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

STAFF PLANNING REPORT

Vacation

CASE 003-16 A request for the vacation of a portion of a 20' utility easement

APPLICANT Dr. Richard Joseph

REPRESENTATIVE Anderson Engineering

LOCATION The Southeast corner of 20th Street and Arizona Avenue

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility	20x265 ft

REASON FOR VACATION

Dr. Richard Joseph would like to vacate this utility easement so that a commercial building can be constructed at this site.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT? Yes – water and electricity.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT? No.

DISCUSSION

Although this site is currently zoned R-1 (Single-Family Residential), the owner intends to rezone for commercial development. The commercial structure would need to be constructed on top of the current easement. Missouri American Water and Empire Electric Company currently have utilities in this easement but have reached an agreement with the owner for relocation. This site is appropriate for commercial development as a future land use.

This site will need to be rezoned for commercial development before any building permit can be issued.

Staff recommends approval of Case 003-16.

ENCLOSURES

Application

Survey

Concept Sketch

CITY OF JOPLIN

RECEIVED 12-18-15 waiting for Check

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

I. Applicant Name: Dr. Richard Joseph Phone: 417-782-1500

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

Address: 2001 S. Arizona Ave., 2005 S. Arizona Ave., 2011 S. Arizona Ave., 2002 S. Highview Ave. 2006 S. Highview Ave., 2010 S. Highview Ave. 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: the West Ten (10) feet of Lots Numbered One (1), Two (2), and Three (3) and the East Ten (10) feet of Lots Numbered Thirty (30), Thirty-one (31), and Thirty-two (32) in Kindred's Replat, a replat of a part of Kindred's Subdivision and a part of Kindred's Second Addition to the City of Joplin, Jasper County, Missouri as per the recorded plat thereof.

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. All lots located within the vacation description are owned by the applicant. Consent of utilities has been agreed to including any removal, replacement, or restructuring of utilities that may affect other private rights.

2. The vacation will not cause the public to suffer a loss or inconvenience. All lots located within the vacation description are owned by the applicant. Consent of utilities has been agreed to including any removal, replacement, or restructuring of utilities that may affect other private rights.

3. In justice to the applicant(s) the vacation should be granted. Vacation will help remove any encumbrance for the development of the site by the applicant.

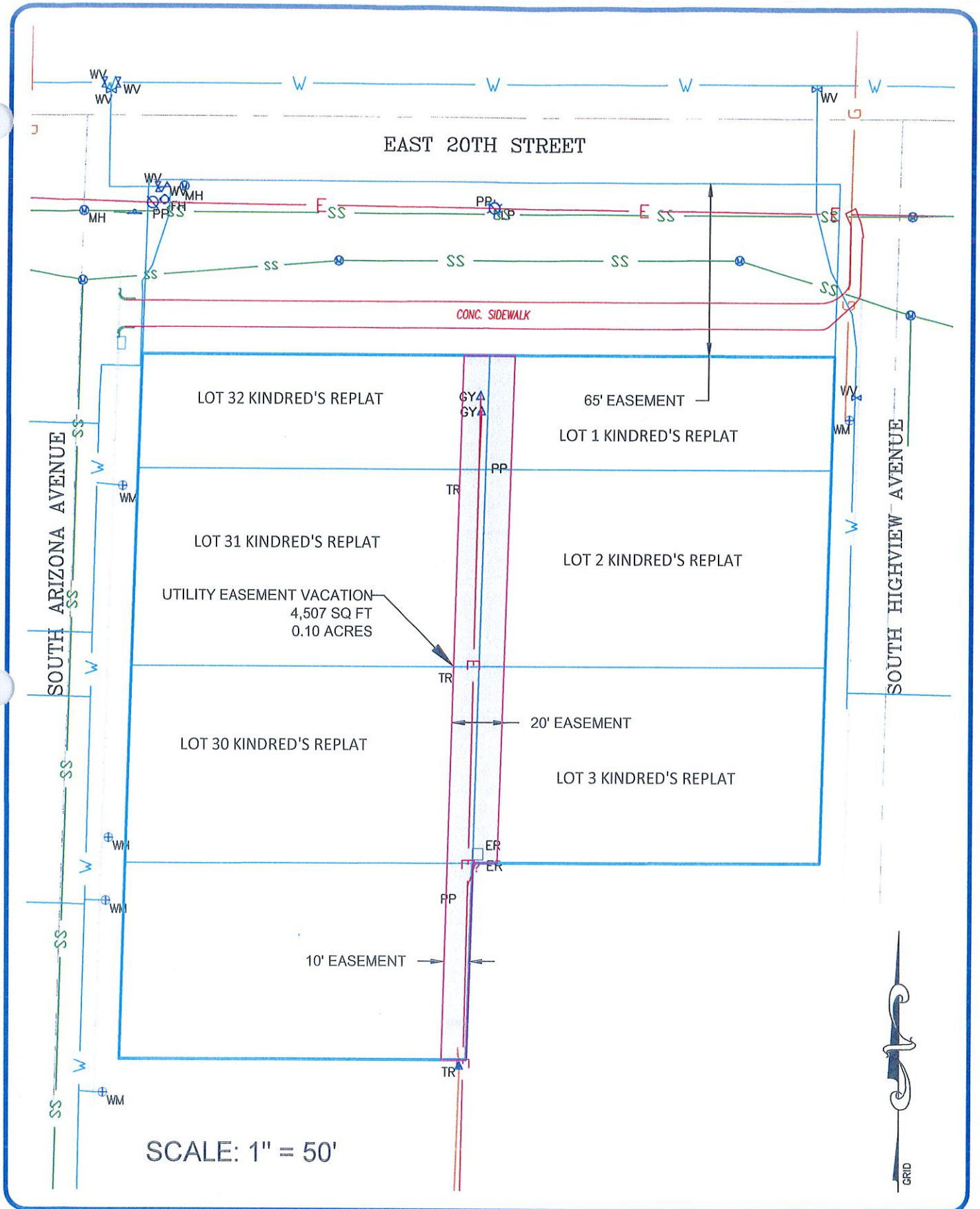
V. Required Attachments:

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



DRAWING NUMBER: JOP-100-3831

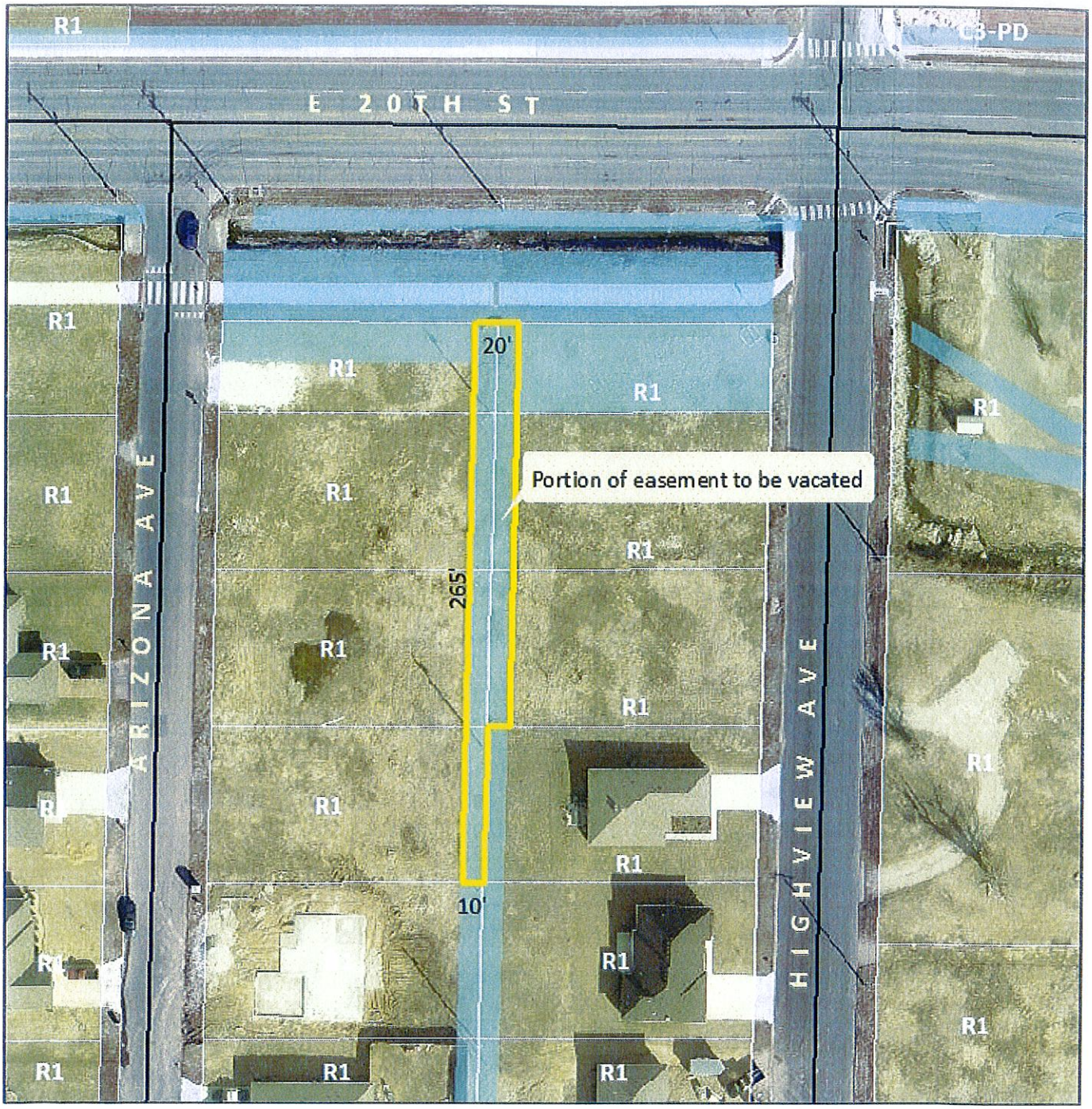
ANDERSON ENGINEERING, INC
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING
811 E. 3RD STREET • JOPLIN, MISSOURI 64801 • PHONE (417) 782-7399

CEDAR TREE MANAGEMENT

EASEMENT VACTATION

20TH STREET & HIGHVIEW AVE.
JOPLIN, JASPER COUNTY, MISSOURI

DRAWN BY: BG
DATE: MARCH 2015
JOB NUMBER: 70005-15



Case 003-16: Southeast Corner of 20th Street and Arizona Avenue - A request to vacate a portion of a 20' utility easement - Dr. Richard Joseph.

N

Case 003-16: Southeast corner of 20th Street and Arizona Avenue – A request for the vacation of a twenty-foot wide utility easement – Dr. Richard Joseph.

Mr. Smith opened the public hearing for Case 003-16.

Mr. Bolander received a request to vacate a utility easement to make the property easier to develop. Confirmation has been received from all the utility companies that as long as the utilities can be relocated, they are acceptable to this request.

Mr. Brown asked why this request is being made before a rezoning request is being presented. Mr. Bolander replied either way is fine, but he typically likes to receive the rezoning request first since there is no reason to vacate the easement if the property cannot be rezoned. In this instance, Dr. Joseph has requested that the easement be vacated first before they request rezoning.

Mr. Duncan asked if the easement must be put back together if the rezoning request wasn't approved and the property remains residential. Mr. Bolander stated it would be difficult to build a house that close to 20th Street, with the future land use plan recommending a commercial designation at this location.

Mr. Duncan asked where Dr. Joseph will pick up the utilities from, and Mr. Bolander replied from 20th Street or from Arizona Avenue or Highview Avenue. He thought another easement would be dedicated in the rear of this property to service that commercial development, or the utilities may be extended from 20th Street.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 003-16.

MR. DUNCAN MOVED, SECONDED BY MR. BROWN, THAT CASE 003-16 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, AND MR. SMITH VOTING "AYE"; WITH MR. RAMSOUR VOTING "NAY"; AND WITH MR. CORTEZ AND MR. EASTMAN BEING ABSENT (4 IN FAVOR, 1 OPPOSED, AND 2 ABSENT).