

May 17, 2019

Hand Delivered

Zachary Nelson
Kansas City Planning & Development Department
City Hall, 414 E. 12th St., 15th Floor
Kansas City, MO 64106

Re: Application to Vacate Portion of Right-of-Way

Dear Mr. Nelson:

My client is currently in the process of selling a certain piece of real estate located along Bi-State Drive in Kansas City, Missouri. Pursuant to the Survey and Depiction enclosed herewith, there are certain parking lot improvements on the real estate that encroach onto the variable-width right-of-way for Bi-State Drive. In connection with these encroachments, my client is requesting that the encroached-upon portions of the right-of-way be vacated by the City. Enclosed with this letter, you will find the following:

1. Completed Application for Vacation of Right-of-Way or Plat
2. Check, in the amount of \$290.00, payable to " City Treasurer KCMO"
3. Survey of the Property
4. Legal Description for proposed vacated portion of Right-of-Way.
5. Depiction of proposed vacated portion of Right-of-Way.

Please feel free to contact me directly regarding any further information as might be necessary to accompany this request for vacation.

Best,



Kyle Ferden

KPF:Stinson

Enclosures

STINSON

CHECK NO: 303380
 CHECK DATE: 05/16/19

REF	INVOICE #	DATE	INVOICE DESCRIPTION	AMOUNT PAID
502335	05162019	05/16/19	Invoice - Application Fee	290.00
			Send to Briscoe, Janet	
			TOTAL	\$290.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

STINSON

Stinson LLP
 1201 Walnut Street
 Suite 2900
 Kansas City, MO 64106-2150

US Bank - Missouri
 18-18/1010

STINSON 303380
 CHECK NUMBER

PAY Two Hundred Ninety and 00/100 Dollar(s)

DATE
 05/16/19

AMOUNT
 \$290.00**

STINSON LLP
 TWO SIGNATURES REQUIRED IF AMOUNT
 IS OVER \$2,000.00

TO THE ORDER OF City Treasurer KCMO
 City Planning & Development Department
 City Hall, 414 E 12th St, 15th Fl
 Kansas City, MO 64106-2795

STINSON LLP

STINSON LLP

AUTHORIZED SIGNATURE

⑈ 303380⑈ ⑆ 101000187⑆ 145590256684⑈



APPLICATION FOR VACATION OF RIGHT-OF-WAY OR PLAT

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-8801 | Fax (816) 513-2838 | www.kcmo.gov/planning

Date Stamp

FOR OFFICE USE:	CASE #:	CPC DATE:
KIVA #:	RECEIPT #:	FILING FEE:

1. CONTACT INFORMATION

Applicant Walt Clements Company Dean Realty Co.
 Address 1201 W. 31st St., Ste. 2 City & State Kansas City, MO Zip 64108
 Telephone (816) 531-0800 Fax () Email wclements@deanrealty.com

Property Owner(s) (if different from applicant) CBP CC1 LLC
 Address 1100 Walnut St., Ste. 2000 City & State Kansas City, MO Zip 64106
 Telephone (816) 531-0800 Fax () Email wclements@deanrealty.com

Agent/Contact Kyle Ferden Company Stinson Leonard Street
 Address 1201 Walnut St., Ste. 2900 City & State Kansas City, MO Zip 64106
 Telephone (816) 691-2351 Fax () Email kyle.ferden@stinson.com

* **All correspondence should be sent to (check ONE):** Applicant Property Owner Agent/Contact

2. VACATION LOCATION / ADDRESS

A portion of Bi-State Drive, immediately northerly adjacent to that property commonly described as 2700 Bell St., Kansas City, MO

4. REQUIRED ATTACHMENTS

- Completed Application
- \$290.00 fee** (Payable to City Treasurer KCMO) Additional deposit due prior to the public hearing, per Chapter 75.
- Map showing right-of-way to be vacated
- Legal description** may be required. Contact a staff planner to determine if needed.
- Letter Of Purpose** – Please submit a letter addressed to the City Plan Commission in care of this Department, briefly explaining the purpose of the requested vacation.
- Pre-application consultation** Indicate which planner you met with in the Development Management Division (15th Floor) Planner Email exchange with Zach Nelson Date 4-22-19

5. The information presented with this application is true and correct to the best of the undersigned's knowledge and consists of the required items as listed above, necessary for a complete application
- By checking this box I acknowledge that the applicant team may not contact or have discussions with any commissioner reviewing my application. I understand any letters or emails to the commission must be provided to the city staff for distribution.

Signature 

Printed Name Kyle Ferden Date 5/16/2019

SUCCESSFUL RIGHT-OF-WAY VACATION TIMELINE

Schedule a pre-application consultation with a planner in the Development Management Division of the City Planning and Development Department, 15th floor, City Hall, 414 E. 12th St., Kansas City, Mo., 64106; 816-513-8801. Complete the Application to Vacate Right-of-Way and return it to the City Planning and Development Department along with the legal description (if required) and survey or sketch of the portion of right-of-way to be vacated.

A preliminary review of the application will be made, after which the petitioner will receive a petition form for vacation, a consent form and utility agency approval forms that must be filled out and returned before further action by the city will be undertaken. **(1 week)**

Petitioner collects signatures required to complete petition and consent forms and petitioner distributes and collects utility agency approval forms. Petitioner may have to comply with special requirements of reviewing agencies. An application will not be processed without agency review and the application will not be approved by the city over the objections of a utility or affected agency. **(Duration determined by petitioner's success and efforts)**

Once all forms are completed the petitioner returns the forms to the City Planning and Development Department. Returned forms are reviewed by the staff planner for completeness **(1 week)** and the Request for Vacation is placed on the City Plan Commission docket determined by the next submittal cut-off date. Staff sends out notification to property owners within 185' of the proposed vacation.

The City Plan Commission will hold a public hearing to review the request and will hear recommendations from appropriate staff members. Petitioner or appointed representative must be present at this hearing, and should bring any materials they may have in support of the request. Any person affected by the proposed vacation will be given an opportunity to speak at this hearing.

The City Plan Commission will then make a recommendation. It may include conditions that must be complied with before the application can be processed further. These usually involve granting easements to utilities and city agencies. City Staff creates an ordinance request. **(1 week)**

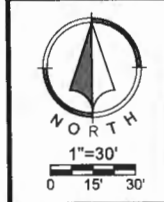
Notice of hearing is posted by the City Clerk. The 1st Reading of the Ordinance is heard by City Council. The Ordinance Request is then forwarded to the Planning, Zoning and Economic Development Committee. **(2 weeks)**

The following Wednesday, the Planning, Zoning and Economic Development Committee will hear the Ordinance Request. The Committee will approve or deny the request. The petitioner should be present at this hearing and will be notified of the time, date and place.

If the request is approved they will either advance it to the next Thursday Council Session or it will be heard at the following week's Council Session. Attendance by the applicant is not necessary. City Council passes the Ordinance in Council Session.

After the Planning, Zoning and Economic Development Committee hearing, no further action is required by the petitioner. Ten days following favorable City Council action, recording of the vacation will begin in the records of the appropriate county recorder. The recording process usually takes 1-4 weeks, depending upon the county government involved.

ALTANSPS LAND TITLE SURVEY
PRIORITY #4
CAMBRIDGE CREST I
(CB #22)



Prepared For:
Kevin Rowley
Dean Realty Co.
1201 W. 31st St, Suite 2
Kansas City, Missouri 64108
(816) 778-8815

FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO. NCS-941111-22-KCTY
Effective Date: October 31, 2018 at 8:00 AM
Schedule 'A'

5. The land referred to in this Commitment is described as follows:

TRACT 1:
LOTS 4, 5 AND 9, CAMBRIDGE TERRACES MISSOURI, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI.

TRACT 2:
THOSE CERTAIN TRACTS OF LAND LOCATED IN KANSAS CITY, JACKSON COUNTY, MISSOURI, BEING THAT PORTION OF BELL STREET LOCATED BETWEEN BI-STATE DRIVE ON THE NORTH AND SOUTH, AND THAT PORTION OF 27TH STREET LOCATED BETWEEN BELL STREET ON THE EAST AND THE MISSOURI-KANSAS STATE LINE ON THE WEST, AS SUCH TRACTS HAVE BEEN VACATED BY ORDINANCE NO. 040969 RECORDED DECEMBER 2, 2004 AS DOCUMENT NO. 2004K008924.

Schedule 'B' - Section II Exceptions:

- 8. Easements, restrictions and setback lines as per plat, recorded in Plat Book K-35, Page 12. (Affects Tract 1 as shown)
- 9. Limitation on the conveyance of ownership extending "upwards of elevation 80.00 as referred to the datum plane of Kansas City, Missouri in Lots 1 through 14" as established by the plat of said subdivision. (Affects Tract 1 & Tract 2, unable to plot)
- 10. Utility easements in vacated Genesee Street adjoining Lots 51 and 52, Garfield Park, reserved in Ordinance No. 14483 of the City of Kansas City, recorded May 4, 1951 as Document No. B-21563 in Book B-4446, Page 404. (Affects Tract 1, vacated street plotted as shown)
- 11. Ordinance No. 34544 of the City of Kansas City, Missouri, recorded March 15, 1968 as Document No. K-13098 in Book K-29, Page 1717, approving the development plan submitted by Greystone Heights Redevelopment Corporation. (Affects Tract 1 & Tract 2, unable to plot)
- 12. Cooperative Agreement for Public Improvements by and between Kansas City and Greystone Heights Redevelopment Corporation, recorded September 30, 1970 as Document No. K-95083 in Book K-209, Page 284. (Affects Tract 1 & Tract 2, unable to plot)
- 13. Easement granted to Kansas City Power & Light Company over a portion of the premises lying above elevation 80 as referred to the datum plane of Kansas City, Missouri, as set forth in the instrument recorded September 7, 1976 as Document No. K-303876 in Book K-688, Page 1758. (Affects Tract 1 & Tract 2, as shown)
A portion of the foregoing easement was subordinated to the dedication of Bi-State Drive by the instrument recorded October 31, 1977 as Document No. K-345607 in Book K-798, Page 513. (Does not affect surveyed property, plotted as shown)
Terms and provisions of the Subordination of License or Easement recorded October 19, 1979 as Document No. K-425370 in Book K-965, Page 1254. (Non-survey issue)
- 14. Covenants, restrictions, easements and assessments contained in the Declaration of Indentures for Cambridge Park, recorded April 18, 1978 as Document No. K-363226 in Book K-838, Page 1388. (Affects Tract 1 & Tract 2, unable to plot)
- 15. Ordinance No. 51282 of the City of Kansas City, recorded March 18, 1980 as Document No. K-440769 in Book K-994, Page 771, whereby the hereinafter described utility easements along and across said streets, lying below elevation 80.00, except for a 15.00 foot sewer easement lying 7.50 feet on each side of the centerline of Bell Street from the South line of Blaine Street to the North line of I-35 above elevation 70.00". (Does not affect surveyed property, plotted as shown)
- 16. Easements, if any, for public utilities installed in, under or upon vacated 27th Terrace, vacated Bell Street, vacated 27th Street, vacated Lombard Ave., vacated Genesee Street and vacated alleys included within the premises prior to the vacation thereof, and for which no notice appears in the Office of the Recorder of Deeds. (Affects Tract 1 & Tract 2 as shown)
- 17. Sewer easement granted to Kansas City as set forth in the instrument recorded October 5, 2004 as Document No. 2004K0057288. (Lts 4 & 9) Terms and provisions of Indemnification Agreement recorded October 11, 2006 as Document No. 2006E0105505. (Affects Tract 1 & Tract 2 as shown)
- 18. Term and provisions of an unrecorded Industrial Lease dated December 19, 2003 by and between Dean Realty Co., a Missouri corporation, Landlord, and KONE Inc., a Delaware corporation, Tenant, notice of which is provided by the Subordination, Non-Disturbance and Attornment Agreement recorded December 22, 2004 as Document No. 2004K0085945. (Affects Tract 1 & Tract 2, unable to plot)
- 19. Right of way granted to Missouri Gas Energy, a Division of Southern Union Company as set forth in the instrument recorded January 28, 2005 as Document No. 2005K0005390. (Lts 4 & 9) (Affects Tract 1 & Tract 2, as shown)
- 20. Terms and provisions of Tax Exemption Certificate recorded January 28, 2005 as Document No. 2005K0005417. (Affects Tract 1 & Tract 2, unable to plot)
- 21. Easement granted to Kansas City Power & Light Company as set forth in the instrument recorded June 7, 2005 as Document No. 2005K0035328. (Lts 5) (Affects Tract 1 & Tract 2, as shown)
- 22. Declaration of Drainage Easement recorded May 30, 2006 as Document No. 2006E0059407. (Lts 9) (Affects Tract 1, as shown)
- 23. Declaration of Parking Easement recorded March 14, 2008 as Document No. 2008E0108708. (Affects Tract 1, as shown)
- 24. Encroachment of the Underground Telephone Cable over the Northeastern portion of Lot 5 as shown on the Survey by George Butler and Associates, dated March 25, 2004 as Job No. 10426.00. (Document not provided, no underground research was performed for this project)
- 25. Easement rights over and through the Asphalt and Parking Lot and Drive over Lot 9, the Northern portion of Lot 4 and the Northern part of vacated Bell Street for the benefit of the property adjoining and the Western side as shown on the Survey by George Butler and Associates, dated March 25, 2004 as Job 10426.00. (Document not provided, unable to plot)
- 26. Encroachment of the Underground Cable over the Northeastern portion of Lot 5 as shown on Survey by George Butler and Associates, dated October 8, 2007, as Job No. 11616. (Affects Tract 1, approximate location plotted as shown) (See Survey or Note #4)
- 27. Encroachment of the Sewer Easement on vacated Bell Street by the 2-Story concrete building as shown on the survey by George Butler and Associates, dated October 8, 2007 as Job No. 11616. (Affects Tract 2, plotted as shown)
- 28. Tenancy rights, either as month to month, or by virtue of written leases of persons in possession of any part of the subject property. (Non-survey issue)

Certification:

To: DEAN REALTY CO.; COPAKEN BROOKS REALTY CAPITAL LLC; BURNS & McDONNELL ENGINEERING COMPANY, INC.; ENTERPRISE BANK & TRUST; FIRST AMERICAN TITLE INSURANCE COMPANY;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTANSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a)(b), 8, 13 and 20 of Table A thereof. The field work was completed December 11, 2018.

I further certify that I, Brent E. Thompson, Missouri PLS-2006000161, have during December 17, 2018, made a survey as shown hereon, and the results of said survey are shown on this ALTA survey and that said survey meets or exceeds the "Missouri Minimum Standards" for boundary surveys.

Date of Plat or Map:



Brent E. Thompson, PLS-2006000161
bthompson@ric-consult.com

Missouri Certificate of Authority No. 2010039850

Notes:

- 1. Basis of Bearings: North 02°26'53" West, along State line South of NW Cor. Sec. 18-49-33
- 2. All Bearings and distances shown on this survey are measured unless otherwise noted.
- 3. Floodplain Note (Table A item #3): According to the F.E.M.A. Flood Insurance Rate Map Number 20209C0180E, revised 2/5/2014, this tract graphically lies in OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.
- 4. No underground research was performed for this project. The utilities shown are visible above ground. Any underground utilities shown were taken from a GSA Survey #11616 dated Oct. 8, 2007 and should be verified prior to any design or construction taking place. No attempt has been made by the surveyor to estimate the location of any unmarked or unmapped underground utility lines.
- 5. Apparent encroachments per Exceptions #21, #26, & #27.
- 6. The public right-of-way of Bi-State Drive abuts and is contiguous to Tracts 1 and 2 on the North, East and South.

CAMBRIDGE TERRACES KANSAS

PIN: 220603
OWNER: Unified Government
Wyandotte County / Kansas
City, Kansas

PIN: 122300
OWNER: Dean Realty Co.

PIN: 128939
ADDR: 267 1/2 Bi-State Dr.
OWNER: Dean Realty Co.

PIN: 220621
OWNER: Dean Realty Co.

PIN: 128934
ADDR: 2700 Bell St.
OWNER: Dean Realty Co.

PIN: 128935
ADDR: 2701 Bell St.
OWNER: Dean Realty Co.

PIN: 220621
OWNER: Dean Realty Co.

PIN: 128934
ADDR: 2700 Bell St.
OWNER: Dean Realty Co.

PIN: 128935
ADDR: 2701 Bell St.
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ADDR: 2700 Bell St.
OWNER: Dean Realty Co.

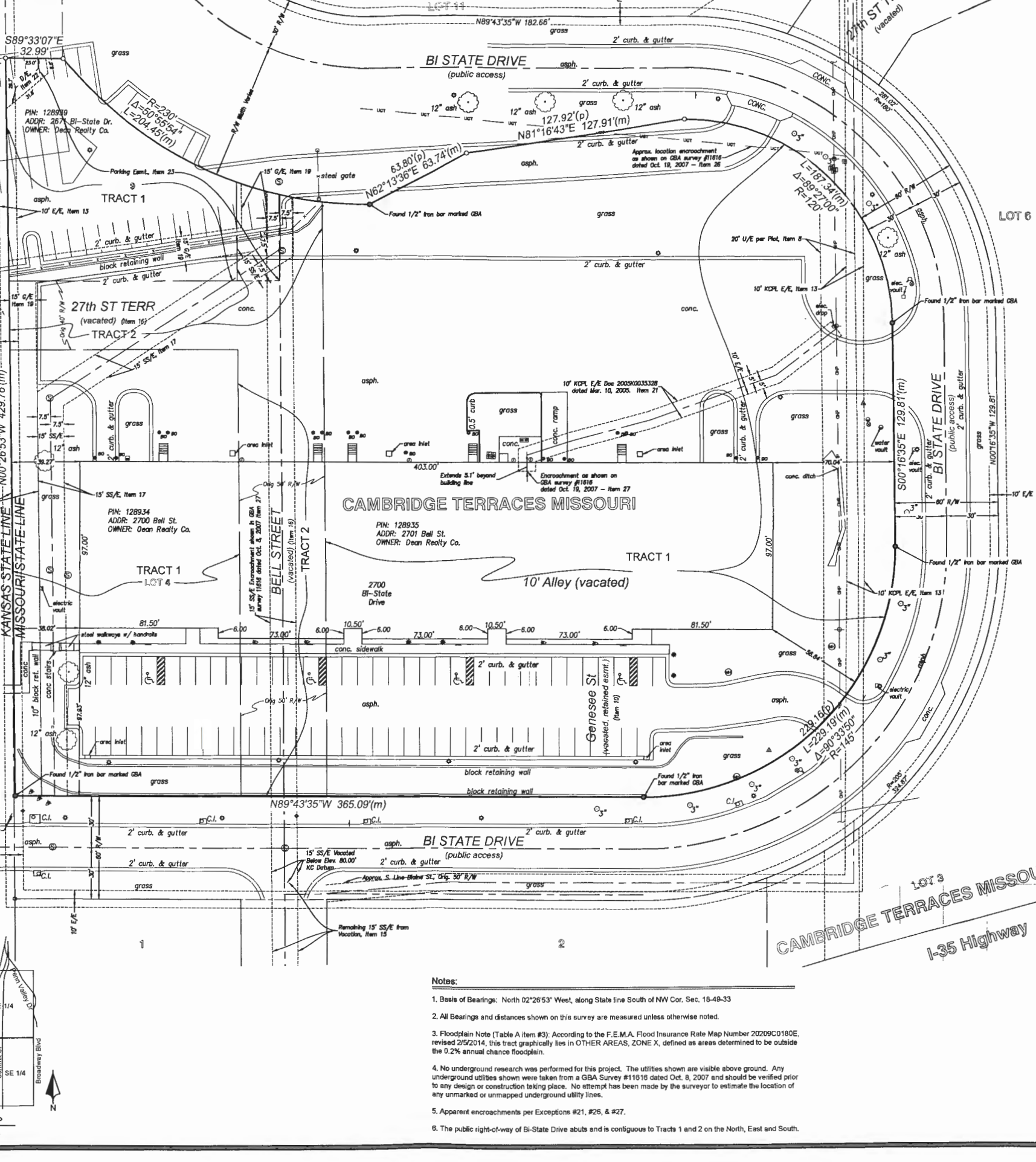
PIN: 128935
ADDR: 2701 Bell St.
OWNER: Dean Realty Co.

PIN: 220621
OWNER: Dean Realty Co.

PIN: 128934
ADDR: 2700 Bell St.
OWNER: Dean Realty Co.

PIN: 128935
ADDR: 2701 Bell St.
OWNER: Dean Realty Co.

PIN: 220621
OWNER: Dean Realty Co.



NO.	BY	DATE	REVISION
1.	ROW/BET	12/17/18	Original Preparation
2.	ROW/BET	12/17/18	Updated per comments

Renaissance Infrastructure Consulting
132 Abile Avenue
Kansas City, Kansas 66103
www.ri-consult.com

Legal Description

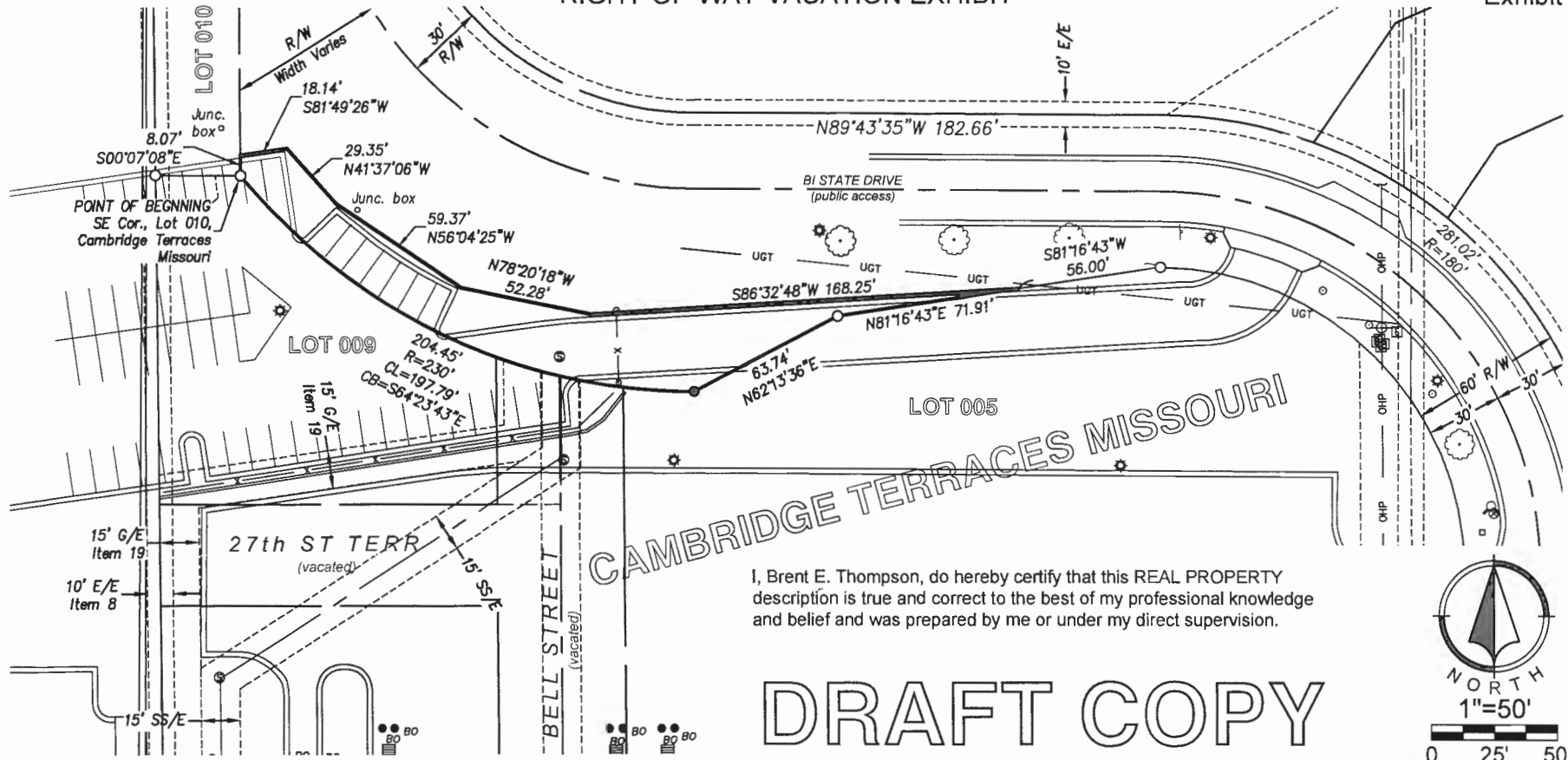
All that part of the existing BI STATE DRIVE right-of-way lying north and west of and adjacent to Lot 005, Lot 009, & Lot 010, all in CAMBRIDGE TERRACES MISSOURI, more particularly described as follows:

Beginning at the Southeast corner of Lot 010, CAMBRIDGE TERRACES MISSOURI;
thence southerly and southeasterly, along the north line of said Lot 009 and the north line of Lot 005, said line also being the south line of BI STATE DRIVE right-of-way and along a (non-tangent) curve to the left having a radius of 230.00 feet a chord bearing of South 64°23'43" East, and a chord length of 197.79 feet for a distance of 204.45 feet;
thence North 62°13'36" East, along the north line of said Lot 005 a distance of 63.74 feet;
thence North 81°16'43" East, continuing along said north line a distance of 71.91 feet, to a point being 56.00 feet, South 81°16'43" West of the northernmost Northeast corner of said Lot 005;
thence South 86°32'48" West, departing said north line a distance of 168.25 feet;
thence North 78°20'18" West a distance of 52.28 feet;
thence North 56°04'25" West a distance of 59.37 feet;
thence North 41°37'06" West a distance of 29.35 feet;
thence South 81°49'26" West a distance of 18.14 feet, to a point on the east line of said Lot 010;
thence South 00°07'08" East, along the east line of said Lot 010 a distance of 8.07 feet, to the POINT OF BEGINNING,
containing 6,016 square feet, or 0.138 acres, more or less.

Apr 24, 2019 3:36pm Z:\RIC Design\2018\Survey\18-3212 Dean Realty - ALTA's\04-Cambridge Crest (IDwg)\Exhibit\18-3212 - Cambridge Crest I - Vacca EX

RIGHT-OF-WAY VACATION EXHIBIT

Exhibit _____



I, Brent E. Thompson, do hereby certify that this REAL PROPERTY description is true and correct to the best of my professional knowledge and belief and was prepared by me or under my direct supervision.

DRAFT COPY



Brent E. Thompson, PLS-2006000161
bthompson@ric-consult.com

Sheet 1 of 1
Prepared 4-23-19
Prepared By: LAD

**Renaissance
Infrastructure
Consulting**

132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com