CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-255 – Street Vacation

MEETING DATE:
February 6, 2023

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
Assistant City Manager – Tony Robyn
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 003-23: Street Vacation – Approximately 161 feet of 24th St. East of S. Golf Link Rd, approximately 161 feet of 23rd St. East of S. Golf Link Rd., and approximately 825 feet of S. Golf Link Rd. South of W. 22nd St. – A request to vacate three streets – City of Joplin

BACKGROUND:
As part of the sale of vacant lots owned by the City of Joplin, the developer is requesting that three streets be vacated for future development. Spire Gas, and Sanitary Sewer has utility interests in the right-of-way. The vacation is for the public right-of-way only, not utilities.

PLANNING & ZONING COMMISSION TESTIMONY:
David Powell, 3805 W. 26th, Joplin, Missouri. Mr. Powell stated he had already purchased all the residential properties affected by the vacation of these properties and cleared these properties as well.

PUBLIC COMMENT;
There was no public comment in opposition or in favor.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-255
Planning & Zoning Commission recommends approval for Case 003-23 (5 in Favor, 0 Opposed, 2 Absent)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 003-23: Request to Vacate

Approximately 161 feet of 24th St. East of S. Golf Link Rd., approximately 161 feet of 23rd St. East of S. Golf Link Rd., and approximately 825 feet of S. Golf Link Rd. South of W. 22nd St.-A request to vacate three streets-City of Joplin.

Mr. Tyler Bellairs stated the City is requesting a street vacation and sell the property to Mr. David Powell. The sale would not include utility easements. The utility easements maintain rights to this property.

Mr. Kimble asked if there were any questions from the Commission on Case 003-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 003-23.

David Powell, 3805 W. 26th, Joplin, Missouri. Mr. Powell stated he had already purchased all the residential properties affected by the vacation of these properties and cleared these properties as well.

Mr. Kimble asked if anyone else wished to speak in favor of Case 003-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 003-23.

There were none.

MS. STEELE MOVED THAT CASE 003-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. ROSENBERG SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAYS, 2 ABSENT)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 003-23 A request to vacate 3 streets

APPLICANT City of Joplin

REPRESENTATIVE City of Joplin

LOCATION Approximately 161 feet of 24th St East of S Golf Link Rd, Approximately 161 feet of 23rd St East of S Golf Link Rd, and Approximately 825 feet of S Golf Link Rd South of W 22nd St

EXISTING CONDITIONS

Easement Type(s)	Easement Size
24th St	Approximately 161’
23rd St	Approximately 161’
S Golf Link Rd	Approximately 825’

REASON FOR VACATION

As part of the sale of vacant lots owned by the City of Joplin, the developer is requesting that three streets be vacated for future development.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Spire Gas, and Sanitary Sewer has utility interests in the right-of-way. The vacation is for the public right-of-way only, not utilities.

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

Sanitary Sewer has planned interest.

DISCUSSION

This vacation is sought to develop the empty lots. Any proposed building would not be permitted to be built on the vacated streets. While streets would be vacated, utility easements will remain.

Staff recommends approval of Case 003-23.

ENCLOSURES

- Application
- Map

Vacation of Streets or Easements Application

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only
Case No.. 003-23
Filing Fee: $550.00
Received: 10/14/22
Date Advertised:
Proj. No.:
Public Hearing Date: 1/9/23

Applicant: City of Joplin Phone No.: 417-624-0820
Address: 602 S Main St Email: TBolander@joplinmo.org
Owner: City of Joplin Phone No.: same as
Address: 602 S Main St Email: same as
Location of Street or Easement: Golf Links Rd from Lot 15 North to the Railroad Tracks, 24th St from Golf Links Rd E one lot, 23rd St from Golf Links Rd East 2
Type of Vacation: (Street) Easement Alley Plat

Instructions: Please indicate below the extent to which the following standards are met, in the applicant's opinion.

Yes	No	
☒	☐	Private rights will not be injured or endangered by the vacation.
☒	☐	The vacation will not cause the public to suffer a loss or inconvenience.
☒	☐	In justice to the applicant(s) the vacation should be granted.

Submission of Documents: The following documents are **required** at time of submission.

Yes	No	
☒	☐	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.
☐	☐	Survey or such other drawing acceptable to the Director of Planning,

Development, & Neighborhood Services depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley, or public reservation.

☐ ☐ Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, who are not listed as an applicant, indicating their consent to the vacation.

☐ ☐ Completed Utility Comments forms from the following utility companies indicating their consent to vacate the easement. The following companies must be contacted, and their consent received, before the Public Hearing can take place.

Utility	Contact	Email	Phone
AT&T	Jon Fisk	jf4583@att.com	417-529-0840
MoAm Water*	Derec Bass	derec.bass@amwater.com	
MoAm Water*	Trenton Mccarty	trenton.mccarty@amwater.com	
MoAm Water*	Bob Kirby	bob.kirby@amwater.com	
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
City Sanitary Sewer	Chris Parker	cparker@joplinmo.org	417-624-0820 x1584
City Stormwater	Steven Martinez	smartine@joplinmo.org	417-624-0820 x1531

*Must contact ALL contacts at MoAm Water.
**Must contact BOTH contacts at Spire Energy.

Signature: _____ **Date:** 2/14/22

Utility Comments: Vacation of Streets, Alleys, & Easements

City of Joplin
Planning, Development, & Neighborhood Services
602 S. Main St., Joplin, MO 64801
417-624-0820 ext. 1511
Zoning-Planning@JoplinMO.org

Case Number:_____
Applicant:_____
Phone:_____
Email:_____

Be it known that _____, *being owners of real estate abutting or withholding a street, alley, or easement, desires to petition the City of Joplin, Missouri, to pass an ordinance vacating:* _____

Located at: _____

For the following purpose: _____

For Utility Use:

1. Our utility has facilities or interest within this right-of-way:
   □ Yes (proceed to #2) ☒ No (form complete)

2. Our utility:
   □ has no objection
   □ objects to vacation and will not waive objection under any conditions (describe below, or on separate sheet.)
   □ will waive objections subject to the following conditions (describe below, or on separate sheet.)
      □ Retain utility easement and protect facilities
      □ Relocate facilities
      □ Other: _____

Please return this form within **21 days** to the applicant listed above.

Landon Dobbs — Authorized Representative

12-15-2022 — Date

Liberty Connect/ Liberty Fiber - EDI
Name of Utility

Utility Comments: Vacation of Streets, Alleys, & Easements

City of Joplin
Planning, Development, & Neighborhood Services
602 S. Main St., Joplin, MO 64801
417-624-0820 ext. 1511
Zoning-Planning@JoplinMO.org

Case Number: 074-22
Applicant: City of Joplin
Phone: _____
Email: _____

Be it known that _____, *being owners of real estate abutting or withholding a street, alley, or easement, desires to petition the City of Joplin, Missouri, to pass an ordinance vacating:* _____

Located at: _____

For the following purpose: _____

For Utility Use:

1. Our utility has facilities or interest within this right-of-way:
   ☑ Yes (proceed to #2) ☐ No (form complete)

2. Our utility:
   ☐ has no objection
   ☐ objects to vacation and will not waive objection under any conditions (describe below, or on separate sheet.)

   _____

   ☑ will waive objections subject to the following conditions (describe below, or on separate sheet.)
   ☑ Retain utility easement and protect facilities
   ☐ Relocate facilities
   ☑ Other: Reserve for future city easements for the location and maintenance of sanitary sewer rights and storm sewer rights of way in, on, or across any vacated portion of the referenced r.o.w.

Please return this form within **21 days** to the applicant listed above.

Chris Parker, Civil Engineer 2 — 12/21/22
Authorized Representative — Date

City of Joplin Sanitary Sewers
Name of Utility



Date: 12/14/2022

1 " = 188 '

0 0.0175 0.035 0.07 mi

N

Railroad

- Railroad
- Joplin City Limits

Addresses

- Jasper Parcels
- Newton Parcels

Joplin Streets

- Red: Band_1
- Green: Band_2
- Blue: Band_3

DISCLAIMER

This drawing is neither a legally recorded map or a survey and is not intended to be used as one. This map is compilation of records, information, and data located from the City of Joplin, Jasper and Newton Counties, and other State and Federal Offices, and other sources, affecting the area shown, and is to be used for reference purposes only. The City is not responsible for any inaccuracies herein.

Case 003-23 - Street Vacation



Street Vacation – A request to vacate three streets, Approximately 161 feet of 24th St East of S Golf Link Rd, Approximately 161 feet of 23rd St East of S Golf Link Rd, and Approximately 825 feet of S Golf Link Rd South of W 22nd St – City of Joplin

0 70 140 280 420 560 Feet

P & Z Case 003-23
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-255 ORDINANCE NO.

AN ORDINANCE providing to vacate approximately 161 feet of 25 feet-wide right-of-way of 24th St. East of S. Golf Link Rd, approximately 161 feet of 25 feet-wide right-of-way of 23rd St East of S. Golf Link Rd., and approximately 825 feet of 25 feet-wide right-of-way of S. Golf Link Rd. South of W. 22nd St., City of Joplin, Jasper County, Missouri.

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

Section 1. To vacate approximately 161 feet of 25 feet-wide right-of-way of 24th St. East of S. Golf Link Rd, approximately 161 feet of 25 feet-wide right-of-way of 23rd St East of S. Golf Link Rd., and approximately 825 feet of 25 feet-wide right-of-way of S. Golf Link Rd. South of W. 22nd St., City of Joplin, Jasper County, Missouri described as follows:

> TRACT 1: All that part of the 25' public right-of-way now known as S Golf Link Road from the southwesterly prolongation of the north line of Lot 1 to the westerly prolongation of the south line of Lot 15, all lying in D.O. Witmer's Subdivision of Lots 1 to 56 inclusive, except Lots 16 and 30 in Highland Park Addition, in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof. TRACT 2: All that part of W 23rd ST from the east line of the 25' public right-of-way now known as S Golf Link Road, thence east 136 feet to the prolongation of the east line of Lots 4 and 5 in D.O. Witmer's Subdivision of Lots 1 to 56 inclusive, except Lots 16 and 30 in Highland Park Addition, in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof. TRACT 3: All that part of W 24th ST from the east line of the 25' public right-of-way now known as S Golf Link Road, thence east 136 feet to the prolongation of the east line of Lots 12 and 13 in D.O. Witmer's Subdivision of Lots 1 to 56 inclusive, except Lots 16 and 30 in Highland Park Addition, in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

Section 2. That this vacation of the portion of the street easement hereby vacated shall not affect or derogate easements of public utility companies now having installations in the portion of the street easements hereby vacated. Such utility companies shall have the right to maintain, repair, and replace any such installations now on the vacated portion of said street 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 the _____ day of_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney