Recorded in Clay County, Missouri

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Book: 9965 Page: 43

Instr #: **2025016073**
Pages: **15**
Fee: **$63.00**

Electronically Recorded
CITY OF KANSAS CITY, MO - CLERKS OFF...

Sandra Brock
Recorder of Deeds

RECORDER OF DEEDS CERTIFICATE
CLAY COUNTY, MISSOURI

EXEMPT DOCUMENT

This document has been recorded under exempt status pursuant to RSMO 59.310.4 and this certificate has been added to your document in compliance with the laws of the State of Missouri.

Sandra Brock
Recorder of Deeds
Clay County Courthouse
Liberty, MO 64068

THIS PAGE HAS BEEN ADDED AS THE FIRST PAGE OF YOUR DOCUMENT–DO NOT REMOVE THIS PAGE

KANSAS CITY MISSOURI	**CITY OF KANSAS CITY, MISSOURI** **CERTIFICATE OF THE CITY CLERK** **DOCUMENT TO BE RECORDED** **CLAY COUNTY**

DATE OF DOCUMENT: June 26, 2025

DOCUMENT TITLE: Vacation Ordinance 250500

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

Grantee(s)
Name &
Address: City of Kansas City, MO
414E 12th Street
Kansas City, MO 64106

LEGAL DESCRIPTION:
See Page(s) 1, 2 of Exhibit _____ of the subject document.

The above appears in records and is on file in the Office of the City Clerk, 25th Floor, City Hall, and Kansas City, Missouri. I hereby, certify that this is a true and correct copy of the above ordinance.

IN TESTIMONY WHEREOF, I have set my hand affixed the seal of the City on the 1st day of July, 2025

Marilyn Sanders
City Clerk

By Marilyn Sanders City Clerk

SEAL OF KANSAS CITY INCORPORATED 1850 MISSOURI

Return all Recorded Originals To:
OFFICE OF THE CITY CLERK, 414 E. 12th St
Kansas City, Missouri 64106

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250500

Vacating an approximately 7,500 square-foot section of right-of-way in District R-1.5 generally located west of the intersection of N.E. Barry Road and N. Cleveland Avenue; and directing the City Clerk to record certain documents. (CD-ROW-2025-00008)

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 4th day of February, 2025, a petition was filed with the City Clerk of Kansas City by Patricia Jensen for the vacation of a tract of land being located in the Northeast Quarter of the Southeast Quarter of Section 7, Township 51N, Range 32W, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Northwest Corner of the West Half of the Southwest Quarter of said Section 7, thence North 88° 23' 34" West, a distance of 184.16 feet; thence North 0° 37' 57" West, a distance of 5.56 feet to the Point of Beginning; thence North 88° 57' 07" West, a distance of 148.55 feet; thence South 43° 44' 01" East, a distance of 90.30 feet; thence South 88° 56' 48" East, a distance of 86.82 feet; thence North 0° 37' 57" West, a distance of 64.13 feet to the Point of Beginning, Containing 7,543.27 square feet more or less, giving the distinct description of the street 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 street 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.

250500 sub

Section 4. That all that part of the existing right of way commencing at the Northeast Quarter of the Southeast Quarter of Section 7, Township 51N, Range 32W, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Northwest Corner of the West Half of the Southwest Quarter of said Section 7, thence North 88° 23' 34" West, a distance of 184.16 feet; thence North 0° 37' 57" West, a distance of 5.56 feet to the Point of Beginning; thence North 88° 57' 07" West, a distance of 148.55 feet; thence South 43° 44' 01" East, a distance of 90.30 feet; thence South 88° 56' 48" East, a distance of 86.82 feet; thence North 0° 37' 57" West, a distance of 64.13 feet to the Point of Beginning, Containing 7,543.27 square feet more or less, be and the same is hereby, and subject to the following conditions:

1. That the applicant allow AT&T 30-60 days to issue the project to retire cables in the vacated right-of-way.

2. That the applicant shall retain all utility easements and protect facilities required by Evergy.

3. That the applicant shall retain all utility easements and protect facilities required by Spectrum Charter.

4. That the applicant shall retail all utility easements and protect facilities required by the Water Services Department.

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 Clay County, Missouri.

Approved as to form:

for

Sarah Baxter
Senior Associate City Attorney

Approved by the City Plan Commission

Sara Copeland
Secretary

Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

JUN 26 2025

Date Passed

STATE OF MISSOURI)
) ss.
COUNTY OF Jackson)

On the 1st day of July, 2025, 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 Jan 23, 2028.

MONICA SANDERS
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: Jan. 23, 2028
Commission # 20228246

Monica Sanders
Notary Public within and for
County, Missouri

IN RECORDER'S OFFICE

STATE OF MISSOURI)
) ss.
COUNTY OF _____)

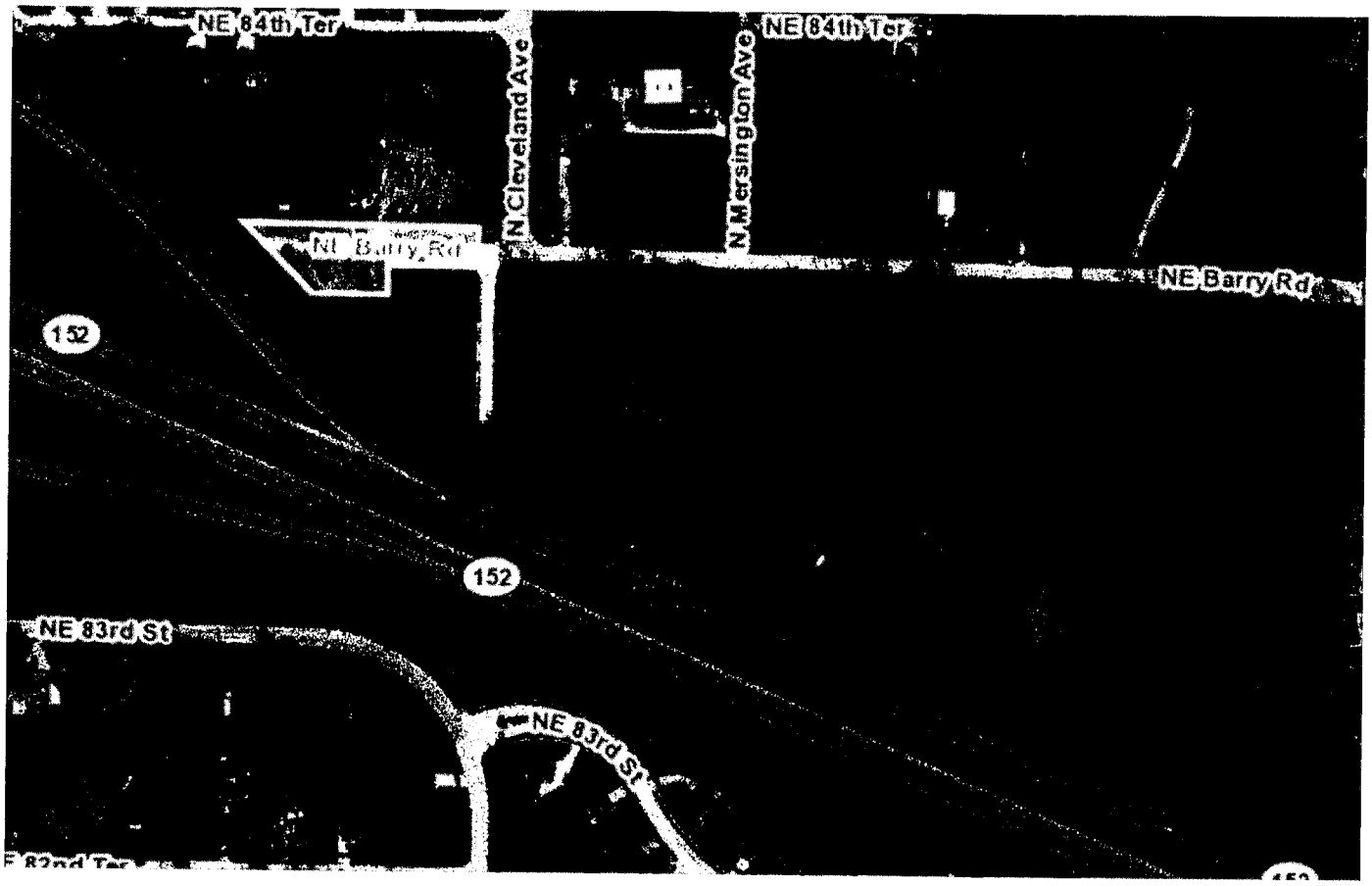
I, the undersigned, Recorder of Deeds within and for the County aforesaid, do hereby certify that the foregoing instrument of writing was on the _____ day of _____, A.D. 20____, at _____ o'clock _____ minutes M., duly filed for record in this office, and with certificate of acknowledgment thereon endorsed, is recorded in the records of this office in Book _____, at page _____.

In Testimony Whereof, I hereunto set my hand and affix the seal of said office at Kansas City, Missouri, this day and year last aforesaid.

_____
Recorder

By_____
Deputy

Vicinity Map –



PLAN REVIEW

The street proposed to be vacated is an improved section of public right-of-way that currently dead-ends approximately 350 west of Northeast Barry Road and North Cleveland Avenue. The proposed 7,500 square foot vacation of right-of-way was proposed during the development plan process. Ordinance No. 250276 proposed to utilize a portion of the right-of-way to build additional units.

There are public and private utilities located within the public right-of-way. Water Services has a water main on the south side of Northeast Barry Road. The Water Services Department is requiring the applicant retain an easement or have the utilities relocated. Evergy and Spectrum Charter also have utilities located in the public right-of-way which will require an easement be retained or the utilities be relocated. AT&T has utilities in the public right-of-way, but has agreed to relocate them, if the applicant will allow 30-60 days to retire the existing cable in place.

SPECIFIC REVIEW CRITERIA

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.
All adjacent property owners will retain legal access to other public right-of-way. The whole site is set to be redeveloped, and additional dedications of public right-of-way are proposed.

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.
The right-of-way dead ends approximately 100 feet from the off-ramp of Highway 152 and the street cannot be extended. The existing right-of-way serves two parcels within the approved development and serves no current or future useful public purpose. The Bethel Baptist Church of Missouri will retain access to the site. The preliminary plat shows the street to be rededicated as public right-of-way.

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, it will bring the right-of-way into conformance by removing a dead-end street.

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 and will not impact physical connectivity.

88-560-10-E. The vacation shall not result in a dead-end street or alley.
The proposed vacation will not result in a dead-end street. It will bring the street into compliance by vacating a portion of Northeast Barry Road, resulting in no dead-ends.

88-560-10-F. The vacation shall not result in street traffic being routed through an alley.
No traffic will be routed through an alley as a result of this vacation.

88-560-10-G. The vacation shall not vacate half the width of a street or alley.
This vacation will not vacate half the width of any street or alley.

88-560-10-H. The right-of-way to be vacated is not on the Major Street Plan.
The area being vacated is not on the Major Street Plan.

ATTACHMENTS

1. Conditions Report
2. Applicants Submittal

PROFESSIONAL STAFF RECOMMENDATION

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

Respectfully Submitted,

Justin Smith
Planner

KANSAS CITY
Planning & Dev

Plan Conditions

Report Date: May 29, 2025

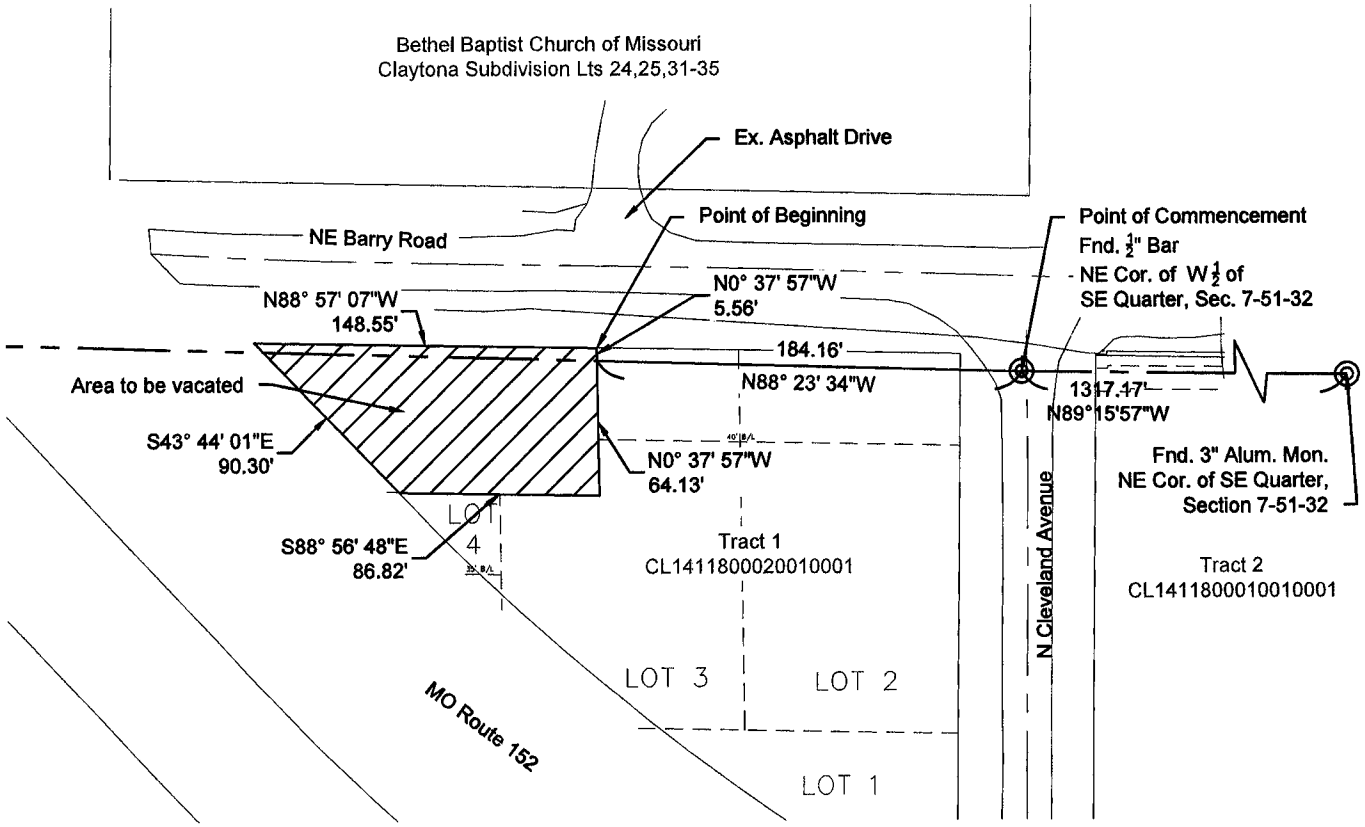
Case Number: CD-ROW-2025-00008

Project: Monarch Townhomes Vacation - Northeast Barry Rd

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

1. That the applicant allow AT&T 30-60 days to issue project to retire cables in the vacated right-of-way.
2. That the applicant shall retain all utility easements and protect facilities required by Evergy.
3. That the applicant shall retain all utility easements and protect facilities required by the Water Services Department.
4. That the applicant shall retain all utility easements and protect facilities required by Spectrum Charter.

MO
Prepared By:
Matthew J. Schlicht
PLS-2012000102



Description

A tract of land being located in the Northeast Quarter of the Southeast Quarter of Section 7, Township 51N, Range 32W, Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northeast Corner of the West Half of the Southeast Quarter of said Section 7, thence North 88° 23' 34" West, a distance of 184.16 feet; thence North 0° 37' 57" West, a distance of 5.56 feet to the Point Beginning; thence North 88° 57' 07" West, a distance of 148.55 feet; thence South 43° 44' 01" East, a distance of 90.30 feet; thence South 88° 56' 48" East, a distance of 86.82 feet; thence North 0° 37' 57" West, a distance of 64.13 feet to the Point of Beginning.

Containing 7,543.27 Square Feet More or Less.

ROW Vacation Exhibit **ROW Vacation** SHEET 1 OF 1	DATE: 5/28/2025 PROJECT NUMBER: Barry and Cleveland REV. TO DWG.: N/A SCALE: 1"=80'	*ROW Vacation Exhibit* **Barry and Cleveland** NE Barry Road Kansas City, Clay County, Missouri

ENGINEERING SOLUTIONS
ENGINEERING & SURVEYING
50 SE 30TH STREET
LEE'S SUMMIT, MO 64082
P:(816) 623-9888 F:(816)623-9849

CONSENT TO 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-2025-00008

In the matter of the vacation of:

Barry Road described as follows:

A tract of land being located in the Northeast Quarter of the Southeast Quarter of Section 7, Township 51N, Range 32W, Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 7, thence North 89° 15' 57" West, a distance of 1343.68 feet; thence North 0° 34' 10" East, a distance of 7.18 feet to the Point Beginning; thence North 0° 40' 28" East, a distance of 68.58 feet; thence North 88° 47' 18" West, a distance of 374.98 feet; thence South 43° 44' 01" East, a distance of 188.43 feet; thence South 88° 56' 48" East, a distance of 86.82 feet; thence North 0° 37' 57" West, a distance of 64.13 feet; thence South 88° 57' 07" East, a distance of 157.75 to the Point of Beginning.

Containing 31,068.85 Square Feet More or Less.

Know all men by these presents: That the undersigned, being owners of the real estate described below set opposite our names respectively and immediately adjoining the area for the vacation of which a petition has been filed, do as such abutting owners hereby consent that said area may be vacated in manner and form, as set out in said petition. We severally own the property set opposite our names printed and signed below.

Filed _____, 20____

_____ by _____

City Clerk Deputy

{32601 / 73478; 1041477. }

CONSENT TO 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

CONSENT OF LIMITED LIABILITY COMPANIES **Case No. CD-ROW-2025-00008**

Owner's name	Legal description of property
PC Homes, LLC By: _____ Brian J. Mertz	Leejan Heights, Lots 1-4

(additional sheets attached as required)

STATE OF MO)
) ss.
COUNTY OF Platte)

On this 20th day of Feb., 2025, before me, a Notary Public in and for said state, personally appeared Brian J. Mertz, who being by me duly sworn did say that he/she is the managing member of PC Homes, LLC, a Missouri limited liability company, and that the within instrument was signed and sealed in behalf of said limited liability company by authority of its members, and acknowledged said instrument to be the free act and deed of said limited liability company for the purposes therein stated.

Subscribed and sworn to before me on this 20th day of Feb., 2025.

Notary Public in and for Said County and State

Libby Knotts
Notary Public

My Commission Expires:

LIBBY KNOTTS
Notary Public-Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires Jan. 18, 2026
Commission # 18597347

{32601 / 73478; 1041477.}

PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

Case No. CD-ROW-2025-00008

To the Honorable Council of Kansas City, Missouri:

The undersigned, being an owner of real estate fronting and abutting on the portion of the area hereinafter described, for the vacation of which this petition is filed, does hereby petition the Council of Kansas City to pass an ordinance vacating:

Barry Road described as follows:

A tract of land being located in the Northeast Quarter of the Southeast Quarter of Section 7, Township 51N, Range 32W, Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 7, thence North 89° 15' 57" West, a distance of 1343.68 feet; thence North 0° 34' 10" East, a distance of 7.18 feet to the Point Beginning; thence North 0° 40' 28" East, a distance of 68.58 feet; thence North 88° 47' 18" West, a distance of 374.98 feet; thence South 43° 44' 01" East, a distance of 188.43 feet; thence South 88° 56' 48" East, a distance of 86.82 feet; thence North 0° 37' 57" West, a distance of 64.13 feet; thence South 88° 57' 07" East, a distance of 157.75 to the Point of Beginning.

Containing 31,068.85 Square Feet More or Less. (See attached).

The undersigned petitioner agrees in consideration of the vacation that if, because of said vacation, any public improvements are to be made, or repaired, or made or repaired by the City on any street, avenue, alley, thoroughfare or public property intersected by the area to be vacated, the cost of such improvements or repairs shall be paid by the undersigned petitioner upon demand from the City.

Filed _____, 20____

_____ by _____

City Clerk Deputy

{32601 / 73478; 1041474. }

PETITION FOR VACATION OF STREETS, ALLEYS AND PLATS

City Planning & Development Department
City Hall, 414 E. 12th Street, 15th floor; Kansas City, MO 64106-2795
Phone (816) 513-2846 | Fax (816) 513-2838 | www.kcmo.gov/planning

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

Owner's name	Legal description of property	Residence of owner
PC Homes, LLC	Leejan Heights, Lots 1-4	7607 NW John Anders Road Kansas City, MO 64152

(attach additional sheets if required)

PC HOMES, LLC

Brian J. Mertz, Petitioner

STATE OF MO)
) ss.
COUNTY OF Platte)

On this 20th day of Feb. in the year 2025, before me, a Notary Public in and for said state, personally appeared Brian J. Mertz, known to me to be the person who executed the within instrument and acknowledged to me that he executed the same for the purposes therein stated, and that he knows personally that the persons named on the above and foregoing petition are the persons owning or claiming to own the property set opposite their names, and that they own or claim to own all the property abutting said area to be vacated.

Subscribed and sworn to before me on this 20th day of Feb, 2025.

Notary Public in and for Said County and State

Libby Knotts
Notary Public

My Commission Expires:

LIBBY KNOTTS
Notary Public-Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires Jan. 18, 2026
Commission # 18597347

{32601 / 73478; 1041474. }

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-2025-00008 **UTILITY CO.** Vicinity Energy

Be it known that PC Homes, LLC, 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:
Barry Road described as follows:

A tract of land being located in the Northeast Quarter of the Southeast Quarter of Section 7, Township 51N, Range 32W, Kansas City, Clay County, Missouri, being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter of said Section 7, thence North 89° 15' 57" West, a distance of 1343.68 feet; thence North 0° 34' 10" East, a distance of 7.18 feet to the Point Beginning; thence North 0° 40' 28" East, a distance of 68.58 feet; thence North 88° 47' 18" West, a distance of 374.98 feet; thence South 43° 44' 01" East, a distance of 188.43 feet; thence South 88° 56' 48" East, a distance of 86.82 feet; thence North 0° 37' 57" West, a distance of 64.13 feet; thence South 88° 57' 07" East, a distance of 157.75 to the Point of Beginning.

Containing 31,068.85 Square Feet More or Less.

for the following purpose: Development of Monarch Townhomes

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.

Craig McNiel, Vicinity Distribution Supervisor — Authorized Representative

2/10/2025 — Date

Return this form to:

Ms. Rachelle M. Biondo, Rouse Frets White Goss — Applicant Name

816-502-4706 — Phone

4510 Belleview, Suite 300

Kansas City, MO 64111 — Address

rbiondo@rousepc.com — Email

{32601 / 73478; 1041536. }