

ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI

08/05/2022 2:04 PM

FEE: \$105.00 29 PGS

INSTRUMENT NUMBER

2022E0073702



CITY OF KANSAS CITY MISSOURI

**CERTIFICATE OF THE CITY CLERK
DOCUMENT TO BE RECORDED
WITH JACKSON COUNTY, MISSOURI**

DATE OF DOCUMENT: August 4, 2022

DOCUMENT TITLE: Ordinance Vacation
220601

**GRANTOR(S)
NAME &
ADDRESS:** City of Kansas City, MO

**GRANTEE(S)
NAME &
ADDRESS:** City of Kansas City, MO
414 E. 12th Street
KCMO 64106

LEGAL DESCRIPTION:
See Pages 1, 2 or 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, 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 and affixed the seal of the City on this 5th day of August, 2022.

Marilyn Sanders
City Clerk

By [Signature]
Marilyn Sanders City Clerk



**RETURN ALL RECORDED ORIGINALS TO:
OFFICE OF THE CITY CLERK, 414 E. 12TH STREET, CITY HALL, 25TH FLOOR, KANSAS CITY
MISSOURI 64106.**



Kansas City

414 E. 12th Street
Kansas City, MO
64106

Legislation Text

File #: 220601

ORDINANCE NO. 220601

Vacating a portion of Myrtle Avenue on about 0.53 acres in District R-6 (Residential dash 6) generally located in between E. 52nd Street to the north and E. 53rd Street to the south, and directing the City Clerk to record certain documents. (CD-ROW-2021-00012).

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 6th day of April, 2021, a petition was filed with the City Clerk of Kansas City by Bob Langenkamp for the vacation of a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described as dedicated Myrtle Street at a location between 52nd Street and 53rd Street, commencing at the southeast corner of Lot 71 of the Mountain View Plat; thence North 02°30'25.44" East, 603.360 feet, along the east property lines of Lots 58-71 of the Mountain View Plat; thence South 87°29'34.56" East, 25 feet; thence South 02°30'25.44" West, 299.881 feet along the west property line of Lot 11 of the Mountain View Plat; thence South 87°22'52.12" East, 25.00 feet; thence South 02°30'25.44" West, 303.431 feet, along the west property line of Lot 11 of the Mountain View Plat; thence North 87°29'34.56" West 50.00 feet, to the point of beginning, containing 22,670 square feet, more or less, giving the distinct description of the tract of land 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 tract of land 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 tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 34, Township 49 North, Range 33 West, in Kansas City, Jackson County, Missouri, being more particularly described as dedicated Myrtle Street at a location between 52nd Street and 53rd Street, commencing at the southeast corner of Lot 71 of the Mountain View Plat; thence North 02°30'25.44" East, 603.360 feet, along the east property lines of Lots 58-71 of the Mountain View Plat; thence South 87°29'34.56" East, 25 feet; thence South 02°30'25.44" West, 299.881 feet along the west property line of Lot 11 of the Mountain View Plat; thence South 87°22'52.12" East, 25.00 feet; thence South 02°30'25.44" West, 303.431 feet, along the west property line of Lot 11 of the Mountain View Plat; thence North 87°29'34.56" West 50.00 feet, to the point of beginning, containing 22,670 square feet, more or less, be 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, subject to the following conditions:

- A. The applicant shall have their licensed master plumber secure a kill permit from Kansas City Water for the private 2" water main in the south portion of Myrtle Avenue prior to approval of the vacation by City Council.
- B. The applicant shall remove streetlight facilities for poles SDI0125 & SDI0126 at the expense of the applicant prior to release of the vacation for recording. The removal of these facilities shall not impact any other streetlights along E. 53rd Street. The applicant shall coordinate the disconnection of the existing lighting circuit to any adjacent poles with the Public Works Streetlight Maintenance Supervisor. All Kansas City, Missouri equipment must be returned to their maintenance contractor, who at the time of the passage of this ordinance is Black and McDonald.

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.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are, in so much as they conflict with this Ordinance, hereby repealed.



Authenticated as Passed

[Signature]

Ordinance Mayor

[Signature]

Marilyn Sanders, City Clerk

AUG 04 2022

Date Passed

Approved as to form and legality:

[Signature]

Sarah Baxter
Assistant City Attorney

Approved by the City Plan Commission

[Signature]
Secretary

STATE OF MISSOURI)

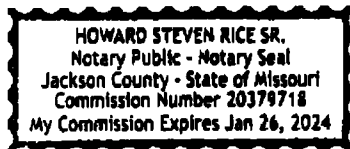
) ss.

COUNTY OF Jackson

On the 5th day of August, 2022, 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.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Kansas City, Missouri, the day and year first above written.

My term expires January 26, 2024, 2024.



[Signature]
Notary Public within and for
County, Missouri



CITY PLAN COMMISSION STAFF REPORT

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

July 5, 2022

PROJECT NAME

Community Builders Myrtle Vacation

DOCKET #11

CD-ROW-2022-00013

REQUEST

Vacation

APPLICANT

Bob Langenkamp

OWNER

Community Builders of Kansas City

Location Myrtle Ave between E
52nd and E 53rd ST

Area 0.52 acres

Zoning R-6

Council District 5th

County Jackson

School District KCMO 110

SURROUNDING LAND USES

North: zoned MPD, Senior Apts

South: zoned R-2.5, Detached housing

East: zoned R-6, undeveloped

West: zoned R-6, undeveloped

MAJOR STREET PLAN

The City's Major Street Plan does not identify any streets at this location as Parks or Boulevards.

LAND USE PLAN

The Swope Area Plan recommends Residential Low-Density land uses for the subject property.

APPROVAL PROCESS**NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED**

A public hearing notification was sent to surrounding property owners within 300 feet of the subject site.

REQUIRED PUBLIC ENGAGEMENT

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

EXISTING CONDITIONS

The area to be vacated is currently unused and partially undeveloped. The subject site is zoned R-6 and is located between E 52nd Street and E 53rd Street.

SUMMARY OF REQUEST

The applicant is seeking approval of a right of way vacation.

PURPOSE

Applicant is proposing to redevelop the site and build a community center and park for the nearby Cleveland LP Community.

KEY POINTS

- The applicant intends to vacate in order to redevelop the site.

PROFESSIONAL STAFF RECOMMENDATION

Docket #11 Recommendation: Approval with Conditions.

RELATED CASES

CD-CPC-2021-00065 – Ord. No 210553, passed on July 1, 2021, rezoned approximately 1 acre from R-6 to UR and approved a development plan to allow for the construction of a community center.

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 a portion of Myrtle Avenue that is currently unused and unimproved. As part of the vacation, the applicant is proposing a permanent access easement to ensure that properties maintain access. All adjacent property owners will retain legal access to 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.

Half of Myrtle Avenue appears to be at half-width compared to the rest of the street. Preserving the existing right of way, proposed for vacation, in its current condition does, not serve any current or future public purpose.

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 or physical connectivity.

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

The vacation of Myrtle Avenue will result not result in any new dead-end streets or alleys.

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 and leave half the street remaining.

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.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends **Approval Subject to Conditions** as reflected in the attached Plan Conditions Report.

Respectfully Submitted,

Jared Clements, AICP
Planner



Plan Conditions

Report Date: June 30, 2022

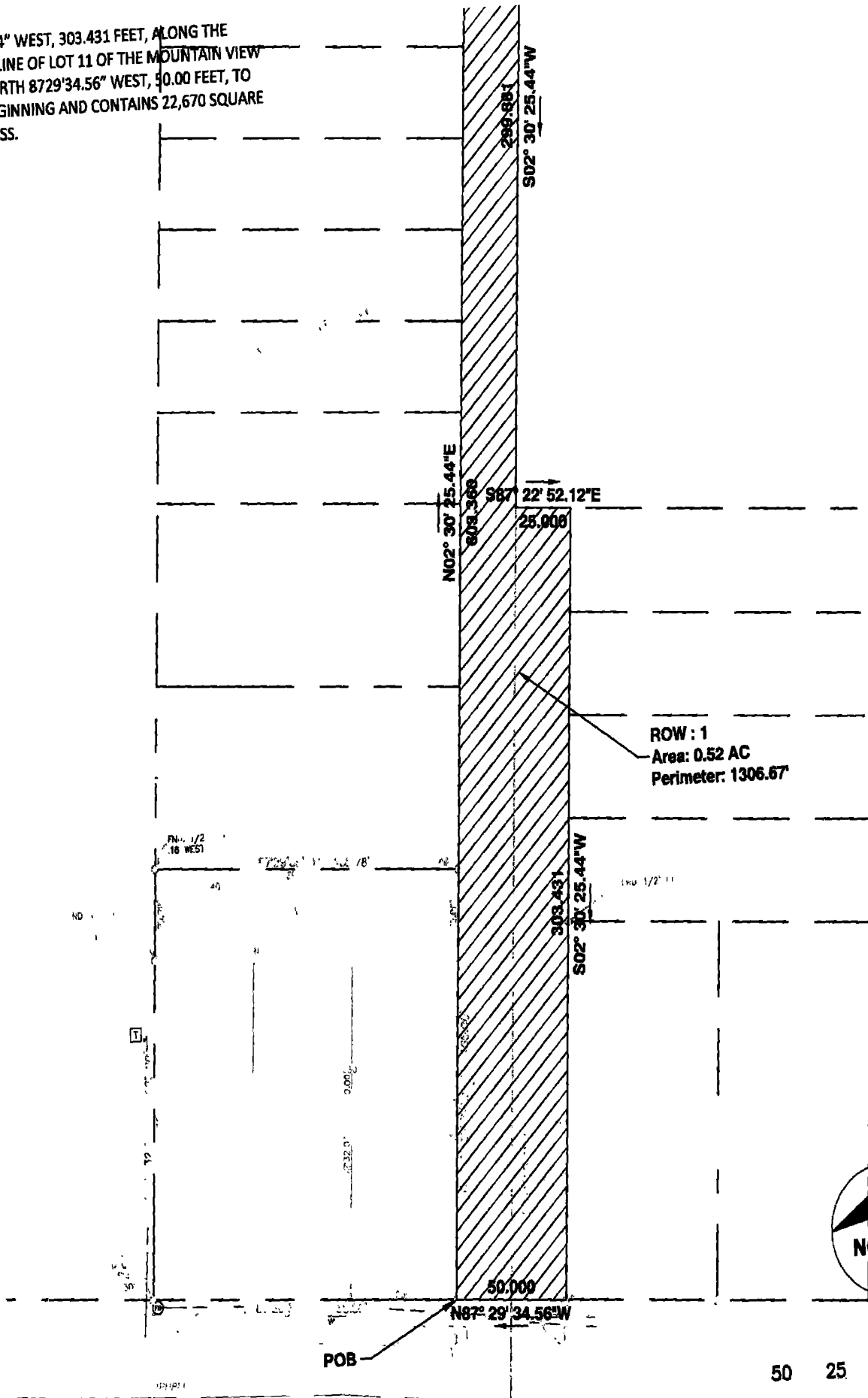
Case Number: CD-ROW-2021-00012

Project: Community Builders Myrtle Vacation

Condition(s) by City Planning and Development Department. Contact Jared Clements at (816) 513-8826 / jared.clements@kcmo.org with questions.

1. The developer shall coordinate with KCMO Public Works Street Lighting Services to come to an agreement prior to ordinance request regarding streetlight poles SD|0125 & SD|0126.
2. The applicant shall have their licensed master plumber secure a kill permit from KC Water for the private 2" water main in the South portion of Myrtle Avenue prior to approval of the vacation by City Council.

25.14" WEST, 303.431 FEET, ALONG THE
 RTY LINE OF LOT 11 OF THE MOUNTAIN VIEW
 E NORTH 8729'34.56" WEST, 50.00 FEET, TO
 F BEGINNING AND CONTAINS 22,670 SQUARE
 R LESS.



POB

Intent for Vacation Summary

To whom it may concern,

April 16, 2021

The existing Myrtle Ave ROW is a full 50 feet width approximately 303' long from the existing north ROW line of E. 53rd Street. Continuing north to E. 52nd Street, only the western half of the Myrtle Ave ROW (25') has been dedicated. There are currently 3 property owners that abut the existing Myrtle Ave ROW with the bulk of the property being owned by Kansas City Missouri Homesteading Authority. The other 2 property owners are along the western edge of the Myrtle ROW, Land Bank of Kansas City Missouri and Midtown Community Development.

The Midtown Community Development property and the property directly to the south owned by Kansas City Homesteading Authority are currently being rezoned to UR for a Community Center to service the adjacent Cleveland LP community directly to the west and is accessed from 53rd Street. It is my understanding that the Land Bank of Kansas City property and a large portion of the Kansas City Homesteading Authority property has been identified by the community, residents and stakeholders as a desired location for a park, per the attached exhibit with potential access from Norton Ave., E. 53rd Street, or E. 52nd Street via a commercial drive.

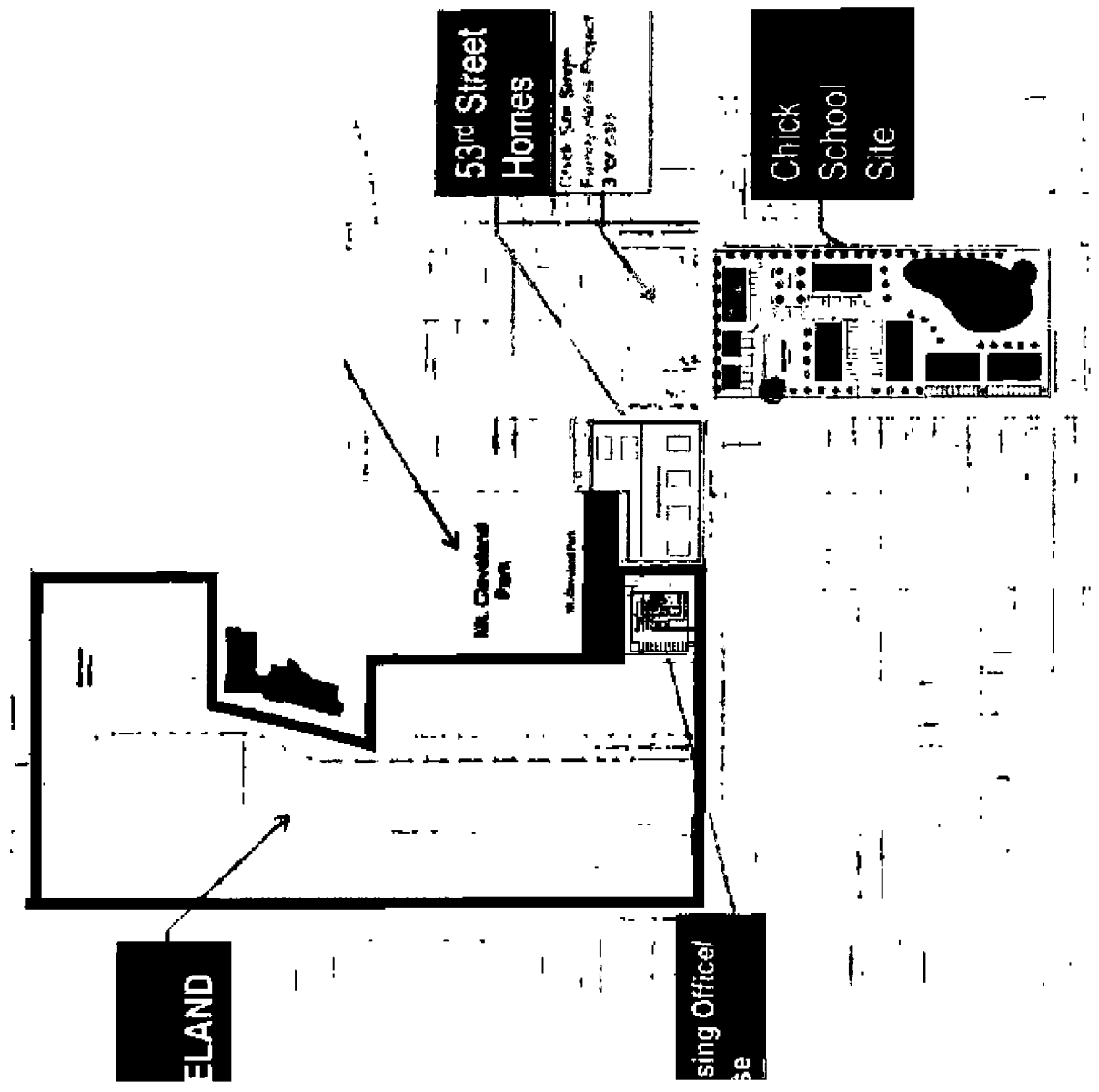
The existing Myrtle Ave is in complete disrepair, is only 13 +/- feet wide and has neither curb and gutter nor sidewalk. The existing Myrtle Ave is currently blocked off by large concrete blocks to prevent dumping and/or access to the property whereas the street dead ends near the extent of the 50' ROW to the north. It is my understanding that a house once existed on the corner of E. 53rd and Myrtle Ave and the street served as somewhat of an access drive for this residence.

With all of this said, the ROW of Myrtle Ave. will not adversely affect the adjacent property owners and will not be needed per the future overall development plans.

Respectfully,

A handwritten signature in black ink, appearing to read 'T. Williams', written over a white background.

Toby L. Williams, PE, PMP, LEED ND
Powell CWM, Director of Engineering



SITE PLAN

CORPORATE CONSENT

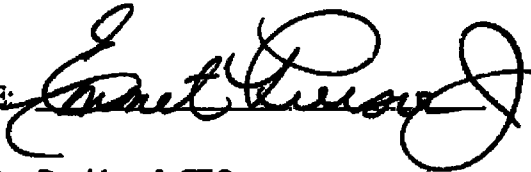
State of Missouri)
) ss
County of Jackson)

I, Emmet Pierson, Jr., as the President & CEO of, Community Builders of Kansas City, a Missouri nonprofit corporation, the general partner of Midtown Community Development, L.P., the owner of the property described in the application for street vacation, hereby acknowledge the submission of said application on behalf of said corporation and agree to bind the subject property on behalf of said corporation in accordance with the submitted plan and with any representation made by RCG II, LLC, a Missouri limited liability company, by and through its sole member, Community Builders of Kansas City, a Missouri nonprofit corporation, the applicant.


MIDTOWN COMMUNITY DEVELOPMENT, L.P.

By: Community Builders of Kansas City

Its: General Partner

NAME: 
TITLE: President & CEO

Subscribed and sworn to before me a notary public this 27th day of July, 2021.



Notary Public

My commission expires:

August 9, 2022

FELICIA MANN
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires Aug. 9, 2022
Commission # 18047313

Felicia Mann

From: twilliams powellcwm.com <twilliams@powellcwm.com>
Sent: Tuesday, July 27, 2021 2:22 PM
To: Allison Bergman; Emmet Pierson; Felicia Mann
Cc: Bob Langenkamp; Shannon Hesterberg; Elizabeth Schultz
Subject: RE: Myrtle Vacation

A scan is fine.

Thanks,
Toby L. Williams, PE, PMP, LEED AP ND
Director of Engineering

POWELL
CWM

ARCHITECTURE • ENGINEERING • INTERIORS

Powell CWM, Inc.
Woman Owned Small Business | WOSB
3200 S. State Route 291, Bldg. 1
Independence, MO 64057
tel: 816.373.4800
direct: 816.642.2445
fax: 816.373.4803
www.powellcwm.com

From: Allison Bergman <abergman@cb-kc.org>
Sent: Tuesday, July 27, 2021 2:21 PM
To: Emmet Pierson <epierson@cb-kc.org>; Felicia Mann <fmann@cb-kc.org>
Cc: Bob Langenkamp <rlangenkamp@cb-kc.org>; Shannon Hesterberg <shesterberg@cb-kc.org>; Elizabeth Schultz <eschultz@cb-kc.org>; twilliams powellcwm.com <twilliams@powellcwm.com>
Subject: Re: Myrtle Vacation

Emmet – the attached street vacation consent needs to be signed (original) and notarized by Felicia (when she is available to notarize).

Toby – do you need the original for the filing or is a scan sufficient?

ALLISON BERGMAN ESQ
Chief Legal Officer, Real Estate Development and Finance

COMMUNITY BUILDERS OF KANSAS CITY
4001 Blue Parkway | Suite 301 | Kansas City, MO 64130
d: 816-931-0667 n: 816-797-9991 t: 816-448-2943
e: abergman@cb-kc.org | www.cb-kc.org

From: Elizabeth Schultz <eschultz@cb-kc.org>
Date: Tuesday, July 27, 2021 at 12:07 PM
To: "twilliams powellcwm.com" <twilliams@powellcwm.com>, Allison Bergman <abergman@cb-kc.org>

CORPORATE CONSENT

State of Missouri)
)ss
County of Jackson)

I, Tracey Bryant, as the Executive Director of the Land Bank of Kansas City, Missouri ("Land Bank") and through the authority of Board of Commissioners of the Land Bank, a public body corporate and politic of the State of Missouri, as owner of the property commonly described as 5228 Myrtle Avenue, Kansas City, Missouri, being Lots 66 and 67 of the MOUNTAIN VIEW ADDITION, within Jackson County, Missouri, as described in the applications for street vacation and rezoning from R-6 to UR, acknowledge the submission of said application on behalf of said public body corporate and agree to bind the subject property on behalf of said public body corporate in accordance with the submitted plan and with any representation made by RCG II, LLC, by and through its sole member, Community Builders of Kansas City, a Missouri nonprofit corporation, the applicant.

Land Bank of Kansas City, Missouri
a public body corporate and politic of the State of Missouri

Tracey Bryant

NAME: Tracey W. Bryant

TITLE: Executive Director

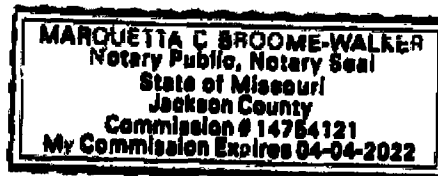
Subscribed and sworn to before me a notary public this 23 day of July, 2021.

Marquetta C Broome-Walker

Notary Public

My commission expires:

April 4, 2022

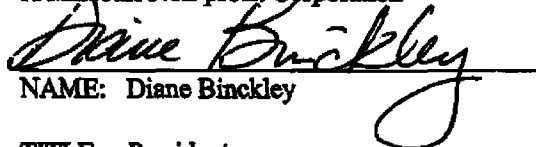


CORPORATE CONSENT

State of Missouri)
)ss
County of Jackson)

I, Diane Binckley, as President of and through the authority of the Board of Directors for the Kansas City Missouri Homesteading Authority, a Missouri Non-profit Corporation, as owner of the property listed on Exhibit A along the east side and west side of Myrtle Avenue, in the 5200 and 5300 Blocks, as described in the applications for street vacation and rezoning from R-6 to UR, acknowledge the submission of said application on behalf of said corporation and agree to bind the subject property on behalf of said corporation in accordance with the submitted plan and with any representation made by RCG II, LLC, by and through its sole member, Community Builders of Kansas City, a Missouri nonprofit corporation, the applicant. This corporate consent is being signed on behalf of such corporation, and is separate and distinct from the review of such application on behalf of the City Planning and Development Department.

KANSAS CITY MISSOURI
HOMESTEADING AUTHORITY
A Missouri Non-profit Corporation


NAME: Diane Binckley

TITLE: President

Subscribed and sworn to before me a notary public this 22ND day of July, 2021.



Notary Public

My commission expires:

5/8/2025

**NATHAN KLINE
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 5/8/2025
COMMISSION # 17501732**

EXHIBIT A

West Side		
Address	Jackson County Tax Parcel Number	Legal Description
5200 Myrtle	31-910-15-01-00-0-00-000	Lot 58, Mountain View
5204 Myrtle	31-910-15-26-00-0-00-000	Lot 59, Mountain View
5208 Myrtle	31-910-15-25-00-0-00-000	Lot 60, Mountain View
5212 Myrtle	31-910-15-24-00-0-00-000	Lot 61, Mountain View
5216 Myrtle	31-910-15-23-00-0-00-000	Lot 62, Mountain View
5220 Myrtle	31-910-15-22-00-0-00-000	Lot 63, Mountain View
5224 Myrtle	31-910-15-21-00-0-00-000	Lot 64, Mountain View
5226 Myrtle	31-910-15-16-00-0-00-000	Lot 65, Mountain View
3910 E 53 rd	31-910-15-28-00-0-00-000	Lots 70, 71, 72, & 73, Mountain View

East Side		
Address	Jackson County Tax Parcel Number	Legal Description
5225 Myrtle	31-910-14-02-00-0-00-000	The North 300 feet of the West 164.08 feet of Lot 11, Mount Cleveland
5227 Myrtle	31-910-14-03-00-0-00-000	The North 39.87 feet of the South 303.37 feet of Lot 11, except the West 25 feet thereof and except the East 139.08 feet thereof, Mount Cleveland
5229 Myrtle	31-910-14-04-00-0-00-000	The North 39.50 feet of the South 263.50 feet of Lot 11, except the West 25 feet thereof, and except the East 139.08 feet thereof, Mount Cleveland
5233 Myrtle	31-910-14-05-00-0-00-000	All of the North 39.50 feet of the South 224 feet of Lot 11, except the West 25 feet thereof and except the East 129.08 feet thereof, Mount Cleveland
5235 Myrtle	31-910-14-06-00-0-00-000	All of the North 39.50 feet of the South 184.50 feet of Lot 11, except the West 25 feet thereof and except the East 139.08 feet thereof, Mount Cleveland
4004 E 53 rd	31-910-14-31-00-0-00-000	All that part of the South 145 feet of Lot 11, Mount Cleveland, a subdivision in Kansas City, Jackson County, Missouri, more particularly described as follows: Beginning at the Southwest corner of Lot 13, Ivory Miller Heights, a subdivision in said City, County and State, said point being on the South line of said Lot 11 and the North line 53 rd Street, as established;

		<p>thence North 87 degrees 22' 42" West (bearings are Missouri coordinated system of 1983, West Zone) along the South line of said Lot 11, a distance of 69.50 feet to the true point of beginning of this tract; thence continuing along the last described course, a distance of 69.42 feet to the East line of Myrtle Avenue, as established; thence North 2 degrees 37' 49" East along said East line, being 25 feet East of and parallel to the West line of said Lot 11, a distance of 145.00 feet to a point on the North line of the South 145 feet; thence South 87 degrees 22' 42" East along said North line, a distance of 69.05 feet to a point 69.50 feet West of the West line of said Ivory Miller Heights; thence South 2 degrees 28' 54" West and parallel to said West line, a distance of 145.00 feet to the point of beginning. Tract B, as shown on the certificate of survey recorded July 7, 2005, as document no. 2005K0042354, in survey book S10, Page 70.</p>
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Title of Document: PERMANENT ACCESS EASEMENT

Date of Document: _____, 2022

Grantor: COMMUNITY BUILDERS OF KANSAS CITY, a Missouri nonprofit corporation formerly known as Midtown Community Development Corporation, a Missouri nonprofit corporation

Grantee 1: HOMESTEADING AUTHORITY OF KANSAS CITY, Missouri, a non-profit corporation organized and existing under the laws of Missouri, its successors and assigns

Grantee 1 Mailing Address: 414 E 12th St Floor 28
Kansas City, MO 64106

Grantee 2: LAND BANK OF KANSAS CITY, a body corporate and politic, its successors and assigns

Grantee 2 Mailing Address: 4900 Swope Pkwy Floor 2
Kansas City, MO 64130

Legal Description: See Exhibit A

Prior Recordings: N/A

PERMANENT ACCESS EASEMENT

THIS PERMANENT ACCESS EASEMENT ("Easement") is made as of the ____ day of _____, 2022 ("Effective Date") by **COMMUNITY BUILDERS OF KANSAS CITY**, a Missouri nonprofit corporation formerly known as Midtown Community Development Corporation, a Missouri nonprofit corporation ("**Grantor**") in favor of **HOMESTEADING AUTHORITY OF KANSAS CITY, MISSOURI**, a non-profit corporation organized and existing under the laws of Missouri and its successors and assigns ("**Grantee 1**"), with a mailing address of 414 E 12th St Floor 28, Kansas City, MO 64106, and **LAND BANK OF KANSAS CITY**, a body corporate and politic and its successors and assigns ("**Grantee 2**"), with a mailing address of 4900 Swope Pkwy Floor 2, Kansas City, MO 64130 (Grantee 1 and Grantee 2 are hereinafter together the "**Grantee**").

Recitals

- A. Grantor is the owner of certain real property in Kansas City, Jackson County, Missouri, legally described on Exhibit A attached hereto and by reference made a part hereof ("**Grantor Property**").
- B. Grantor Property is comprised of two (2) parcels of vacant land which, on the east, adjoin platted and unconstructed Myrtle Avenue located generally north of 53rd Street ("**Myrtle Avenue**").
- C. Grantee 1 is the owner of certain real property legally described on Exhibit B attached hereto and by reference made a part hereof (the "**Grantee 1 Property**"), which Grantee 1 Property is comprised of fourteen (14) parcels of vacant land which adjoins Myrtle Street to the east and west.
- D. Grantee 2 is the owner of certain real property in Kansas City, Jackson County, Missouri, legally described on Exhibit C attached hereto and by reference made a part hereof (the "**Grantee 2 Property**"), which Grantor 2 Property is comprised of one (1) parcel of vacant land which adjoins Myrtle Street to the east.
- E. Grantor has filed an application for approval of a redevelopment plan ("**Plan**") with the City of Kansas City, Missouri (the "**City**") which contemplates the development Grantor Property and one-half of Myrtle Street, located west of an adjacent to the Grantor Property (the "**Project**").
- F. As a condition of approving the vacation of Myrtle Street in furtherance of the Project, the City requires that Grantor establish permanent access rights of ingress and ingress in favor of Grantee 1 Property and Grantee 2 Property (together, the "**Grantee Property**"), over, across and through Myrtle Street, as vacated, for the benefit of Grantee and the

successor and assigns in ownership of the Grantee Property, the location of which is shown on Exhibit D, attached hereto and by reference made a part hereof (the "Easement Area").

- G. In furtherance of the foregoing and implementation of the Plan for the Project, Grantor desires to establish permanent access rights of ingress and egress in favor of the Grantee Property, over, across and through the Easement Area, for the benefit of Grantee and the successor and assigns in ownership of the Grantee Property, as further described in this Easement.

Agreement

NOW, THEREFORE, in consideration of the Plan and the public purposes to be achieved by the Project, Grantor hereby declares and establishes, for the benefit of Grantee and the successor and assigns in ownership of the Grantee Property, a permanent, perpetual access easement (the "Easement") over, across and through the Easement Area, for the purposes of ingress and egress access and all other purposes for which a public street may be put pursuant to Missouri law, including, but not limited to, routine and emergency public services, subject only to the reservation by Grantor of the right to use the western one-half portion of the Easement Area adjoining the Grantor Property which is required to construct, use, operate, maintain, repair and replace the Project contemplated by the Plan. This Easement is and shall be, a perpetual covenant running with the land and shall be binding upon and burden Grantor and the respective successors in ownership of Grantor Property, and shall benefit Grantee and the respective successors in ownership of Grantee Property and their respective tenants, visitors, invitees, licensees. This Easement shall be construed and enforced in accordance with the laws of the State of Missouri.

IN WITNESS WHEREOF, Grant has executed this Easement as of the Effective Date first above written.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE BEGINS ON NEXT PAGE]

Grantor:

COMMUNITY BUILDERS OF KANSAS CITY
a Missouri non-profit corporation

By: _____
Emmet Pierson, Jr.
President and CEO

ACKNOWLEDGEMENT

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

BE IT REMEMBERED on this _____ day of _____, 2022, before me, a Notary Public in and for the County and State aforesaid, personally appeared Emmet Pierson, Jr., to me personally known, who, being by me duly sworn, did say that he is the President and CEO of Community Builders of Kansas City, a Missouri non-profit corporation, successor-in-interest to Midtown Community Development Corporation, a Missouri non-profit corporation, and in that capacity he is authorized to conduct this transaction, and did acknowledge before me that he executed the foregoing instrument for the purposes therein expressed as the free act and deed of such corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal subscribed and affixed in said County and State, the day and year in this Certificate above written.

[Seal]

Notary Public
Printed Name: _____
My Appointment Expires: _____



UTILITY/AGENCY COMMENTS 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

CASE NO. CD-ROW-2021-000

UTILITY CO. KCMO Fire Department

Be it known that Land Bank of Kansas City Missouri, Midtown Community Development, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 71 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 02#30'25.14" EAST, 603.36 FEET, ALONG THE EAST PROPERTY LINES OF LOTS 58-71 OF THE MOUNTAIN VIEW PAT; THENCE SOUTH 87#29'34.56" EAST, 25.00 FEET; THENCE SOUTH 02#30'25.44" WEST, 299.881 FEET ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PI THENCE SOUTH 87#22'52.12" EAST, 25.00 FEET; THENCE SOUTH 02#30'25.14" WEST, 303.431 FEET, ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 87#29'34.56" WEST, 50.00 FEET, TO THE POINT OF BEGINNING AND CONTAINS 22,670 SQUARE FEET MORE OR LESS.

for the following purpose: Current Community Center Development and Future Regional Park Development

- 1. Our utility/agency has facilities or interest within this right of way:
[] Yes (proceed to #2) [X] No (form complete)
2. Our utility/agency:
has no objections
[] objects to the vacation and will not waive objection under any conditions (describe below)
[] will waive objections subject to the following conditions (describe below)
[] Retain utility easement and protect facilities
[] Relocate facilities
[] Other:

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
Please return this form to the applicant within 30 days.

