

KEY NOTES

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2. Applicable law is that of the State of Missouri.

3. Notify Architect in writing of any discrepancies immediately upon discovery

4. Property lines and features have not been provided by survey, but by visual inspection. Notify architect of discrepancies in writing before proceeding with approvals or construction, and or obtain verification through survey. Architect not responsible for discrepancies if no survey has been provided.



FIRE STATION #35  
5005 SWOPE PARKWAY  
Y CONSTRUCTION CO.  
VIEW LOOKING SOUTHEAST  
DECEMBER 15, 1961

Anderson Photo Co.

# 5005 SWOPE PARKWAY URBAN REDEVELOPMENT DISTRICT AND SPECIAL USE PERMIT EXHIBITS

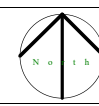
LAWRENCE GOLDBLATT ARCHITECTURE PLANNING DEVELOPMENT  
5811 East 52nd Terrace, Kansas City, Missouri 64129  
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## COVER SHEET 1

JEWEL'S SERVICE:  
5005 Swope Parkway, Kansas City 64130

JEWEL'S SERVICE REZONING AND SPECIAL USE PERMIT  
5005 Swope Parkway, Kansas City, Missouri 64130



24 December, 2019 Prelim. Submittal

Issue Date / Purpose

Scale



(PHASES continued from prior sheet)

6. The City Planning Department agrees and understands that it may have had responsibility for engaging the Buyer immediately in a solution to the Zoning violation with which it concurred prior to the sale. The City Planning Department agrees and understands the Buyer had no attorney, architect, or agent representation and the Buyer may not have been fully briefed on his responsibilities. ACTION: City Planning Department, and the City Law Department understand that this URD process is the remedy to the sale created Zoning Violation. ACTION: The City Development Department agrees to engage third Party experts to prepare a public strategy for alerting property owners of their responsibilities to conform with City Codes. This Property Owner is to select a Committee to act as the Client for this public strategy.

7. Special Use Permit review by the BZA is believed to be barred by RsMo 89.090. ACTION: Planning Director to review SUP submittal as voluntary submittal in lieu of "official" BZA review.

8. BZA must in highest likelihood by law rule against the applicant because the "Change of Use" condition was created by the applicant's own action. ACTION: Owner to voluntarily conform with informal BZA/staff review.

(PHASES continued)

9. Property owner to begin removing exterior Tire storage by auction or negotiated price 3 January, 2020, until removal is concluded.

10. ACTION: Pursuit and accomplishment of the URD Zoning and BZA (if required) is to be pursued until achieved or all Appeals are exhausted.

PHASE 2: 1. Community Engagement, started in October, 2019, shall continue through January. While the area neighborhood association has been non-responsive to requests for a meeting, a Petition is circulating. It will be completed fifteen days before the first public hearing is agreed to.

2. Interdepartmental Review.

3. CPC Hearing.

4. BZA Hearing (if required).

PHASE 3: Application for rezoning as Urban Redevelopment District. To commence with or shortly after Phase 2.

PHASE 4: After passage of URD and BZA, prepare and apply for a Building Permit for a One or Two Family Residence with Bakery.

(PHASES Continued)

PHASE 5: No later than the issuance of the Building Permit for the Residence, relocate the interim Tire Shop to another location suitable for its use. The Building shall at no time be vacant lest it be stripped again by vandals and rendered a Dangerous Building.



24 December, 2019 Prelim Submittal

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# DEVELOPMENT SUMMARY TABLE

	PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5	TOTAL
a. ZONING						
Existing	R-2.5	R-2.5	R-2.5	R-2.5	R-2.5	R-2.5
Proposed	URD	URD	URD	URD	URD	URD
b. Total land Area:	32,611					32,611
c. Proposed Street R.O.W.	None					
d. Net Land	32,611					32,611
e. Proposed Uses				first floor:		

lower level:  
parking, storage  
studio apartment

f. Height above grade At grade

g. Gross flr  
First Floor:  
Lower Level:

h. Bldg Coverage FAR

i. Height above grade exist.

j. Required # pkg  
First Flr  
Proposed # pkg  
First Flr  
Lower

k. Bikes  
Short term  
First flr  
Lower flr  
Long term  
First Flr  
Lower

l. Start  
Finish

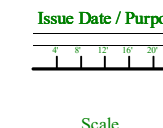
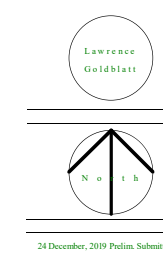
m. Amendments

retail bakery

two bedroom, two b

Drawing Symbols	
Property Line	---
Elevation (spot)	+
Demolition Note	← Demolish
Revision	☁
Right of Way	R.O.W.
Gas Line (assumed)	— — — — —
Water Line (assumed)	— — — — —
Electrical (assumed)	— — — — —
Fence	- - - - -
Concrete	
Asphalt	
Ground Cover	
Shrubs	
Trees	
Light Pole	
Power Pole	
Fire Hydrant	

Abbreviations	
A.F.F.	Above Finished Floor
C.L.	Center Line
CLG.	Ceiling
CMU	Concrete Masonry Unit
Conc.	Concrete
Cont.	Continuous
DH	Double Hung
Dia.	Diameter
DS	Downspout
Ea.	Each
EJ	Expansion Joint
Eq.	Equal
EW	Each Way
FBO	Furnished by Owner
FD	Floor Drain
F.O.W.	Face of Wall
FR	Fire retardant
Ga.	Gauge
Gyp.Bd.	Gypsum Board
HB	Hose Bibb
HC	Hollow Core
HM	Hollow Metal
HT	Height
JT	Joint
Lav	Lavatory
Min.	Minimum
NIC	Not in Contract
NTS	Not to Scale
OC	On Center
OD	Outside Diameter
OH	Overhead
PSI	Pounds per Square Inch
PSF	Pounds per Square Foot
Reqd.	Required
SD	Smoke Detector
SF	Square Feet
TOB	Top of Beam
Typ.	Typical
WH	Water Heat
W/	With
WH	Water Heater
WR	Water resistant
WWF	Welded Wire Fabric
LB (#)	Pounds
Max.	Maximum
Mech	Mechanical
MFR	Manufacturer



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# SHEET 3 PHASES

## JEWEL'S SERVICE: 5005 Swope Parkway, Kansas City 64130

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JEWEL'S SERVICE REZONING AND SPECIAL USE PERMIT  
5005 Swope Parkway, Kansas City, Missouri 64130

## PROJECT NARRATIVE: DISCUSSION FOR DEVELOPMENT

It starts "We the People....". It does not say "I, the Government...".

actions, as in this application, requested of the City Planning Commission, Council, and the Board of Zoning Adjustment once enacted, advance the economic conditions of our community.

rules and laws of the City of Kansas City are enacted to benefit the People of this City. To property owners, that means they must subvert their needs to those of the larger community when policies have been voted into law. These provisions proposed in this Application provide the simplest, least expensive strategy for advancing the Property Owner's interest while protecting and advancing the interests of the community, as set forth in its adopted rules.

maps inadvertently, at some junctures these rules suppress the rights, responsibilities, and needs of the private property owner. In this project, several issues affecting the peoples' rights of property protected by the Missouri and the United States Constitutions.

primary is that these Development Codes nowhere allow a property owner to appeal to the Director of Planning or the Building Official for temporary relief in the event of a property related emergency. Secondly, in the "East Side" of Kansas City, a substantial economy exists but remains well guarded by its participants, protected from government regulation. By inspection, this part of the City also evidences the highest concentration of violence and property crime.

These requests to the City government for City Planning Commission, City Council, Board of Zoning Adjustment for adoption of an Urban Redevelopment District provide a model solution to social/economic system problems, through the example of this property. The problems themselves demand correction at the highest level of our civic system of rules and laws, lest our community continue to hold itself back along boundary of economic ill health. This submittal shows how current development tools, allow progressive, one time solution though at exorbitant expense.

The Case at 5005 Swope Parkway occurs because the property/business owner, through his objection, was displaced from his long term business location. A civil suit ensued. Possibly unlawful coercion made clear the only solution was to quietly get the business, the owner's sole income source, fell back in retreat to a property that was holding for the purpose of a future family residence with coffee shop bakery. A thoughtful solution in a fine architectural frame at a socially meaningful spot.

(continued)

The move to 5005 Swope was no act of civil disobedience. It was made of only practical necessity to somewhat protect the sole income for the family. The business owner was engaged in finding an alternative location for the Jewels Tire Service, and in the interim found the least expensive insurance against business failure was to move part of the business into his future dream home/business. He knew the building was ill suited for best operation of Jewel's Tire Service, which has since been proven.

His intent has been to find a more suitable facility and location, quickly.

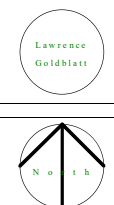
Events took his attention and capital. The location search has dragged without resolution as his caregiving for a family member is a drain on time and money, and a stressor, as he tries to keep the business running.

On the 30th Day of October, 2018, the City cited the property owner for operating a business in a residential zone. The City staff has been very patient with the need for solving the zoning violation. After months of requests, the City finally agreed to hold the required predevelopment meeting on December 3, 2019. It's patience having worn out, the agenda for the meeting did not cover minimum required topics, and the City demanded Application of a Special Use Permit by January 3rd, 2020.

The reason the owner requested the required pre-development meeting was to resolve several outstanding issues.

The forced move cost sales and operating income losses. The new location, known from the start, was inadequate for this business. A more suitable permanent solution is being sought. A stepwise evolution from the Tire Shop to a future residence with coffee shop/bakery aligns with social and economic facts where prior planning may not have been fine tuned to the unique characteristics of this location and proprietor.

Remedy may be achieved by a pre-development meeting, with an Applicant-City agreed to agenda, managed by a neutral guided by an agreed set of simple rules for achieving collaboration.



24 December, 2019 Prelim Submittal

Issue Date / Purpose

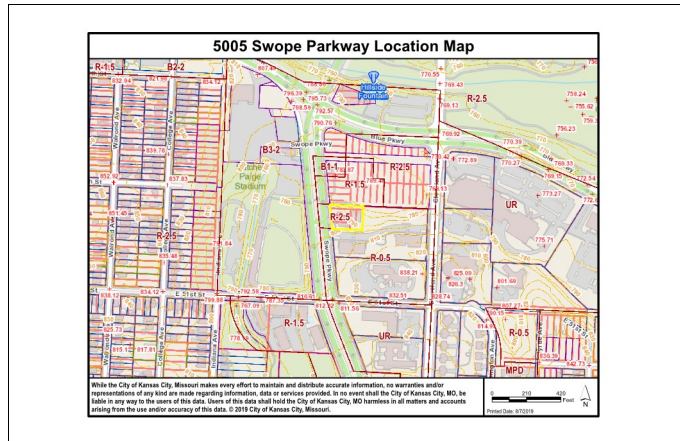
4 8 12 16 20 24

1' = 40'

Scale



**LOCATION PLAN**



**LEGAL DESCRIPTION**

5005 Swope Parkway/Fire Station No 35 Boulevard Heights Lots 74 thru 78 and south 25' of the vacated former East 50th Street aprox. 170' along the north edge of Lots 74, 75, 76.

**ZONING ANALYSIS**

**CURRENT USE:** The interim Tire Sales and Service. Cited as not permitted.  
**CITY STATED REQUIREMENTS:** "Apply for Change of Zone to B 3.2 from R 2.5, with Special Use Permit as the property faces a Boulevard".  
**THIS APPLICATION:** Applicant seeks Urban Redevelopment Zoning District Designation to allow Mixed Use in the R 2.5 zone.

(continued)

**VARIANCES, ETC. NEEDED FOR THIS R-2.5 PROJECT:**

	Provided
<b>Required</b>	
Lot Size:	32,611 sf
Sidyard:	
Front Yard:	Min 30 ft
30 ft	
Rear Yard:	
Traffic Impact Analysis: Level One	
Flood Plain: Required (northeast corner of site)	
SUP: Front On Parkway	It does.
SUP: Driveway	Permitted
SUP: Boulevard Rqts to 150'	Ok
SUP: Enlargements limited to 30% of existing.	
SUP: Facade changes do not increase non conformity	They do not
SUP: Commercial entrance face Boulevard or side	It does.
SUP: Delivery from side or rear	It does
SUP: Pedestrian access from public sidewalk.	It does
SUP: Parking to side or rear	It is.
SUP: No more than 30% of frontage used for vehicular access.	It is. Existing.
SUP: Drive no more than 12' wide.	It is.

**DRAWING INDEX**

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 Screening..... 6  
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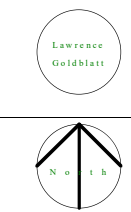
Plan Review "Points For Collaboration"..... 18-19

**DEVELOPMENT SUMMARY TABLE**

See following Sheets.

**PROPOSED PHASES AND ACTIONS**

**PHASE 1:** 1. City grant Easement across former East 50th Street for maintenance, and for access to the subject property, to correct error in City Plat.  
 2. Zoning Ordinance lacks a method for emergency designation of temporary uses. Hold B-2 Prosecution off the Docket until R 2.5 mixed use/ residential use is zoned URD and permitted as remedy for lack of Zoning Emergency ruling.  
 3. Zoning Ordinance "Redevelopment District" is a mechanism allowing Phased Mixed Use Development enabling the owner's goal, (occupy the building as a residential use permitted under the present zoning, with a business use).  
**ACTION:** Hold Zoning Enforcement off the Docket until residential use is Permitted as remedy for Violation Enforcement.  
 4. City sold the property to this Buyer with complete knowledge and agreement that a zoning process was needed for Buyer's intended use. Enforcement of zoning was not prosecuted from at least Jan. 11, 2013 until October 26, 2018.  
 5. City as Seller had complete written disclosure by Buyer of his intended uses. The City's foreknowledge included that at the closing of the sale the property was rendered in misdemeanor of local law. Yet the City proceeded.  
**ACTION:** Any enforcement of the Zoning Ordinance in this instance will be vigorously defended to the fullest extent allowed.





(continued from last sheet)

25. WRITTEN INFORMATION ON THE SITE PLAN AND IN TABULAR FORM FOR EACH PHASE AND IN TOTAL. SITE PLAN IDENTIFY BUILDINGS, PHASES, AND OTHER GRAPHIC INFORMATION: See proposed site plan.

- a. Existing and Proposed Zoning
- b. Total land area.
- c. Land area or acres for existing and proposed street r.o.w.
- d. Net land area or acres.
- e. Proposed use or users of each building and structure.
- f. Height above grade of buildings and structures and number of floors of each building.
- g. Gross floor area per floor and total for each building.
- residential buildings shall also include type of dwelling units, number of dwelling units per floor, and total number of units.
- h. Building coverage and floor area ratio.
- i. Residential development shall identify gross and net density.
- j. Ratio of req. parking spaces for each use and amount of required, proposed parking spaces.
- k. Ratio required number of short term and long term bicycle parking spaces for each use and amount of required, proposed short term and long term bicycle parking spaces.
- l. Commencement and completion dates for each phase.

(continued)

m. Applications for amendments to development plans shall include a written description of the changes to the approved development plan, including any changes in use, phases, parking, signage, or site arrangement.

WAIVER REQUESTS TO THE DIRECTOR OF CITY PLANNING AND DEVELOPMENT:

("Amended March 16, 2012")

\*\*\*

2 January, 2020

Re: Waiver Requests 5005 Swope Parkway

Dear Director of City Planning;

This combined submittal for B3 or URD and SUP are in response to an emailed communication from the Planning staff received Friday, December 27th, 2019 at 2:30 pm. The City staff recites that the City set a deadline of January 3rd, 2020 for the submittal of a rezoning application and a SUP. At that point, and at this time, my direct communications with the City Attorney have not been responded to, and the Planning staff knows this.

In response, we informed the City staff that Larry Smith is maintaining as best he can running his shop and caring nearly fulltime for a gravely ill family member. Our office had long ago

(continued)

scheduled its annual closing for completion of year end tasks, some vacation time, and medical leave for a senior party.

The facts are that the City has had more than five years, especially and particularly occurring from the day of closing on this sale, to begin the process with Mr. Smith for the rezoning and SPU which he clearly stated in his written, accepted bid to the City for this purchase. The City well knew, that the sale was being made and upon closing the Buyer would have been in violation of the City Ordinance and subject to misdemeanor and perhaps daily fines. Further, in this five year period, Mr. Smith was approached by an agency of the City to see if he was or is interested in selling his property back to the City (for the future phase of the Grandparents' Housing).

There has no interest and no opportunity by the applicant and owner to explain that the interim use was as a result of an unforeseen emergency put upon Mr. Smith. There was no opportunity taken by the City staff to learn the R-2.5 zoning is perfectly suited for Mr. Smith's initially expressed objectives for the property.

Our Waiver request is as follows:

- 1. We request the City Planning Director order the SUP submittal 3 January 2020 be reviewed review informally until it can be determined

(continued)

1. We request the City Planning Director order the SUP submittal 3 January 2020 be reviewed review informally until it can be determined whether the City BZA is in conflict with State Law. This determination must be made by the State Attorney General.

2. We request the BZA filing fee be waived until it can be determined if Mr. Smith qualifies for "East Side" development benefits.

3. We request the BZA hearing be held off the docket until all the questions asked of the City staff are answered concretely.

4. We ask the City, respectfully, to restrain from enforcement of the violation until we can determine whether the City can enforce its own rules when it both makes the Rules and acted as Owner/ Seller, and still maintains ownership interests in properties immediately adjacent to this property.

5. The Applicant suggests that Mr. Smith has long ago commenced a search for alternative sites. City staff rebuffed any discussion of how unused City property can be used to solve this problem. We ask that the Planning Department waive the unstated but evident requirement that City rules only consider City proficiency issues. We seek the City Planning Director to waive City obliviousness to the stage of readiness of East Side developers.





(continued from last sheet)

6. We ask that the City staff from each Department be asked to re-examine their standards for communications, and management, of East Side developments and see where the Rules and their application and Enforcement are strongly biased against honest efforts to redevelop, when economic circumstances force small business into impossibly expensive efforts to defend themselves, let alone grow. Please waive the contentiousness; East Side developers cannot afford it.

7. Mr. Smith and myself need to assess the costs of these initial steps to fulfill his first intentions. They have been increased way out of proportion to the value of the asset, or the fact that only in early December did the City staff respond to our repeated requests for the required pre-development meetings. Whatever hole this project has been in was just pushed deeper and wider by the City's handling of this matter, from its outset.

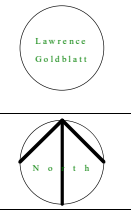
(continued)

8. The Property Owner and myself look forward to progressing with the transformation of this property into a mixed use (residential with business) project well suited to the continued public investment in this area.

I speak only as the Applicant. Mr. Smith will not have the opportunity to read these submittals until after they are in.

\_\_\_\_\_/s/\_\_\_\_\_  
Lawrence Goldblatt, M.C.P.,  
M.Arch.A.S.  
Project Architect and Planner

JEWEL'S SERVICE REZONING AND SPECIAL USE PERMIT  
5005 Swope Parkway, Kansas City, Missouri 64130



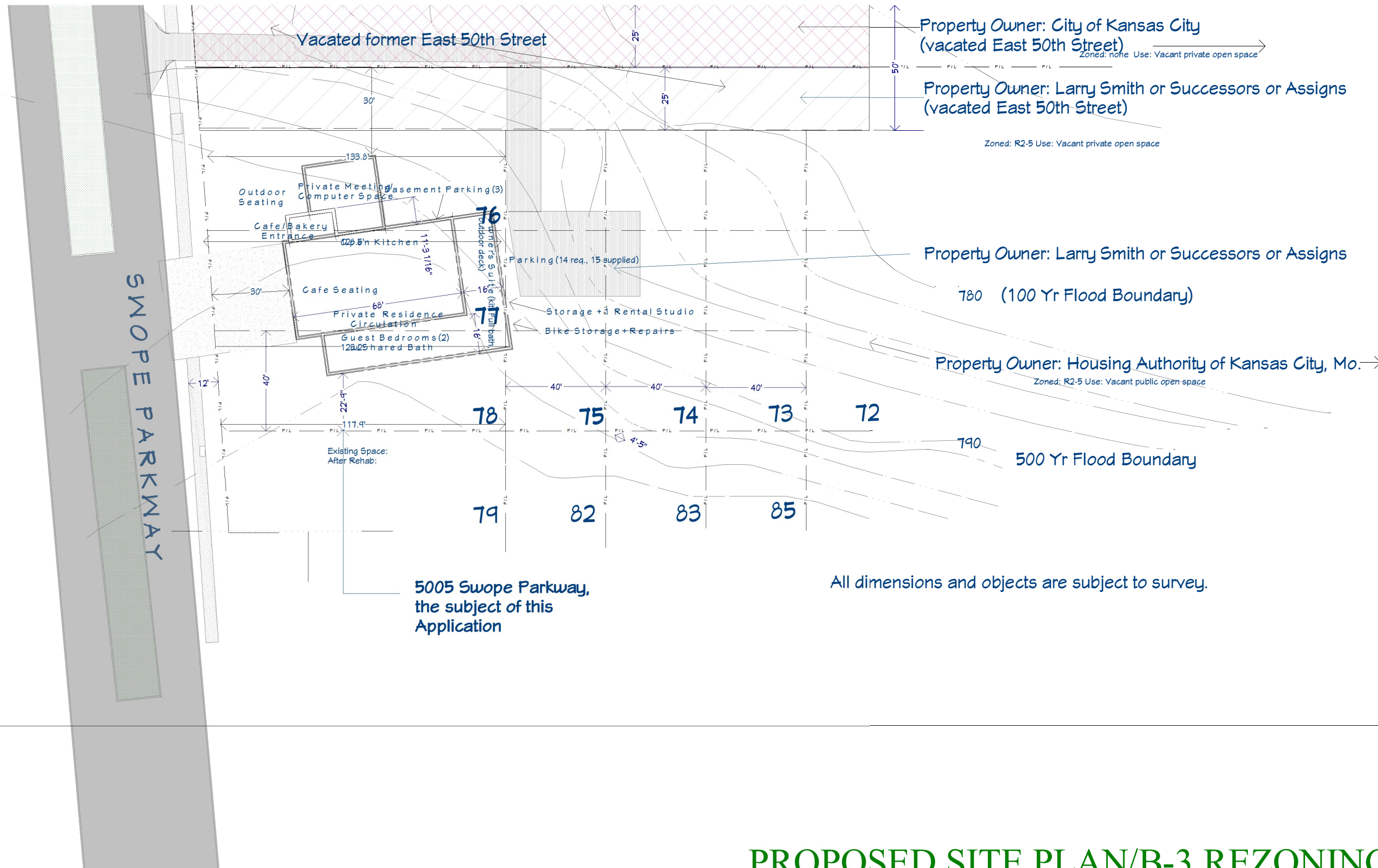
24 December, 2019 Prelim Submittal

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Zoned: B-2 Use: public open space



5005 Swope Parkway,  
the subject of this  
Application

All dimensions and objects are subject to survey.

LAWRENCE GOLDBLATT ARCHITECTURE PLANNING DEVELOPMENT

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# PROPOSED SITE PLAN/B-3 REZONING/SUP OR R-2/SUP

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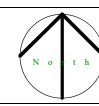
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**Issue Date / Purpose**

Scale

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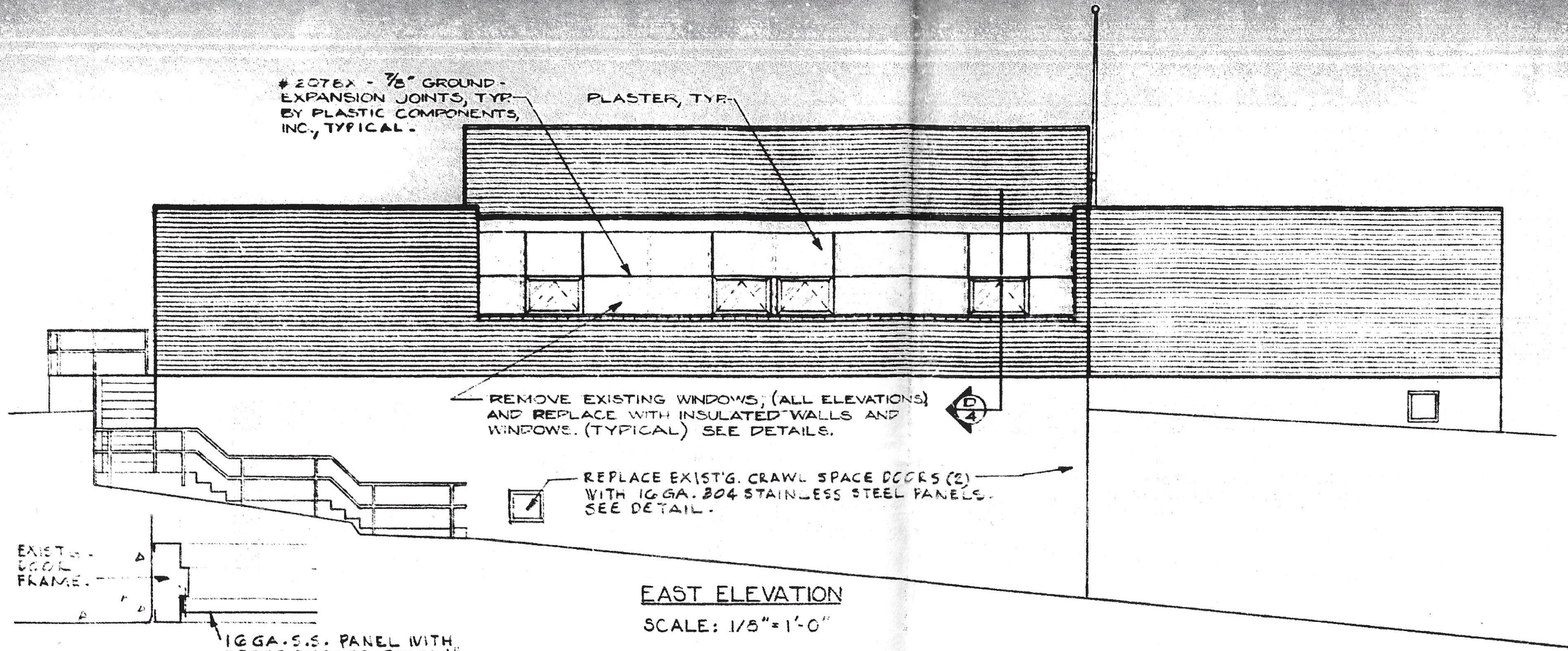
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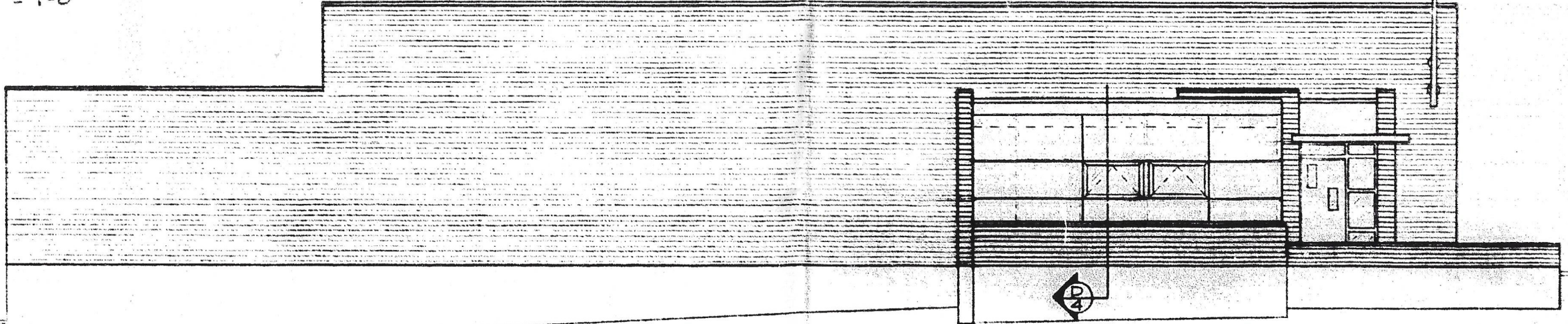
**JEWEL'S SERVICE:**  
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**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

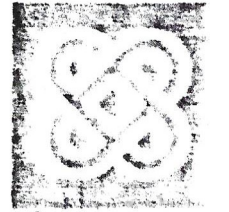
**ACCESS PANEL DETAIL.**  
SCALE: 1/2" = 1'-0"



**NORTH ELEVATION**



City of Kansas City, Missouri  
**Public Works Department**  
City Architect



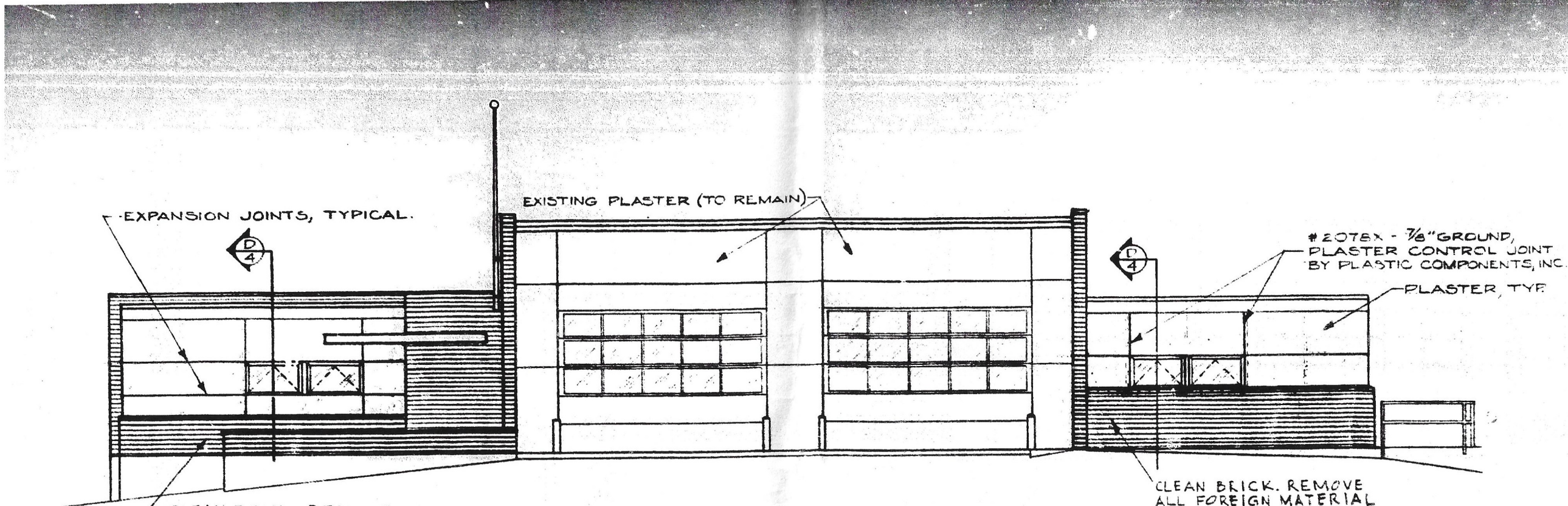
WINDOW, INSULATION, HVAC,  
& KITCHEN IMPROVEMENTS  
035- FINE STATION NO. 35  
5005 SWOPE PARKWAY  
KANSAS CITY, MISSOURI

Issue Date / Purpose  
**JULY, 1955**  
SHT 2 OF 12  
Scale

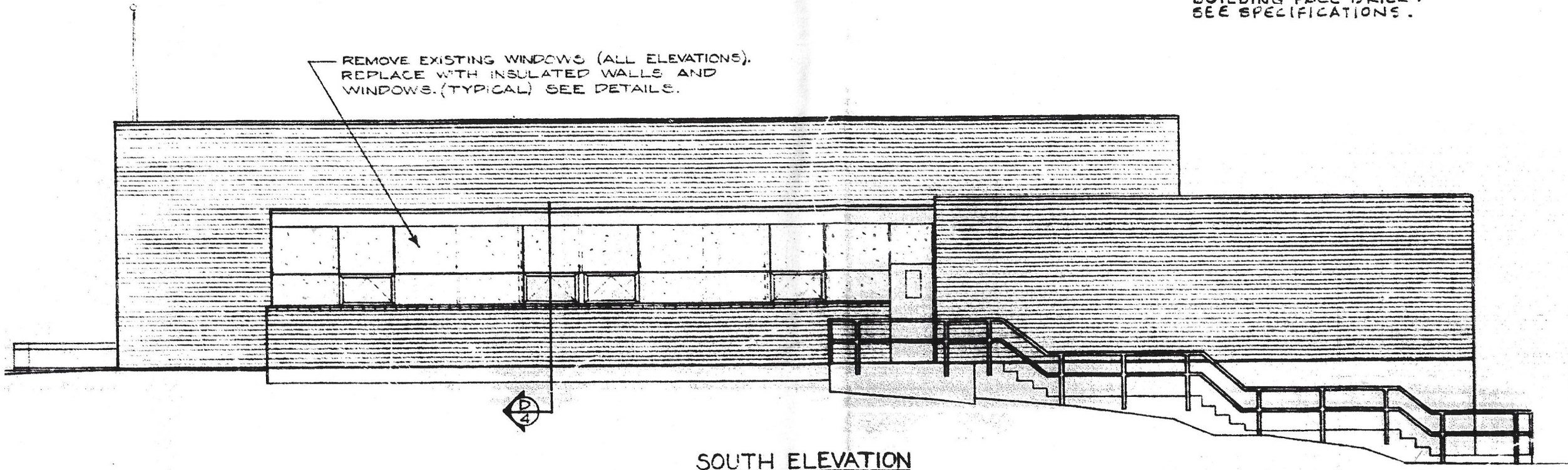
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**North and East Elevations**  
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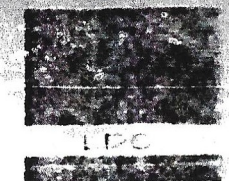




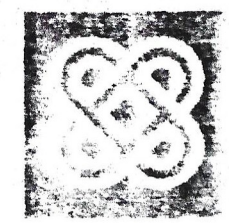
**WEST ELEVATION**  
SCALE: 1/8"=1'-0"



**SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"



City of Kansas City, Missouri  
**Public Works Department**  
**City Architect**



WINDOW, INSULATION, HVAC,  
& KITCHEN IMPROVEMENTS  
035 - FIRE STATION NO. 25  
5005 SWOPE PARKWAY  
KANSAS CITY, MISSOURI

JULY, 1965  
SHT. 1 OF 12





# View of Requested Easement

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ACCESS AND MAINTENANCE EASEMENT:

That the City of Kansas City, Missouri party hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and sufficient consideration to be paid (the receipt of which is hereby acknowledged) to Kansas City, a Municipal Corporation of the State of Missouri (414 East 12th Street, Kansas City, Missouri 64106) by Larry and \_\_\_\_\_ Smith owners of Lots 76, 77, 78, 75, 74 and their south half (hereinafter called GRANTEE) of the formally known East 50th Street, hereby grants and conveys unto said GRANTEE an access and maintenance easement for the right of ingress and egress and travel and maintenance the former East 50th Street identified in the referenced Plot Plan and Legal Description (below) is hereby granted by Kansas City, Missouri for the purposes of fire and police protection, collection of garbage and refuse and to the United States Postal Service for the delivery of mail and maintenance by the GRANTEE; provided however such right of ingress and egress and maintenance does not include any obligation to contribute for any damage to any private street or drive by virtue of the rights stated herein and specifically, neither GRANTOR, nor the United States Postal Service shall incur any liability by virtue of the exercise of such rights.

The right of ingress and egress and maintenance is granted for access to adjacent properties over, upon, and across the following described tract of land situated in Kansas City, Jackson County, Missouri, to-wit;

The north 25' foot wide tract known formerly as East 50th Street, now vacated, from the east right of way line of Swope Parkway along the center line of former East 50th Street, north of the north edge of Parcel 76, plus 80' easterly along the north property line of lots 75 and 74.

By granting this easement, it shall not be construed to prohibit the GRANTEE from developing any adjoining property or from the laying out, establishing and constructing pavement, surfacing of roadways, curbing and gutters along, upon, over or across said easement or any portion thereof.

ACCESS AND MAINTENANCE EASEMENT (continued)

IN TESTIMONY WHEREOF, the said parties of the first part, Larry and \_\_\_\_\_ Smith, Husband and Wife, have hereunto set their hands this \_\_\_\_ day of \_\_\_\_\_ January, 2020.

By: \_\_\_\_\_ By: \_\_\_\_\_  
Mr. Larry Smith Mrs. \_\_\_\_\_ Smith

STATE OF MISSOURI \_\_\_\_\_ )

) SS

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, hereby before me appeared, Larry Smith and \_\_\_\_\_ Smith, Husband and Wife, known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in \_\_\_\_\_ the day and year last above written.

\_\_\_\_\_  
Notary Public in and for said County and State





LAWRENCE GOLDBLATT ARCHITECTURE PLANNING DEVELOPMENT

5811 East 52nd Terrace, Kansas City, Missouri 64129

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Inform Architect of Any Discrepancies in Drawings, Specifications, or Field Conditions

**JEWEL'S SERVICE:**  
**5005 Swope Parkway, Kansas City 64130**



24 December, 2019 Prelim Submittal

**Issue Date / Purpose**

Scale

**of 13**  
Sheet Number

JEWEL'S SERVICE REZONING AND SPECIAL USE PERMIT  
5005 Swope Parkway, Kansas City, Missouri 64130