

**CITY OF RAYTOWN
PLANNING & ZONING COMMISSION**

AGENDA

**Raytown City Hall
Board of Aldermen Meeting Chambers
10000 East 59th Street
Raytown, Missouri 64133
May 5th, 2022
7:00 pm**

1. Welcome by Chairperson

2. Call meeting to order and Roll Call

Wilson:	Thurman:	Emerson:	Meyers:
Hunt:	Frazier:	Stock:	Bruenger:

3. Approval of April 7, 2022, Regular Meeting Minutes

- a) Revisions
- b) Motion
- c) Second
- d) Additional Board Discussion
- e) Vote

4. Old Business: None

5. New Business:

A. Case No.: PZ 2022-06

Applicant: Nancy Ferguson

Reason: Vacation of Platted Utility Easement at 5909 Elm Ave. on East side of Lot 63, Adler's High View Addition Subdivision.

- 1. Introduction of Application by Chair
- 2. Explanation of any exparte' communication from Commission members regarding the application
- 3. Swearing in of all speakers by City Attorney that plan to give testimony during hearing
- 4. Enter Additional Relevant City Exhibits into the Record:
 - a. Staff report
 - b. Application Supporting Documents
- 5. Introduction of Application by Applicant

6. Presentation of Application by Staff
7. Request for Public Comment by Chairman
8. Additional Staff Comments and Recommendation
9. Commission Discussion
10. Commission Decision to Approve, Conditionally Approve or Deny the Application
 - a. Motion
 - b. Second
 - c. Additional Board Discussion
 - d. Vote

6. Other Business:

A. Special Presentation: 3, 2, One Raytown, GO (Bonds)! Presentation

7. Set Future Meeting Date – Next Regular Meeting, Thursday, June 2, 2022, at 7:00 PM.

NOTE: There are no official cases filed for this meeting date. However, the Final Plat of Utopia Gardens can return for this date if the Engineered Drawings are resubmitted and approved by the City Engineer at least 8 days prior to the meeting date.

9. Adjourn

+CITY OF RAYTOWN
PLANNING & ZONING COMMISSION
REGULAR MEETING
MINUTES
April 7, 2022
7:00 pm
Council Meeting Chambers

1. **Welcome by Chairman Wilson.** Chairman Wilson called the meeting to order at 7:00 PM.

2. **Call meeting to order and Roll Call.**

Wilson:	Present	Thurman:	Absent	Emerson:	Present
Stock:	Present	Frazier:	Present	Hunt:	Present
Meyers:	Absent	Bruenger:	Present		

3. **Approval of Minutes: Minutes of March 3, 2022, were approved 6-0 upon motion by Ms. Stock and second by Ms. Emerson.**

4. **Old Business: None.**

5. **New Business:**

Case No.: PZ 2022-04:

Applicant: SBD Capital Development

Request: Application for Approval of Final Plat of Utopia Gardens Subdivision, A New 6-Lot Subdivision Located in the Southeast Quadrant of Lane Avenue and 85th Place in an R-3, High Density Residential District. <<Not a Public Hearing Item>>

1. Introduction of Application by Chairman.

Chairman Wilson introduced the application.

2. Explanation of any Ex Parte Communications Regarding the Application.

No ex-parte communications were reported.

3. Enter Relevant Exhibits into the Record.

Chairman Wilson entered the staff report and supporting documents into the record.

4. Staff Presentation of Application.

Chris Gilbert, Planning & Zoning Coordinator provided the staff report, reviewing the location of the application, surrounding zoning and uses of property, compliance with factors to be considered for plat approval. Mr. Gilbert stated that the Engineered drawings were not yet approved by the City Engineer so the plat could not be moved forward until that happens. Mr. Gilbert recommended the case be continued indefinitely to permit more time for the drawings to be submitted and reviewed.

5. Applicant Presentation of Application.

Thomas Clemons, project Surveyor and applicant on behalf of SBD Capital Development stated that their engineer was not done with plans and best to get everything completed before proceeding.

6. Commission Discussion.

The commissioners asked limited questions of the applicant.

7. Commission Decision to Approve, Conditionally Approve, or Deny Application.

Ms. Emerson moved, and Mr. Frazier seconded, to continue the application indefinitely.

VOTE: Motion passed 6-0.

- 6. Other Business-** Mr. Gilbert briefly went over the list of Planning Commission cases reviewed over the past year and the current status of all of the projects.
- 7. Set Future Meeting Date – Next scheduled meeting date is May 5, 2022.**
- 8. Meeting was Adjourned at 7:19** upon motion by Mr. Frazier and second by Ms. Stock.



Staff Report

Community Development
Planning and Development Services

PZ 2022-06

To: City of Raytown Planning and Zoning Commission

From: Chris Gilbert, Planning & Zoning Coordinator

Date: May 5, 2022

Re: Public Hearing to Consider Application to Vacate A Private Platted Utility Easement

PLAT APPLICATION SUMMARY

Applicant: Nancy Ferguson on behalf of daughter Elizabeth Walsh

Owner: Nancy Ferguson

Project: Vacate Platted Utility Easement on Lot 63, Adler's High View Addition Subdivision

Property Location: 5909 Elm Ave.

Request: Approval of Application to Vacate Platted Utility Easement

SITE DATA

Legal Description is attached with Application Supporting Documentation. Entire easement area being vacated is entirely on applicant's property and totals approximately 453 square feet.

Land Use Data	
Surrounding Zoning	South: Low Density Residential
	North: Low Density Residential
	West: Low Density Residential
	East: Low Density Residential
Ward(s)	Ward 1
Approximate Land Area	1.79 Acres for entire Lot 63
Future Land Use Map	Single Family Residential

ZONING AND CURRENT USES OF NEARBY PROPERTY

The following provides an overview of the zoning and existing land uses on properties surrounding the subject area:

	<u>ZONING</u>	<u>EXISTING LAND USES</u>
South:	R-1	Single Family Homes
North:	R-1	Non-Conforming Commercial
East:	R-1	Single Family Homes
West:	R-1	Single Family Homes



Fig. 1: Location of Easement to be Vacated

BACKGROUND

The applicant, Nancy Ferguson, has requested the City of Raytown to vacate a 5 foot-wide platted easement located on the far western edge of the original Lot 63 of Adler's Highview Addition. This easement vacation will permit the applicant to subdivide off approximately a quarter acre of her 1.79-acre property to permit a family member to construct a new single-family residence. The original plat was recorded with the Jackson County Recorder of Deeds on August 26, 1959 as Instrument #731064 in Plat Book 23 at Page 44. A full legal description of this easement, prepared by a Missouri Registered Land Surveyor, is included as an attachment. The applicant has had a full Minor Subdivision survey completed that meets all City criteria, pending approval of this easement vacation.

SITE DESCRIPTION AND PRESENT USE

The overall property is approximately 1.79 acres in size, has public streets already available off Elm Street on the west side, serving the applicant's residence, and 60th street curving into Elm Street on the east where the future residence will be located. All utility services are available to the proposed new parcel and Utility Company release letters have been provided by the applicant's surveyor (attached to this report) that appear to indicate there are no utilities present in this easement.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The neighborhood around the proposed plat is occupied primarily by low density residential uses except a legally existing non-conforming commercial use, Rycom Instruments, abutting on the north of the subject parcel with access off of 59th Street.



Fig. 2 Photos of Location of easement. Left Picture looking Northwest across pond towards existing Home on Property. Right Picture looking Northeast towards Rycom and neighboring Residential Lot.

PUBLIC NOTICING

Per advice from City Attorney, the May 5, 2022, Planning Commission meeting has been advertised with a Public Hearing Notice but no neighbor mailings or hearing is required before the Board of Aldermen as the easement is wholly on the applicant's property and has acquired the utility company easement releases (copies attached to this report).

FINDINGS OF FACT

Using the same findings of fact to vacate a platted easement as are used to approve new plats including the associated utility easements and right of ways, the following findings have been made:

1. Conformance to the City of Raytown Ordinances

Staff has determined that the application meets City of Raytown regulations as pertains to the protection of private and public utility services within easements as there are no identified existing utilities located within the easement are to be vacated. **The easement is entirely located upon the applicant's property, is not shared with any neighbors, and release letters from the utility service providers and City-owned services are included as attachments to this report.**



2. Suitability of the land for subdivision development

The proposed easement vacation is intended to permit the property owner of the 1.79-acre tract of land to subdivide off a small part of the lot on the far eastern end to permit a family member to construct a new single-family residence. The resulting parcel will conform with all required R-1 bulk regulations. There is a pond on the property that will abut the new parcel on the west side but should not create any substantial issues for the planned home construction.

3. Consistency with adjoining uses and platted property

Adjoining uses are all single-family residential, except a non-conforming commercial use, Rycom Instruments, abutting the easement on the north end.

4. Adequacy of public facilities and utilities to serve the proposed development

The parcel of land to be subdivided off, including the vacated easement, has direct access to Elm Avenue where it curves off of 60th Street. All utilities available to this proposed lot are located either in the Elm Avenue right of way or along the eastern and northern boundary of the parent tract as shown on the attached easement vacation exhibit provided by the Land Surveyor.

5. Consideration of planning principles on site including lot layout and topography

The topography of the site does present challenges as there is a large pond on the property to the west of the proposed build site for the new residence. Due to the pond location, the proposed new residence could not be built in the available lot width between the pond and the subject easement with a reasonable modern shape and design without pursuing this vacation. There are no other concerns regarding general planning principles as the applicant intends to create a new parcel that will meet all bulk regulations for the R-1 District and has access to public streets and utilities.

RECOMMENDATION

Staff recommends Case No. PZ 2022-06 be approved by the Planning Commission and forwarded to the Board of Aldermen with a recommendation to approve the vacation of the identified utility easement with the following conditions of approval:

1. Should any utilities actually be discovered within the vacated easement once construction is underway, it is the responsibility of the applicant/property owner to determine what utility is present and which entity owns the assets and work with the entity to relocate the service (if needed and not an abandoned line).



Staff Report

Community Development
Planning and Development Services

2. Upon approval by the Raytown Board of Aldermen, it is the responsibility of the applicant/property owner to have the signed Ordinance recorded with the Jackson County Recorder of Deeds and an as recorded copy returned to the Community Development Department and the City Clerk's Office.



Community Development Department
 10000 E 59th Street
 Raytown, MO 64133-3993
 Phone: 816-737-6173 Fax: 816-737-6014
 Email: Chrisg@Raytown.mo.us

APPLICATION FOR RIGHT-OF-WAY/EASEMENT VACATION

APPLICANT/OWNER INFORMATION

Applicant Name: Nancy L. Ferguson Company: _____
 Street Address: 5909 Elm Ave City: Raytown State: Mo Zip: 64133
 Telephone: 816-353-6301 Fax: _____ E-Mail: nlferguson1@yahoo.com

Property Owner Name (if different than applicant): _____

Street Address: _____ City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____ E-Mail: _____

Firm Preparing Exhibits: _____ Contact: _____
 Street Address: _____ City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____ E-Mail: _____

*All correspondence on this application should be sent to (check one): Applicant Property Owner

VACATION REQUEST

The applicant is hereby requesting the vacation of property generally described as:

Attached

APPLICANT'S DECLARATION

My application consists of the following items and information necessary for a complete application.

- | | |
|--|--|
| > Completed Application Form | > Ownership affidavit OR owner(s) consent form (two-thirds of property owners) |
| > Attached Legal Description and Exhibit | > Required Fee: \$250.00 |
| > Utility Agency Consent Letters | |

The following declarations are hereby made:

The undersigned is the owner or authorized agent of the owner or the officers of a corporation or partnership.

The applicant has discussed this application with the Community Development Department.

CD Staff Member _____ Date: _____

The information presented and contained within this application is true and correct to the best of the undersigner(s) knowledge

SIGNATURE OF OWNER(S) AND APPLICANT(S) WITH INTEREST IN VACATION ACTION:

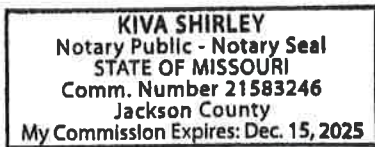
Printed Name: Nancy L. Ferguson

Signature: Nancy L. Ferguson Date: 4-5-22

Subscribed and sworn to me on this the 5th day of April 2022

in the County of Jackson State of Missouri

Notary Public: Kiva Shirley My Commission Expires: Dec 15, 2025
Stamp:



Printed Name: _____

Signature: _____ Date: _____

Subscribed and sworn to me on this the _____ day of _____ 202

in the County of _____ State of _____

Notary Public: _____ My Commission Expires: _____
Stamp:

OWNERSHIP AFFIDAVIT

STATE OF MISSOURI)
COUNTY OF JACKSON)

Comes now Nancy L. Ferguson (owner)

who being duly sworn upon his/her oath, does state that he/she is the owner of the property legally described in the proposed application for vacation of right-of-way and acknowledges the submission of the application for vacation of said right-of-way/utility easement with the City of Raytown.

Dated this 5th Day of April 2022

Nancy L. Ferguson
Signature of Owner

Nancy L. Ferguson
Printed Name

Subscribed and sworn to before me this 5th Day of April 2022

Kiva Shirley
Notary Public

Dec 15, 2025
My Commission Expires

KIVA SHIRLEY
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 21583246
Jackson County
My Commission Expires: Dec. 15, 2025

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HUFFMAN LAND SURVEYORS, LLC

P.O. Box 661

Raymore, MO 64083

Office: (816) 322-4544

Email: huffsurveyor@gmail.com



December 13, 2021

Elizabeth Walsh

5909 Elm Ave

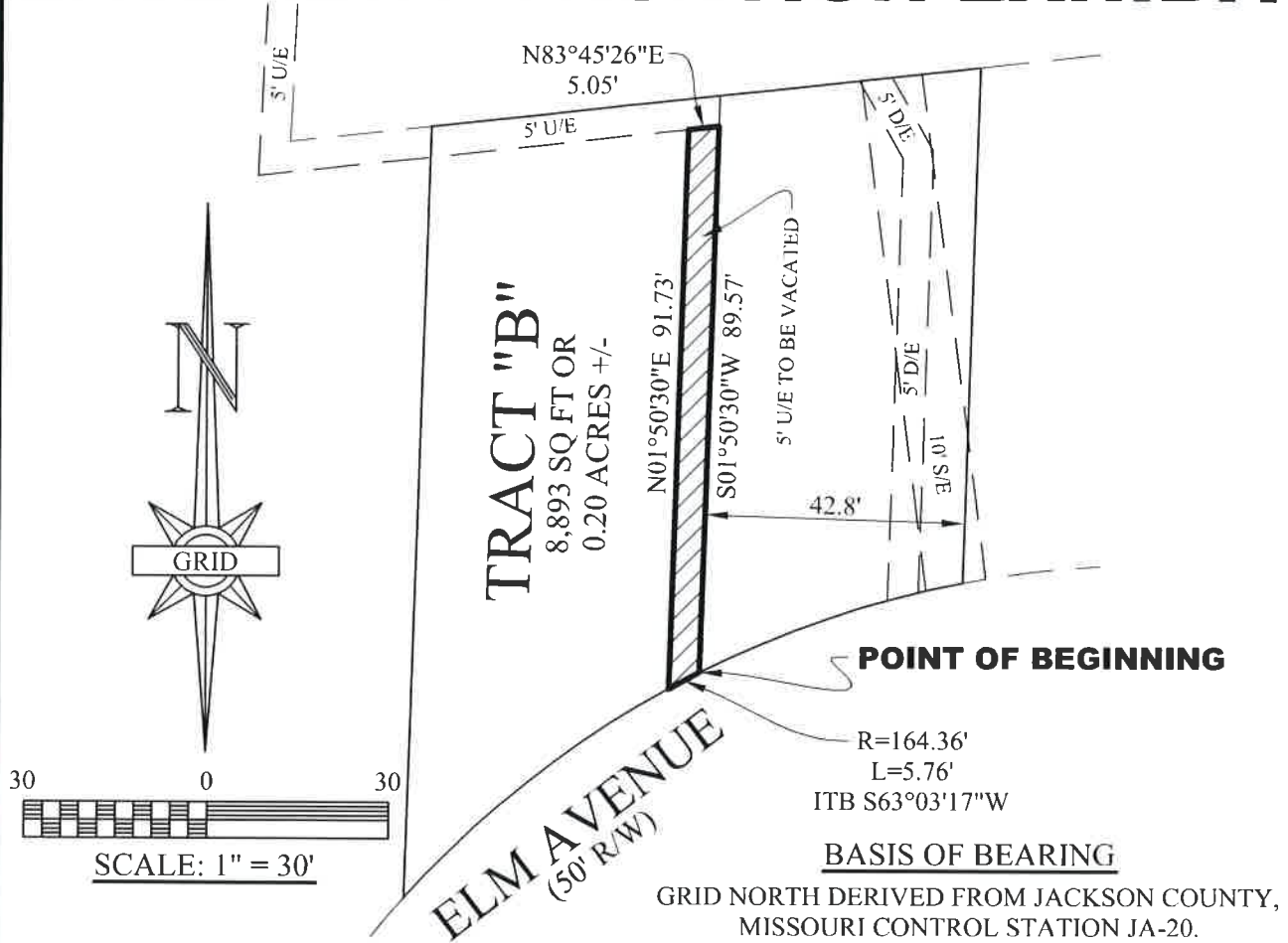
Raytown, Mo 64133

Mobile: (816) 645-8320

PROJECT: Easement Vacation for Lot 63, Adler's High View Addition.

Description: A 5 feet Easement Vacation in the North Half of Section 5, Township 48 North, Range 32 West of the Fifth Principal Meridian, being a part of Lot 63, ADLER'S HIGH VIEW ADDITION, LOTS 59 - 63 INCL., a subdivision recorded August 26, 1959, as Instrument #731064, in Plat Book 23 at Page 44, said Easement being the East 5 feet of said Lot 63, EXCEPT the North 5 feet thereof, more particularly described as follows: Beginning at the Southeast corner of said Lot 63, said corner being the True Point of Beginning; thence on a curve to the left, having an initial tangent bearing of South 63° 03' 17" West, with a radius of 164.36 feet, along the Northwesterly right-of-way line of Elm Avenue, an arc length of 5.76 feet; thence North 01° 50' 30" East, 5.00 feet West of and parallel to the East line of said Lot 63, a distance of 91.73 feet; thence North 83° 45' 26" East, 5 feet South of and parallel to the North line of said Lot 63, a distance of 5.05 feet; thence South 01° 50' 30" West, along said East line of Lot 63, a distance of 89.57 feet to the point of beginning.

EASEMENT VACATION EXHIBIT



A 5 feet Easement Vacation in the North Half of Section 5, Township 48 North, Range 32 West of the Fifth Principal Meridian, being a part of Lot 63, ADLER'S HIGH VIEW ADDITION, LOTS 59 - 63 INCL., a subdivision recorded August 26, 1959, as Instrument #731064, in Plat Book 23 at Page 44, said Easement being the East 5 feet of said Lot 63, EXCEPT the North 5 feet thereof, more particularly described as follows: Beginning at the Southeast corner of said Lot 63, said corner being the True Point of Beginning; thence on a curve to the left, having an initial tangent bearing of South 63° 03' 17" West, with a radius of 164.36 feet, along the Northwesternly right-of-way line of Elm Avenue, an arc length of 5.76 feet; thence North 01° 50' 30" East, 5.00 feet West of and parallel to the East line of said Lot 63, a distance of 91.73 feet; thence North 83° 45' 26" East, 5 feet South of and parallel to the North line of said Lot 63, a distance of 5.05 feet; thence South 01° 50' 30" West, along said East line of Lot 63, a distance of 89.57 feet to the point of beginning.

Containing 453 square feet, more or less.

HUFFMAN LAND SURVEYORS, LLC
P.O. Box 661
Raymore, MO 64083
Office: (816) 322-4544
Email: huffsurveyor@gmail.com



DATE: DEC 13, 2021	REV:	
DWG BY: RJS	CHK BY: MJH	Adler's High View Addition.dwg
SCALE: 1" = 30'		Jackson\Raytown\Adler's High View

Chris Gilbert

From: Jason Hanson
Sent: Wednesday, March 16, 2022 12:32 PM
To: Chris Gilbert
Subject: RE: Storm sewer and Sanitary Sewer Easement Release for Ms Walsh
Attachments: ADLER'S HIGH VIEW ADDITION PLAT OF SURVEY 12-13-21.pdf

This email is Raytown Public Works Dept. written release that the City doesn't have any existing utility lines within the middle easement to be vacated.

Our existing stormwater easement and sanitary sewer easement are on the east side of the property.

Thanks,

Jason Hanson, PE
CITY ENGINEER

City of Raytown, MO
10000 E. 59th Street
Raytown, MO 64133
816-365-8658 mobile
jasonh@raytown.mo.us

From: Chris Gilbert <chrisg@raytown.mo.us>
Sent: Wednesday, March 16, 2022 8:35 AM
To: Jason Hanson <jasonh@raytown.mo.us>
Subject: Storm sewer and Sanitary Sewer Easement Release for Ms Walsh

Jason,

Can you send me a written release for the City utilities listed above for Ms. Walsh's lot split so I can add it to the file to take to Planning Commission for the Easement Vacation action please?

Thanks!

Chris Gilbert
Planning & Zoning Coordinator
City of Raytown
10000 E. 59th Street
Raytown, MO 64133
816-737-6059
chrisg@raytown.mo.us

City of Raytown release
- storm & sanitary sewers



April 1, 2022

Chris Gilbert
City of Raytown
10000 E. 59th Street
Raytown MO. 64133

RE: 5909 Elm Street easement vacation.

Dear Mr. Gilbert,

Evergy has reviewed the request to vacate the utility easements on 5909 Elm. Evergy has no existing lines or equipment located in the easement and no future plans for any lines or equipment to be installed. Please see the attached internal emails from our field engineers to confirm this.

Thank you

Kent Fredlund

Kent Fredlund
Evergy
Real Estate Coordinator

O: 816 652-1594 M: 816 682-6494

kent.fredlund@evergy.com

KCP&L and Westar Energy are now Evergy

Electric utility release letter

From: [Kent Fredlund](#)
To: huffsurveyor@gmail.com
Subject: FW: [EXTERNAL]Vacation of Easement 5909 Elm Ave
Date: Friday, March 11, 2022 3:16:00 PM

Internal Use Only

Mike,

See below. Evergy does not need this easement. Let me know if you need something in writing.

Kent Fredlund
Evergy
Real Estate Coordinator

O: 816 652-1594 M: 816 682-6494

kent.fredlund@evergy.com

KCP&L and Westar Energy are now Evergy

From: Doug Davin <doug.davin@evergy.com>
Sent: Friday, March 11, 2022 2:40 PM
To: Phillip Ingram <phillip.ingram@evergy.com>; Kent Fredlund <kent.fredlund@evergy.com>
Subject: RE: [EXTERNAL]Vacation of Easement 5909 Elm Ave

Internal Use Only

Sounds good.

Thanks,

Doug Davin
Supervisor Central Design Engineering
Evergy
Doug.davin@evergy.com
O: (816) 347-4320
Evergy.com

From: Phillip Ingram <phillip.ingram@evergy.com>
Sent: Friday, March 11, 2022 2:33 PM
To: Doug Davin <doug.davin@evergy.com>
Cc: Kent Fredlund <kent.fredlund@evergy.com>
Subject: RE: [EXTERNAL]Vacation of Easement 5909 Elm Ave

Internal Use Only

Yes we can vacate this easement, we have nothing here.

Phil Ingram
evergy/LSSC
816-347-4339

From: Doug Davin <doug.davin@evergy.com>
Sent: Friday, February 25, 2022 2:38 PM
To: Phillip Ingram <phillip.ingram@evergy.com>
Cc: Kent Fredlund <kent.fredlund@evergy.com>
Subject: FW: [EXTERNAL]Vacation of Easement 5909 Elm Ave

Internal Use Only

Phil,

Please take a look at this area and see if we can vacate this easement.

Thank you,

Doug Davin
Supervisor Central Design Engineering
Evergy
Doug.davin@evergy.com
O: (816) 347-4320
Evergy.com

From: Kent Fredlund <kent.fredlund@evergy.com>
Sent: Thursday, February 24, 2022 6:16 PM
To: Doug Davin <doug.davin@evergy.com>
Subject: FW: [EXTERNAL]Vacation of Easement 5909 Elm Ave

Internal Use Only

Doug,

They are asking for easement vacation. It is not a KCPL U/E but a U/E from an old plat. It is just to the west of 5916 Elm in Raytown.

From: MIKE HUFFMAN <huffsurveyor@gmail.com>
Sent: Tuesday, February 22, 2022 4:49 PM

To: Kent Fredlund <kent.fredlund@evergy.com>

Subject: [EXTERNAL]Vacation of Easement 5909 Elm Ave

****WARNING:** This email originated from an external source outside of Evergy. Think before you click on links or attachments!**

Kent,

I spoke to Robie and he asked me to contact you about a Vacation of Easement in Raytown, Missouri.

Thank You,
Mike Huffman
(816) 289-5360

PARTIAL RELEASE OF PLATTED EASEMENT

THIS INSTRUMENT, made this 14TH day of March, 2022,

WITNESSETH THAT:

WHEREAS there has heretofore been granted to SPIRE MISSOURI INC., a Missouri corporation, ("GRANTOR"), a platted easement ("Easement") in certain land located upon part of Lot 63 of Adler's High View Addition, lots 59-63 included, a subdivision filed for record in Plat Book 23 at Page 44 of the Jackson County, Missouri Records wherein the nature and extent of the Easement and the lands affected are described; and

WHEREAS the present owner, NANCY L FERGUSON LIVING TRUST ("GRANTEE") of the lands so affected, has requested that GRANTOR release the Easement and GRANTOR is willing to do so to the extent hereinafter described.

NOW THEREFORE, in consideration of One Dollar (\$1.00) in hand paid to GRANTOR by said GRANTEE, the receipt of which is hereby acknowledged, GRANTOR hereby RELEASES AND QUITCLAIMS to said GRANTEE all of GRANTOR'S right, title and interest in and to that Easement as described on "Exhibit A" and shown hachured on the attached plat designated 'Partial Release of Platted Easement'.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be signed by its Vice President, Safety Management Systems the day and year first above written.

SPIRE MISSOURI INC.

Legal Dept. Approval to Form: MJA
MJA

Craig R. Hoefler
Craig R. Hoefler
Vice President, Safety Management Systems

Engineering Dept. Approval: JMA
JMA

System Planning Approval: JK
JK

Right of Way Dept. Approval: AG
AG

Gas utility Release Letter

STATE OF MISSOURI)
) ss.
CITY OF ST. LOUIS)

On the 14 day of March, 2022, before me,

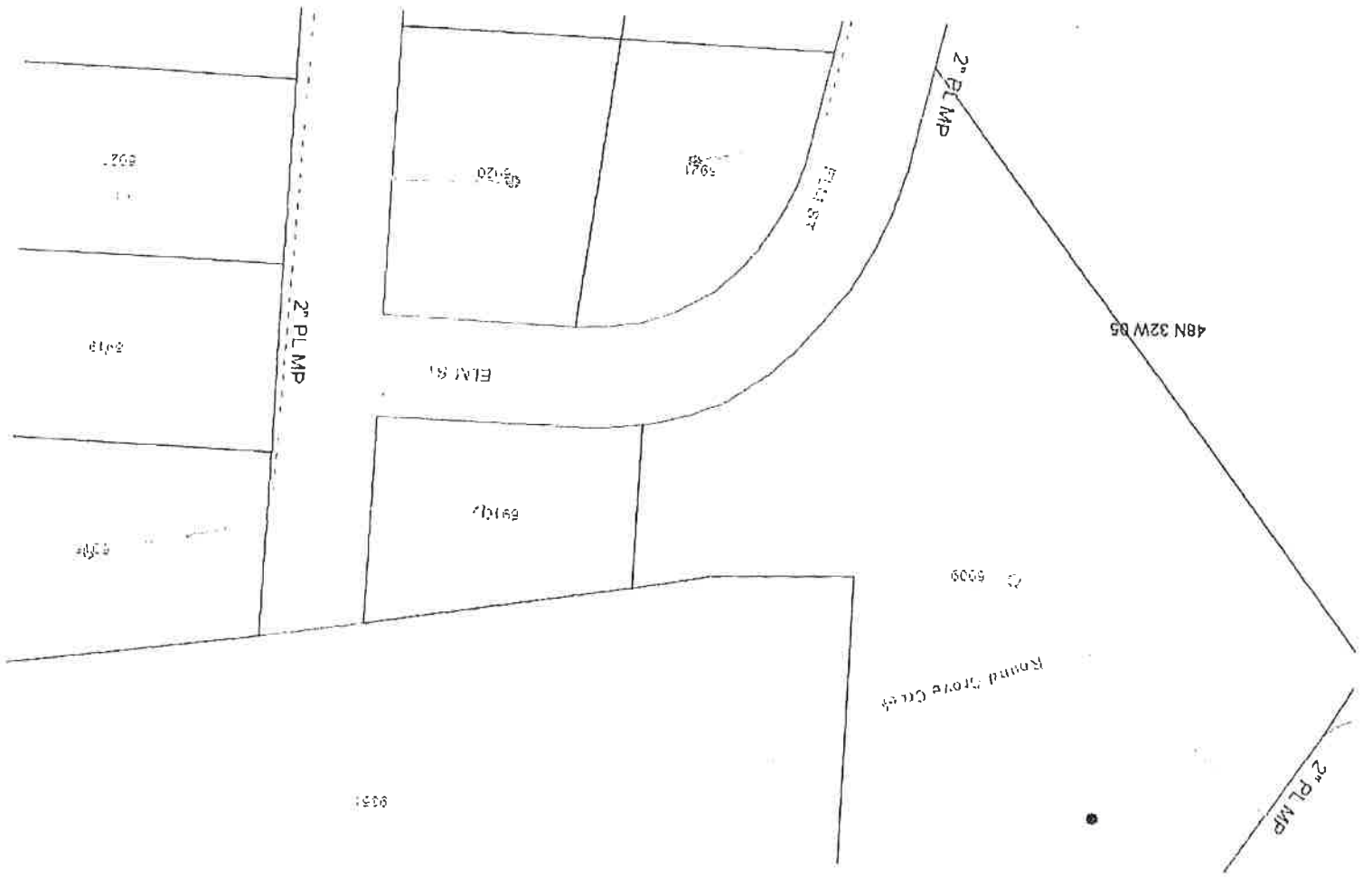
(insert Notary's name) John Lair, a notary public in and for said

state, appeared Craig R. Hoeferlin, to me personally known, who being by me duly sworn, did say that he is the Vice President, Safety Management Systems of SPIRE MISSOURI INC., and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said Craig R. Hoeferlin acknowledged said instrument to be the free act and deed of said corporation.

My Commission expires: 1/29/2026

[Signature]
Notary Public
John Lair
Printed Name

JOHN LAIR
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan. 29, 2026
Commission #18103602



Chris Gilbert

From: Toni Stubblefield <TStubblefield@raytownwater.net>
Sent: Wednesday, February 23, 2022 8:28 AM
To: HUFFSURVEYOR@GMAIL.COM
Cc: Chris Gilbert
Subject: 5909 ELM

Good morning Mike,

Per our Foreman, RWC is clear. There is no water main on the easement and none planned at 5909 Elm Ave, Raytown MO 64133.

Thank you,

Toni Stubblefield

Jr. Accountant | Raytown Water Company

tstubblefield@raytownwater.net

10017 E. 63rd st

Raytown, MO 64133

816-356-0333 office

816-356-0331 fax

This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing or other use of this e-mail by persons or entities other than the addressee is prohibited. If you have received this e-mail in error, please contact the sender immediately and delete the material from any computer.

Water Utility release letter



April 4, 2022

Chris Gilbert

City of Raytown

10000 E 59th Street

Raytown, Mo 64133

Re: 5909 Elm Street Easement Vacation

Dear Mr. Gilbert

Comcast has reviewed the request to vacate the utility easement on 5909 Elm. Comcast has no existing lines or equipment located in the easement and no future plans for any lines or equipment to be installed, and we have no objection to the Easement Vacation.

Thank You,

Andy Bell

Comcast Construction Specialist

Office: 816-795-2255

Fax: 816-795-6948

Cable TV/Internet utility release letter

Chris Gilbert

From: Mike Hunley <MikeH@RaytownFire.com>
Sent: Tuesday, February 22, 2022 6:55 PM
To: MIKE HUFFMAN
Cc: Chris Gilbert
Subject: Re: Easement Vacation 5909 Elm Ave

Mr. Huffman,

I don't have any issue with vacating this easement.

Thanks,



From: MIKE HUFFMAN <huffsurveyor@gmail.com>
Sent: Tuesday, February 22, 2022 3:43 PM
To: Mike Hunley
Subject: Easement Vacation 5909 Elm Ave

Mike,

Sorry about the previous email, I have Attached the Letter of request, and Survey Documents.

Thank You,
Mike Huffman
(816) 289-5360

Fire Dept. release letter

Reserved for Recorder of Deeds

STATE OF MISSOURI)
JACKSON COUNTY) SS
I CERTIFY INSTRUMENT RECEIVED

1976 OCT 29 AM 9 44 A

RECORDED BOOK F70 PAGE 1174
STEVEN A. CLORIOSO
DIRECTOR OF RECORDS

100
300
400

Missouri Warranty Deed

This Indenture, Made on the 23RD. day of OCT.
SEVENTY SIX A. D., One Thousand Nine Hundred and
by and between
KENNETH A KRUEGER & ALICE M KRUEGER HUSBAND
AND WIFE

of the County of JACKSON , State of
MISSOURI part IES of the first part, and
WALTER O FERGUSON JR. & NANCY L FERGUSON
HUSBAND AND WIFE

of the County of JACKSON , State of
MISSOURI part IES of the second part,

(Mailing address of said first named grantee is 5909 ELM ST. RAYTOWN MISSOURI, 64133)

WITNESSETH: THAT THE SAID PART IES OF THE FIRST PART, in consideration of the
sum of TEN DOLLARS AND OTHER GOOD AND VALUEABLE CONSIDERATIONS ~~REMOVED~~
to THEM paid by said part IES of the second part (receipt of which is hereby acknowledge), do
by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said part IES of the second
part THEIR heirs and assigns, the following described lots, tracts and parcels of land
lying, being and situate in the County of JACKSON and State of Missouri, to wit:

01-0230

THE WEST PORTION OF LOT NO. 58, ADLER'S HIGHVIEW ADDITION, KNOWN AS
5916 ELM STREET, RAYTOWN MISSOURI, 64133. SAID PORTION IS APPROXIMATELY
3600 SQUARE FEET IN AREA AND MEASURES APPROXIMATELY 40 FEET BY 90 FEET.
THE EXACT DIMENSIONS ARE TO BE DETERMINED AND ESTABLISHED BY A REGISTERED
LAND SURVEY.
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appur-
tenances and immunities thereto belonging or in any wise appertaining unto the said part IES of the
second part and unto THEIR heirs and assigns forever; the said PARTIES OF THE FIRST
PART hereby covenanting that THEY ARE
lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that THE have
good right to convey the same; that the said premises are free and clear from any incumbrance done or suffered
by THEM or those under whom THEY claim, and that THEY will
warrant and defend the title to the said premises unto the said part IES of the second part and unto
THEIR heirs and assigns forever, against the lawful claims and demands of all persons
whomsoever.

IN WITNESS WHEREOF, The said PARTIES of the first part have hereunto set THEIR
hands and seals the day and year above written.

Walter O Ferguson Jr. (SEAL)
WALTER O FERGUSON JR
Nancy L Ferguson (SEAL)
NANCY L FERGUSON

Kenneth A. Krueger (SEAL)
KENNETH A KRUEGER
Alice M Krueger (SEAL)
ALICE M KRUEGER

In the State of Missouri, County of Jackson, on this 23rd day
of October, 1976, before me, the undersigned, a Notary Public in and for said County and State,
personally appeared Walter O. Ferguson, Jr., and Nancy L. Ferguson, Husband and Wife and
Kenneth A. Krueger and Alice M. Krueger, Husband and Wife
to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they
executed the same as their free act and deed, and the said parties of the first part and parties of
the second part further declared themselves to be married.

Witness my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above
written.

(Seal)
My Commission Expires July 2, 1978

Suzanna Dull
Notary Public
Suzanna Dull

My term expires _____ 19____

Notary Public in and for said County and State.

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MISSOURI ACKNOWLEDGMENT—MAN AND WIFE

STATE OF Missouri

COUNTY OF Jackson

On this 27th day of August, 1959

before me, the undersigned _____, a Notary Public, personally appeared
Otto Adler and Grace Adler

his wife, to me known to be the persons 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 or my office in Raytown, Missouri _____ day and year last above written.

Ray McBall
Notary Public in and for said County and State.

My term expires _____ 19____

My Commission Expires June 14, 1960

FILED FOR RECORD AND DULY RECORDED IN MY OFFICE ON THIS 2 DAY OF Sept A.D. 1959, AT 9 O'CLOCK 21.4 MINS. A.M.
NATHAN SCARRITT, RECORDER, BY [Signature] Deputy

DEED OF TRUST 721533 Loan No. 6206
\$14,900.00

THIS DEED OF TRUST, Made and entered into this 28th day of August, 1959, by and between

WALTER O. FERGUSON, JR. and NANCY L. FERGUSON, husband and wife

of the County of Jackson in the State of Missouri, as party of the first part, hereinafter referred to as "grantors," whether singular or plural, and FLOYD R. GIBSON of Jackson County, Missouri, as party of the second part, hereinafter referred to as "trustee," and BLUE VALLEY FEDERAL SAVINGS AND LOAN ASSOCIATION, a corporation organized under the laws of the United States of America, as party of the third part, hereinafter referred to as "association."

WITNESSETH: The grantors in consideration of the loan and the trust hereinafter created do by these presents grant, bargain, sell, convey and confirm unto said trustee, and to his successors and assigns, the following described real estate situated in the County of Jackson in the State of Missouri, to-wit:

Lot 63, ADLER'S HIGH VIEW ADDITION, a subdivision in Raytown, Jackson County, Missouri, according to the recorded plat thereof.

The Note secured by this Deed of Trust is given as part payment of the purchase price of the above described real estate.

7. Upon failure of the grantors to do so, or upon request of the borrower, the Association may at its option pay taxes, assessments, insurance premiums, for necessary repairs and for otherwise protecting and preserving the security of this instrument and all advances so made shall as soon as possible the Association in addition to the regular payments required by said note or at the option of the Association may be added to the principal of the debt secured hereby to be paid out of monthly payments as herein specified, and in either case shall bear interest at the rate provided in said note, payable monthly, from the date of advancement until paid and all advances so made shall be included as additional amounts secured by this instrument. In the event grantors fail to supply the insurance policies with acceptable loss payable clauses to the Association as set forth in paragraph 4 at least thirty days before the expiration date of any such policies of insurance, the Association shall have the right to secure such insurance and to charge the same to the borrower or at the option of the Association may add the premium for such insurance to the principal of the debt secured hereby to be paid out of monthly payments as herein specified, and in either case shall bear interest at the rate provided in said note, payable monthly, from the date of advancement until paid and all advances so made shall be included as additional amounts secured by this instrument.

8. If at any time the grantors shall be in default in the performance of any of the agreements herein or in the said note mentioned, the association in addition to and without having other remedies, shall have power and authority to take possession of the said real estate and to manage, control and lease the same and collect all the rents, issues and profits therefrom and apply the same to pay the expenses of such management, taxes, assessments, reasonable and necessary repairs and to pay the debt secured by this instrument, or at its option may have a receiver appointed for such purposes, and such power and authority shall be irrevocable, and shall continue after sale hereunder if a bond is given to redeem or if the owner of said real estate should die and foreclosure should not be permitted.

9. In case proceedings are commenced to foreclose this instrument by suit or otherwise, the grantors agree that in addition to court costs they will pay the association the cost of a supplemental abstract of title for the said real estate reasonably deemed necessary in such proceedings and if the trustee or the association shall become a party to this instrument or rights claimed hereunder, be made a party to any legal proceedings the grantors will pay reasonable attorney's fees incurred or expended by the trustee or the association in defense hereof or of any debt hereunder and such expenses and fees shall be secured by this deed.

10. If now or hereafter demanded by the association, the grantors agree to pay the association additional monthly payments equal to 1-12 of such amount as the association's secretary shall estimate to be required for the purpose of accumulating a fund with which to pay before delinquent all general and special taxes on said premises and premiums on insurance policies securing said note.

11. The grantors as borrowers from the association are members thereof and hereby agree strictly to observe and comply with the provisions and conditions of its charter, by-laws and regulations which are now or may hereafter be in force and that if title or ownership of said real estate is in any manner transferred the membership of the grantors in the association shall pass and inure to the grantee.

Now, therefore, if said note and the interest thereon be paid as therein specified and said agreements be kept and performed as aforesaid, then this instrument shall become void and will be released at the cost of said first party.

But if default be made in the payment of the said note or of any part or installment thereof or any of the interest when due, or in the performance of any of the premises and agreements herein and/or in the said note contained, or if the statutes be hereafter amended so as to make this mortgage taxable to the association then the one and the same money secured may at any time after such failure or default or change in the statutes, at the option of the holder hereof, without notice, be declared due and payable for all purposes, anything herein or in the said note to the contrary notwithstanding, and the holder hereof, his heirs, assigns and every person claiming under him or his successor in trust shall at the request of the holder of said note proceed to sell the property hereinbefore described and any and every part thereof in or to the county of Jackson, Missouri, to the highest bidder at the public auction at the Jackson County Court House Annex in Jeffersonville, Missouri, for cash, first giving ninety days' notice of the time, terms and place of such sale and of the property to be sold, by advertisement in some newspaper printed and published in said Jackson County, Missouri, and upon such sale shall execute and deliver a deed of conveyance of the property sold to the purchaser or purchasers thereof, and any statement or report of fact in such deed shall be prima facie evidence of the truth of such recital.

In and after the event of the death, inability or refusal to act, or absence, either temporary or permanent, from Jackson County, Missouri, of said trustee, the holder of the note secured hereby is granted full power to appoint in writing a substitute trustee and such substitute trustee shall when so appointed become successor in the title to said property and the title thereto shall become vested in him in trust and he shall have all the powers, duties and obligations of the trust herein provided for.

In the event of sale by the trustee he shall receive the proceeds thereof and shall pay therefrom—first, the costs and expenses of executing this trust, including compensation for his services and a reasonable attorney's fee, if one be employed; second, repay all advances made by the association under the terms of this deed of trust and interest thereon; third, pay the unpaid balance of the note secured by this deed of trust together with interest thereon, fourth, the qualified claims of any subsequent lien holders; and fifth, the balance if any shall be paid to the grantors or to their legal representatives.

If notice of such trustee's sale of the said property be advertised but proceedings to sell the same be discontinued prior to sale, the grantors shall pay the association \$10.00 and the cost of each such advertisement and a reasonable fee for an attorney if one be employed.

The said trustee hereby lets said premises to the said grantors until a sale be had under the foregoing provisions, or until default be made in performance of the agreements herein contained, upon the following terms and conditions to-wit: The said grantors and every and all persons claiming and possessing such premises or any part thereof, by, through or under them, shall and will pay rent therefor during the said term at the rate of one cent per month payable monthly upon demand and shall and will surrender peaceable possession of the said premises after default or after sale under said provisions, immediately upon the execution and delivery of the trustee's deed hereunder and without notice or demand therefor.

IN WITNESS WHEREOF, the said grantors have hereunto set their hands and seals the day and year first above written.

Walter O. Ferguson, Jr. Nancy L. Ferguson

MISSOURI ACKNOWLEDGMENT—UNMARRIED PERSON

STATE OF MISSOURI
COUNTY OF JACKSON
On this 28th day of August, 1959
before me,
a Notary Public, personally appeared
to me known to be the person described in and who executed the foregoing instrument, and acknowledged that
executed the same as
free act and deed. And the said
further declare
to be single and unmarried.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at
the day and year last above written.
My term expires
Notary Public in and for said County and State.

MISSOURI ACKNOWLEDGMENT—MAN AND WIFE

STATE OF MISSOURI
COUNTY OF JACKSON
On this 28th day of August, 1959
the undersigned
a Notary Public, personally appeared
WALTER O. FERGUSON, JR. and NANCY L. FERGUSON
to me known to be the persons 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
Kansas City, Missouri
the day and year last above written.
My Commission Expires September 14, 1959
Notary Public in and for said County and State.

FILED FOR RECORD AND DULY RECORDED IN MY OFFICE ON THIS 2 DAY OF Sept. A.D. 1959, AT 1 O'CLOCK 47 MINS. P.M. NATHAN SCARRITT, RECORDER, BY m Stark Deputy

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI
COUNTY OF JACKSON

} S.S.

Page 1 of 2

Before the undersigned Notary Public personally appeared **Brandon Crail** on behalf of **THE DAILY RECORD, KANSAS CITY** who, being duly sworn, attests that said newspaper is qualified under the provisions of Missouri law governing public notices to publish, and did so publish, the notice annexed hereto, starting with the **April 18, 2022** edition and ending with the **April 18, 2022** edition, for a total of 1 publications:

04/18/2022



Brandon Crail

Subscribed & sworn before me this 18th day of Apr, 2022
(SEAL)



Notary Public

CHANEL JONES
Notary Public - Notary Seal
State of Missouri
Commissioned for St Louis County
My Commission Expires: August 08, 2022
Commission Number: 14397721

Notice of Public Hearing to Vacate Existing Platted Utility Easement

Affected Property: A5-foot platted utility easement wholly located on property addressed as 5909 Elm Street, Raytown, Missouri, and more properly described as:

A 5-foot Easement in the North Half of Section 5, Township 48 North, Range 32 West of the Fifth Principal Meridian, being a part of Lot 63, ADLER'S HIGH VIEW ADDITION, LOTS 59 - 63 INCL., a subdivision recorded August 26, 1959, as Instrument #731064, in Plat Book 23 at Page 44, said Easement being the East 5 feet of said Lot 63, EXCEPT the North 5 feet thereof, more particularly described as follows: Beginning at the Southeast corner of said Lot 63, said corner being the True Point of Beginning; thence on a curve to the left, having an initial tangent bearing of South 63° 03' 17" West, with a radius of 164.36 feet, along the Northwesterly right-of-way line of Elm Avenue, an arc length of 5.76 feet; thence North 01° 50' 30" East, 5.00 feet West of and parallel to the East line of said Lot 63, a distance of 91.73 feet; thence North 83° 45' 26" East, 5 feet South of and parallel to the North line of said Lot 63, a distance of 5.05 feet; thence South 01° 50' 30" West, along said East line of Lot 63, a distance of 89.57 feet to the point of beginning.

Jackson County Parcel ID #
45-21-05-25-00-0-00-000

A public hearing to consider vacating the above-described utility easement, filed by Nancy Ferguson of Raytown, Missouri, will be held by the Raytown Planning & Zoning Commission at **7:00pm on Thursday, May 5, 2022**. The packet and agenda should be available for view on the City of Raytown website on Friday, April 29, 2022.

This public hearing will take place in the Council Chambers at Raytown City Hall located at 10000 E. 59th St. Raytown, MO 64133.

AFFIDAVIT OF PUBLICATION

Page 2 of 2

The public, and any party with claim of access to this easement, is invited to attend this public hearing to ask questions and provide comment. Additional information can be obtained from the Department of Community Development located in Raytown City Hall at 10000 East 59th Street, by telephone at (816) 737-6059 or by e-mail at chrsg@raytown.mo.us.

If you will require any special accommodation (i.e., qualified interpreter, large print, reader, hearing assistance) to attend this public hearing, please notify the Department of Community Development at Raytown City Hall at (816) 737-6014 no later than 48 hours prior to the applicable public hearing date.

12109578 Jackson Apr. 18, 2022

3, 2, One Raytown, GO (Bonds)! Presentation

City Administrator Damon Hodges and Alderman Ryan Myers will discuss how Questions 1, 2 and 3 on the August 2, 2022, ballot will work together to rebuild, reconstruct, and maintain the City's roads and infrastructure through a proposed \$53 million in general obligation (GO) bonds.