**CITY OF JOPLIN**
**COUNCIL AGENDA ITEM**

**ITEM:**
CB 2024-258 – Vacation of Right-of-Way

**MEETING DATE:**
March 4, 2024

**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 FY2024 budget of the Community Planning Fund.

**SUMMARY REQUEST:**
Case 007-24: SE Corner of 32nd St and Connecticut – Alley Vacation – A request to vacate part of an alley located on the SE Corner of 32nd and Connecticut – City of Joplin

**BACKGROUND:**

Marilyn Ruestman is the owner of property adjacent to the North and South of this section of alleyway. The City had agreed to present the request to vacate on her behalf. Due to both private utilities and sanitary sewer being present in the alley, the request is only for the vacation of public right-of-way.

**PLANNING & ZONING COMMISSION TESTIMONY:**
Mr. Bellairs presented the case on behalf of the owner. He stated the request was only to vacate the right-of-way, and that it would not be vacated completely through. Ms. Phillips asked about access, stating she was concerned about the traffic backing out. Mr. Bellairs responded that the alley has an alternative route running north and south as well, so trucks and traffic will still be able to navigate the alley.

**PUBLIC COMMENT;**
Dick Ruestman spoke in favor of the case. He and his wife Marilyn are the adjacent property owners.

**RECOMMENDATIONS**:
Staff recommends approval for Council Bill 2024-258
Planning & Zoning Commission recommends approval for Case 007-24 (4 in Favor, 0 Opposed, 3 Absent)

**ATTACHMENTS**

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

**Case 007-24: Alley Vacation**

SE Corner of 32nd and Connecticut-Alley Vacation-A request to vacate part of an alley located on the SE Corner of 32nd and Connecticut-City of Joplin.

Tyler Bellairs, City of Joplin, represented this case on behalf of the owner of the two adjacent properties north and south of that section and alley outlined in red. The property owner is Marilyn Ruestman. The City agreed to apply on her behalf to bring the case forward to the Commission and the Council as part of an agreement made with the property owner for the donation of property to the Grand Falls Trail. He stated this property request was just to vacate public right of way access. It will not affect utility easement or sanitary sewer. There is a sewer main running through that alley, so we do not want to yield those interests.

Ms. Phillips stated she realized this alley was already a dead end. She voiced a concern about the traffic backing out, the trash trucks backing out, the grease company backing out or turning around due to a three-point turn in a private parking lot. But she realized there was nothing that could be done at this point.

Mr. Bellairs stated the alley is wide. The north and south alley provides an alternative access to get out and not just to back down to the street.

No further questions from the Commission.

Mr. Kimble asked if there was any one to speak in favor of Case 007-24.

Dick Ruestman, 5562 Riverside Dr., Joplin, Missouri. He and his wife own the property at 3204 Connecticut. They are in favor of vacating this alley.

Mr. Kimble asked if there was any one to speak in opposition of Case 007-24.

There were none.

**MS. WARREN MOVED THAT CASE 007-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (4 IN FAVOR, 0 NAY, 3 ABSENT)**

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

# STAFF PLANNING REPORT
## Vacation

**CASE 007-24** A request to vacate right-of-way.

**APPLICANT** City of Joplin

**REPRESENTATIVE** City of Joplin

**LOCATION** SE Corner of 32nd and Connecticut

**EXISTING CONDITIONS**

| Easement Type(s) | Easement Size |
|---|---|
| Alley | Approximately 15′X50′ |

**REASON FOR VACATION**

The owner of parcels North and South of this section of alleyway would like to develop or market this all as one property.

**UTILITIES CURRENTLY LOCATED IN THE EASEMENT?**

There are existing utilities in the right-of-way. There is a sanitary sewer main running East to West through this alley. Utility easements are to remain, this is just a vacation of right-of-way.

**UTILITIES PLANNED TO LOCATE IN THE EASEMENT?**

No utilities are planning to locate within the easement.

**DISCUSSION**

Marilyn Ruestman is the owner of property adjacent to the North and South of this section of alleyway. The City had agreed to present the request to vacate on her behalf. Due to both private utilities and sanitary sewer being present in the alley, the request is only for the vacation of public right-of-way.

**Staff recommends approval of Case 007-24.**

**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.: 007-24
Filing Fee: $550.00
Received: 1/5/24
Date Advertised:
Proj. No.: 24-022
Public Hearing Date: 2/12-24

Applicant: City of Joplin (on behalf of Marilyn Ruestman) Phone No.: 417-624-0820 ext. 1511

Address: 602 S Main St. Email: tbellair@joplinmo.org

Owner: Marilyn Ruestman Phone No.: (417) 439-4800

Address: – Email: – MarilynRuestman@gmail

Location of Street or Easement: Alley running West to East between 3209 S Connecticut Ave & 1802 S Connecticut Ave. (Approx. 50')

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, |

STATE OF OKLAHOMA )
) ss.
COUNTY OF DELAWARE )

**OWNERSHIP AFFIDAVIT AND CONSENT TO VACATION**

Comes now Business Investments (Property Owner) who, being duly swom upon his/her oath, does state that he/she is the owner of the property described as _____

_____

(legal description) more commonly known as -3209 CT. I, Business Investments, Marilyn Ruestman, MEMBER (Property Owner) hereby give consent for the vacation of the _____ (type of easement/ROW) that runs through or abuts my property and is the subject of Planning & Zoning Case Number _____.

Date: 1-9-2024

Marilyn Ruestman, member
Signature of Owner(s)

MARILYN RUESTMAN
Printed Name(s)

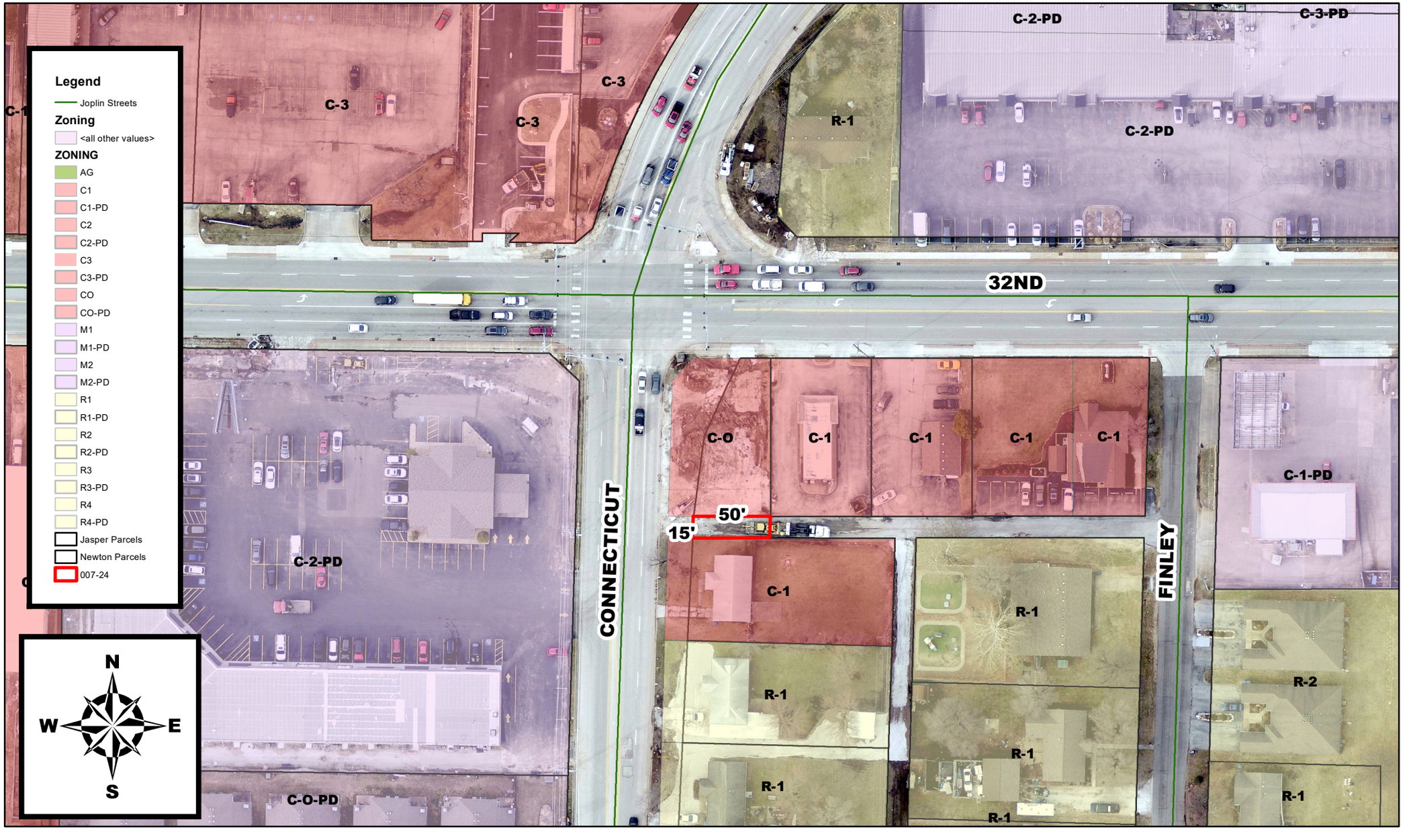
In witness whereof I have hereunto subscribed my name and affixed my official seal this 9TH day of JANUARY, 2024

CANDI DOLLARD
Notary Public - State of Oklahoma
Commission Number 23001837
My Commission Expires Feb 7, 2027

Candi Dollard
Notary

My commission expires: FEB 07, 2027

# Case 007-24: Alley Vacation




SE Corner of 32nd and Connecticut – Alley Vacation – A request to vacate part of an alley located on the SE Corner of 32nd and Connecticut – City of Joplin

P & Z Case 007-24
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2024-258 ORDINANCE NO.

AN ORDINANCE providing to vacate part of an alley way, lying on property described as the SE Corner of 32nd St and Connecticut 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 part of an alley lying on property described as the SE Corner of 32nd St and Connecticut 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:

**A PORTION OF ALLEY-WAY TO BE VACATED, BEING 15 FEET WIDE NORTH AND SOUTH BY 71 FEET LONG EAST AND WEST. ALLEY-WAY BOUNDED ON THE NORTH BY A TRACT OF LAND OWNED BY RI RES, LLC BOOK 369 PAGE 5463 AND BY LOT 1 OF J.A. FINLEY'S 2ND SUBDIVISION ON THE SOUTH AND THE APPARENT EAST RIGHT-OF-WAY LINE OF CONNECTICUT AVENUE ON THE WEST. ALL IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24 TOWNSHIP 27 NORTH RANGE 33 WEST IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI. BEING DESCRIBED MORE FULLY AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID RI RES, LLC TRACT, ALSO BEING THE SOUTHWEST CORNER OF LOT 1 IN J.A. FINLEY'S 1ST SUBDIVISION; THENCE S01°42'45"W ON A PROLONGATION OF THE WEST LINE OF SAID LOT 1 OF J.A. FINLEY'S 1ST SUBDIVISION TO THE NORTH LINE OF LOT 1 OF J.A. FINLEY'S 2ND SUBDIVISION; THENCE N88°20'51"W ALONG SAID NORTH LINE A DISTANCE OF 50.81 FEET TO THE APPARENT EAST RIGHT-OF-WAY LINE OF CONNECTICUT AVENUE; THENCE N01°41'20"E LEAVING SAID NORTH LINE A DISTANCE OF 14.99 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTH LINE OF SAIDRI RES, LLC TRACT; THENCE S88°20'38"E ALONG SAID SOUTH LINE OF TRACT A DISTANCE OF 50.82 FEET TO THE POINT OF BEGINNING. CONTAINING 0.02 ACRES (762 SQUARE FEET) MORE OR LESS.**

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_____, 2024, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney