CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2022-267-Utility Easement Vacation

MEETING DATE:
May 2, 2022

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 028-22: Northeast of 2810 E. Water Edge Blvd. – A request to vacate a utility easement – Molandco, Inc.

BACKGROUND:
In order to develop the vacant lot, the applicant is requesting the easement be vacated in order to fit a home on the lot. The utilities would be rerouted to a new easement that heads Northeast and reconnects with the original platted easement.

PLANNING & ZONING COMMISSION TESTIMONY:
Allyn Burt, 2609 Water Edge Blvd., Joplin, MO. This property was platted the first time Waters Edge was developed. It was always a strange, shaped lot because of the fact the property behind was not owned by us. We have changed the easement due to the fact that we have a client that would like to purchase the property, and we have now acquired the tract to the East.

PUBLIC COMMENT:
None.

FUNDING SOURCE
These payments are included in the FY 2021-22 budget of the Community Planning Fund.

RECOMMENDATION:
Staff recommends approval of Case 028-22.
Planning & Zoning Commission recommends approval for Case 028-22 (7 in favor, 0 Nays,)

ATTACHMENTS
CB 2022-267, Staff Planning Report, P&Z Commission Minutes

CB 2022-267

Case 028-22: Northeast of 2810 E. Water's Edge Blvd. – A request to vacate a utility easement – Molandco, Inc.

Allyn Burt, 2609 Water Edge Blvd., Joplin, MO. This property was platted the first time Waters Edge was developed. It was always a strange, shaped lot because of the fact the property behind was not owned by us. We have changed the easement due to the fact that we have a client that would like to purchase the property, and we have now acquired the tract to the East.

Ms. Brueckner-Sears asked if there was anyone who would like to speak in favor of this request? There were not, nor anyone speaking in opposition.

MR. EASTMAN MOVED, SECONDED BY MR. KIMBLE THAT CASE 028-22 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED WITH MS. BRUECKNER-SEARS, MR. EASTMAN, MR. MCCULLOUGH, MS. STEELE, MR. KIMBLE, MS. WARREN, AND MS. PHILLIPS "AYE" (7 IN FAVOR, 0 NAYS)

Z&P Meeting: April 11, 2022
City Council Meeting: May 2, 2022

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 028-22 A request to vacate approximately 120 feet of a platted utility easement.

APPLICANT MoLandCo, Inc

REPRESENTATIVE Allyn Burt

LOCATION Northeast of 2810 E. Waters Edge Blvd.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	Approximately 120' x 20'

REASON FOR VACATION

In order to develop the vacant lot, the applicant is requesting the easement be vacated in order to fit a home on the lot. The utilities would be rerouted to a new easement that heads Northeast and reconnects with the original platted easement.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Utilities are not currently in the easement. Rerouting of utilities has already occurred.

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 sought to develop the empty lot. A proposed building would encroach on the existing easement, so a new easement will be recorded that makes room for the rerouting of utilities as well as the footprint of the proposed building.

Staff recommends approval of Case 028-22.

ENCLOSURES

- Application
- Map

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form and Attachments to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
FAX 417-625-4738

For Office Use Only

Case No.: 028-22
Filing Fee: $550.00
Date Advertised: 3-27-22
Date Notices Sent 3-28-22
Public Hearing Date: 4-11-22

I. Applicant Name: MOLANDCO INC. Phone: (417) 206-2400

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

Address: 2300 East 7th Street Joplin, MO 64801 Email: molandco@joplin.com

II. Type of vacation requested (check one):

Street Vacation_____

Alley Vacation_____

Utility Vacation X

Other (Please specify)_____

III. Location of street, alley, utility easement, or other reservation: East line of Lot-7 in Water's Edge Unit No. 2

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.

No private rights will be injured or endangered by the vacation.

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

The public will not suffer a loss or inconvenience by the vacation.

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

more buildable space available on the existing lot.

V. 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, who 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	Jon Fisk	jf4583@att.com	417-529-0840
MoAm Water*	Derec Bass	derec.bass@amwater.com	
MoAm Water*	Trenton Mccarty	trenton.mccarty@amwater.com	417-437-1270
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	417-768-9444
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

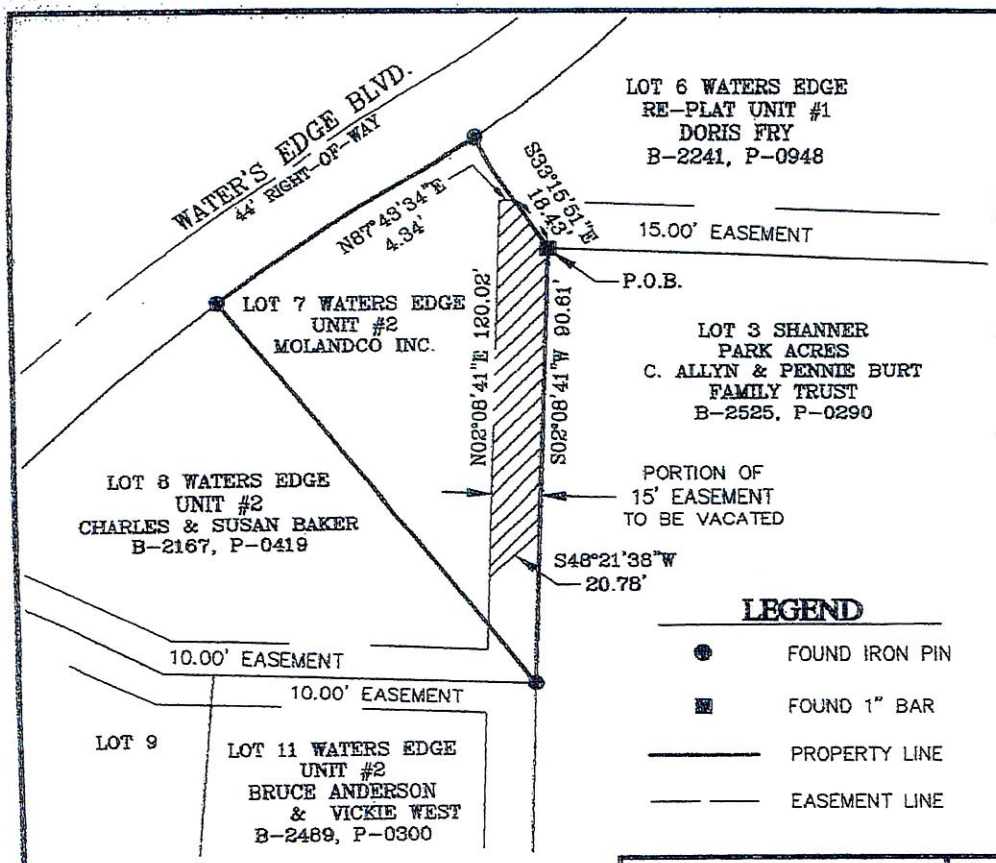
Randy 800-610-3283

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

Signature

3/11/22

Date



LEGEND

- FOUND IRON PIN
- FOUND 1" BAR
- PROPERTY LINE
- EASEMENT LINE

GRAPHIC SCALE

50 0 25 50 100

(IN FEET)

1 inch = 50 ft.

ZONING NOTE

SUBJECT PROPERTY IS ZONED R-1
(SINGLE FAMILY RESIDENTIAL)

BASIS OF BEARING

BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

GRID

SOURCE DOCUMENTS

BOOK 20 PAGE 39 (WATERS EDGE UNIT NO. 2)

EASEMENT VACATION DESCRIPTION

A PORTION OF A FIFTEEN (15) EASEMENT BEING ALONG THE EAST LINE OF LOT NUMBERED SEVEN (7) IN WATER'S EDGE UNIT NO. 2, BEING A RE-PLAT OF PART OF WATER'S EDGE RE-PLAT NO. 1, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, FILED IN THE JASPER COUNTY MISSOURI RECORDER'S OFFICE IN PLAT BOOK 20 AT PAGE 39, BEING DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT SEVEN (7) THENCE SOUTH 02°08'41" WEST ALONG SAID EAST LINE OF LOT SEVEN (7) 90.61 FEET; THENCE LEAVING SAID EAST LINE SOUTH 48°21'38" WEST 20.78 FEET; THENCE NORTH 02°08'41" EAST 120.02 FEET; THENCE NORTH 87°43'34" EAST 4.34 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT SEVEN (7); THENCE ALONG SAID NORTHERLY LINE, SOUTH 33°15'51" EAST 18.43 FEET TO THE POINT OF BEGINNING. CONTAINING 1,609 SQUARE FEET MORE OR LESS, 0.04 ACRES MORE OR LESS.

RANDALL B. LYON, PLS-2015000231

DATE OF CERTIFICATION

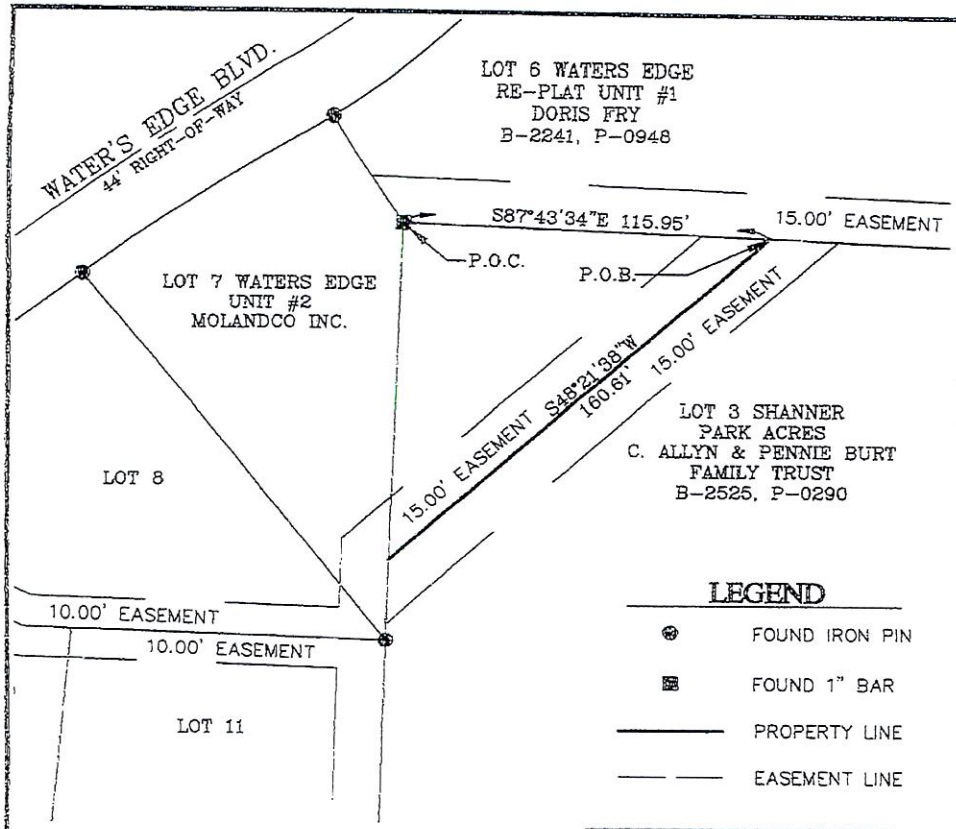
MOLANDCO INC
2300 EAST 7TH ST.
JOPLIN, MO 68401
PH (417) 206-2400

CERTIFICATE OF AUTHORITY: LS-2020032830 EXPIRES 12/31/2022

CLIENT: MOLANDCO

DESCRIPTION: EASEMENT VACATION
LOT 7 WATERS EDGE UNIT NO. 2
JOPLIN, JASPER CO, MO

SCALE:	DATE:	DRAWN BY:	FIELD BOOK:	DRAWING #:
1" = 50'	01-07-2022	RBL	WE-M	WE2-7-EV



LEGEND

- FOUND IRON PIN
- FOUND 1" BAR
- PROPERTY LINE
- EASEMENT LINE

ZONING NOTE

SUBJECT PROPERTY IS ZONED R-1
(SINGLE FAMILY RESIDENTIAL)

BASIS OF BEARING

BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

GRID

SOURCE DOCUMENTS

BOOK 20 PAGE 39 (WATERS EDGE UNIT NO. 2)
BOOK 3 PAGE 294 (SHANNER PARK ACRES)

EASEMENT DESCRIPTION

A 30 FOOT WIDE UTILITY EASEMENT DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF LOT THREE (3) IN SHANNER PARK ACRES, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, FILED IN THE JASPER COUNTY MISSOURI RECORDER'S OFFICE IN PLAT BOOK 3 AT PAGE 294; THENCE ALONG THE NORTH LINE OF SAID LOT THREE (3) SOUTH 87°43'34" EAST A DISTANCE OF 115.95 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE OF LOT THREE (3) SOUTH 48°21'38" WEST A DISTANCE OF 160.61 FEET TO A POINT ON THE WEST LINE OF LOT SEVEN (7) IN WATER'S EDGE UNIT NO. 2, BEING A RE-PLAT OF PART OF WATER'S EDGE RE-PLAT NO. 1, SAID POINT BEING NORTH 02°08'41" EAST A DISTANCE OF 26.12 FEET FROM THE SOUTH CORNER OF SAID LOT SEVEN (7) AND POINT OF TERMINATION. SIDELINES TO BE LENGTHENED OR SHORTENED TO TERMINATE ON EXISTING LOT LINES. CONTAINING 4,818 SQUARE FEET MORE OR LESS.

GRAPHIC SCALE

50 0 25 50 100

(IN FEET)
1 inch = 50 ft.

RANDALL B. LYON, PLS-2015000231

DATE OF CERTIFICATION

MOLANDCO INC
2300 EAST 7TH ST.
JOPLIN, MO 68401
PH (417) 206-2400

CERTIFICATE OF AUTHORITY: LS-2020032830 EXPIRES 12/31/2022

CLIENT: MOLANDCO

DESCRIPTION: 30' EASEMENT
LOT 3 SHANNER PARK ACRES
JOPLIN, JASPER CO, MO

SCALE:	DATE:	DRAWN BY:	FIELD BOOK:	DRAWING #:
1" = 50'	01-07-2022	RBL	WE-M	WE2-7-ESMT

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. 511

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that MOLANDCO INC. , *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:* a portion of a 15' platted easement

Located at: East line of Lot-7 in Water's Edge Unit No. 2, Joplin, Jasper Co., MO

For the following purpose: To increase the buildable space on Lot-7 in Water's Edge Unit No. 2

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: _____

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

Jerry Jenkins
Authorized Representative

2/8/2022
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. 511

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that MOLANDCO INC., *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:* a portion of a 15' platted easement

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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: WILL VACATE UPON SIGNED NEW EASEMENT ACROSS LOT 3 SHAVER PARK ACRES PER DWG ATTACHED.

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

JEFFREY R LEBEDA 2-9-2022

Authorized Representative Date

LIBERTY UTILITIES

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. 511

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that MOLANDCO INC., *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:* a portion of a 15' platted easement

Located at: East line of Lot-7 in Water's Edge Unit No. 2, Joplin, Jasper Co., MO

For the following purpose: To increase the buildable space on Lot-7 in Water's Edge Unit No. 2

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: _____

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

Steven Martinez — 2/7/22

Authorized Representative — Date

City Storm 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. 511

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that MOLANDCO INC., *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:* a portion of a 15' platted easement

Located at: East line of Lot-7 in Water's Edge Unit No. 2, Joplin, Jasper Co., MO

For the following purpose: To increase the buildable space on Lot-7 in Water's Edge Unit No. 2

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: Cable will be moved by our Contractor

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

Authorized Representative — Date: 3/11/22

Stark Light
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. 511

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that MOLANDCO INC., *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:* a portion of a 15' platted easement

Located at: East line of Lot-7 in Water's Edge Unit No. 2, Joplin, Jasper Co., MO

For the following purpose: To increase the buildable space on Lot-7 in Water's Edge Unit No. 2

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: provide easement west to waters edge blvd

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

Authorized Representative — 03/09/2022 (Date)

at&t
Name of Utility

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

February 10, 2022

MOLANDCO INC.
2300 E. 7th Street
Joplin, MO 64801

Re: Request to release a portion of a 15' platted easement.

Vacation: Vacate a portion of a 15' platted easement along the East line of Lot 7 in Water's Edge Unit No. 2, City of Joplin, Jasper Co., MO.

MOLANDCO, INC.,

In response to your letter dated December 4, 2022, relative to the above referenced Vacate a portion of a 15' platted easement along the East line of Lot 7 in Water's Edge Unit No. 2, City of Joplin, Jasper Co., MO.

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

Sincerely,

AlSt
Alex Sammet (Feb 20, 2022 21:38 CST)

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

TJF:MRS
cc: alexabkendall@gmail.com

Engineering Dept. Approval: JMA
JMA

System Planning Approval: JMK
JMK

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. 511

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that MOLANDCO INC., *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:* a portion of a 15' platted easement

Located at: East line of Lot-7 in Water's Edge Unit No. 2, Joplin, Jasper Co., MO

For the following purpose: To increase the buildable space on Lot-7 in Water's Edge Unit No. 2

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
      ☐ Relocare facilities
      ☐ Other: _____

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

Alex Sammet (Feb 20, 2022 21:38 CST)
Authorized Representative

02/20/2022
Date

Spire
Name of Utility

Signature: Julie King
Julie King (Feb 16, 2022 13:47 CST)

Email: julie.king@spireenergy.com

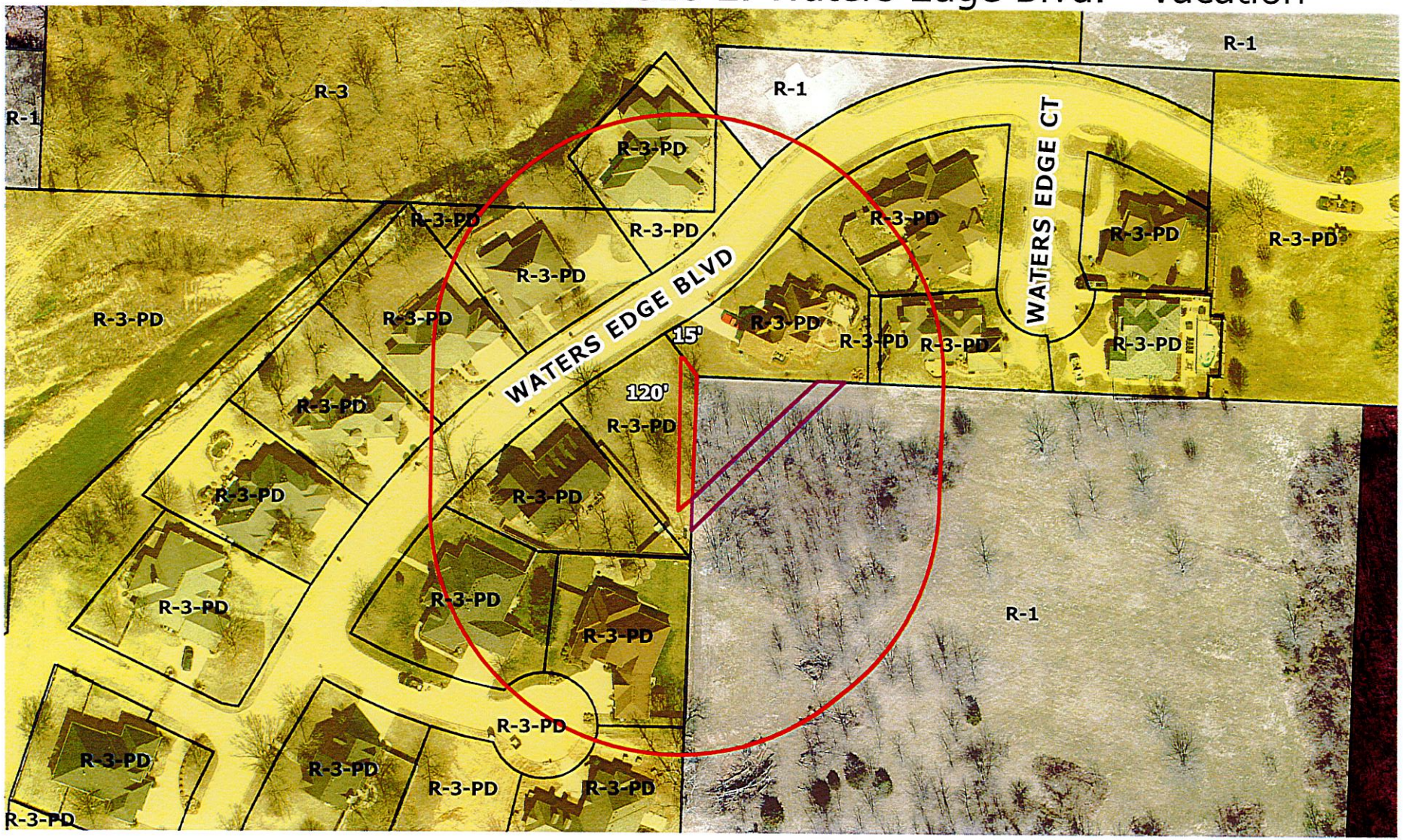
Signature: Jose Arellano
Jose Arellano (Feb 18, 2022 14:34 CST)

Email: jose.arellano@spireenergy.com

Signature: Matt Aplington
Matt Aplington (Feb 24, 2022 15:38 CST)

Email: matt.aplington@spireenergy.com

Case 028-22: Northeast of 2810 E. Waters Edge Blvd. - Vacation


R-1
R-3
R-1
R-1
R-3-PD
R-3-PD
R-3-PD

P & Z Case 028-22
Molandco, Inc.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-267 ORDINANCE NO.

AN ORDINANCE providing the vacation of a utility easement lying on property Northeast of 2810 E Water's Edge Blvd., City of Joplin, Jasper 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 lying on property the Southeast Corner of S. Anderson Ave. and W. 26th 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:

A portion of a fifteen (15) easement being along the East Line of Lot Numbered Seven (7) in Water's Edge Unit No. 2, being a re-plat of part of Water's Edge Re-plat No. 1, in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, filed in the Jasper County Missouri Recorder's Office in Plat Book 20 at Page 39, being described as beginning at the Northeast Corner of said Lot Seven (7) thence South 02°08'41" West along said East Line of Lot Seven (7) 90.61 feet; thence leaving said East Line South 48°21'38" West 20.78 feet; thence North 02°08'41" East 120.02 feet; thence North 87°43'34" East 4.34 feet to a point on the Northerly Line of said Lot Seven (7); thence along said Northerly Line, South 33°15'51" East 18.43 feet to the point of beginning, containing 1,609 square feet more or less, 0.04 acres more or less.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2022, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney