CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-264-Street Vacation

MEETING DATE:
April 5, 2021

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, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 014-21: Approximately 240' East and 350' North of the intersection of E. 32nd St. and S. Prosperity Ave. - A request to vacate approximately 400' of street right-of-way extending North from E. 32nd St. – City of Joplin

BACKGROUND:
This vacation is being sought to resolve an issue with the titling of this property. A prior plat that did away with this portion of right-of-way was inexplicably not accepted by the property owner's title insurance company as they require an ordinance of vacation, not just a plat.

PLANNING & ZONING COMMISSION TESTIMONY:
Troy Bolander, 602 S Main, Joplin, MO. If you tried to find this easement there is a QuikTrip sitting on top of it. We received the plans and survey they apparently left out the old right of way that has not recently been use. It is a cleanup for the title company.

PUBLIC COMMENT;
None.

FUNDING SOURCE
These payments are included in the FY 2020-21 budget of the Community Planning Fund.

RECOMMENDATION:
Planning & Zoning Commission recommends approval, 6 in favor, 0 Nays, 1 Absent.
Staff recommends approval of Case 014-21.

ATTACHMENTS
CB 2021- 264, Staff Planning Report, P&Z Commission Minutes

CB 2021-264

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Mr. Ramsour asked if the commissioners had any questions for Mr. Bolander? They did not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in opposition to this case? There was not.

MR. KIMBLE MOVED, SECONDED BY MR. EASTMAN THAT CASE 014-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. BRUCKNER-SEARS, MR. MCCULLOUGH, MR. EASTMAN, MR. KIMBLE, AND MS. PHILLIPS VOTING "AYE". (6 IN FAVOR, 1 ABSENT)

Z&P Meeting: March 8, 2021
City Council Meeting: April 5, 2021

STAFF PLANNING REPORT
Vacation

CASE 014-21 A request to vacate approximately 400' of street right-of-way extending North from E. 32nd St.

APPLICANT City of Joplin

REPRESENTATIVE Keegan Stanton & Troy Bolander

LOCATION Approximately 240' East and 350' North of the intersection of E. 32nd St. and S. Prosperity Ave.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Street Right-of-Way	Approximately 400' x 50'

REASON FOR VACATION

The City of Joplin is applying for this vacation to remove excess right-of-way that is not in use by County Rd. 200.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Utilities are not currently in the Right-of-Way. Rerouting of utilities is not required to maintain current services to adjoining properties.

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

No plans for new utilities to be located in the right-of-way.

DISCUSSION

This vacation is being sought to resolve an issue with the titling of this property. A prior plat that did away with this portion of right-of-way was inexplicably not accepted by the property owner's title insurance company as they require an ordinance of vacation, not just a plat.

Staff recommends approval of Case 014-21.

ENCLOSURES

- Application
- Map

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form and Attachments 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.: 014-21
Filing Fee: ~~$550.00~~
Date Advertised: 2-21-21
Date Notices Sent 2-22-21
Public Hearing Date: 3-9-21

I. Applicant Name: City of Joplin Phone: 417-624-0820

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

Address: 602 S. Main St. Zip: 64804

II. Type of vacation requested (check one):

Street Vacation ✓

Alley Vacation_____

Utility Vacation_____

Other (Please specify)_____

III. 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. Correct.

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

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

IV. Required Attachments:

1. 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.

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.

3. 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.

4. 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	**Kenny Kenworthy**	**kk7429@att.com**	**417-625-8092**
Missouri American Water	Andrew Holderness	andrew.holderness@amwater.com	417-623-0676 x1009
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 x584
City Stormwater	**Steven Martinez**	**smartine@joplinmo.org**	**417-624-0820 x531**

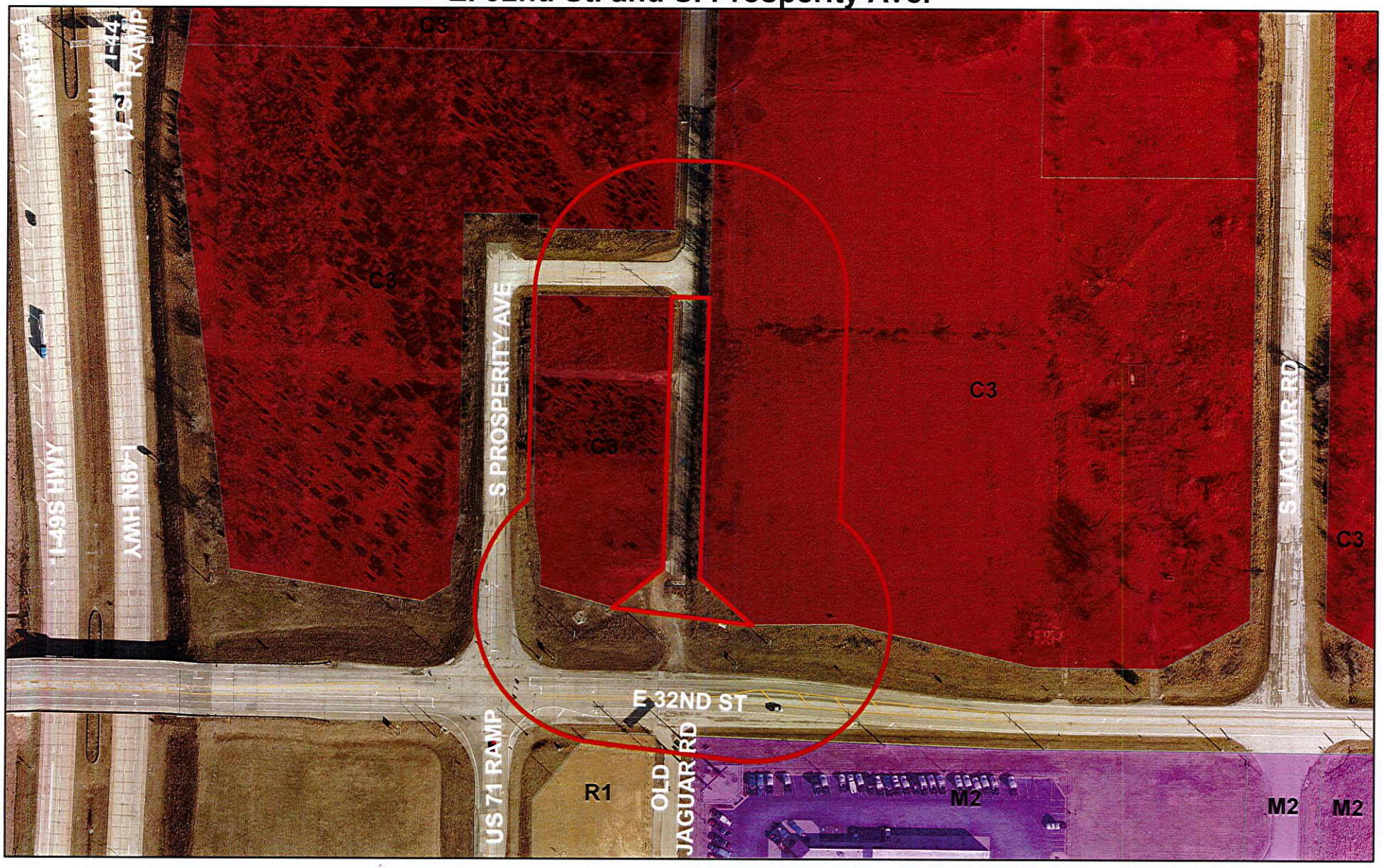
*Must contact BOTH contacts at Spire Energy.

Signature

3/5/21

Date

Case 014-21: Approximately 240' East and 350' North of the intersection of E. 32nd St. and S. Prosperity Ave.



Case 014-21: Approximately 240' East and 350' North of the intersection of E. 32nd St. and S. Prosperity Ave. - A request to vacate approximately 400' of street right-of-way extending North from E. 32nd St. – City of Joplin

Joplin City Limits

0 90 180 360 540 720 Feet

N

P & Z Case 014-21
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-264 ORDINANCE NO.

AN ORDINANCE to vacate approximately 400' of street right-of-way extending North from E. 32nd St. located approximately 240' East and 350' North of the intersection of E. 32nd St. and S. Prosperity Ave.

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

Section 1. That all that part of approximately 240' East and 350' North of the intersection of E. 32nd St. and S. Prosperity Ave. - A request to vacate approximately 400' of street right-of-way extending North from E. 32nd St., City of Joplin, Jasper County, Missouri described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

That portion of County Road 200 (aka South Prosperity Avenue)lying in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 15, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri; AND, that portion of County Road 200 (aka South Prosperity Avenue) lying in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of the Southeast (SE ¼) of Section 16, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri, being more particularly described as follows: All that part of County Road 200 (aka South Prosperity Avenue) lying in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 15, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri, lying south of the easterly prolongation of the south right-of-way line of the east/west portion of relocated South Prosperity Avenue referenced as "City of Joplin #1" and described in that certain Quitclaim Deed recorded in Book 2252 at Page 1885 in the office of the Jasper County, Missouri Recorder of Deeds, and, lying north of the north right-of-way line of Missouri Route FF (aka East 32nd Street), AND, All that part of County Road 200 (aka South Prosperity Avenue) lying in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 16, Township 27 North, Range 32 West, in the City of Joplin, Jasper County, Missouri, lying south of the easterly prolongation of the south right-of-way line of the east/west portion of relocated South Prosperity Avenue referenced as "City of Joplin #1" and described in that certain Quitclaim Deed recorded in Book 2252 at Page 1885 in the office of the Jasper County, Missouri Recorder of Deeds, and, lying north of the north right-of-way line of Missouri Route FF (aka East 32nd Street).

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 21, by a vote of _____.

_____

Ryan D. Stanley, Mayor

ATTEST:

_____

Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney