Z&P Meeting: January 11, 2016
City Council Meeting: February 1, 2016

STAFF PLANNING REPORT

Vacation

CASE 001-16 A request for the vacation of a portion of a street easement

APPLICANT Rick Benson

REPRESENTATIVE Small Arrow Engineering

LOCATION The Northeast corner of Broadway Street and Buchanan Road

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Street	3600 sq ft

REASON FOR VACATION

Mr. Benson would like a portion of this street easement vacated in order to construct residential duplexes on the site. Without the easement vacation, Mr. Benson would not have enough room to comply with the zoning code's setback requirements.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT? No.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT? No.

DISCUSSION

This site was approved for rezoning at the January 4, 2016 City Council meeting at the recommendation of the Planning and Zoning Commission. There are not any utilities located within this portion of the easement. Before construction, Mr. Benson will also need to submit a preliminary and final plat. The vacation of this easement will not have any detrimental effect on nearby property.

Staff recommends approval of Case 001-16.

ENCLOSURES

Application

Survey

Concept Sketch

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.: 2016-001
Filing Fee: $ 350.00
Date Advertised: 12-27-15
Date Notices Sent
Public Hearing Date: 1-11-16

I. Applicant Name: Rick Benson c/o RBC Enterprises Ltd., Inc. Phone: 417.850.1781

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

Address: P.O. Box 2283 Joplin, MO Zip: 64803

Email:
rick@rickbensonconstruction.com

II. Type of vacation requested (check all that apply):

Street Vacation X

Alley Vacation

Utility vacation

Other (Please specify)

III. Legal Description of area requested to be vacated:

That portion of Buchanan Road lying North of Broadway Street, East of Patterson Avenue and South of Relocated Buchanan Road comprising 3600 SF in area (0.08 Acre).

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.

   This portion of Buchanan Road is a remnant remaining from the extension of Broadway Street east to Florida Ave. and the relocation of the northern portion of Buchanan Road now connected to Patterson Ave.

2. The vacation will not cause the public to suffer a loss or inconvenience.

   This segment of Buchanan Road has already been demolished and removed from service with the relocation of the street and connection directly onto Patterson Ave.

3. In justice to the applicant(s) the vacation should be granted.

   RBC Enterprises will incorporate this remnant into a new plat for 7 Duplex units on the adjacent undeveloped parcel. This remnant will provide space to allow for the addition of a new Duplex along the remaining section of Buchanan Road.

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(s). The following private companies must be contacted and consent to the vacation before the request can be advertised for public hearing.

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

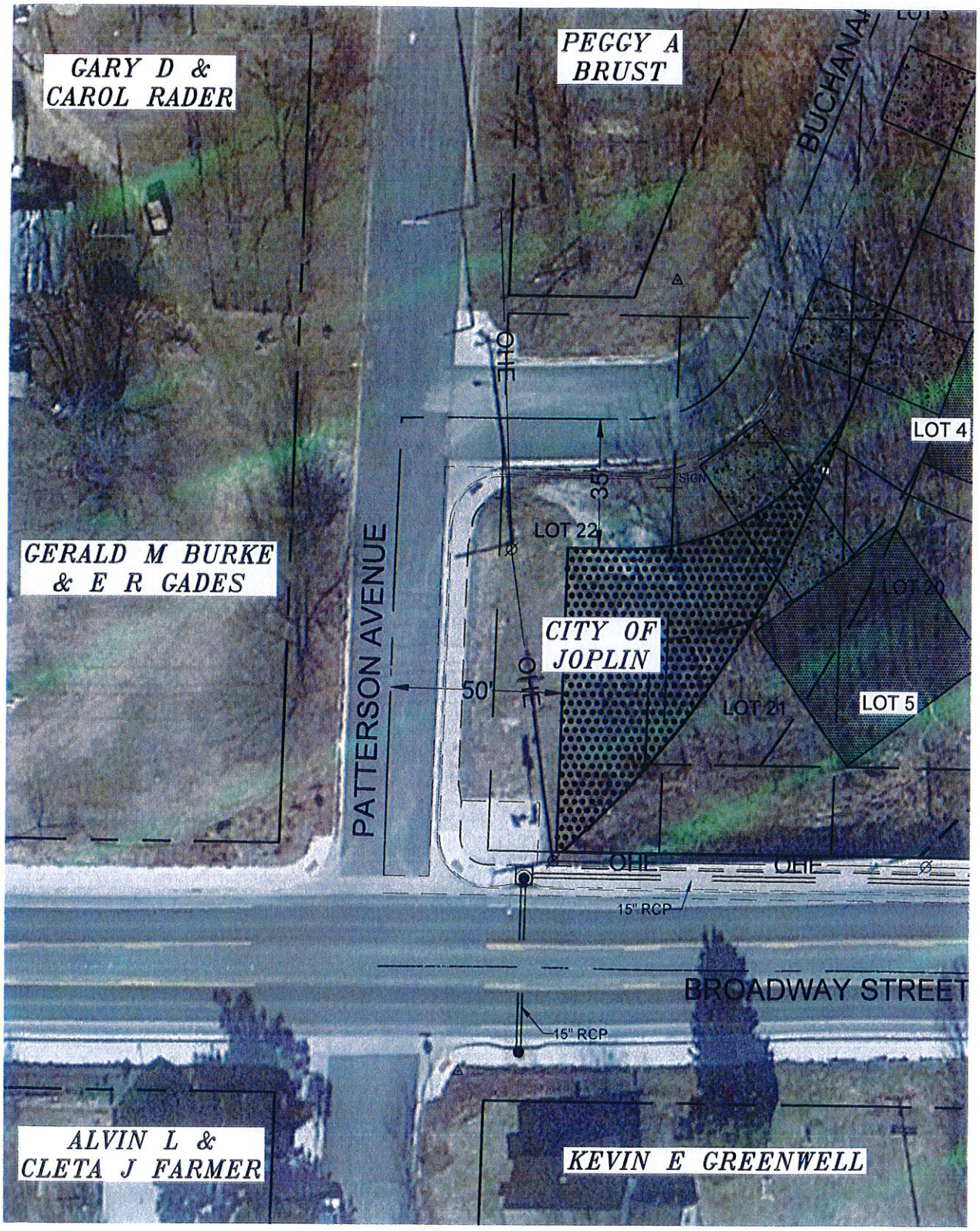
SIGNATURE: _____ DATE: 11/5/2015

BY: Rick Benson

TITLE: President, RBC Enterprises, Ltd., Inc.

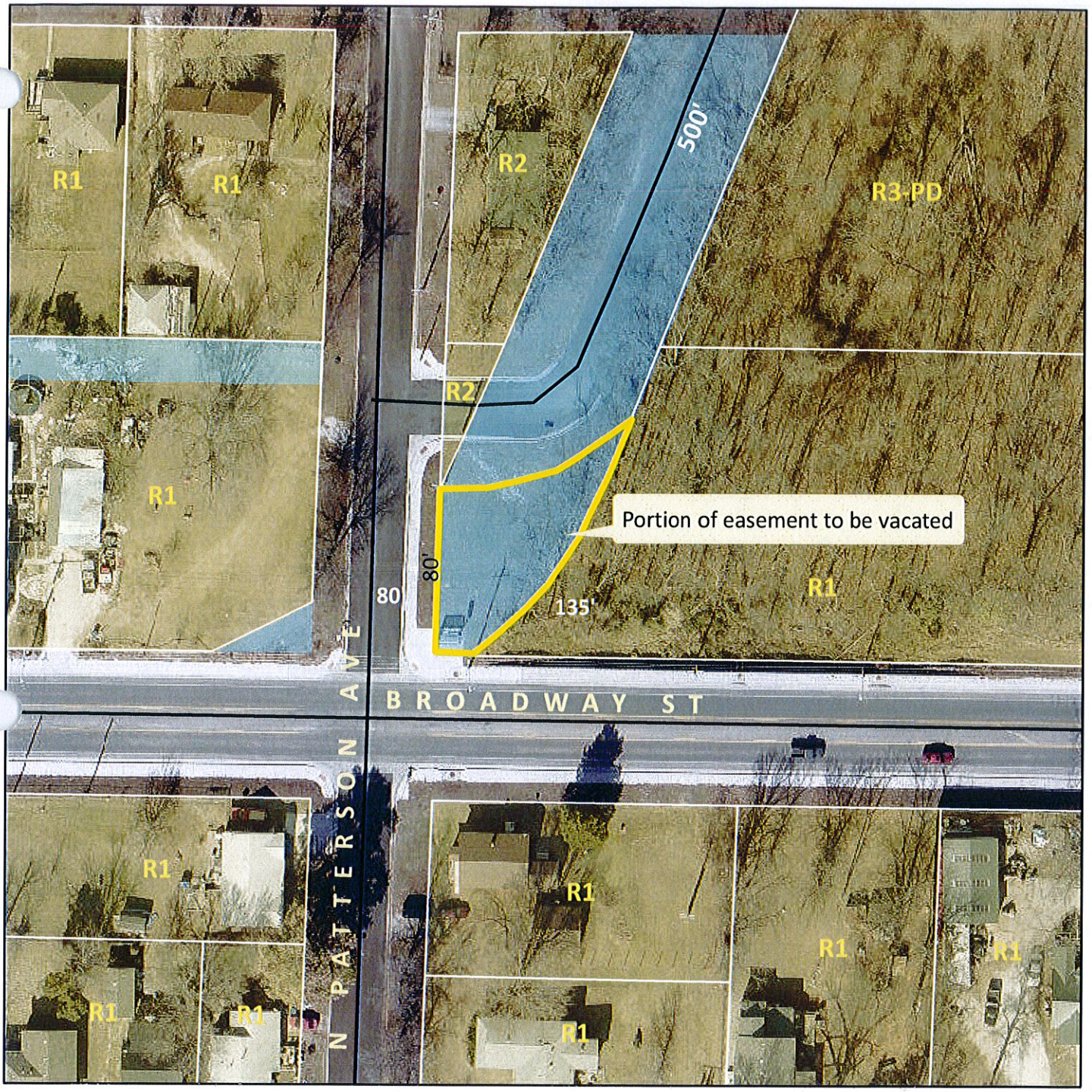
CASE 045-15

STREET VACATION EXHIBIT



FOR: RICK BENSON

SMALL ARROW ENGINEERING, LLC
216 S. MAIN STREET
PO BOX 1538
JOPLIN, MISSOURI 64802
TEL: 417.624.2333
FAX: 417.624.2441
www.smallarrow.com



Case 001-16: Northeast Corner of Broadway St. and Buchanan Rd. - A request to vacate a 3500 sq ft portion of a street right-of-way easement - Rick Benson.

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Case 001-16: Northeast Corner of Broadway Street and Buchanan Road – A request for the vacation of a portion of a street easement – Rick Benson.

Mr. Smith opened the public hearing for Case 001-16.

Mr. John Bolte, Small Arrow Engineering, 216 South Main Street, Joplin, appeared representing Mr. Benson for the vacation of an easement adjoining property that was rezoned last month. Mr. Bolte is requesting the vacation of a small pie-shaped piece at the intersection of Broadway Street and Buchanan Road where Buchanan formerly connected to Broadway. Buchanan has since been redirected and connected onto Patterson Avenue, leaving a small piece of street right-of-way that needs to connect to the duplex development.

Mr. Smith asked if the easement lies on the east side of the roadway, and Mr. Bolte replied on the east side of Patterson and the north side of Broadway where a City trolley stop is located.

Mr. Bolte notified all the utility companies and stated Empire District Electric has an overhead line that parallels along Patterson running north and south. A 50-foot parkway will remain on the east side of Patterson for the Empire District line and the trolley stop. The easement to be vacated contains approximately 3,500 square feet.

Mr. Duncan asked Mr. Bolte if the section that was re-routed is Patterson and Broadway or Buchanan and Broadway. He replied it is now Patterson and Broadway since Buchanan tied back in directly to Patterson to the north of Broadway. The right-of-way to be vacated is actually Buchanan Road right-of-way.

Mr. Ramsour asked if Mr. Benson owns Lot 5, and Mr. Bolte replied yes. All of the property is now contiguous with the property that Mr. Benson has acquired.

Mr. Ramsour stated that normally when a street or alley is vacated, the owners on each side receive half of the easement. He understood Mr. Benson will receive all the easement since he owns the property on both sides. Mr. Bolte stated that is correct.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 001-16.

MR. DERMOTT MOVED, SECONDED BY MR. RAMSOUR, THAT CASE 001-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED ON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. DERMOTT, MR. DUNCAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; AND WITH MR. CORTEZ AND MR. EASTMAN BEING ABSENT (5 IN FAVOR, 2 ABSENT).