CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-259 – Street Vacation

MEETING DATE:
March 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 008-23: Street Vacation – Part of Bird Avenue, approximately located between W 15th St and W Junge Boulevard – A request to vacate part of Bird Avenue – Joplin School District

BACKGROUND:
This vacation is sought to control the traffic during game days and practices. Any proposed building would not be permitted to be built on the vacated street. While the street would be vacated, utility easements will remain. MOAW has facilities and interests in Bird Avenue and are not waiving utility access.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. David Pettit, Director of Facilities for Joplin Schools stated they were asking for consideration for a street vacate on Bird Ave between 1300-1500 block. He stated they own the property on both sides of that and they are requesting the vacate in an effort to enhance the safety measures for staff, students, patrons and attendees for events that were there. This would be during times of events as well as practices that take place. He stated they were struggling with safety for students and people crossing the road. He stated they were asking for this to be vacated at this time.

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

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-259
Planning & Zoning Commission recommends approval for Case 008-23 (6 in Favor, 0 Opposed, 1 Absent)

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

Case 008-23: Street Vacation

Street Vacation-A request to vacate approximately 550 feet of S Bird Avenue South of W Junge Blvd and North of W 15th St- David Pettit (Representative of Joplin Schools)

Mr. David Pettit, Director of Facilities for Joplin Schools stated they were asking for consideration for a street vacate on Bird Ave between 1300-1500 block. He stated they own the property on both sides of that and they are requesting the vacate in an effort to enhance the safety measures for staff, students, patrons and attendees for events that were there. This would be during times of events as well as practices that take place. He stated they were struggling with safety for students and people crossing the road. He stated they were asking for this to be vacated at this time.

Mr. Kimble asked if there were any questions from the Commission on Case 008-23.

Mr. Kimble stated he noticed the street was already gated off. He stated the one that they were asking to be vacated and asked if that was correct.

Mr. Pettit stated presently they only gate that area off during an actual event. He stated they do not close that street during practices or anything currently. Typically, on Friday night events or evening events that take place for football games and track meets.

Mr. Kimble asked if there were any questions from the Commission on Case 008-23.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 008-23.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 008-23.

There were none.

MS. STEELE MOVED THAT CASE 008-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAYS, 1 ABSENT)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 008-23 A request to vacate a street

APPLICANT Joplin School District

REPRESENTATIVE Dave Pettit

LOCATION Part of Bird Avenue, approximately located between W 15th St and W Junge Boulevard

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Bird Avenue	Approximately 560′

REASON FOR VACATION

Joplin School District is seeking to vacate the easement and right of way to manage traffic during sporting events.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Missouri American Water (MOAW).

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

MOAW has facilities and interests in Bird Avenue and are not waiving utility access.

DISCUSSION

This vacation is sought to control the traffic on game days. Any proposed building would not be permitted to be built on the vacated street. While the street would be vacated, utility easements will remain.

Staff recommends approval of Case 008-23.

ENCLOSURES

- Application
- Map

JOPLIN
MISSOURI

Vacation of Streets or Easements Procedures

Applicability. Vacation is the process to eliminate any plat, part of a plat, street, alley, utility easement, or public reservation of land. The application shall be made by the public entity owning the property interest in the property sought to be vacated or by all owners of lands adjoining on both sides of the street, alley or public reservation proposed to be vacated.

Review Criteria. A vacation shall be reviewed according to the following criteria:

1. The application is in accordance with the comprehensive plan. In particular, the impact of the vacation on physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments reflect the principles and concepts of the plan.
2. Compliance with the requirements of this code. In particular, the vacation is consistent with the intent and design objectives of the subdivision design standards.
3. The vacation reflects sound planning and urban design principles with respect to existing and potential development in the vicinity, including consideration of current and future streets, opens spaces, blocks, lots, and public utilities and facilities.
4. Any impacts identified by specific studies or technical reports are mitigated with generally accepted sound planning, engineering, and urban design solutions, that reflect long-term solutions and sound fiscal investments.
5. No private rights will be injured or endangered by the vacation.
6. The street, easement or other public reservation of land to be vacated no longer serves a public purpose.
7. All resulting lots and parcels are capable of meeting the intent and objectives of the applicable zoning districts and development standards.

Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to vacations:

1. Notice shall be published for two consecutive weeks in an official City newspaper. The notice shall state that an application for vacation has been filed in the office of the City Clerk, describing the property fully, and including all other information required for public hearings in Section 2.01.
2. The City Council or the Director may determine that it would be advisable to obtain the recommendation of Planning Commission concerning a vacation application prior to the public hearing before the City Council. In that event, the Planning Commission shall hold its own public hearing on the application according to the same procedures as City Council. At the conclusion of any such hearing, the Planning Commission shall submit its recommendation on the application to the City Council.
3. Approval of a vacation shall be by ordinance adopted by the City Council.

Effect of Decision. The vacation shall be effective on the date specified in the ordinance and after recording with the applicable county Recorder of Deeds. In approving a vacation, the City Council may place any conditions it deems necessary to protect the public health, safety and welfare, including the requirement for easements. The Director shall certify to the City Clerk when any conditions have been met and, upon such certification, the vacation may be recorded.

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.: 078-22
Filing Fee: $550.00
Received: 12/14/22
Date Advertised:
Proj. No.: 823-036
Public Hearing Date: 2/13/22

Applicant: Joplin Schools c/o Dave Pettit, Director of Facilities Phone No.: 417-625-5300 Option "2"

Address: 1301 S. Picher Ave., Joplin, MO. 64804 Email: davepettit@joplinschools.org

Owner: Joplin Schools Phone No.: 417-625-5300

Address: 1301 S. Picher Ave., Joplin, MO. 64804 Email: davepettit@joplinschools.org

Location of Street or Easement: Bird Ave between 13th St. (Junge Blvd) and 15th St.

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.

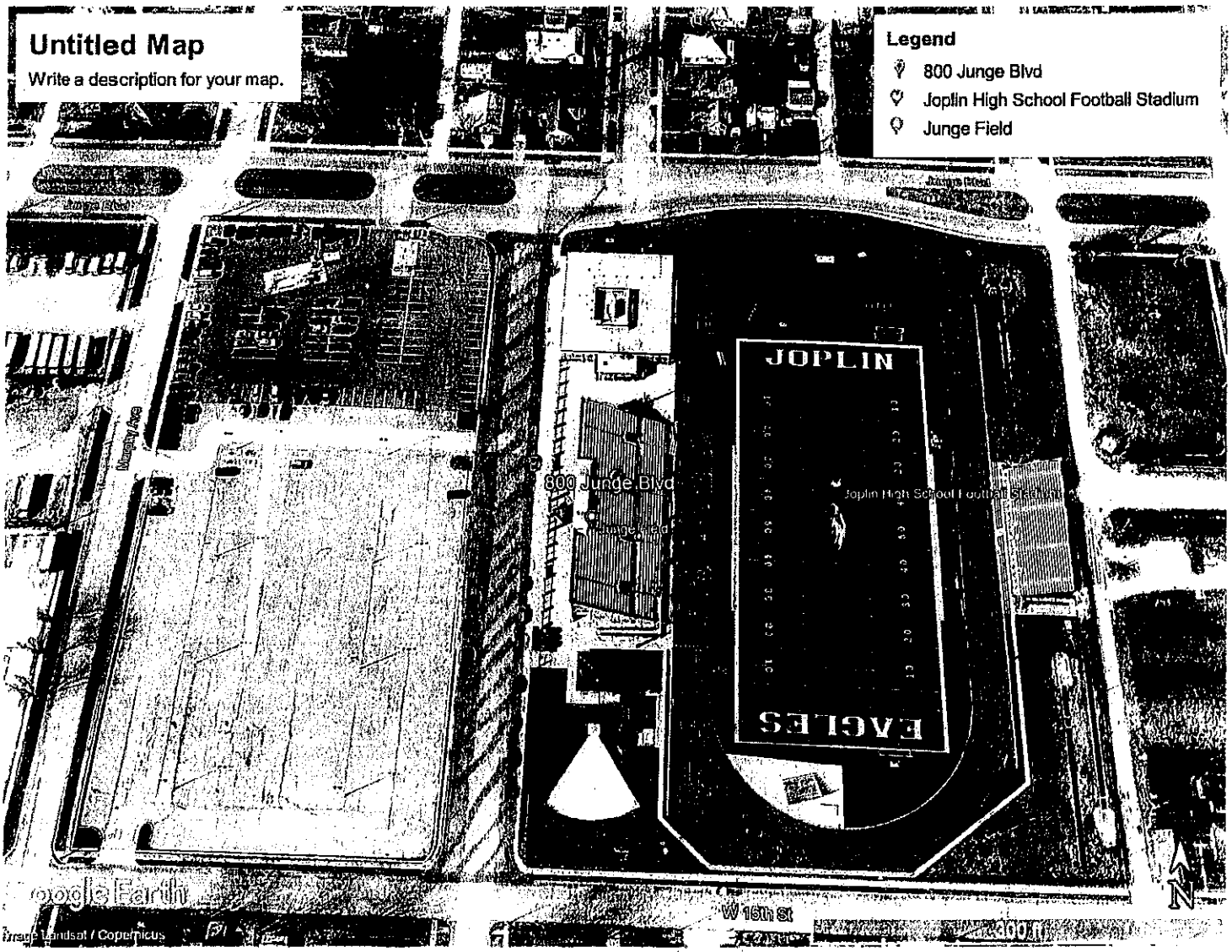
Utility	Contact	Email	Phone
AT&T	Jon Fisk	jf4583@att.com	417-529-0840
MoAm Water*	Derec Bass	derec.bass@amwater.com	
MoAm Water*	Trenton Mccarty	trenton.mccarty@amwater.com	
MoAm Water*	Bob Kirby	bob.kirby@amwater.com	
Liberty Utilities (Power)	Jeff Lebeda	jeff.lebeda@libertyutilities.com	417-625-6159
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:** 9/13/22

Signature: Jose Arellano
Jose Arellano (Sep 29, 2022 12:00 CDT)
Email: jose.arellano@spireenergy.com

Signature: Phil Cellitti
Phil Cellitti (Oct 3, 2022 08:07 CDT)
Email: phil.cellitti@spireenergy.com


Untitled Map
Write a description for your map.
Legend
800 Junge Blvd
Joplin High School Football Stadium
Junge Field
JOPLIN
EAGLES
800 Junge Blvd
W 15th St
Google Earth
Image Landsat / Copernicus
N

MJ SURVEYING, LLC.

2224 South Main St. Joplin, MO 64804
Office 417-623-2525
www.MJSurveyingLLC.com

PROPOSED VACATION OF BIRD STREET

ALL THAT PART OF BIRD STREET LYING IN BETWEEN THE SOUTH RIGHT OF WAY LINE OF JUNGE BOULEVARD AND THE NORTH RIGHT OF WAY LINE OF 15TH STREET BEING SITUATED IN MISCELLANEOUS TRACT 44 IN SECTION 10, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.



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: Joplin Schools
Phone: 417-625-5300 Option "2"
Email: davepettit@joplinschools.org

Be it known that Joplin Schools, *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:* Bird Ave. between 13th St. (Junge Blvd.) and 15th St.

Located at: 800 Junge Blvd. (Joplin Schools Junge Stadium)

For the following purpose: To increase safety of the attendees of events at Junge Stadium including games, meets, concerts, practices, competitions, etc. during pre-event, the event, and post-event. Vacating the street, which Joplin Schools owns both sides of, will allow pedestrian crossing from the parking lot on the west side to the venue without mixing with vehicular traffic on Bird Ave. The vacate will also allow increased security of the venue through controlled access at 13th St. and 15th St. The vacate will increase the "fan" experience during the event by using the vacated property as a staging area for pre-event activities and a stacking area before gates open.

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: removal to be done by joplin schools

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

_____ 11/21/22
Authorized Representative Date

AT&T
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
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   - ☑ Retain utility easement and protect facilities
   - ☐ Relocate facilities
   - ☐ Other: MOAW has no objections to closing Any easement Along (Paralleling) Bird Ave.
     MOAW Requests that Any Easement/ROW Paralleling W. 15th St. Remain open Due to A 20 inch Water Main on the North Side of W. 15th Street. (See Attached Diagram)

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

Authorized Representative — 9/14/2022 Date

Missouri American Water
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

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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.

_____ 9-23-22
Authorized Representative — Date

Liberty Utilities – Land Administration
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: _____
Applicant: Joplin Schools
Phone: 417-625-5300 Option "2"
Email: davepettit@joplinschools.org

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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.

Jerry Huron — Authorized Representative
11-30-22 — Date
Operations Supervisor — Republic Services (trash company) — 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: _____
Applicant: Joplin Schools
Phone: 417-625-6300 Option "2"
Email: davepellit@joplinschools.org

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     - ☐ Relocate facilities
     - ☐ Other: _____

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

[signature] — Authorized Representative

11/11/22 — Date

Sparklight (Cable One) — 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: _____
Applicant: Joplin Schools
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Email: davepettit@joplinschools.org

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      ☐ Other: _____

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Alex Sammet (Sep 30, 2022 09:04 CDT)
Authorized Representative

09/30/2022
Date

Spire
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
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     - ☐ Relocate facilities
     - ☐ Other: _____

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

Chris Parker
Authorized Representative

9/19/22
Date

City of Joplin Sanitary Sewer
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: _____
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     - ☐ Other: _____

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

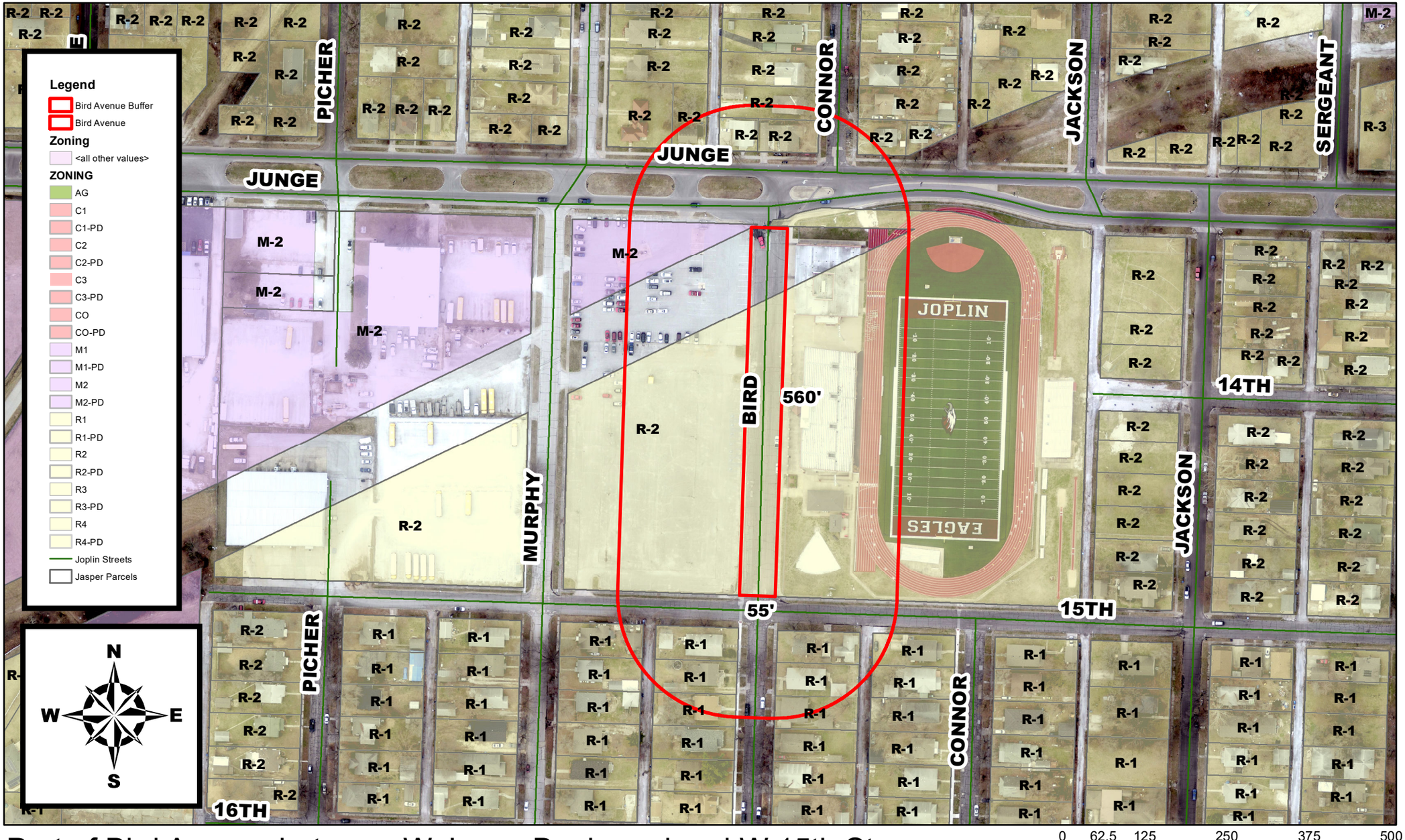
Steven Martinez — 9/19/22

Authorized Representative — Date

City of Joplin Storm Sewer

Name of Utility

Case 008-23 - Street Vacation



Part of Bird Avenue between W Junge Boulevard and W 15th St -
A request to vacate a street - Joplin Schools

P & Z Case 008-23
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-259 ORDINANCE NO.

AN ORDINANCE providing to vacate approximately 550 feet of Bird Avenue, approximately located between W 15th St and W Junge Boulevard, 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 550 feet of 50 feet-wide right-of-way of Bird Avenue North of W 15 St, City of Joplin, Jasper County, Missouri described as follows:

ALL THAT PART OF BIRD STREET LYING IN BETWEEN THE SOUTH RIGHT OF WAY LINE OF JUNGE BOULEVARD AND THE NORTH RIGHT OF WAY LINE OF 15TH STREET BEING SITUATED IN MISCELLANEOUS TRACT 44 IN SECTION 10, TOWNSHIP 27, RANGE 33, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

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