CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-285-Utility Vacation

MEETING DATE:
January 6, 2020

ORIGINATING DEPARTMENT:
Planning, Development and Neighborhood Services

REVIEWED BY:
Director of Planning, Development & Neighborhood Services-Troy Bolander, Director of Finance-Leslie Haase, City Attorney- Peter Edwards, Interim City Manager- Daniel Pekarek.

SUMMARY REQUEST:
Case 041-19: Easement Vacation – A request to vacate a utility easement located at 2001 S. Wisconsin Ave. – Kevin Parker

BACKGROUND:
The purpose for this vacation request is to improve the ability to redevelop the site. Currently, the utility easement restricts the footprint of new development.

PLANNING & ZONING COMMISSION TESTIMONY:
Kevin Parker, 1115 Illinois Ave, Ste 1, Joplin, MO. One of the lots was purchased from the City of Joplin. The one below it was an R-3 lot that was used for the church across on Wisconsin. Due to the lots having a prior usage or purpose, there were some old utility easements that are no longer needed or vacated.

There are seven (7) duplexes that run parallel with the railroad tracks and one of the easements ran right through one of the duplexes. That easement stopped me from getting a building permit and just last week the city issued a building permit knowing that we submitted everything necessary to vacate it.

PUBLIC COMMENT:
None.

FUNDING SOURCE
These payments are included in the FY 2018-19 budget of the Community Planning Fund.

RECOMMENDATION:
Planning & Zoning Commission recommends approval, 6 in favor, 0 Nays, 1 Absent.

Staff recommends approval of Case 041-19.

ATTACHMENTS
CB 2019- 285, Staff Planning Report, P&Z Commission Minutes

CB 2019-285

Case 041-19: Easement Vacation – A request to vacate a utility easement located at 2001 S. Wisconsin Ave. – Kevin Parker

Kevin Parker, 1115 Illinois Ave, Ste 1, Joplin, MO. I bought the lots after the tornado, one of the lots was purchased from the City of Joplin. The one below it was an R-3 lot that was used for the church across the street. Due to the lots have a prior usage or purpose, there was some old utility easements that are no longer needed or vacated. Anderson Engineering and I have been working together to remove them and we have the corresponding letters that they are no longer needed or no longer needed in the future.

Mr. Ramsour stated that he drove by there and construction has started. How do these easements affect this property?

Mr. Parker stated that yes there is construction going on to build duplexes. There are seven (7) duplexes that run parallel with the railroad tracks and one of the easements ran right through one of the duplexes. That easement stopped me from getting a building permit and just last week the city issued a building permit knowing that we submitted everything necessary to vacate it.

Mr. Ramsour asked if the Commissioners had any questions for Mr. Parker. They did not.

Mr. Ramsour asked if there anyone in favor of this request? There was not. Is there was anyone against this request? There was not.

MRS. BRUCKNER-SEARS MOVED, SECONDED BY, MR. EASTMAN FOR CASE 041-19 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUCKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, AND MR. EASTMAN VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Z&P Meeting: December 9, 2019
City Council Meeting: January 6, 2019

STAFF PLANNING REPORT
Vacation

CASE 041-19 A request for the vacation of approximately 90 feet of a 10-foot-wide utility easement, and approximately 185 feet of a 10-foot-wide utility easement.

APPLICANT Kevin Parker

REPRESENTATIVE Micah Souder

LOCATION A utility easement running East/West located in the 2300 block of the East side of S. Wisconsin Ave.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	Approximately 10' x 90'
Utility Easement	Approximately 10' x 180'

REASON FOR VACATION

For the redevelopment on the applicant's property. Current easement prevents the footprint of any proposed development from being located at present recorded location.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

No active connection. Rerouting of utilities is not required to maintain current services to adjoining properties.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

No plans for new utilities to be located in the easement.

DISCUSSION

The purpose for this vacation request is to improve the ability to redevelop the site. Currently, the utility easement restricts the footprint of new development. The easement is no longer in use to serve private property or to extend public utilities.

Staff recommends approval of Case 041-19.

ENCLOSURES

- Application
- Map

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form 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.: 041-19
Filing Fee: $500.00
Date Advertised: 11-24-19
Date Notices Sent 11-22-19
Public Hearing Date: 12-9-19

I. Applicant Name: Kevin Parker Phone: 417-624-5552

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

Address: 1115 Illinois Avenue Suite 1 Joplin, MO Zip: 64801

II. Type of vacation requested (check one):

Street Vacation_____

Alley Vacation_____

Utility vacation X

Other (Please specify)_____

III. Legal Description of area requested to be vacated: See attached exhibit and description

IV. 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. Parker Development, LLC

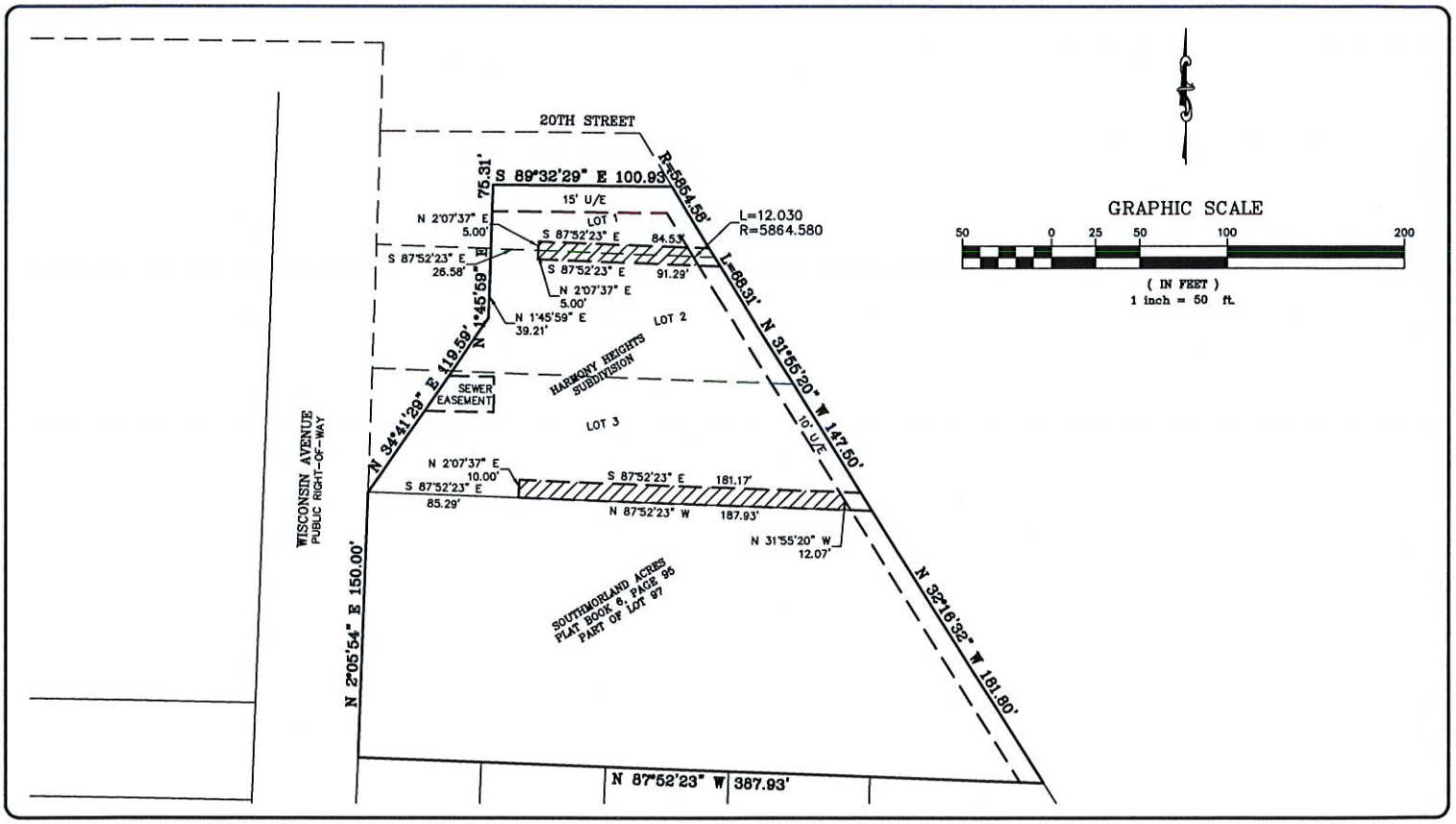
V. Required Attachments:

1. 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.

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 the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation before the Public Hearing can take place.

a.) MGE Missouri Gas Energy	(800) 582-1234
b.) Empire District Electric Company	(417) 624-0300
c.) Cable One	(417) 624-6340
d.) MO American Water Company	(800) 256-6426
e.) AT&T	(800) 464-7928
f.) Republic Services (Trash)	(800) 431-1507



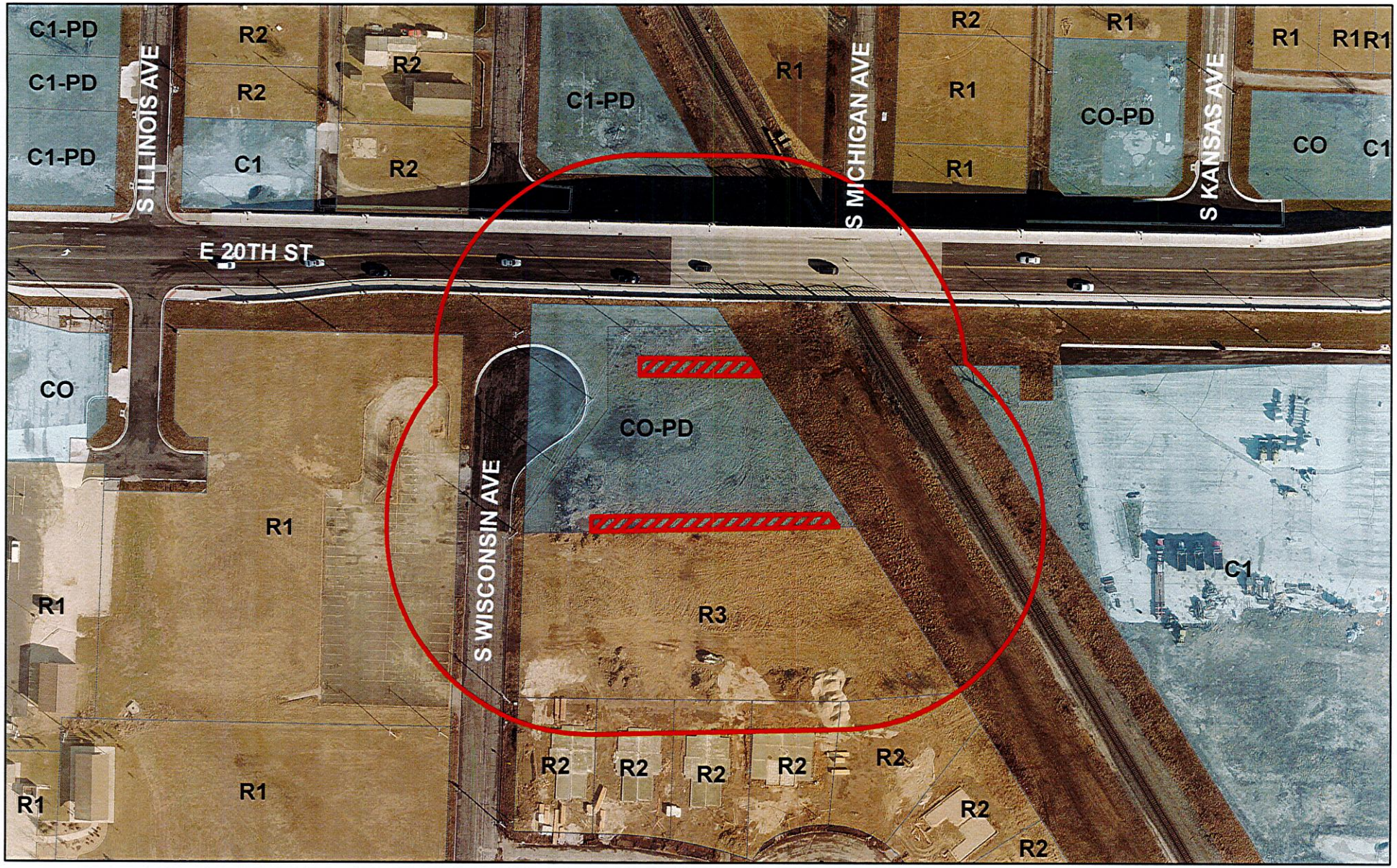
ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING • GIS

811 E. 3RD STREET
JOPLIN, MISSOURI 64801
PHONE (417) 782-7399

MONTANA CROSSING
PROPOSED UTILITY EASEMENT VACATION SKETCH
JOPLIN, JASPER COUNTY, MISSOURI

DRAWN BY: MNS	FIELD BY: –
DATE: 9-24-19	FIELD BK: –
CLIENT NO: –	DRAWING NUMBER: –

Case 041-19: 2001 S. Wisconsin Ave. - Easement Vacation



Case 041-19: Easement Vacation – A request to vacate a 10 foot by 90 foot utility easement and a 10 foot by 180 foot utility easement located at 2001 S. Wisconsin Ave. – Kevin Parker

0 62.5 125 250 375 500 Feet

N

P & Z Case 041-19
Kevin Parker
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-285 ORDINANCE NO.

AN ORDINANCE providing to vacate approximately 90 feet of a 10-foot-wide utility easement and approximately 185 feet of a 10-foot-wide utility easement running East/West located in the 2300 block of the East side of S. Wisconsin Ave.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That all that part of approximately 90 feet of a 10-foot-wide utility easement, and approximately 185 feet of a 10-foot-wide utility easement running East/West located in the 2300 block of the East side of S. Wisconsin Ave. in the City of Joplin, Jasper County, Missouri described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

As part of a platted utility easement as shown on Lots 1 and 2 of Harmony Heights Subdivision, a subdivision of land in the City of Joplin, as shown in Plat Book 7, Page 105 in the Recorder of Deeds Office in Jasper County, Missouri, described as follows: commencing at the Southwest Corner of Lot 3 in said Harmony Heights Addition; thence N34°41'29"E along East right-of-way of Wisconsin Avenue as established in Book 2398, Page 401, 119.59 feet; thence N01°54'59"E along said right-of-way, 39.21 feet to a point on the common line of Lots 1 and 2 in said Harmony Heights Subdivision; thence S87°52'23"E along said lot line, 26.58 feet to the point of beginning of the easement to be vacated ; thence N02°07'37"E, 5.00 feet; thence S87°52'23"E, 84.65 feet; thence 12.03 feet along an easement line on a non-tangent curve to the left, having a radius of 5864.58 feet and a chord bearing S31°38'49"E, 12.03 feet; thence N87°52'23"W, 91.34 feet; thence N02°07'37"E, 5.00 feet to the point of beginning; contains 880 square feet, more or less, bearings are based on the Missouri Coordinate System of 1983, West Zone; and part of a platted utility easement as shown on Lot 3 of Harmony Heights Subdivision, a subdivision of land in the City of Joplin, as shown in Plat Book 7, Page 105 in the Recorder of Deeds Office in Jasper County, Missouri, described as follows: commencing at the Southwest Corner of Lot 3 of Harmony Heights Addition; thence s87°52'23"E along the South line of said Lot 3, 85.29 feet to the point of beginning of the easement to be vacated; thence N02°07'37"E, 10.00 feet; thence S87°52'23"E, 181.17 feet; thence S31°55'20"E along an easement line, 12.07 feet to a point on the south line of said lot 3; thence N87°52'23"W, 187.93 feet to the point of beginning; contains 1845 square feet, more or less; bearings are based on the Missouri Coordinate System of 1983, West Zone.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2019, by a vote of _____.

_____
ATTEST: Gary L. Shaw, Mayor

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney