CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-259-Utility Vacation

MEETING DATE:
April 1, 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, Interim City Manager- Daniel Pekarek.

SUMMARY REQUEST:
Case 011-19: Easement Vacation – A request to vacate a portion of a utility easement that runs across property located at 2119 East Highlander Drive – Todd MacDonald.

BACKGROUND:
There is a 20 foot by 185-foot utility easement that runs through the center of two lots on Highlander Drive. The applicant owns both lots that the easement crosses. The applicant wishes to Vacate the utility easement across his property and reroute the sewer line so that a future pool may be located where the sewer line currently sits. The reroute will not affect any other property owners

PLANNING & ZONING COMMISSION TESTIMONY:
Todd MacDonald, 2119 Highlander Dr., Joplin, MO. The purpose for this request is to discuss the re-routing and vacation of a sewer easement that is running through the back end of the yard. We would like to put a private swimming pool in the back yard. The current location of the pipe renders our back yard useless for this type of project.

Mr. Ramsour asked there were any questions from the Commission? Mr. Ramsour stated that he drove by there and there is currently no electrical service of any type running through that portion of the property.

Mr. MacDonald stated there are no utilities running through the back yard, other than the sewer line.

Mr. Ramsour asked if there were any other questions from the Commissioners? There was not. He also 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.

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 011-19.

ATTACHMENTS
CB 2019- 259, Staff Planning Report, P&Z Commission Minutes

CB 2019-259

Case 011-19: Easement Vacation – A request to vacate a portion of a utility easement that runs across property located at 2119 East Highlander Drive – Todd MacDonald

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Mr. Ramsour asked there were any questions from the Commission? Mr. Ramsour stated that he drove by there and there is currently no electrical service of any type running through that portion of the property.

Mr. MacDonald stated there are no utilities running through the back yard, other than the sewer line.

Mr. Ramsour asked if there were any other questions from the Commissioners? There was not. He also 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.

MRS. BRUECKNER-SEARS MOVED, SECONDED BY MR. DERMOTT TO APPROVE CASE 011-19, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MRS. BRUECKNER-SEARS, MRS. STEELE, MR. DERMOTT AND MR. MCCULLOUGH VOTING "AYE". (5 IN FAVOR, 0 NAYS, 2 ABSENT).

Z&P Meeting: March 11, 2019
City Council Meeting: April 1, 2019

STAFF PLANNING REPORT
Vacation

CASE 011-19 A request for the vacation of approximately 185 feet of a 20-foot-wide utility easement.

APPLICANT Todd MacDonald

REPRESENTATIVE Allgeier, Martin and Associates, Inc.

LOCATION A utility easement running east/west located at 2119 East Highlander Drive

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EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	20' x 185'

REASON FOR VACATION

For the construction of a private pool on the applicant's property.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

Yes. The sewer line will be rerouted.

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

The purpose for this Vacation request is to install a pool in the applicant's backyard. There is a 20 foot by 185 foot utility easement that runs through the center of two lots on Highlander Drive. The applicant owns both lots that the easement crosses. The applicant wishes to Vacate the utility easement across his property and reroute the sewer line so that a future pool may be located where the sewer line currently sits. The reroute will not affect any other property owners. Staff from the Public Works Department has reviewed the proposed sewer reroute and has found no issues.

Staff recommends approval of Case 011-19.

ENCLOSURES

- Application

CITY OF JOPLIN

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.: 011-19
Filing Fee: $500.00
Date Advertised: 2-24-19
Date Notices Sent 2-25-19
Public Hearing Date: 3-11-19

I. Applicant Name: Todd MacDonald Phone: 417-988-5969

If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 2119 East Highlander Drive Zip: 64804

II. Type of vacation requested (check one):

Street Vacation_____

Alley Vacation_____

Utility vacation X

Other (Please specify)_____

III. Legal Description of area requested to be vacated: _____

All that part of the existing utility easement along the sewer line to be abandoned across Lots 23 and 24 of HIDDEN HILLS SUBDIVISION PLAT #1, a subdivision in the City of Joplin, Newton County, Missouri according to the recorded plat thereof.

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. _____

The vacation of the easement in no way adversely affects private rights of property owners as the portion of the easement to be vacated is solely on the applicant's property and the vacation is for the applicant's benefit.

2. The vacation will not cause the public to suffer a loss or inconvenience. _____

The portion of the easement to be vacated does not border any property owned by neighboring property owners, only property of the applicant. The vacation of easement will cause no loss or inconvenience to the public.

3. In justice to the applicant(s) the vacation should be granted. _____

The vacation of the easement will allow for the applicant to install a swimming pool on their property. Without the vacation of the easement, the applicant will not be able to construct the swimming pool.

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.

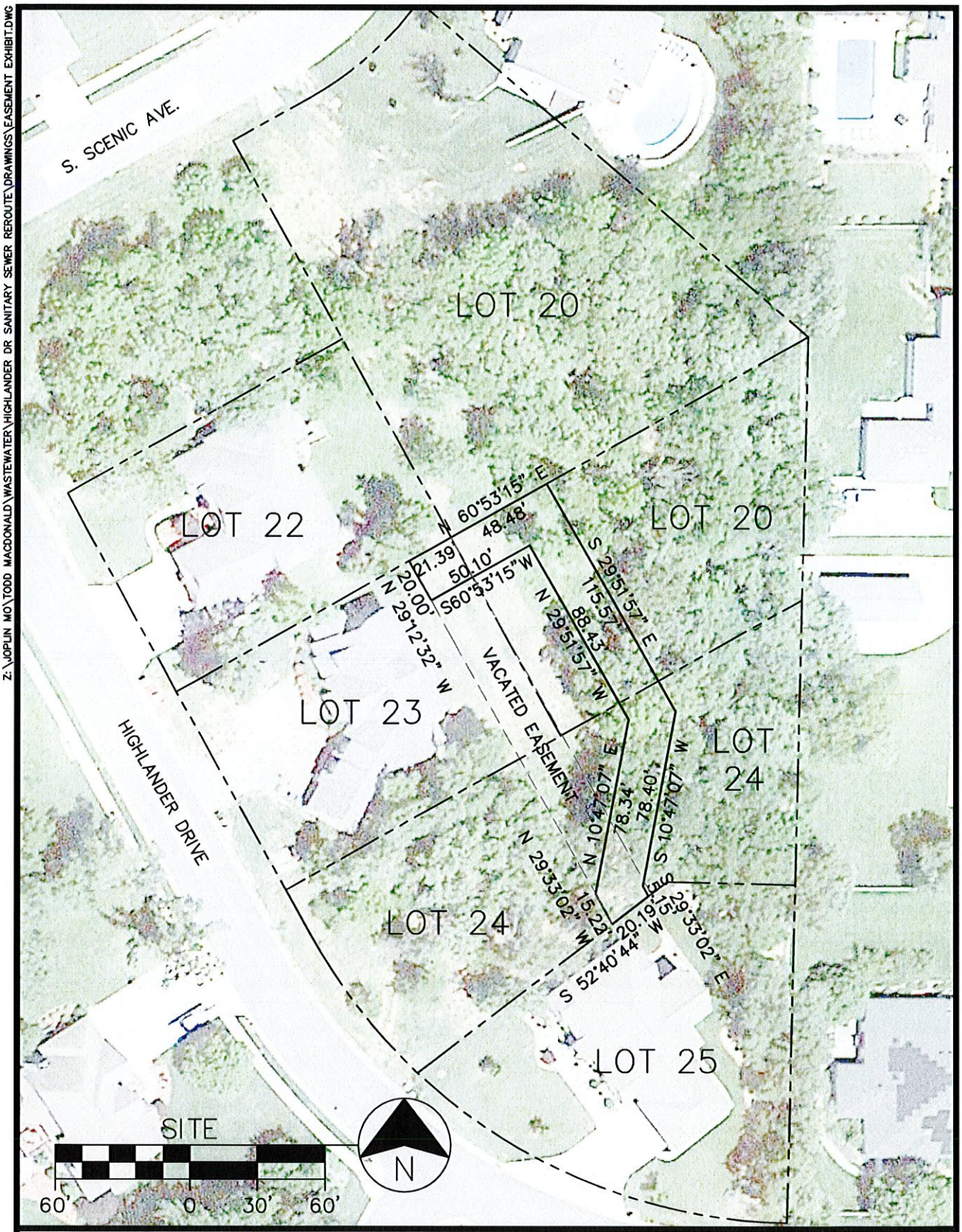
No affidavits are required as the area to be vacated does not border neighboring property owners. All land adjoining area to be vacated is owned by the applicant.

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.

See construction Drawings.

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

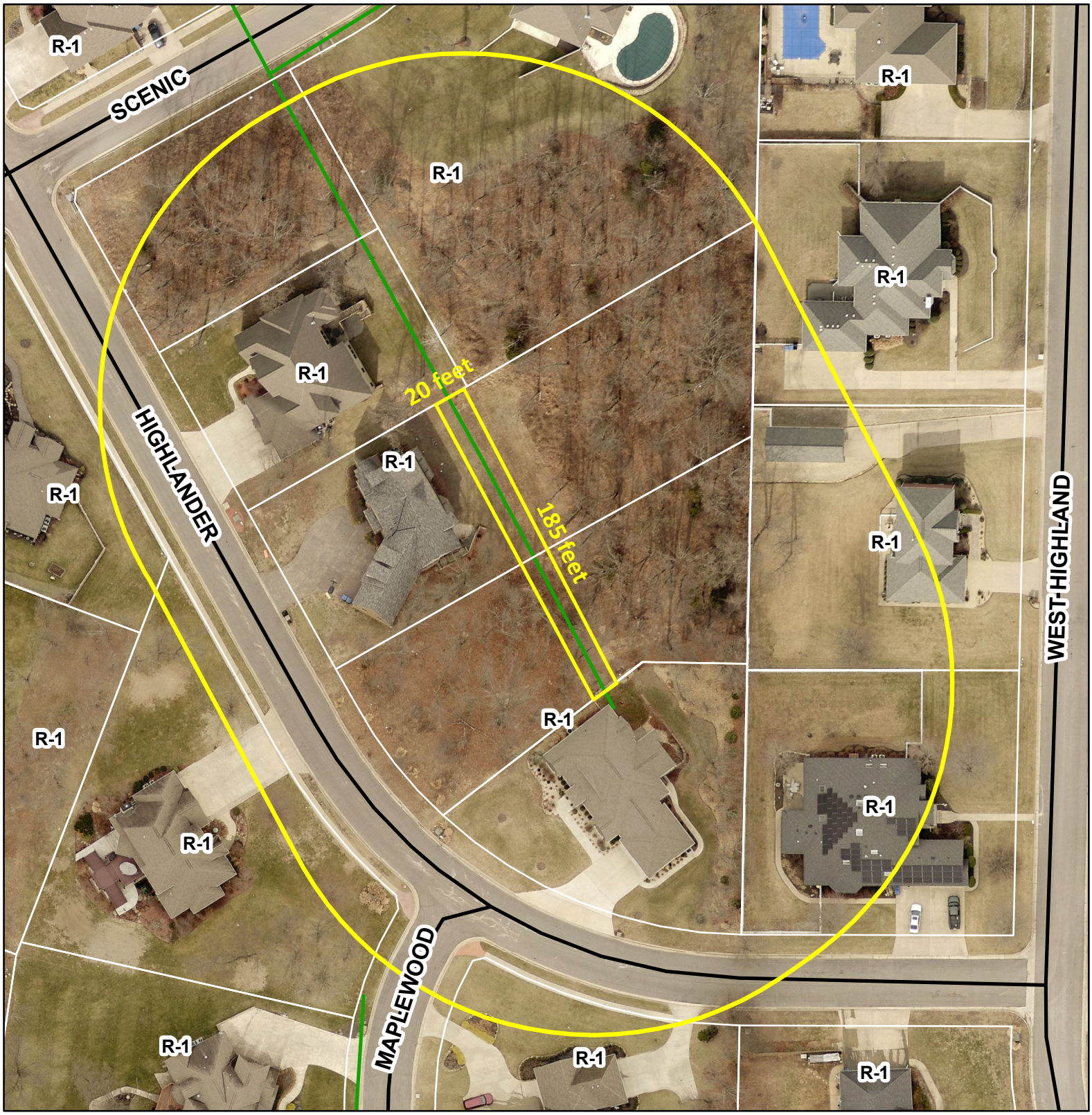


Z:\JOPLIN MO\TODD MACDONALD\WASTEWATER\HIGHLANDER DR SANITARY SEWER REROUTE\DRAWINGS\EASEMENT EXHIBIT.DWG

HIGHLANDER SEWER REROUTE - NEW EASEMENT
JOPLIN, MISSOURI

DEC. 28, 2018

ALLGEIER, MARTIN and ASSOCIATES, INC
CONSULTING ENGINEERS and SURVEYORS
7231 EAST 24th STREET JOPLIN, MISSOURI 64804 (417) 680 - 7200



0 62.5 125 250 375 500 Feet

Case 011-19: A utility easement that runs southeast/northwest across property located at 2119 East Highlander Drive -- A request to vacate a portion of a utility easement -- Todd MacDonald

N

P & Z Case 011-19
Todd MacDonald
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-259 ORDINANCE NO.

AN ORDINANCE providing to vacate approximately 185 feet of a 20-foot wide utility easement located at 2119 East Highlander Drive.

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

Section 1. That part of approximately 185 feet of 20 feet wide utility easement running north/south located 2119 East Highlander Drive, described as:

All that part of the existing utility easement along the sewer line to be abandoned across Lots 23 and 24 of HIDDEN HILLS SUBDIVISION PLAT #1, a subdivision in the City of Joplin, Newton County, Missouri according to the recorded plat thereof.

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