Michael Schröder Authorized Representative Date 05/11/2021

Return this form to:
Toby Williams 816-642-2445
Applicant Name Phone
3200 S State Route 291, Building #1
Independence, MO 64057 williams@powellcwm.com
Address Email



UTILITY/AGENCY COMMENTS 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

CASE NO. CD-ROW-2021-009

UTILITY CO. KCMO Public Works Department Street Lighting Services

Be it known that Kansas City Missouri Homeleading Authority, Land Bank of Kansas City Missouri, Midtown Community Development, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 71 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 02#30'25.14" EAST, 603.36 FEET, ALONG THE EAST PROPERTY LINES OF LOTS 58-71 OF THE MOUNTAIN VIEW PAT; THENCE SOUTH 87#29'34.56" EAST, 25.00 FEET; THENCE SOUTH 02#30'25.44" WEST, 299.881 FEET ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PI THENCE SOUTH 87#22'52.12" EAST, 25.00 FEET; THENCE SOUTH 02#30'25.14" WEST, 303.431 FEET, ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 87#29'34.56" WEST, 50.00 FEET, TO THE POINT OF BEGINNING AND CONTAINS 22,670 SQUARE FEET MORE OR LESS.

for the following purpose: Current Community Center Development and Future Regional Park Development

1. Our utility/agency has facilities or interest within this right of way:

- Yes (proceed to #2) No (form complete)

2. Our utility/agency:

- has no objections
 objects to the vacation and will not waive objection under any conditions (describe below)
 will waive objections subject to the following conditions (describe below)
 Retain utility easement and protect facilities
 Relocate facilities
 Other: _____

See the email with this request to get information you need.

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

Sara Hurst

Authorized Representative

4-30-21

Date

Return this form to:

<u>Toby Williams</u>	<u>816-642-2445</u>
Applicant Name	Phone
<u>3200 S. State Route 291, Building #1</u>	
Independence, MO 64057	<u>twilliams@powellcwm.com</u>
Address	Email



UTILITY/AGENCY COMMENTS 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) 513-2836 | www.kcmo.gov/planning

CASE NO. CD-ROW-2021-009

UTILITY CO. AT&T

Be it known that Kansas City Missouri Homesteading Authority, Land Bank of Kansas City Missouri, Midtown Community Development, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 71 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 02#30'25.14" EAST, 603.36 FEET, ALONG THE EAST PROPERTY LINES OF LOTS 58-71 OF THE MOUNTAIN VIEW PAT; THENCE SOUTH 87#29'34.56" EAST, 25.00 FEET; THENCE SOUTH 02#30'25.44" WEST, 299.881 FEET ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PI THENCE SOUTH 87#22'52.12" EAST, 25.00 FEET; THENCE SOUTH 02#30'25.14" WEST, 303.431 FEET, ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 87#29'34.56" WEST, 50.00 FEET, TO THE POINT OF BEGINNING AND CONTAINS 22,670 SQUARE FEET MORE OR LESS.

for the following purpose: Current Community Center Development and Future Regional Park Development

1. Our utility/agency has facilities or interest within this right of way:
 - Yes (proceed to #2)
 - No (form complete)
2. Our utility/agency:
 - has no objections
 - objects to the vacation and will not waive objection under any conditions (describe below)
 - will waive objections subject to the following conditions (describe below)
 - Retain utility easement and protect facilities
 - Relocate facilities
 - Other: _____

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

Russell Croft 5/14/2021

 Authorized Representative Date

Return this form to:	
<u>Toby Williams</u>	<u>816-642-2445</u>
Applicant Name	Phone
<u>3200 S. State Route 291, Building #1</u>	
Independence, MO 64057	<u>twilliams@powellcwm.com</u>
Address	Email



UTILITY/AGENCY COMMENTS 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

CASE NO. CD-ROW-2021-000

UTILITY CO. Charter

Be it known that Kansas City Missouri Homebased ng Authority
Lead Bank of Kansas City Missouri Midtown Community Development, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 71 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 02° 30'25.14" EAST, 803.36 FEET, ALONG THE EAST PROPERTY LINES OF LOTS 58-71 OF THE MOUNTAIN VIEW PAT; THENCE SOUTH 87° 29'34.56" EAST, 25.00 FEET; THENCE SOUTH 02° 30'25.44" WEST, 289.881 FEET ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE SOUTH 87° 22'52.12" EAST, 25.00 FEET; THENCE SOUTH 02° 30'25.14" WEST, 303.431 FEET, ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 87° 29'34.56" WEST, 50.00 FEET, TO THE POINT OF BEGINNING AND CONTAINS 22,670 SQUARE FEET MORE OR LESS.

for the following purpose: Central Community Center Development and Future Regional Park Development

1. Our utility/agency has facilities or interest within this right of way:
 - Yes (proceed to #2)
 - No (form complete)
2. Our utility/agency:
 - has no objections
 - objects to the vacation and will not waive objection under any conditions (describe below)
 - will waive objections subject to the following conditions (describe below)
 - Retain utility easement and protect facilities
 - Relocate facilities
 - Other: _____

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

[Signature] _____ 5/12/21 _____
 Authorized Representative Date

Return this form to:

Toby Williams _____ 816-642-2445 _____
 Applicant Name Phone
3200 S State Route 291, Building #1 _____
Independence, MO 64057 _____ twilliams@powellcwm.com _____
 Address Email



UTILITY/AGENCY COMMENTS 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

CASE NO. CD-ROW-2021-000

UTILITY CO. Evergy

Be it known that Kansas City Missouri Homeholding Authority, Land Bank of Kansas City Missouri, Midtown Community Development, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

for the following purpose: Current Community Center Development and Future Regional Park Development

1. Our utility/agency has facilities or interest within this right of way:

- Yes (proceed to #2) No (form complete)

2. Our utility/agency:

- has no objections
 objects to the vacation and will not waive objection under any conditions (describe below)
 will waive objections subject to the following conditions (describe below)
 Retain utility easement and protect facilities
 Relocate facilities
 Other: _____

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

[Signature]
Authorized Representative

5/6/21
Date

Return this form to:

Toby Williams 816-642-2445
Applicant Name Phone
3200 S State Route 291, Building #1
Independence, MO 64057 twilliams@powellkcm.com
Address Email



UTILITY/AGENCY COMMENTS 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

CASE NO. CD-ROW-2021-009

UTILITY CO. KCMO Water Services Department System Engineering Division

Permitting & Development

Be it known that Kansas City Municipal Homebuilding Authority, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 71 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 02°30'25.14" EAST, 603.36 FEET, ALONG THE EAST PROPERTY LINES OF LOTS 58-71 OF THE MOUNTAIN VIEW PAT; THENCE SOUTH 87°29'34.58" EAST, 25.00 FEET; THENCE SOUTH 02°30'25.44" WEST, 299.881 FEET ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE SOUTH 87°22'52.12" EAST, 25.00 FEET; THENCE SOUTH 02°30'25.14" WEST, 303.431 FEET, ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 87°29'34.58" WEST, 50.00 FEET, TO THE POINT OF BEGINNING AND CONTAINS 22,870 SQUARE FEET MORE OR LESS.

for the following purpose: Current Comments: Center City Kansas and Plaza - Central Park - Westport

1. Our utility/agency has facilities or interest within this right of way:
[X] Yes (proceed to #2) [] No (form complete)

2. Our utility/agency:
[] has no objections
[] objects to the vacation and will not waive objection under any conditions (describe below)
[X] will waive objections subject to the following conditions (describe below)
[] Retain utility easement and protect facilities
[] Relocate facilities

Other: When the applicant provides evidence that the private 2" water main in the south portion of Myrtle Ave has been killed by a licensed master plumber. A Kill permit from KC Water would be required for this Kill.

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
Please return this form to the applicant within 30 days.

Signature: W. Zinke
Authorized Representative

Date: 04/30/2021

Return this form to:

Applicant Name

Phone

Address

Email



UTILITY/AGENCY COMMENTS 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

CASE NO. CD-ROW-2021-000

UTILITY CO. KCMO Public Works Department Street and Traffic Division

Be it known that Land Bank of Kansas City Missouri, Midtown Community Development, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 71 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 0230'25.14" EAST, 603.36 FI ALONG THE EAST PROPERTY LINES OF LOTS 58-71 OF THE MOUNTAIN VIEW PAT; THENCE SOUTH 8729'34.56" EAST, 25.00 FEET; THENCE SOUTH 0230'25.44" WEST, 299.881 FEET ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE SOUTH 8722'52.12" EAST, 25.00 FEET; THENCE SOUTH 0230'25.14" WEST, 303.431 FEET, ALONG THE WEST PROPERTY LINE LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 8729'34.56" WEST, 50.00 FEET, TO THE POINT OF BEGINNING AND CONTAIN: 22,670 SQUARE FEET MORE OR LESS.

for the following purpose: Current Community Center Development and Future Regional Park Development

- 1. Our utility/agency has facilities or interest within this right of way:
2. Our utility/agency:
has no objections
objects to the vacation and will not waive objection under any conditions (describe below)
will waive objections subject to the following conditions (describe below)
Retain utility easement and protect facilities
Relocate facilities
Other:

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
Please return this form to the applicant within 30 days.

Sam Akula 5-5-2021
Authorized Representative Date

Return this form to:
Toby Williams 816-642-2445
Applicant Name Phone
3200 S State Route 291, Building #1
Independence, MO 64057 twilliams@powellcwm.com
Address Email



UTILITY/AGENCY COMMENTS 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

CASE NO. CD-ROW-2021-000

UTILITY CO. Vicinity
Woods Energy

Be it known that Kansas City Missouri Home Steading Authority, Land Bank of Kansas City, Midtown Community Development, being owners of real estate abutting on the below described street, alley or plat desires to petition the City of Kansas City, Missouri to pass an ordinance vacating:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 71 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 02°30'25.14" EAST, 603.36 FEET, ALONG THE EAST PROPERTY LINES OF LOTS 58-71 OF THE MOUNTAIN VIEW PAT; THENCE SOUTH 87°29'34.56" EAST, 25.00 FEET; THENCE SOUTH 02°30'25.44" WEST, 299.881 FEET ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE SOUTH 87°22'52.12" EAST, 25.00 FEET; THENCE SOUTH 02°30'25.14" WEST, 303.431 FEET, ALONG THE WEST PROPERTY LINE OF LOT 11 OF THE MOUNTAIN VIEW PLAT; THENCE NORTH 87°29'34.56" WEST, 50.00 FEET, TO THE POINT OF BEGINNING AND CONTAINS 22,670 SQUARE FEET MORE OR LESS.

for the following purpose: Current Community Center Development and Future Regional Park Development

- Our utility/agency has facilities or interest within this right of way:
 - Yes (proceed to #2)
 - No (form complete)
- Our utility/agency:
 - has no objections
 - objects to the vacation and will not waive objection under any conditions (describe below)
 - will waive objections subject to the following conditions (describe below)
 - Retain utility easement and protect facilities
 - Relocate facilities
 - Other: _____

- Please discuss objections or conditions with applicant and/or City Staff Prior to returning this form.
- Please return this form to the applicant within 30 days.

Rachel P. Bell Plant Manager - Vicinity Energy 4/30/21
Authorized Representative Date

Return this form to:	
<u>Toby Williams</u>	<u>816-642-2445</u>
Applicant Name	Phone
<u>3200 S State Route 291, Building #1</u>	
Independence, MO 64057	<u>twilliams@powelcwm.com</u>
Address	Email