CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-252-Alley Vacation

MEETING DATE:
February 4, 2019

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, City Manager- Sam Anselm.

SUMMARY REQUEST:
Case 002-19: A request to vacate an alley running north/south located north of 26th Street between Pearl Avenue and Wall Avenue – CA Gringos Property, LLC

BACKGROUND:
There is a 20-foot wide easement, designated as an alleyway, that runs 321 feet through the center of a half-acre parcel on 26th Street. Irving Elementary School formerly existed on that parcel and was constructed over the alleyway. The owner of the property plans to develop this parcel with a drive-through restaurant. On August 6, 2018 the Joplin City Council approved a rezoning request for this property. The City Council examined the proposed site plan and approved it. However, that site plan would require the developer to build over the alleyway.

PLANNING & ZONING COMMISSION TESTIMONY:
Chris Parrish, 10435 County Road 260, Carl Junction, MO. He stated he is requesting an alley vacation. The site is the former Irving School property.

PUBLIC COMMENT;
None.

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

RECOMMENDATION:
Staff recommends approval of Case 002-19.

ATTACHMENTS
CB 2019- 252, Staff Planning Report, P&Z Commission Minutes

CB 2019-252

Case 002-19: Alley Vacation – A request to vacate an alley running north/south located north of 26th Street between Pearl Avenue and Wall Avenue – CA Gringos Property, LLC.

Chris Parrish, 10435 County Road 260, Carl Junction, MO. He stated he is requesting an Alley vacation. The site is the former Irving School property.

Mr. Cortez asked if there was anyone else to speak in favor of this case? There was not. There was no one to speak in opposition of this case.

MR. RAMSOUR MOVED, SECONDED BY MR. MCCULLOUGH TO APPROVE CASE 002-19, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. CORTEZ, MR. RAMSOUR, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, MR. DERMOTT AND MR. MCCULLOUGH VOTING "AYE". (7 IN FAVOR, 0 NAYS).

Z&P Meeting: January 14, 2019
City Council Meeting: February 4, 2019

STAFF PLANNING REPORT
Vacation

CASE 002-19 A request for the vacation of approximately 321 feet of a 20-foot-wide alleyway.

APPLICANT CA Gringos Property, LLC.

REPRESENTATIVE Chris Parrish

LOCATION An alley running north/south located north of 26th Street between Pearl Avenue and Wall Avenue

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EXISTING CONDITIONS

Easement Type(s)	Easement Size
Alleyway	20' x 321'

REASON FOR VACATION

For commercial development on the parcel that the alley runs through.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

Yes.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

There is currently a utility line that runs through this easement. There is a proposal to re-route the southern 136 feet of the sanitary sewer line. There is a current request to also vacate the utility easement.

DISCUSSION

There is a 20-foot wide easement, designated as an alleyway, that runs 321 feet through the center of a half-acre parcel on 26th Street. Irving Elementary School formerly existed on that parcel and was constructed over the alleyway. The owner of the property plans to develop this parcel with a drive-through restaurant. On August 6, 2018 the Joplin City Council approved a rezoning request for this property. On such date the City Council examined the proposed site plan and approved it. However, that site plan would require the developer to build over the alleyway.

Staff recommends approval of Case 002-19.

ENCLOSURES

- Application

CITY OF JOPLIN

RECEIVED 12-7-18

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.: 002-19
Filing Fee: $500.00
Date Advertised:
Date Notices Sent
Public Hearing Date: 1-14-19

I. Applicant Name: CH Gringos Property LLC Phone: 417-850-5904

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

Address: 315 W 26th Joplin MO Zip: 64804

II. Type of vacation requested (check one):

Street Vacation X

Alley Vacation X

Utility vacation X

Other (Please specify)

III. Legal Description of area requested to be vacated:

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. WAS NOT AN ALLEY OR STREET ON BLOCK SINCE 1923 - possibly underground utilitys but NONE ABOVE

2. The vacation will not cause the public to suffer a loss or inconvenience. WAS NOT AN ALLEY OR STREET ON BLOCK SINCE 1923 - possibly underground utilitys but NONE ABOVE

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

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

AndersonEngineeringInc.com
811 E. 3rd Street.
Joplin, MO 64801
417-782-7399

Gabachos Alley Vacation – Entire Alley

DESCRIPTION:

ALL THAT PART OF THE 20 FOOT ALLEY LYING BETWEEN LOTS 70 THROUGH 75 AND LOTS 110 THROUGH 115 IN O'KEEFE'S SECOND ADDITION, A SUBDIVISION OF LAND IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, AS SHOWN IN PLAT BOOK 3, PAGE 245 IN THE OFFICE OF THE RECORDER OF DEEDS IN JASPER COUNTY, MISSOURI.



Case 002-19: An alley running north/south located north of 26th Street between Pearl Avenue and Wall Avenue -- A request to vacate an alley -- CA Gringos Property, LLC.

P & Z Case 002-19
CA Gringos Property, LLC.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-252 ORDINANCE NO.

AN ORDINANCE providing to vacate 321 feet of 20-foot wide alley running north/south located north of 26th Street between Pearl Avenue and Wall Avenue.

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

Section 1. To vacate 321feet of 20-foot wide alleyway running north/south located north of 26th Street between Pearl Avenue and Wall Avenue described as:

ALL THAT PART OF THE 20 FOOT ALLEY LYING BETWEEN LOTS 70 THROUGH 75 AND LOTS 110 THROUGH 115 IN O'KEEFE'S SECOND ADDITION, A SUBDIVISION OF LAND IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, AS SHOWN IN PLAT BOOK 3, PAGE 245 IN THE OFFICE OF THE RECORDER OF DEEDS IN JASPER COUNTY, MISSOURI.

Section 2. That this vacation of the portion of the alley easement hereby vacated shall not affect or derogate easements of public utility companies now having installations in the portion of the alley easement hereby vacated. Such utility companies shall have the right to maintain, repair, and replace any such installations now on the vacated portion of said alley easement 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 _____.

_____
ATTEST: Gary L. Shaw, Mayor

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney