CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-267 – Alley Vacation

MEETING DATE:
June 3, 2024

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:
Not applicable for this item.

SUMMARY REQUEST:
Case 019-24: 108 N St Louis Ave – Alley Vacation – A request to vacate alley right-of-way – Blackstone Gastropub

BACKGROUND:
The owner of parcels North and South of this section of alleyway would like to develop this all as one contiguous property. Part of the alley was already vacated. The City owns one parcel at the corner of Broadway and St Louis. This is only a vacation of the right-of-way. The owner is aware that no permanent structure may be placed here. They would like to install a walkway between the two locations that would allow for them to serve both their indoor clientele, while giving their diners and option for outdoor seating/activity.

There are existing utilities in the right-of-way. There is a sanitary sewer main running East to West through this alley. Utility easements are to remain, this is only a vacation of right-of-way.

No comment was provided from the utility companies. All easements will remain.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Tiregol represented the case. Mr. Bellairs stated that this was only a right-of-way vacation, not a utility easement vacation. Easements would remain, and the applicant would not be able to place a permanent structure in the alley. They could pour concrete and they could do semi-permanent things in the ally, like a fence, but they could not place buildings in the space. Mr. Tiregol stated there would be an entrance off of McKee.

PUBLIC COMMENT;
None.

RECOMMENDATIONS:
Staff recommends Approval of Council Bill 2024-267
Planning & Zoning Commission recommends Approval of Case 019-24 (5 in Favor, 0 Opposed, 1 Absent)

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

Case 019-24

108 N St Louis-Alley Vacation-A request to vacate alley right-of-way-Blackstone Gastropub

Damion Tiregol, 48 Briarwood Dr, stated this goes along with the previous project. They would like the alley vacated so they could have the entire property there.

Mr. Bellairs added that this was only a right-of-way vacation and not a utility easement vacation so the utility easement would remain, and the applicant was aware there could be no placement of permanent structure. They could pour concrete and they could do semi-permanent things in the alley that could be vacated but they could not place buildings in that space.

Mr. Kimble asked if there were any questions from the Commission on Case 019-24.

Ms. Phillips asked if there would be another entrance on St. Louis.

Mr. Tiregol stated on St. Louis, no there would not be another entrance. There was a retaining wall there that has steps that lead up to it. There would not be another store front.

Mr. Kimble stated he assumed there would be another entrance at some point from McKee and Hill.

Mr. Tiregol said from the McKee side they would have an entrance.

Mr. Kimble asked if there were any further questions from the Commission on Case 019-24.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 019-24.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 019-24.

There were none.

MS. WARREN MOVED THAT CASE 019-24 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (5 IN FAVOR, 0 NAY, 1 ABSENT)

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.: 019-24
Filing Fee: $600.00
Received: 4/3/24
Date Advertised: _____
Proj. No.: 24-071
Public Hearing Date: 5/13/24

Applicant: Blackstone gastropub Phone No.: 417-556-0005
Address: 1521 E Broadway Email: Damientregal@gmail
Owner: Damien Tiregal Phone No.: 4174383814
Address: 48 Briarwood DR Email: _____
Location of Street or Easement: 1521 E Broadway
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,

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: _____
Phone: _____
Email: _____

Be it known that _____, *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 way between 1521 E Broadway and 108 n stlouis

Located at: 1521 E Broadway, Jpln, mo

For the following purpose: Revitalization

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.

_____ 4/11/24
Authorized Representative Date

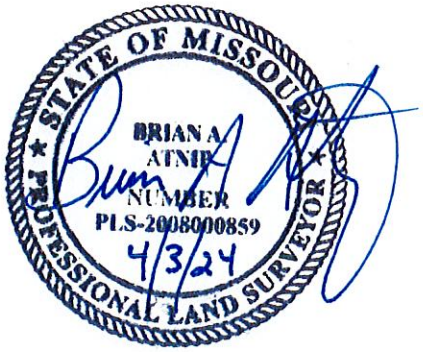
_____
Name of Utility

MJ SURVEYING, LLC.

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

PROPOSED ALLEY VACATION

ALL THAT PART OF A FIFTEEN FOOT (15') ALLEY LYING ADJACENT TO LOTS ONE (1), TWO (2) AND THREE (3) ON THE SOUTH AND LYING ADJACENT TO LOTS FOUR (4), FIVE (5) AND SIX (6) ON THE NORTH IN BLOCK TWENTY-NINE (29) IN FIRST ADDITION TO EAST JOPLIN CITY, NOW IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.





Date: 4/3/2024

1 " = 47 '

0 0.00425 0.0085 0.017 mi

N

Joplin City Limits

Addresses

Jasper Parcels

Newton Parcels

Joplin Streets

Red: Band_1

Green: Band_2

Blue: Band_3

DISCLAIMER

This drawing is neither a legally recorded map or a survey and is not intended to be used as one. This map is compilation of records, information, and data located from the City of Joplin, Jasper and Newton Counties, and other State and Federal Offices, and other sources, affecting the area shown, and is to be used for reference purposes only. The City is not responsible for any inaccuracies herein.

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 019-24 A request to vacate alley right-of-way.

APPLICANT Blackstone Gastropub

REPRESENTATIVE Damien Tiregol

LOCATION 108 N St Louis Ave

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Alley	Approximately 15′X180′

REASON FOR VACATION

The owner of parcels North and South of this section of alleyway would like to develop this all as one contiguous property. Part of the alley was already vacated. The City owns one parcel at the corner of Broadway and St Louis. This is only a vacation of the right-of-way. The owner is aware that no permanent structure may be placed here.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

There are existing utilities in the right-of-way. There is a sanitary sewer main running East to West through this alley. Utility easements are to remain, this is only a vacation of right-of-way.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

No comment was provided from the utility companies. All easements will remain.

DISCUSSION

Blackstone Gastropub would like to develop an outdoor space for their diners at 108 N St Louis. The alley that runs between this house and their restaurant connects their site. They would like to install a walkway between the two locations that would allow for them to serve both their indoor clientele, while giving their diners and option for outdoor seating/activity.

Staff recommends approval of Case 019-24.

ENCLOSURES

- Application
- Map

Case 019-24: Alley Vacation



108 N St Louis – Alley Vacation – A request to vacate alley right-of-way – Blackstone Gastropub

P & Z Case 019-24
Blackstone Gastropub
(P & Z Recommended Approval)

COUNCIL BILL NO. 2024-267 ORDINANCE NO.

AN ORDINANCE providing to vacate an alley way, lying near property described as 108 N St Louis Ave, 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 part of an alley lying near property described as 108 N St Louis Ave, City of Joplin, Jasper County, Missouri, described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the lots and land:

ALL THAT PART OF A FIFTEEN FOOT (15') ALLEY LYING ADJACENT TO LOTS ONE (1), TWO (2) AND THREE (3) ON THE SOUTH AND LYING ADJACENT TO LOTS FOUR (4), FIVE (5) AND SIX (6) ON THE NORTH IN BLOCK TWENTY-NINE (29) IN FIRST ADDITION TO EAST JOPLIN CITY, NOW 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_____, 2024, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney