CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-250 – Easement Vacation

MEETING DATE:
February 3, 2025

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:

Not applicable for this item.

SUMMARY REQUEST:

Case 001-25: 3347 S Joplin Ave – Easement Vacation – A request to vacate a utility easement – Bill Endicott

BACKGROUND:

The property owner wishes to build within the easement, which is previously vacated right-of-way. When right-of-way is vacated without the utilities being vacated, it becomes private property, but no permanent structures may be placed there. Vacating the utilities will allow them to place a building on the land. The utility companies have consented to the vacation.

PLANNING & ZONING COMMISSION TESTIMONY:

Mr. Endicott stated that the reason for this request is due to him building a new home. Mr. Endicott explained that the home will encroach into the vacated alley, and he needs approval of the utility easement so he can build his home.

PUBLIC COMMENT;

There was none.

RECOMMENDATIONS:
Staff recommends approving Council Bill 2025-250
Planning & Zoning Commission recommends approving Case 001-25 (6 in Favor, 0 Opposed, 1 Absent)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 001-25 A request to vacate a utility easement.

APPLICANT William Endicott

REPRESENTATIVE William Endicott

LOCATION 3347 S Joplin Ave

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Vacated Alley	Approximately 10′X135′

REASON FOR VACATION

The owner of the property is seeking to build a house that will encroach into a vacated alley. The alley right-of-way was vacated, but the utility easement remained.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

There are no existing utilities, and the utilities have consented to the vacation request.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

No utilities plan to locate their infrastructure within the easement.

DISCUSSION

The property owner wishes to build within the easement, which is previously vacated right-of-way. When right-of-way is vacated without the utilities being vacated, it becomes private properties, but no permanent structures may be placed there. Vacating the utilities will allow them to place a building on the land.

Staff recommends approving Case 001-25.

ENCLOSURES

- Application
- Map

CASE 001-25: Easement Vacation

3347 S Joplin Ave- Easement Vacation- A request to vacate a utility easement- Bill Endicott

Mr. Kimble asked if the applicant would step forward and state their name and address for the record.

Bill Endicott of 18525 County Road 260, Oronogo, Missouri, presented the case for the easement vacation request.

Mr. Endicott stated that the reason for this request is due to him building a new home. Mr. Endicott explained that the home will encroach into the vacated alley, and he needs approval of the utility easement so he can build his home.

Mr. Kimble asked if there were any questions from the commission for the applicant.

Mr. Kimble asked if anyone would like to speak in favor of this case.

Mr. Kimble asked if anyone would like to speak in opposition to this case.

MR. LANDIS MADE A MOTION TO APPROVE CASE 001-25. THIS MOTION WAS SECONDED BY MR. SPRUCE. MOTION CARRIED. (6 IN FAVOR, 0 OPPOSED, 1 ABSENT)

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.: 001-25
Filing Fee: $600.00
Received: 11/6/24
Date Advertised:
Proj. No.: 25-002
Public Hearing Date: 1/13/25

Applicant: William R. Endicott (Bill) Phone No.: 417-850-5550
Address: 18525 CR 260, Oronogo, MO 64855 Email: wrendicott@gmail.com
Owner: SAME Phone No.: Same
Address: Same Email: Same
Location of Street or Easement: 3347 S. Joplin, MO
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	
X	☐	Private rights will not be injured or endangered by the vacation.
X	☐	The vacation will not cause the public to suffer a loss or inconvenience.
X	☐	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	
X	☐	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.
X	☐	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	Gene Lollis	IL0967@att.com	417-499-7819
~~MoAm Water*~~	~~Robert Divine~~	~~robert.divine@amwater.com~~	
MoAm Water*	Drew Daniels	drew.daniels@amwater.com Matthew Barnhart	
Liberty Utilities (Power)	Jeff Lebeda	jeff.lebeda@libertyutilities.com	417-625-6159
Republic Services (Trash)	Matt Felkel	mfelkel@Republicservices.com	(800) 431-1507
Cable One/Sparklight	Keri Bledsoe	keri.bledsoe@sparklight.biz	
Spire Energy (Gas)**	~~Ken Stegall~~ Jose Arellano	ken.stegall@spireenergy.com Alex Sammet Right of way area manager Jose.arellano@spireenergy.com	
Spire Energy (Gas)**	~~Mandy Butkovich~~ Erick Fernando Carreon Barrora	mandy.butkovich@spireenergy.com erick.carreon@spireenergy.com	816-472-3767
~~City Sanitary Sewer~~	~~Chris Parker~~ Kaleb Roberts	~~cparker@joplinmo.org~~	417-624-0820 x1584
City Stormwater	Kaleb Roberts	kroberts@joplinmo.org	417-624-0820 ~~x1531~~ ext 1520

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

Signature: _____ **Date:** 10/7/24

NOTIFICATION OF NEW 9-1-1 ADDRESS

City of Joplin
602 Main St. Joplin, MO 64801
Phone: 417-624-0820 x1301 Email: animmo@joplinmo.org

Requested By:	B & J Construction	Phone:	417-642-5704
Email:	wrendicott@gmail.com		
Property Owner(s):	William Endicott		

Details:	New Construction:	✔	Residential:	✔	Commercial:		Industrial:	

NOTES:	Construction of a single family dwelling

City Use Only	ASSIGNED ADDRESS(S)	3347 S. Joplin Ave. Joplin, MO 64804

✔	POST OFFICE ZIP CODE		9/13/24
✔	PHONE COMPANY		9/13/24
✔	LIBERTY ELECTRIC		9/13/24
✔	SPIRE GAS		9/13/24
✔	AMERICAN WATER		9/13/24
✔	COUNTY ASSESSOR		9/13/24
✔	GOOGLE MAPS		9/13/24
✔	PROPERTY OWNER		9/13/24
✔	BEACON – (JASPER COUNTY ~~ONLY~~)		9/13/24



Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

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: William R. Endicott
Phone: 417-850-5550
Email: wrendicott@gmail.com

Be it known that William R. Endicott, *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:* the utility easement in a 10' vacated Alley between Lot # 159 and Lot # 160 of Freeman Grove addition

Located at: 3347 S. Joplin Ave, Joplin, MO 64804

For the following purpose: New Construction on Lot #160

For Utility Use:

1. Our utility has facilities or interest within this right-of-way:
   - ☐ Yes (proceed to #2)
   - [X] 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.

Gene Lollis
Authorized Representative

09/17/24
Date

AT&T
Name of Utility

Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

City of Joplin
Planning, Development, & Neighborhood Services
602 S. Main St., Joplin, MO 64801
417-624-0820 ext. 1511
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     - ☐ Retain utility easement and protect facilities
     - ☐ Relocate facilities
     - ☐ Other: _____

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

Authorized Representative — 9-18-2024 Date

Matthew A. Barnhart MOAMW
Name of Utility

Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

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:
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   - ☐ 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.

[signature] 9-17-24

Authorized Representative — Date

Liberty Utilities - Land Admin

Name of Utility

Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

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: William R. Endicott
Phone: 417-850-5550
Email: wrendicott@gmail.com

Be it known that William R. Endicott, *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:* the utility easement on a 10' Vacated Alley between Lot # 159 and Lot # 160 of Freeman Grove addition

Located at: 3347 S. Joplin Ave, Joplin, MO 64804

For the following purpose: New Construction on Lot #160

For Utility Use:

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

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   ☐ has no objection
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   ☐ 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.

_____ 9/23/24
Authorized Representative — Date

Republic Services
Name of Utility

Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

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: William R. Endicott
Phone: 417-850-5550
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      ☐ Relocate facilities
      ☐ Other:

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

Authorized Representative — 9/25/24 Date

Spar K light
Name of Utility

Spire Missouri Inc.
700 Market St.
St. Louis, MO 63101

September 18th, 2024

William R. Endicott
3347 S. Joplin Ave
Joplin, MO 64804

Re: Vacation of utility easement.

Vacation: Vacation of the utility easement that was retained within the vacated 10' vacated alley between lot # 159 and Lot # 160 of the Freeman Grove Addition.

Mr. Endicott,

In response to your letter dated 9/16/2024 relative to the above referenced vacation of the utility easement that was retained within the vacated 10' vacated alley between lot # 159 and Lot # 160 of the Freeman Grove Addition.

Please be advised that Spire Missouri Inc. ("Spire") has no facilities located within the area which is requested to be vacated.

Sincerely,

Alex Sammet (Sep 18, 2024 21:09 CDT)

Alex Sammet
Right of Way Area Manager, Missouri
Spire Missouri Inc.

TJF:MRS
cc: Bill Endicott <wrendicott@gmail.com>

Engineering Dept. Approval: JMA

System Planning Approval: EFCB
EFCB

Signature: Jose Arellano
Email: jose.arellano@spireenergy.com

Signature: Erick Fernando Carreon Barrera
Erick Fernando Carreon Barrera (Sep 18, 2024 13:14 CDT)
Email: erick.carreon@spireenergy.com

Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

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: William R. Endicott
Phone: 417-850-5550
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Located at: 3347 S. Joplin Ave, Joplin, MO 64804

For the following purpose: New Construction on Lot #160

For Utility Use:

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   ☐ 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.

Alex Sammet (Sep 19, 2024 09:47 CDT)

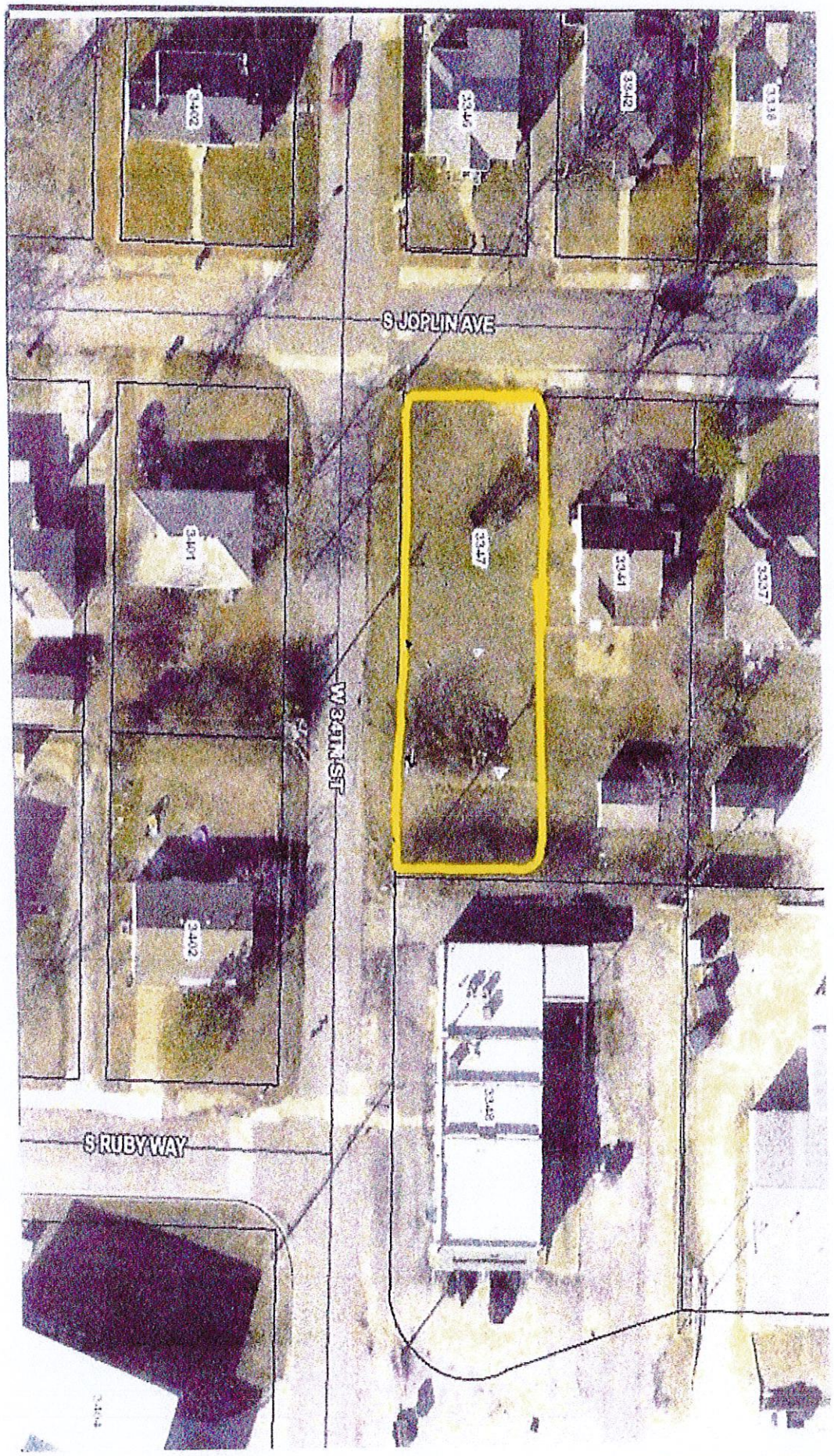
Authorized Representative

09/19/2024

Date

Spire

Name of Utility


S JOPLIN AVE
W 34TH ST
S RUBY WAY
3347
3341
3337
3401
3402
3402
3342
3346
3342
3338

Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

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: William R. Endicott
Phone: 417-850-5550
Email: wrendicott@gmail.com

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Located at: 3347 S. Joplin Ave, Joplin, MO 64804

For the following purpose: New Construction on Lot #160

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      ☐ Retain utility easement and protect facilities
      ☐ Relocate facilities
      ☐ Other: _____

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

Kelli Robertson — 9/17/24

Authorized Representative — Date

Stormwater

Name of Utility

Utility Comments: Vacation of Streets, Alleys, & Easements

9/16/2024

City of Joplin
Planning, Development, & Neighborhood Services
602 S. Main St., Joplin, MO 64801
417-624-0820 ext. 1511
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Case Number: _____
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      ☐ Retain utility easement and protect facilities
      ☐ Relocate facilities
      ☐ Other: _____

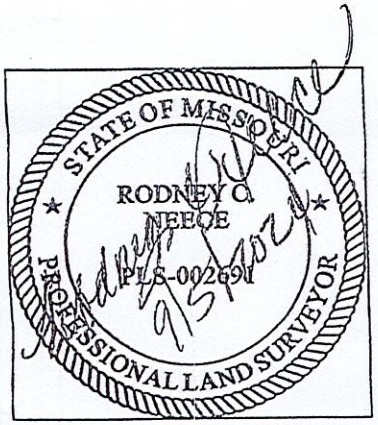
Please return this form within **21 days** to the applicant listed above.

[signature] 10/7/24
Authorized Representative Date

Sanitary Sewer
Name of Utility

NOTE:
Mailbox to be placed on house

PROPERTY DESCRIPTION:
All of Lot Number One hundred and Sixty (160) and all of Vacated alley adjoing said Lot, in Freeman Grove Addition to the City of Joplin, Newton County, Missouri, being subject to all easements, right-of-ways, and reservations of record.



CERTIFICATE OF RECORDING:

This document, Number _____ filed for record on _____, 20____, at _____ o'clock __M recorded _____, 20____, in Book _____, at Page _____, For Bill of Assurance, see Deed Record Book _____, Page _____.

Recorder of Deeds Date:

SURVEYOR'S CERTIFICATE:
I Rodney C. Neece a Registered Land Surveyor of Joplin, Jasper County, Missouri, Do hereby certify that the field notes and attached plat are true and accurate description of the work performed and measurements taken; survey made in accordance with the Missouri Standards for Property Boundary Surveys of the Department of Agriculture, Division of Weights & Measures and Consumer Protection, and is not a warranty of title either expressed or implied, This declaration is made to the original owner and/or purchaser of the survey as of the date indicated in the title block, It is not transferable to additional institutions or subsequent owners and may not be used in connection with a survey "Survey Affidavit" or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees, furthermore, this survey is not valid without the original signature and embossed seal.

Stewart & Neece Land Surveying Company
Since 1923 Joplin, Mo.

STEWART AND NEECE LAND SURVEYING, INC.
1201 East 15th Street, Joplin, Missouri 64801
Phone: 417-624-0311 Fax: 417-624-0365

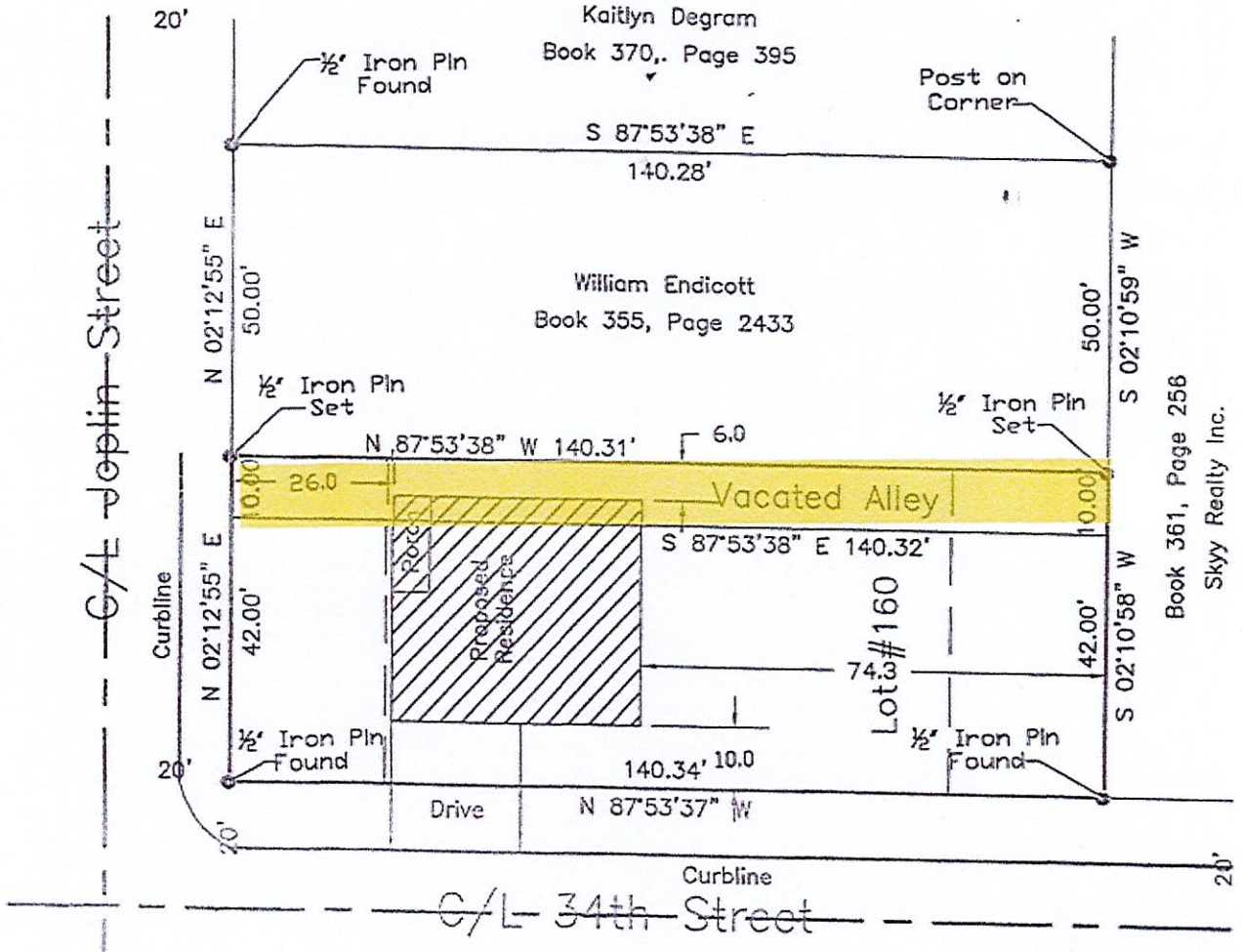
SURVEY FOR: Bill Endicott		
DRAWN: Allgood	DATE: 9-5-24	ADDRESS: 3341 Joplin Joplin, Mo
APPROVED: JB/DE	S/T/R: 22-27-33	
SCALE: 1"=30'	FILE NAME: L159-160FG	Cert of Authority LSC-2019012803

38-4-15.7

0 30 60 90

SCALE: One inch equals 30 feet.

BASIS OF BEARINGS: The East line of Joplin Street taken as N 02°12'55" E as per Missouri West NAD83 as per MoDot GPS Network.
CLASS OF PROPERTY: (c) urban
SOURCE DEED: William Endicot Book 355, Page 2433



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CLASS OF PROPERTY: (c) urban
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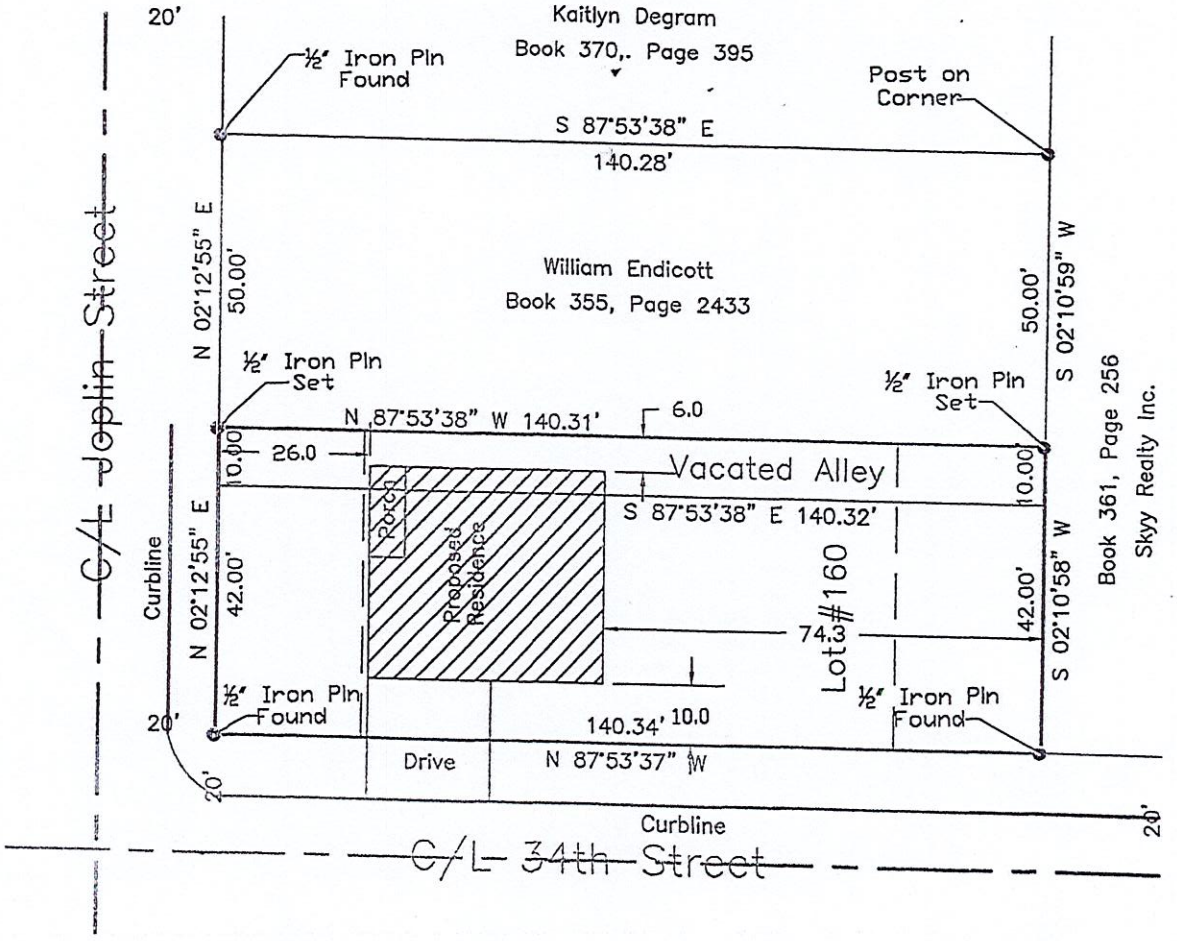
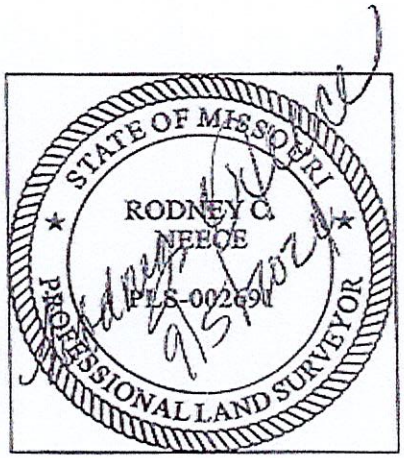


NOTE:
Mailbox to be placed on house

PROPERTY DESCRIPTION:
All of Lot Number One hundred and Sixty (160) and all of Vacated alley adjoing said Lot, in Freeman Grove Addition to the City of Joplin, Newton County, Missouri, being subject to all easements, right-of-ways, and reservations of record.



CERTIFICATE OF RECORDING:

This document, Number _____ filed for record on _____, 20____, at _____ o'clock __M recorded _____, 20____, in Book _____, at Page _____. For Bill of Assurance, see Deed Record Book _____, Page _____.

_____ Date:
Recorder of Deeds

SURVEYOR'S CERTIFICATE:
I Rodney C. Neece a Registered Land Surveyor of Joplin, Jasper County, Missouri, Do hereby certify that the field notes and attached plat are true and accurate description of the work performed and measurements taken; survey made in accordance with the Missouri Standards for Property Boundary Surveys of the Department of Agriculture, Division of Weights & Measures and Consumer Protection, and is not a warranty of title either expressed or implied, This declaration is made to the original owner and/or purchaser of the survey as of the date indicated in the title block, It is not transferable to additional institutions or subsequent owners and may not be used in connection with a survey 'Survey Affidavit' or similar document, statement, or mechanism to obtain title insurance for any subsequent or future grantees, furthermore, this survey is not valid without the original signature and embossed seal.

Stewart & Neece Land Surveying Company
Since 1923 Joplin, Mo.

STEWART AND NEECE LAND SURVEYING, INC.
1201 East 15th Street, Joplin, Missouri 64801
Phone: 417-624-0311 Fax: 417-624-0365

SURVEY FOR: Bill Endicott		
DRAWN: Allgood	DATE: 9-5-24	ADDRESS: 3341 Joplin Joplin, Mo
APPROVED: JB/DE	S/T/R: 22-27-33	
SCALE: 1"=30'	FILE NAME: L159-160FG	Cert of Authority LSC-2019012803

38-4-151

Case 001-25: Easement Vacation



3347 S Joplin Ave - Easement Vacation - A request to vacate a utility easement - Bill Endicott

P & Z Case 001-25
William Endicott
(P & Z Recommended Approval)

COUNCIL BILL NO. 2025-250 ORDINANCE NO.

AN ORDINANCE providing to vacate a utility easement, lying on property described as 3347 S Joplin Ave, City of Joplin, Newton County, Missouri.

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

Section 1. That the vacation of a utility easement at property described as 3347 S Joplin Ave, City of Joplin, Newton County, Missouri, described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the lots and land:

All that part of a 10-foot vacated alley adjoining Lot Number One Hundred and Sixty (160) and Lot Number One Hundred and Fifty-Nine (159), in Freeman Grove Addition to the City of Joplin, Newton County, Missouri.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2025, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney