CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-253-Easement 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 003-19: Easement Vacation – A request to vacate a portion of an easement running north/south located north of 26th Street between Pearl Avenue and Wall Avenue – CA Gringos Property, LLC.

BACKGROUND:

There is a 321-foot utility easement that runs through the center of a half-acre parcel on 26th Street. Irving Elementary School formerly existed on that parcel and was constructed over the easement. 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 utility easement. If the easement vacation were approved, the applicant plans to have the utility easement re-routed to a location on the property that does not interfere with current development plans.

PLANNING & ZONING COMMISSION TESTIMONY:
Chris Parrish, 10435 County Road 260, Carl Junction, MO. He is also requesting the Easement vacation, which Andersen Engineering stated only gas runs through on that property. They have sent affidavits to the different utility companies. The utilities will horseshoe around the building.

Mr. Cortez asked Mr. Parrish if the building was going to sit in the middle of that lot. Mr. Parrish stated it will be on the south side of the wall, where the school was located.

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 003-19.

ATTACHMENTS
CB 2019- 253, Staff Planning Report, P&Z Commission Minutes

CB 2019-253

Case 003-19: Easement Vacation – A request to vacate a portion of a utility easement running north/south located north of 26th Street between Pearl Avenue and Wall Avenue – CA Gringos Property, LLC.

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Mr. Cortez asked Mr. Parrish if the building was going to sit in the middle of that lot.

Mr. Parrish stated it will be on the south side of the wall, where the school was located.

Mr. Ramsour had a question for staff. Are there existing utilities in this proposal?

Mr. Whitmore stated there was existing utilities.

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. DERMOTT MOVED, SECONDED BY MR. RAMSOUR TO APPROVE CASE 003-19, 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 003-19 A request for the vacation of approximately 135.64 feet of a 20-foot-wide utility easement.

APPLICANT CA Gringos Property, LLC.

REPRESENTATIVE Chris Parrish

LOCATION A utility easement 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
Utility Easement	20' x 135.64'

REASON FOR VACATION

For commercial development on the parcel the utility easement runs through.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

Yes.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

There is a proposal to re-route a portion of the sanitary sewer line that currently runs through this easement. That proposal will be implemented if the utility easement is vacated.

DISCUSSION

There is a 321-foot utility easement that runs through the center of a half-acre parcel on 26th Street. Irving Elementary School formerly existed on that parcel and was constructed over the easement. 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 utility easement. If the easement vacation were approved, the applicant plans to have

the utility easement re-routed to a location on the property that does not interfere with current development plans.

Staff recommends approval of Case 003-19.

ENCLOSURES

- Application

CITY OF JOPLIN

RECEIVED 12-26-18

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.: 003-19
Filing Fee: $500.00
Date Advertised:
Date Notices Sent
Public Hearing Date: 1-14-19

I. Applicant Name: CH Springs 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

SHOAL CREEK SANITARY SEWER DISTRICT NO. 2

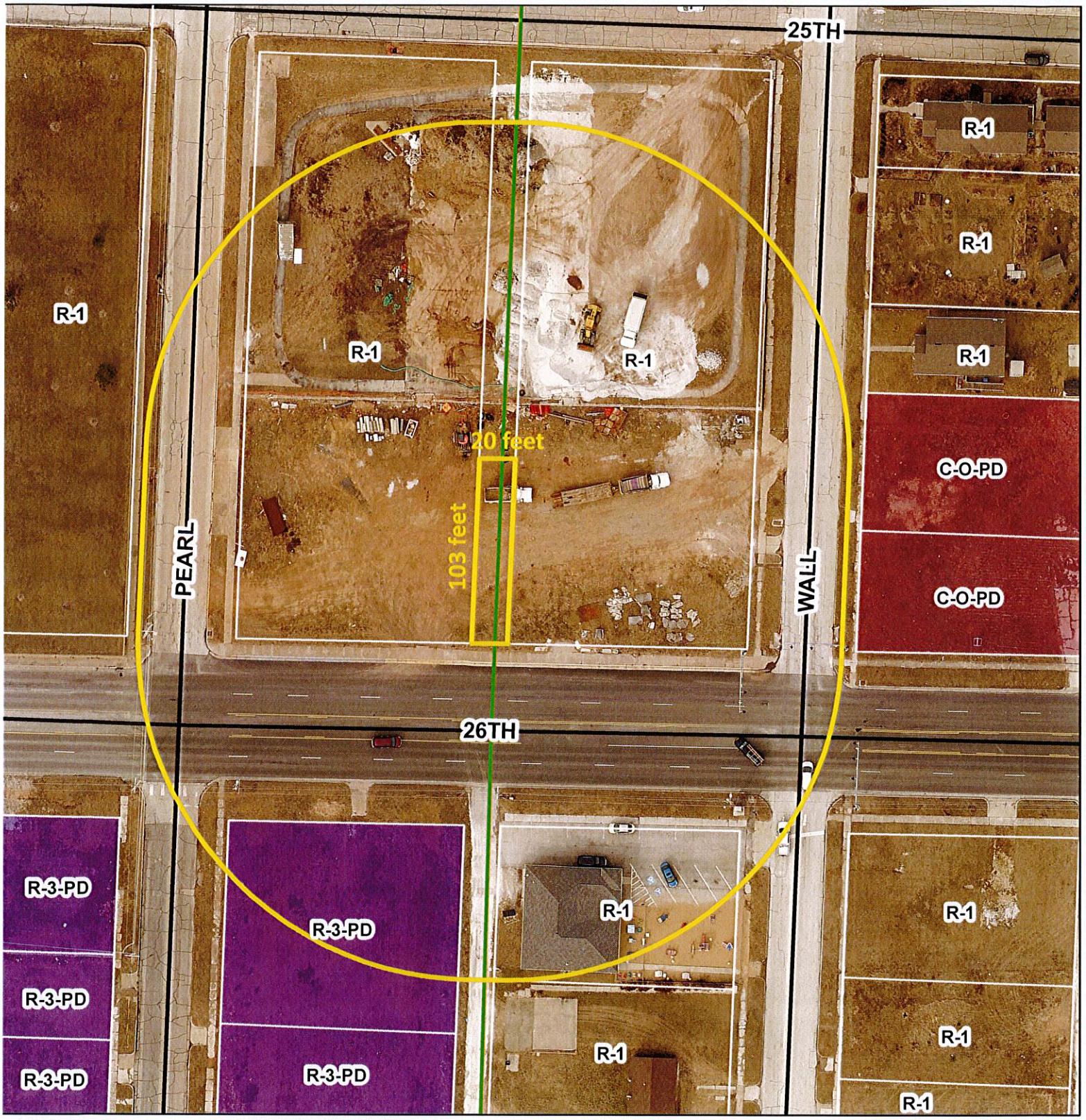
DESCRIPTION – PROPOSED SANITARY SEWER EASEMENT

PART OF LOTS 70, 71 AND 72, AND PART OF AN EXISTING ALLEY LYING BETWEEN LOTS 70 THROUGH 75 AND LOTS 110 THROUGH 115, ALL IN O'KEEFE'S SECOND ADDITION TO 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, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 70, AFORESAID, THENCE NORTH 88°38'00" WEST ALONG THE SOUTH LINE THEREOF, 43.55 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUING NORTH 88°38'00" WEST ALONG THE SOUTH LINE OF LOT 70 AND AN EXTENSION THEREOF, 109.51 FET TO THE SOUTHEAST CORNER OF LOT 115 IN SAID O'KEEFE'S SECOND ADDITION; THENCE NORTH 2°12'30" EAST ALONG THE EAST LINE THEREOF, 14.00 FEET; THENCE LEAVING THE EAST LINE OF SAID LOT 115, SOUTH 88°38'00" EAST, 89.51 FEET; THENCE NORTH 2°12'30" EAST, 101.86 FEET TO THE SOUTH LINE OF LOT 72 IN SAID O'KEEFE'S SECOND ADDITION; THENCE NORTH 88°00'00" WEST ALONG SAID SOUTH LINE AND AN EXTENSION THEREOF, 89.50 FEET TO THE SOUTHEAST CORNER OF LOT 113 IN SAID O'KEEFE'S SECOND ADDITION; THENCE NORTH 2°12'30" EAST ALONG THE EAST LINES OF LOTS 113, 112, 111 AND 110, 200.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 110; THENCE SOUTH 88°00'00" EAST ALONG AN EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 110, 20.00 FEET TO THE NORTHWEST CORNER OF LOT 75 IN SAID O'KEEFE'S SECOND ADDITION; THENCE SOUTH 2°12'30" WEST ALONG THE WEST LINES OF LOTS 75, 74, 73 AND 72, 180.00 FEET; THENCE LEAVING THE WEST LINE OF SAID LOT 72, SOUTH 88°00'00" EAST, 89.50 FEET; THENCE SOUTH 2°12'30" WEST, 135.64 FEET TO THE POINT OF BEGINNING. CONTAINS 9,358 SQUARE FEET, MORE OR LESS. SUBJECT TO ANY EXISTING EASEMENTS OR RIGHTS-OF-WAY. BEARINGS BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.



Gregory B. Bowers



0 62.5 125 250 375 500 Feet

Case 003-19: A utility easement running north/south located north of 26th Street between Pearl Avenue and Wall Avenue -- A request to vacate a portion of a utility easemen -- CA Gringos Property, LLC.

N

P & Z Case 003-19
CA Gringos Property, LLC.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-253 ORDINANCE NO.

AN ORDINANCE providing to vacate 135.64 feet of a 20-foot wide utility easement 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. That part of 135.64 feet of 20 feet wide utility easement running north/south located north of 26th Street between Pearl Avenue and Wall Avenue, described as:

PART OF AN EXISTING ALLEY LYING BETWEEN LOTS 70 AND 71 AND LOTS 114 AND 115, ALL IN O'KEEFE'S SECOND ADDITION TO 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, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 70, AFORESAID, THENCE NORTH 88°38'00" WEST ALONG THE SOUTH LINE THEREOF, 153.06 FEET; THENCE NORTH 2°12'30" EAST, 14.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUING NORTH 2°12'30" EAST ALONG THE EAST LINE OF LOT 115 AND LOT 114, 102.84 FEET TO THE NORTHEAST CORNER OF SAID LOT 114; THENCE SOUTH 88°00'00" EAST, 20.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 71; THENCE SOUTH 2°12'30" WEST ALONG THE WEST LINE OF LOT 71 AND LOT 70, 102.62 FEET; THENCE NORTH 88°38'00" WEST, 20.00 FEET TO THE POINT OF BEGINNING. CONTAINS 2,055 SQUARE FEET, MORE OR LESS. SUBJECT TO ANY EXISTING EASEMENTS OR RIGHTS-OF-WAY. 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