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.: 024-23
Filing Fee: $550.00
Received: 4/7/23
Date Advertised: _____
Proj. No.: 23-161
Public Hearing Date: 5/8/23

Applicant: 200 Block Commons, LLC Phone No.: 417-849-1605

Address: 212 S. Joplin Avenue, Suite 3, Joplin, MO 64801 Email: jneal@nealgroupconstruction.com

Owner: same as above Phone No.: _____

Address: _____ Email: _____

Location of Street or Easement: Alley between 512 S. Virginia and 508 S. Virginia, Joplin

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:** 4-7-23

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: 200 Block Commons, LLC
Phone: 417-849-1905
Email: jneal@nealgroupconstruction.com

Be it known that 200 Block Commons, LLC *, 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:* the alley between 512 S. Virginia and 508 S. Virginia

Located at: on the 500 block of Virginia's west side and extending to the vacated alley between Main and Virginia.

For the following purpose: residential redevelopment of the surrounding buildings, resulting in a new main entry for the apartments being built in 512 S. Virginia and common green space for the apartments and commercial space being built at 506 S. Virginia. See attached rendering and map.

For Utility Use:

1. Our utility has facilities or interest within this right-of-way:
   □ Yes (proceed to #2) ■ No (form complete)

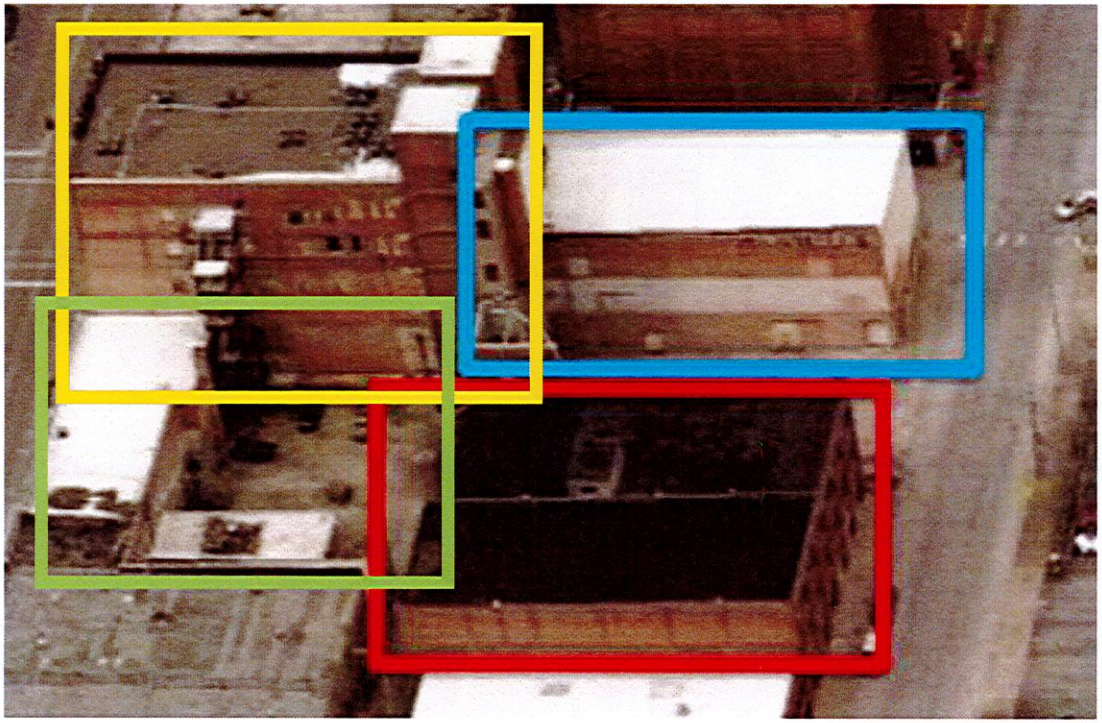
2. Our utility:
   □ has no objection
   □ objects to vacation and will not waive objection under any conditions (describe below, or on separate sheet.)
   □ will waive objections subject to the following conditions (describe below, or on separate sheet.)
      □ Retain utility easement and protect facilities
      □ Relocate facilities
      □ Other: _____

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

Gene Lollis — Authorized Representative

02/28/2023 — Date

AT&T — Name of Utility

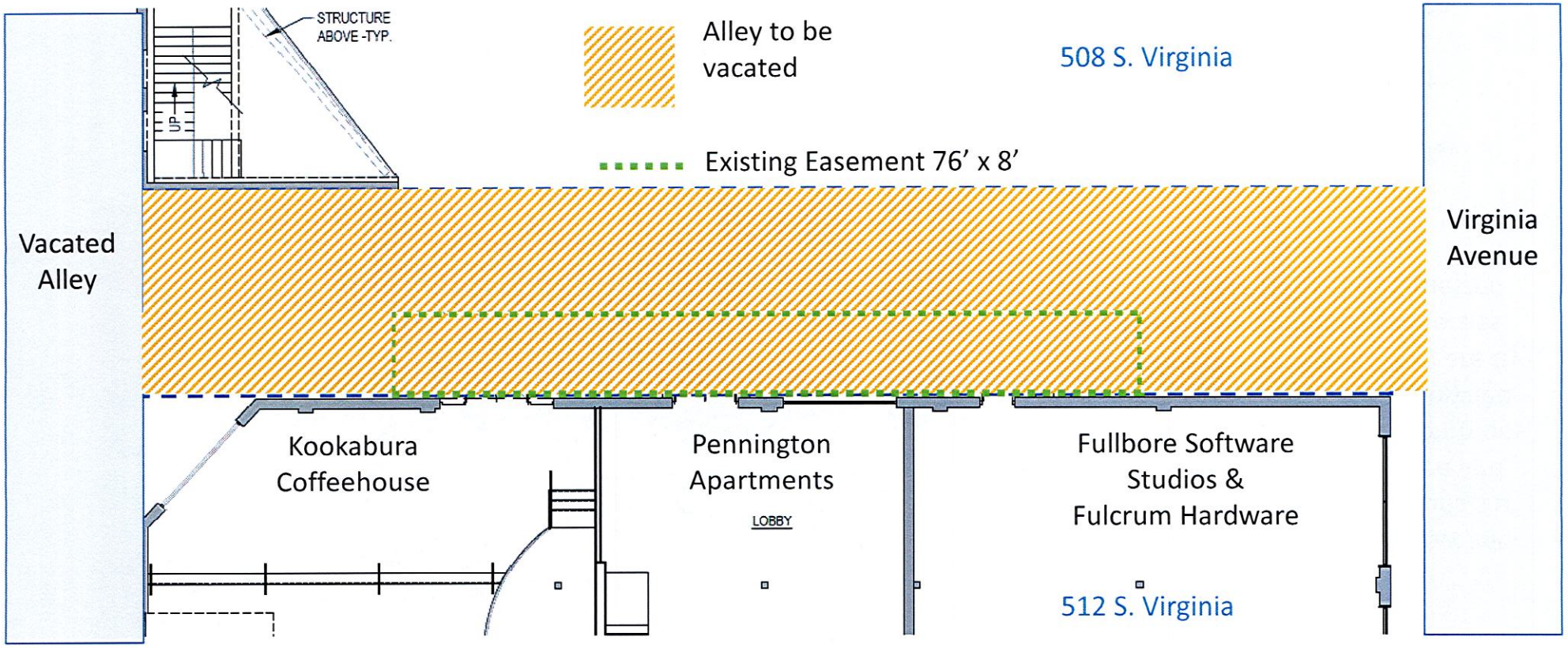


200 Block Commons, LLC
Alley Vacation Request

The properties outlined in yellow and blue are owned by 500 Commons, LLC. The properties outlined in green and red are owned by 200 Block Commons, LLC. Both companies are fully owned by Carolina and Jeff Neal. They are the owners of all surrounding properties and the applicants for this requested alley vacation.

Alley Legal Description from Council Bill No. 6888 Ordinance NO. 5888 establishing the alley on the first day of February, 1916.

"A strip of ground (20) feet wide north and south by one hundred and twenty (120) feet long east to west described as follows: **The South twenty (20) feet of the North twenty-one (21) feet of Lot 72 in Porter's Addition to Murphysburg, now a part of the City of Joplin, extending from Virginia Avenue on the east to Porter alley on the west."**



200 Block Commons, LLC: Alley to be vacated for Pennington Apartments Development



Requested Alley Vacation

Pennington Drug Building #4: 512- 520 Virginia Avenue Joplin, MO 6/23/20

Exterior north side

#1 Future Commercial Leasse Tenant
#2 Pennington Lofts Entry Lobby
#3 Kookabura Coffee House



Pennington Drug Building #4: 512- 520 Virginia Avenue Joplin, MO 6/23/20
Exterior north side

Architectural Renderings of Future Development





Recorded in Newton County, Missouri

Recording Date/Time: 03/02/2023 at 08:22:47 AM

Book: 372 Page: 1210

Instr #: **202301231**
Type: **WD**
Pages: **2**
Fee: **$27.00 S**

Electronically Recorded

RECORDER OF DEEDS SEAL NEWTON COUNTY, MO

Jennifer A. Childers
Recorder of Deeds

GENERAL WARRANTY DEED

File No.: G23-135993

GRANT

THIS DEED made and entered into February 28, 2023 by and between **Nicholas Andrew Reynolds and Kelsey Lane Reynolds, husband and wife**, Grantor, of the County of Newton, State of Missouri, and **Cameron Tournear and Alyssa Tournear, husband and wife**, Grantee, of the County of Newton, State of Missouri, whose mailing address is: 24 S. Roane St. Webb City, MO 64870

For and in consideration of the sum of Ten Dollars and other valuable considerations paid by the said Grantee, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said Grantee, the following described Real Estate, situated in the County of Newton, State of Missouri, to wit:

ALL OF LOT NUMBERED ELEVEN (11) IN J.A. FINLEY'S THIRD ADDITION TO THE VILLAGE OF SUNNYVALE, NOW IN THE CITY OF JOPLIN, NEWTON COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining unto the said Grantee and unto its successors and assigns forever, the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the premises are free and clear of any encumbrances done or suffered by it or those under whom it claims; and that it will Warrant and Defend the title to the said premises unto Grantee, and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever, excepting however, the general taxes for the current calendar year, and thereafter, and special taxes becoming a lien after the date of this deed, and restrictions, easements and building set back lines of record, if any and zoning laws.

IN WITNESS WHEREOF, the said Grantor has/have hereunto set their hand(s) the day and year first above written.

Nicholas Andrew Reynolds

Nicholas Andrew Reynolds

Kelsey Lane Reynolds

Kelsey Lane Reynolds

STATE OF MISSOURI

COUNTY OF JASPER

On February 28, 2023, before me, personally appeared Nicholas Andrew Reynolds and Kelsey Lane Reynolds, husband and wife, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

James Lawrence Boone, Jr., Notary Public

My Commission Expires: September 10, 2024

JAMES LAWRENCE BOONE JR.
Notary Public – Notary Seal
STATE OF MISSOURI
Jasper County
My Commission Expires Sept. 10, 2024
Commission #20214311

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: 200 Block Commons, LLC
Phone: 417-849-1905
Email: jneal@nealgroupconstruction.com

Be it known that 200 Block Commons, LLC *, 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:* the alley between 512 S. Virginia and 508 S. Virginia

Located at: on the 500 block of Virginia's west side and extending to the vacated alley between Main and Virginia.

For the following purpose: residential redevelopment of the surrounding buildings, resulting in a new main entry for the apartments being built in 512 S. Virginia and common green space for the apartments and commercial space being built at 506 S. Virginia. See attached rendering and map.

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.

Gene Lollis _____ 02/28/2023

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
Zoning-Planning@JoplinMO.org

Case Number: _____
Applicant: 200 Block Commons, LLC
Phone: 417-849-1905
Email: jneal@nealgroupconstruction.com

Be it known that 200 Block Commons, LLC, *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:* the alley between 512 S. Virginia and 508 S. Virginia

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   - ☐ Yes (proceed to #2)
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   - ☐ 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.

Terry Jenkins — Authorized Representative

3/30/2023 — Date

Missouri American Water — Name of Utility

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

March 1st, 2023

200 Block Commons, LLC
212 S Joplin Ave
Joplin, MO 64801

Re: Vacation of the Alley between 512 S. Virginia and 508 S. Virginia

Vacation: of the alley on the 500 block of Virginia's west side and extending to the vacated alley between Main and Virginia, also being between 512 S. Virginia and 508 S. Virginia.

200 Block Commons, LLC,

In response to the vacation request letter dated February 27th, 2023 relative to the above referenced alley vacation request.

Please be advised that Spire Missouri Inc. ("Spire"), has facilities within the area to be vacated. Spire is requesting that a savings clause be included in the Vacation Ordinance that will protect our existing facilities and will grant Spire the right to ingress and egress for the proper maintenance of these facilities.

Sincerely,

Alex Sammet (Mar 3, 2023 16:06 CST)

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

TJF:MRS
cc: mmcmanis@nealgroupconstruction.com and jneal@nealgroupconstruction.com.

Engineering Dept. Approval: JMA
JMA

System Planning Approval: JVG
JVG

Signature: Jack V Gagan
Jack V Gagan (Mar 3, 2023 20:54 CST)

Email: jack.gagan@spireenergy.com

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: 200 Block Commons, LLC
Phone: 417-849-1905
Email: jneal@nealgroupconstruction.com

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For the following purpose: residential redevelopment of the surrounding buildings, resulting in a new main entry for the apartments being built in 512 S. Virginia and common green space for the apartments and commercial space being built at 506 S. Virginia. See attached rendering and map.

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.

Chris Parker, Civil Engineer 2 — Authorized Representative

4/06/23 — Date

City 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: _____
Applicant: 200 Block Commons, LLC
Phone: 417-849-1905
Email: jneal@nealgroupconstruction.com

Be it known that 200 Block Commons, LLC, *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:* the alley between 512 S. Virginia and 508 S. Virginia

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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.

Chris Parker, Civil Engineer 2 — Authorized Representative

4/06/23 — 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. 1511
Zoning-Planning@JoplinMO.org

Case Number: _____
Applicant: 200 Block Commons, LLC
Phone: 417-849-1905
Email: jneal@nealgroupconstruction.com

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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.

AMS
Alex Sammet (Mar 3, 2023 16:06 CST)

Authorized Representative

03/03/2023
Date

Spire Missouri Inc.
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: 200 Block Commons, LLC
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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.)
     We do have underground cable west of this alley going from end pole to building to North
   - ☐ 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.

_____ 4/3/23
Authorized Representative — Date

Spar K 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. 1511
Zoning-Planning@JoplinMO.org

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   ■ 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: As long as applicant agrees to work with Liberty for new easements for the project as needed based upon consultation with our construction planning department as the project progress, Liberty has no objection to this vacate request

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

Jeff Lebeda — Jeff Lebeda — 3/2/2023

Authorized Representative — Date

Liberty Utilities

Name of Utility