CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-288-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 044-19: Street Vacation – A request to vacate 150 feet of S. McCoy Ave., approximately 150 feet South of the intersection of S. McCoy Ave. and W. 4th St. – Joplin Peace Tabernacle

BACKGROUND:
The purpose for this vacation request is allow the applicant to consolidate their land. Currently, the right-of-way is not being used as a street, is not paved, and would be a dead-end reaching no destinations.

PLANNING & ZONING COMMISSION TESTIMONY:
Bruce Anderson, 620 McConnell, Joplin, MO. He is representing Joplin Peace Tabernacle for this request to vacate a strip of land that is about 150 feet south of the alley parallel to 4th St. The church owns property to the east of this parcel and to the west. They own parcels on three sides and 5th Street is partially vacated. The church does have approval from all the utility companies for this vacation.

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 044-19.

ATTACHMENTS
CB 2019- 288, Staff Planning Report, P&Z Commission Minutes

CB 2019-288

Case 044-19: Street Vacation – A request to vacate 150 feet of S. McCoy Ave., approximately 150 feet South of the intersection of S. McCoy Ave. and W. 4th St. – Joplin Peace Tabernacle

Bruce Anderson, 620 McConnell, Joplin, MO. He is representing Joplin Peace Tabernacle for this request to vacate a strip of land that is about 150 feet south of the alley parallel to 4th St. The church owns property to the east of this parcel and to the west. They own parcels on three sides and 5th Street is partially vacated. The church does have approval from all the utility companies for this vacation.

Mr. Ramsour asked if there were any future plans, and that they certainly do not have to be shared with us.

Mr. Anderson stated that there wasn't anything at this time.

Mr. Ramsour asked if there was anyone that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone who would like to speak in opposition to this case? There was not.

MRS. STEELE MOVED, SECONDED BY MR. DERMOTT FOR CASE 044-19 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, MRS. KOELKEBECK, MRS. STEELE, MR. RAMSOUR, MR. DERMOTT, MR. EASTMAN, AND MR. MCCULLOUGH, 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 044-19 A request to vacate 150 feet of S. McCoy Ave

APPLICANT Joplin Peace Tabernacle

REPRESENTATIVE Bruce Anderson

LOCATION Approximately 150 feet South of the intersection of S. McCoy Ave. and W. 4th St.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Street Right-of-Way	Approximately 50' x 150'

REASON FOR VACATION

To consolidate the applicant's properties. The applicant owns the property to the East and West, and acquired a small portion to the South with the vacation of 5th St. in 1982.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Rerouting of utilities is not required to maintain current services to adjoining properties.

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

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

DISCUSSION

The purpose for this vacation request is allow the applicant to consolidate their land. Currently, the right-of-way is not being used as a street, is not paved, and would be a dead-end reaching no destinations.

Staff recommends approval of Case 044-19 with a savings clause to allow for utilities to access and maintain their infrastructure.

ENCLOSURES

- Application
- Map

RECEIVED
11-15-19

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.: 044-19
Filing Fee: $500.00
Date Advertised: 11-24-19
Date Notices Sent 11-22-19
Public Hearing Date: 12-9-19

I. Applicant Name: JOPLIN PEACE TABERNACLE Phone:

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

Address: 416 S. MAIDEN LANE, JOPLIN, MO Zip: 64801

II. Type of vacation requested (check one):

Street Vacation X

Alley Vacation

Utility vacation

Other (Please specify)

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. Yes.

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. 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.

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**

*Must contact BOTH contacts at Spire Energy.

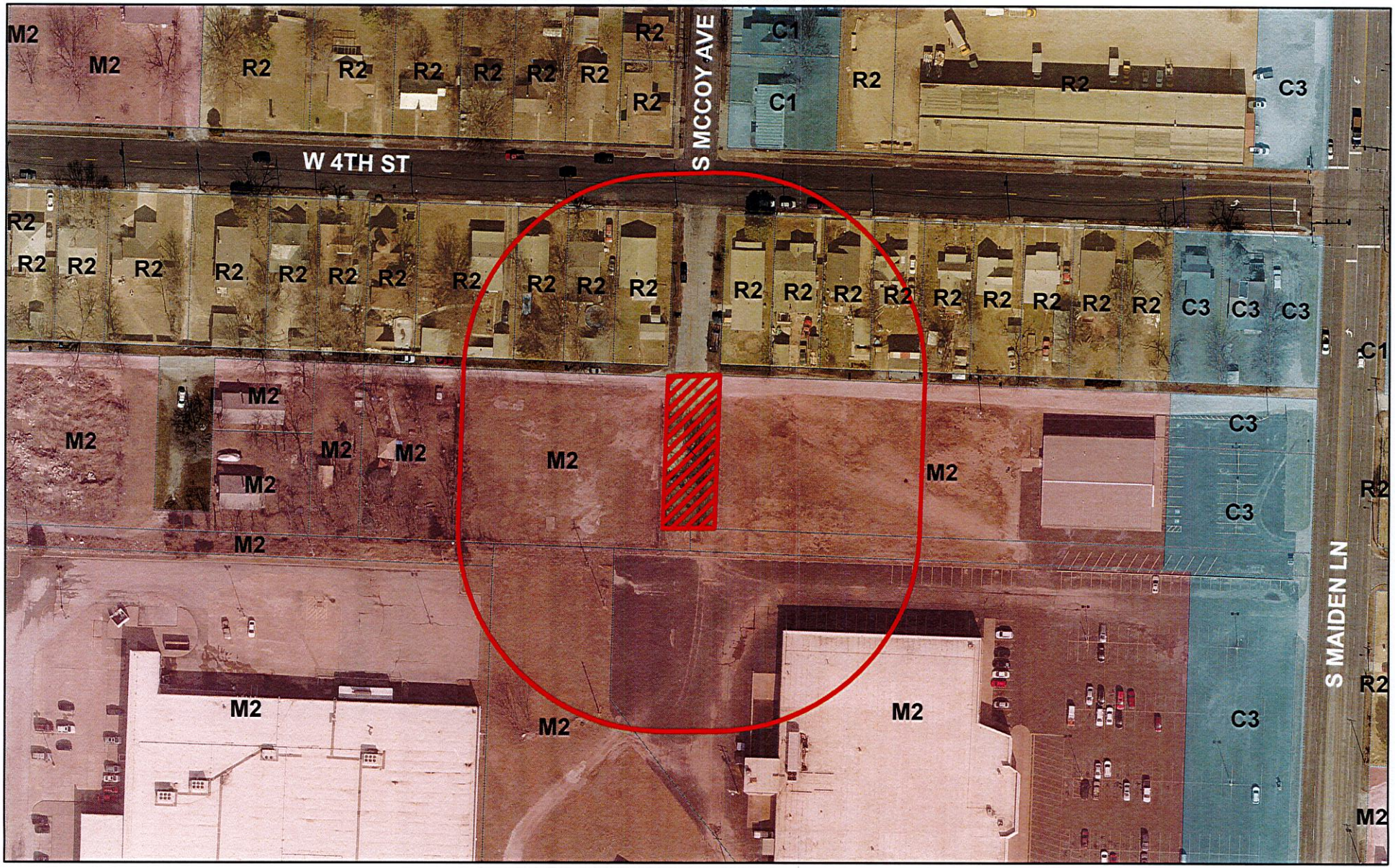
10-15-19

FRANK BUCHANAN
LEAD PASTOR

Signature

Date

Case 044-19: Approximately 150 feet South of the intersection of S. McCoy Ave. and W. 4th St. Street Vacation



Case 044-19: Street Vacation – A request to vacate 150 feet of S. McCoy Ave., approximately 150 feet South of the intersection of S. McCoy Ave. and W. 4th St. – Joplin Peace Tabernacle

N

0 50 100 200 300 400 Feet

P & Z Case 044-19
Joplin Peace Tabernacle
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-288 ORDINANCE NO.

AN ORDINANCE providing the vacation for a public street located 150 feet of S. McCoy Ave., approximately 150 feet South of the intersection of S. McCoy Ave. and W. 4th St. 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 a public street right-of-way being located approximately 150 feet of the intersection of South McCoy Ave. and West 4th St. in the City of Joplin, Jasper County, Missouri. described as follows and hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

> Commencing at the Southeast Corner of Lot Numbered 25 in the Continental Addition in the City of Joplin, Jasper County, Missouri; thence S01°57'45"W 20.00 feet; thence N87°58'29"W 540.00 feet to the point of beginning said point being 10.00 feet South of the Northwest Corner of Parcel Numbered 62 of Miscellaneous Tract Numbered 13 in Section 4, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri; thence S01°57'21"W along the West line of said Parcel Numbered 62, 150.00 feet to the Southwest Corner of said Parcel Numbered 62; thence N87°58'35"W 50.00 feet to the Southeast Corner of Parcel Numbered 64 of Miscellaneous Tract Numbered 13 in Section 4, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri; thence N01°57'35"E along the East line of said Parcel Numbered 64 150.00 feet to a point 10.00 feet South of the Northeast Corner of said Parcel Numbered 64, thence S87°58'29"E 50.00 feet to the Point of Beginning; together with all of the North one-half of vacated 5th street adjoining the South line of said vacated McCoy Avenue all in Section 4, Township 27, Range 33, in the City of Joplin, Jasper County, Missouri, being subject to all easements, rights-of-way, and reservations of record, on property.

Section 2. That this vacation of the portion of the street easement hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in the portion of the street hereby vacated. Such utility companies shall have the right to maintain and repair any such installations now on the vacated portion of said street and shall be subject to the rights of the city of Joplin for sewer construction and maintenance.

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

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney