CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-286-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 042-19: Easement Vacation – A request to vacate a utility easement located at the Southwest corner of W. 26th St. & S. McCoy Ave. – Parker Development, LLC

BACKGROUND:
The Memorial Hills senior affordable housing development has already been constructed on the site, and subsequent surveys have shown unused easements on the property.

PLANNING & ZONING COMMISSION TESTIMONY:
Kevin Parker, 1115 Illinois Ave, Ste 1, Joplin, MO. Mr. Parker stated that there is an easement through the building where Memorial Hills Senior Affordable Housing building now sits. We purchased this property from the Joplin Redevelopment Corporation (JRC). There are about nine (9) parcels in total and we thought all of the easements were all vacated.

They are not needed any longer and all utility companies have been notified and paperwork is in order.

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
Staff recommends approval of Case 042-19.

ATTACHMENTS
CB 2019- 286, Staff Planning Report, P&Z Commission Minutes

CB 2019-286

Case 042-19: Easement Vacation – A request to vacate a utility easement located at the Southwest corner of W. 26th St. & S. McCoy Ave. – Parker Development, LLC

Kevin Parker, 1115 Illinois Ave, Ste 1, Joplin, MO. Mr. Parker stated that there is an easement through the building where Memorial Hills Senior Affordable Housing building now sits. We purchased this property from the Joplin Redevelopment Corporation (JRC). There are about nine (9) parcels in total and we thought all of the easements were all vacated. We moved forward with the survey, and it came up with additional ones. They are old easements and they were necessary before the tornado when the property was used for a different purpose. They are not needed any longer and all utility companies have been notified and paperwork is in order.

Mr. Eastman stated he did not have a question but a comment. Kevin, very proud of what you have done there, an improvement to that area.

Mr. Parker stated that the property is completely full. There are 54 units, and all were full within 60 days. It is affordable and the residents have really enjoyed them.

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. KOELKEBECK MOVED, SECONDED BY, MRS. STEELE FOR CASE 042-19 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 042-19 A request for the vacation of approximately 440 feet of a 20-foot-wide utility easement, and 115 feet of a 15-foot-wide storm sewer and utility easement.

APPLICANT Kevin Parker

REPRESENTATIVE Micah Souder

LOCATION A utility easement mostly running North/South and a storm sewer and utility easement running East/West located in the 1700 block of the South side of W 26th St.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	Approximately 20' x 440'
Storm Sewer & Utility Easement	15' x 115'

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 clean up the easements through the site. The Memorial Hills senior affordable housing development has already been constructed on the site, and subsequent surveys have shown unused easements on the property.

Staff recommends approval of Case 042-19.

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.: 042-19
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. Memorial Hills, LP

V. Required Attachments:

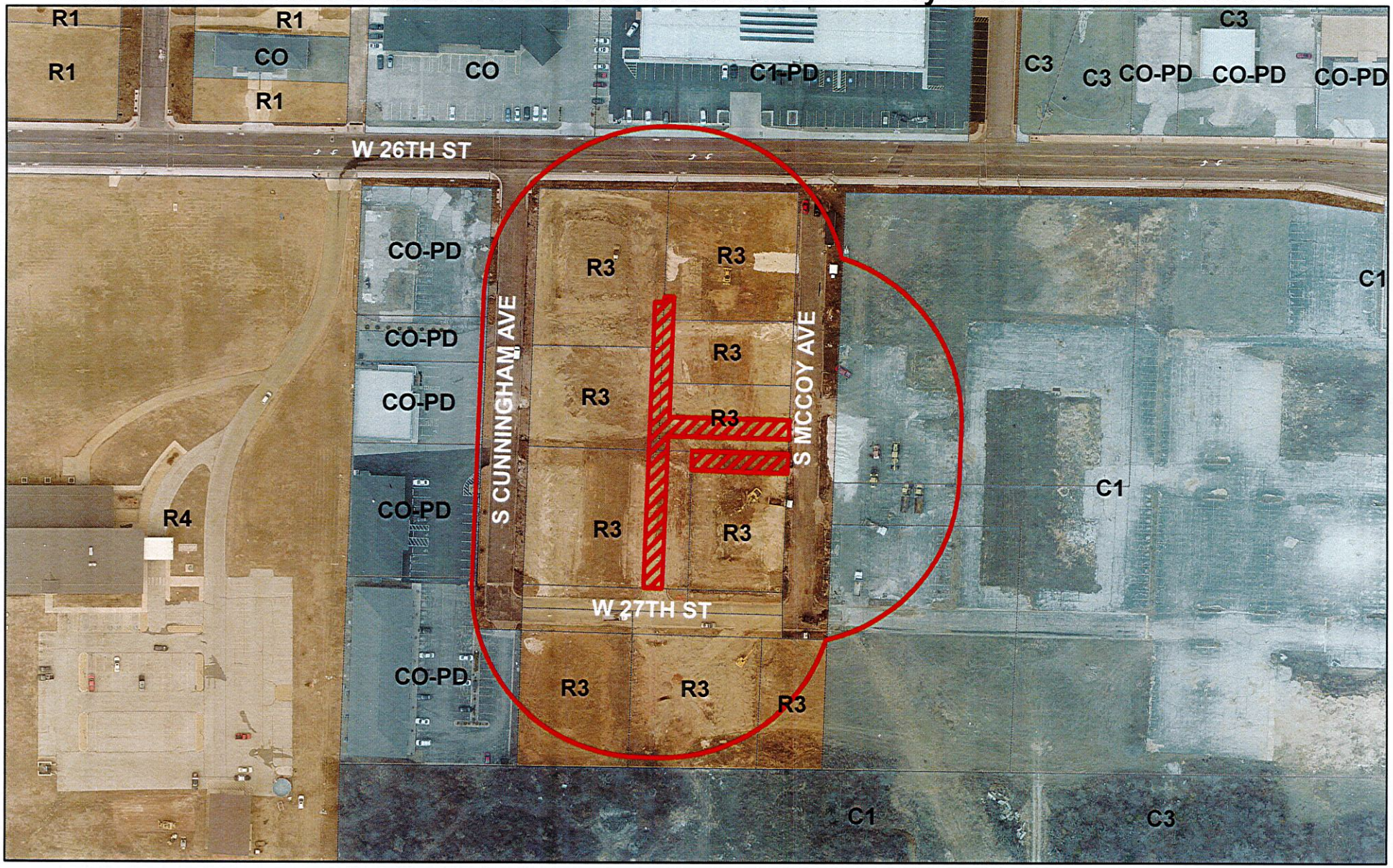
1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

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

Case 042-19: Southwest corner of W. 26th St. and S. McCoy Ave. - Easement Vacation



Case 042-19: Southwest corner of W. 26th St. and S. McCoy Ave. - A request to vacate a 20 foot by 430 foot utility easement and a 15 foot by 115 foot utility and storm sewer easement - Kevin Parker

0 62.5 125 250 375 500 Feet

N

P & Z Case 042-19
Kevin Parker
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-286 ORDINANCE NO.

AN ORDINANCE providing for the vacation of approximately 440 feet of a 20-foot-wide utility easement, and 115 feet of a 15-foot-wide storm sewer and public utility easement located in the 1700 block of the South side of W 26th Street in the City of Joplin, Jasper County, Missouri.

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

Section 1. That part of approximately 440 feet of a 20-foot-wide utility easement, and 115 feet of a 15-foot-wide storm sewer easement located in the 1700 block of the South side of W 26th Street in the City of Joplin, Jasper County, Missouri, described as follows is here by vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

As part of a platted 20 feet utility easement as shown on Richard J. Joseph's Subdivision, a subdivision of land in the City of Joplin, Missouri, as shown in Plat Book 11, Page 63 in the Recorder of Deeds Office in Jasper County, Missouri, described as follows: commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 16, Township 27 North, Range 33 West, Jasper County, Missouri; thence S01°52'41"W, 40.01 feet to the South right-of-way of 26th Street; thence along said South right-of-way, S89°21'31"E, 320.00 feet to a point on the North line of lot 2 in said Richard J. Joseph's Subdivision and the West line of the utility easement; thence S01°56'04"W along the West line of said easement, 114.78 feet to the point of beginning; thence S88°03'56"E, 9.32 feet; thence N01°56'04"E 7.17 feet; thence S88°03'56"E, 10.68 feet to a point on the East line of said easement; thence along said easement the next eight courses; S01°56'04"W, 132.80 feet; thence S89°21'48"E, 129.90 feet to a point on the East line of lot 4 in said Richard J. Joseph's Subdivision, thence S01°57'29"W, 20.01 feet; thence N89°21'48"W, 129.89 feet, thence S01°56'04"W, 166.95 feet; thence N88°30'31"W, 20.00 feet; thence N01°56'04"E, 312.74 feet to the point of beginning; containing 8929 square feet, more or less; bearings based on the Missouri Coordinate System of 1983, West Zone; and a 15 feet storm sewer and utility easement as shown in Book 1643, page 1700 in the Recorder of Deeds Office in Jasper County, Missouri, being part of an un-numbered lot in Richard J. Joseph's Subdivision to the City of Joplin, Missouri, described as follows: commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 16, Township 27 North, Range 33 West, Jasper County, Missouri; thence S01°52'41"W, 40.01 feet to the South right-of-way of 26th Street; thence along said South right-of-way, s89°21'31"E, 470.00 feet to the Northeast corner of lot 3 in said Richard J. Joseph's Subdivision; thence S01°57'29"W along the East lines of lot 3 and lot 4 in said subdivision, 279.76 feet to the Southeast corner of said lot 4, being the point of beginning; thence continuing South 01°57'29"W along the East line of said Richard J. Joseph's Subdivision, 15.00 feet; thence N88°30'31"W, 115.00 feet; thence N01°57'29"E, 15.00 feet to a point on the South line of said lot 4; thence S88°30'31"E along the South line of said lot 4, 115.00 feet to the point of beginning; containing 1725 square feet, more or less; bearings 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