



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: TMP-6232

Submitted Department/Preparer: City Planning

Revised 6/10/24

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Vacating an approximately 6,000 square foot alley in Zoning Districts R-0.5/B1-1/M1-5 (Residential, Commercial, Manufacturing) generally located 150 feet east of Lydia Avenue, between East 10<sup>th</sup> Street and East 11<sup>th</sup> Street and directing the City Clerk to record certain documents. (CD-ROW-2025-00023).

### Discussion

This vacation application proposes to vacate an improved 15-foot-wide alley, bound by East 10th Street to the north, East 11th Street to the south, Lydia Avenue to the west and Paseo to the east. The proposed alley vacation is approximately 15 feet in width and 300 feet in length. The proposed 6,000 square foot vacation is a request from Tara Green and Brian Adriano, property owners of 1016 Paseo, to make the alley private and allow the installation of a gate across the alley for safety. After approval of the vacation, a swing yelp gate is proposed to be installed at the south entrance of the alley and a rolling gate is proposed at the northern boundary of the 1016 Paseo property for additional safety. These improvements cannot be completed within the public right-of-way. The applicant stated a need for additional safety for the properties abutting the alley. Staff recommended a vacation at this location as one option moving forward since the Public Works Department does not allow private property owners to install gates in public right-of-way.

There are currently two property owners (1000 Paseo and 1016 Paseo) that only have vehicular access to their site through the alley, requiring the alley remain to allow an approved form of access to the site. Staff has added a condition to record a cross-access easement at the time of recording for the vacation of right-of-way to maintain access (Condition No. 5).

Staff has concerns regarding the recording of the cross-access easement; if one cannot be recorded, the vacation of right-of-way will be deemed null and void. This will ensure that all property owners maintain vehicular access to the properties. Staff has included the following language: "should the public access easement be violated, terminated, or abandoned the vacation will be null and void." The city would then have to pay for the right-of-way through condemnation.

There are public and private utilities located with the public right-of-way. The Water Department has a sewer main within the full length of the alley. The Water Department requires that the applicant retain an easement or relocate facilities at the applicant's expense. AT&T, Spectrum Charter and Evergy also have utilities within the right-of-way which will also require easements be retained or the utilities be relocated.

There was no public testimony at the City Plan Commission.

Staff Recommendation: Denial

CPC Recommendation: Approval with Conditions (3-1)

## Fiscal Impact

1. Is this legislation included in the adopted budget?  Yes  No
2. What is the funding source?  
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.
3. How does the legislation affect the current fiscal year?  
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

### Office of Management and Budget Review

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund.  Yes  No
2. This fund has a structural imbalance.  Yes  No
3. Account string has been verified/confirmed.  Yes  No

### Additional Discussion (if needed)

This legislation has no funding attached to it.

## Citywide Business Plan (CWBP) Impact

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Housing and Healthy Communities (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
  - Utilize planning approaches in neighborhoods to reduce blight, ensure sustainable housing, and improve resident wellbeing and cultural diversity.
  - Maintain and increase affordable housing supply to meet the demands of a diverse population.
  - Address the various needs of the City's most vulnerable population by working to reduce disparities.
  - Foster an inclusive environment and regional approach to spur innovative solutions to housing challenges.
  - Ensure all residents have safe, accessible, quality housing by reducing barriers.
  - Protect and promote healthy, active amenities such as parks and trails, play spaces, and green spaces.

## Prior Legislation

There is no previous legislation for this ordinance.

## Service Level Impacts

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

## Other Impacts

1. What will be the potential health impacts to any affected groups?  
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.
2. How have those groups been engaged and involved in the development of this ordinance?  
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.
3. How does this legislation contribute to a sustainable Kansas City?  
Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

4. Does this legislation create or preserve new housing units?  
No (Press tab after selecting)

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

[Click or tap here to enter text.](#)

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Not applicable as this is an ordinance authorizing the vacation of public right-of-way.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?  
No(Press tab after selecting)