET VACATION DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 49 NORTH, RANGE 33 WEST, IN THE CITY OF KANSAS CITY, JACKSON COUNTY, MISSOURI DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 42, OF ROCKHILL, A SUBDIVISION OF LAND IN SAID CITY OF KANSAS CITY, POINT ALSO BEING ON THE EAST LINE OF CHERRY STREET; THENCE SOUTH 87°49'52" EAST ALONG THE SOUTH LINE OF SAID ROCKHILL SUBDIVISION AND ALONG THE NORTH LINE OF 51ST STREET, 1250.06 FEET TO THE SOUTHEAST CORNER OF BLOCK 43 OF SAID ROCKHILL SUBDIVISION, SAID POINT ALSO BEING ON THE WEST LINE OF ROCKHILL ROAD; THENCE SOUTH 02°36'30" WEST 30.00 FEET TO THE CENTER OF SAID 51ST STREET; THENCE SOUTH 02°42'06" WEST 30.00 FEET TO A POINT ON THE EAST LINE OF LOT 6 OF THE RESURVEY OF MULKEY PARK A SUBDIVISION IN SAID CITY OF KANSAS CITY, SAID POINT BEING 5.00 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 6 OF SAID RESURVEY OF MULKEY PARK AND ON THE WEST LINE OF ROCKHILL ROAD; THENCE NORTH 87°49'52" WEST ALONG THE SOUTH LINE OF 51ST STREET AS NOE EXISTS , 1250.00 FEET TO THE NORTHWEST CORNER OF LOT 6 OF SOUTHWOOD PARK A SUBDIVISION IN SAID CITY OF KANSAS CITY, SAID POINT ALSO BEING ON THE EAST LINE OF CHERRY STREET; THENCE NORTH 02°40'10" EAST 30.00 FEET TO THE CENTER OF SAID 51ST STREET; THENCE NORTH 02°31'32" EAST 30.00 FEET TO THE POINT OF BEGINNING. CONTAINING 75002 SQUARE FEET OR 1.72 ACRES OF LAND MORE OR LESS