Z&P Meeting: December 14, 2020
City Council Meeting: January 4, 2021

STAFF PLANNING REPORT
Vacation

CASE 051-20 A request to vacate a 20' wide drainage easement.

APPLICANT Gary Rose

REPRESENTATIVE Gary Rose

LOCATION West of the West right-of-way line of Callaway Dr.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Drainage Easement	Approximately 1000' x 20'

REASON FOR VACATION

Gary Rose is representing a client who is looking to begin construction on a home on three lots where the existing easement nearly bisects each lot, hindering the placement of any structure on the lots while still meeting our setback requirements.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Drainage ditch has been rerouted to the rear of the lots, out of the way of potential future development.

UTILITIES PLANNED TO LOCATE IN THE RIGHT-OF-WAY?

No plans for new utilities to be located in the right-of-way.

DISCUSSION

Gary Rose is representing a client who is looking to begin construction on a home on three lots where the existing easement cuts through the middle, making it difficult to locate a structure outside of the easement while still maintaining the 25-foot setbacks for the front and backyards. In conjunction with neighbors to the North, a new drainage ditch has been constructed on the rear of the lots that is out of the way of any potential structures and has been approved by the City's Engineering Department. A new easement will be granted over this new drainage ditch.

To be clear, this is strictly a drainage easement, meaning no other utilities other than the City's Stormwater Utilities are affected by this vacation request. In order to allow for the construction to take place on these three lots as well as other vacant lots to the North, and to remove a redundant easement, staff recommends approval of this vacation.

Staff recommends approval of Case 051-20.

ENCLOSURES

- Application
- Map

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form and Attachments to:
Planning / Community Development Specialist
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 051-20
Filing Fee: $550.00
Date Advertised: 11-29-20
Date Notices Sent 12-1-20
Public Hearing Date: 1-4-21

I. Applicant Name: Gary Rose Phone: 417-439-5333

If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 1632 S. Madison St. Ste F Zip: 64870
Webb City, Mo.

II. Type of vacation requested (check one):

Street Vacation_____

Alley Vacation_____

Utility Vacation_____

Other (Please specify) Drainage Ditch

III. Please indicate below the extent to which the following standards are met, in the applicant's opinion.

1. Private rights will not be injured or endangered by the vacation. NO

2. The vacation will not cause the public to suffer a loss or inconvenience. NO

3. In justice to the applicant(s) the vacation should be granted. Build a new home

IV. Required Attachments:

1. Legal description of the street, alley, or utility easement to be vacated from a deed of record or certified survey. Digital copies are acceptable. Must be legible.

2. Survey or such other drawing acceptable to the Planning / Community Development Manager depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley or public reservation.

3. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

4. Completed Utility Comments forms from the following utility companies indicating their consent to vacate the easement. The following companies must be contacted, and their consent received, before the Public Hearing can take place.

Utility	Contact	Email	Phone
AT&T	**Kenny Kenworthy**	**kk7429@att.com**	**417-625-8092**
Missouri American Water	Andrew Holderness	andrew.holderness@amwater.com	417-623-0676 x1009
Liberty Utilities (Power)	**Jeff Lebeda**	**jeff.lebeda@libertyutilities.com**	**417-625-6159**
Republic Services (Trash)			(800) 431-1507
Cable One/Sparklight	**Keri Bledsoe**	**keri.bledsoe@sparklight.biz**	
Spire Energy (Gas)*	Ken Stegall	ken.stegall@spireenergy.com	
Spire Energy (Gas)*	**Mandy Butkovich**	**mandy.butkovich@spireenergy.com**	**816-472-3767**
City Sanitary Sewer	Chris Parker	cparker@joplinmo.org	417-624-0820 x584
City Stormwater	**Steven Martinez**	**smartine@joplinmo.org**	**417-624-0820 x531**

*Must contact BOTH contacts at Spire Energy.

Signature

11/6/2020

Date

Utility Comments: Vacation of Streets, Alleys, & Easements

City of Joplin
Planning, Development, & Neighborhood Services
602 S. Main St., Joplin, MO 64801
417-624-0820 ext. 511

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that Gary Box, *being owners of real estate abutting or withholding a street, alley, or easement, desires to petition the City of Joplin, Missouri, to pass an ordinance vacating:* a drainage ditch.

Located at: Calloway Ridge

For the following purpose: Build a new home.

For Utility Use:

1. Our utility has facilities or interest within this right-of-way:
   ☒ Yes (proceed to #2) ☐ No (form complete)

2. Our utility:
   ☐ has no objection
   ☐ objects to vacation and will not waive objection under any conditions (describe below, or on separate sheet.)

   ☒ will waive objections subject to the following conditions (describe below, or on separate sheet.)
   ☐ Retain utility easement and protect facilities
   ☐ Relocate facilities
   ☒ Other: Dedicate new easement over new drainage ditch.

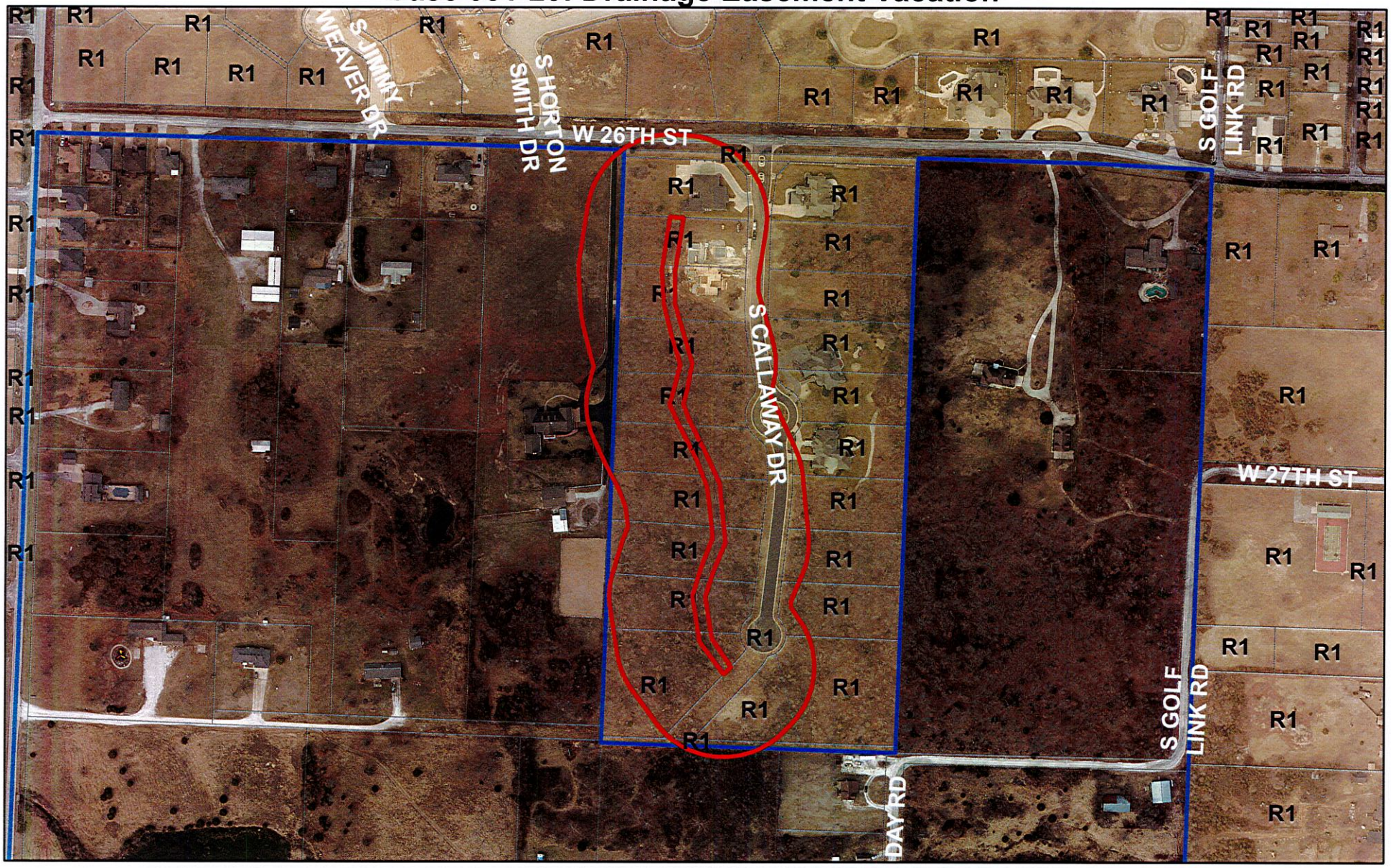
Please return this form within **21 days** to the applicant listed above.

Steve Martinez — Authorized Representative

12/10/20 — Date

Stormwater — Name of Utility

Case 051-20: Drainage Easement Vacation



Case 051-20: Drainage Easement Vacation – A request to vacate a 20' wide drainage easement lying on property abutting the West right-of-way line of Callaway Dr. – Gary Rose