CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-272 – Street Vacation

MEETING DATE:
June 5, 2023

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:
These payments are included in the FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 023-23: Vacation of Streets – A request to vacate approximately 200 feet of 9th St between S Rex Ave and S Peters Ave – RBC Holding Co.

BACKGROUND:
Rick Benson is requesting to vacate an undeveloped portion of 9th St., to construct duplexes. Their team plans to have a building on the undeveloped public right-of-way. During the City's review of the project, staff required that Mr. Benson request to vacate the portion of 9th St his buildings were on.

Sanitary sewer is the only utility with any interest in the right of way. They are asking that they retain the 20-foot-wide utility easement and to protect their existing facility, matching the existing easement north of 9th St. The proposed building will not impact where sanitary sewer currently has facilities. A utility easement will be kept on this portion of 9th St running North.

Mr. Benson's proposed development does not have any buildings on top of sanitary sewer easements.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Wayne Stephenson with GB Engineering spoke in favor of the case and represented the owner. Mr. Jackson asked Mr. Bolander how the vacated property is divided. Mr. Bolander responded that it is split between adjacent property owners.

PUBLIC COMMENT;
Darci Peterson stated she was in favor of vacating 9th St. They had lived there for 25 years, and they own almost two acres right there on 9th St where it dead ends into Peters. She stated she does have a question because she had been unable to find the answer. She directed the question to Mr. Stephenson. She asked if they plan to open 9th St into your development. Wayne Stephenson stated that 9th St will not continue through. Ms. Peterson stated she did not want the extra traffic through the neighborhood.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-272
Planning & Zoning Commission recommends approval of Case 023-23 (6 in Favor, 0 Opposed, 1 Absent)

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

Case 023-23: Vacation of Streets

> 9TH St-Vacation of Streets-A request to vacate approximately 200 feet of 9th St between S Rex Ave and S Peters Ave-Rick Benson

Wayne Stephenson, 302 S. Sergeant Ave., Joplin, Missouri. He represented GB Engineering. He stated they were seeking a street vacation to allow for some duplexes. The street is currently not developed. The surrounding streets are not developed either. Therefore, they are seeking vacation of streets approximately 200 feet of 9th St between S Rex Ave and S Peters Ave.

Mr. Kimble asked if there were any questions from the Commission on Case 023-23.

Mr. Jackson stated he had a question for the City. Mr. Jackson asked Mr. Bolander when this property is vacated how does the property become divided up by ownership.

Mr. Bolander stated typically when property is vacated half would go to the north property owner and half would go to the south property owner.

There were no further questions.

Mr. Kimble asked if anyone wished to speak in favor of Case 023-23.

Darci Peterson, 3114 E. 9th St, Joplin, Missouri. She stated she was in favor of vacating 9th St. They had lived there for 25 years, and they own almost two acres right there on 9th St where it dead ends into Peters. She stated she does have a question because she had been unable to find the answer. She directed the question to Mr. Stephenson. She asked if they plan to open 9th St into your development.

Answer was inaudible.

Ms. Peterson stated so it will just be 8th St that opens in.

Answer was inaudible.

Ms. Peterson stated yes. They like the country setting and not having traffic whip through the property. Thank you.

Mr. Kimble asked if anyone wished to speak in opposition of Case 023-23.

There were none.

MR. JACKSON MOVED THAT CASE 023-23 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MS. STEELE SECONDED THE MOTION. MOTION CARRIED. (6 IN FAVOR, 0 NAY, 1 ABSENT)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 023-23 A request to vacate a street.

APPLICANT RBC Holding Co.

REPRESENTATIVE Rick Benson

LOCATION Approximately 200 feet of 9th St between S Rex Ave and S Peters Ave

EXISTING CONDITIONS

Easement Type(s)	Easement Size
9th St	Approximately 200′

REASON FOR VACATION

Rick Benson is requesting to vacate an undeveloped portion of 9th St., to construct duplexes. Their team plans to have a building on the undeveloped public right-of-way. During the City's review of the project, staff required that Mr. Benson request to vacate.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Yes, Sanitary Sewer is currently located within the right-of-way.

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

Utilities have no planned interest in the right-of-way.

DISCUSSION

Sanitary sewer is the only utility with any interest in the right of way. They are asking that they retain the 20-foot-wide utility easement and to protect their existing facility, matching the existing easement north of 9th St. The proposed building will not impact where sanitary sewer currently has facilities. A utility easement will be kept on this portion of 9th St running North.

Mr. Benson's proposed development does not have any buildings on top of sanitary sewer easements.

Staff recommends approval of Case 023-23.

ENCLOSURES

- Application
- Map

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.: 023-23
Filing Fee: $550.00
Received: 4/7/23
Date Advertised: _____
Proj. No.: 23-152
Public Hearing Date: _____

Applicant: Wayne Stephenson Phone No.: 417-825-5291

Address: 302 S. Sergeant Ave, Joplin, MO 64801 Email: Wayne@GBCivil.com

Owner: Rick Benson Phone No.: 417-206-4100

Address: 4005 W 32nd Street, Joplin, MO 64804 Email: rick@rickbensonconstruction.com

Location of Street or Easement: A portion of 9th street - between Peters and Rex (see exhibit)

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.

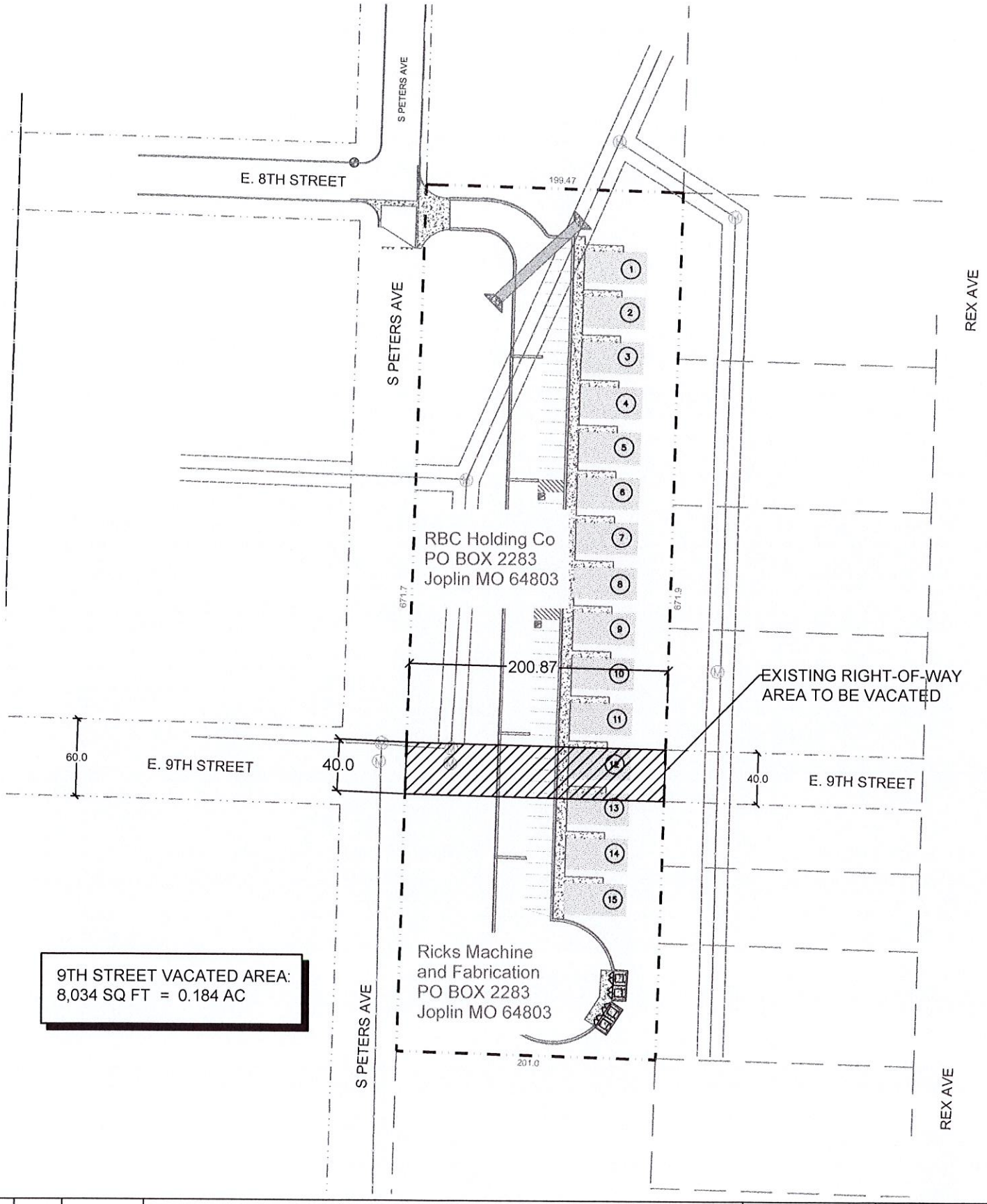
○ ◉ Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, who are not listed as an applicant, indicating their consent to the vacation.

◉ ○ 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:** 3-10-23



9TH STREET VACATED AREA:
8,034 SQ FT = 0.184 AC

GBE# 21028

DATE: 1-16-23
SCALE: 1" = 100'
DRN: WS

9TH STREET RIGHT-OF-WAY VACATE AREA

GB ENGINEERING
302 S. SERGEANT
JOPLIN, MO 64801
WAYNE@GBCIVIL.COM
PH: 417-825-5291

GB ENGINEERING
CIVIL ENGINEERING AND DESIGN

The use of these plans and specifications shall be restricted to the site for which they were prepared. Any reproduction or distribution is expressly limited to such use. Any other reproduction, reuse or disclosure by any method, in whole or in part, is prohibited. These drawings and specifications contain proprietary information and title remains in GB ENGINEERING, LLC.

MJ SURVEYING, LLC.

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

9TH STREET VACATION

ALL THAT PART OF NINTH STREET (9TH STREET) BEING FORTY FEET (40') IN WIDTH LYING ADJACENT AND CONTIGUOS TO LOTS EIGHT (8) AND NINE (9) AND LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF PETERS AVENUE AND BEING BOUND ON THE EAST BY THE PROLONGATION OF THE EAST LINE OF LOTS EIGHT (8) AND NINE (9) IN OAK RIDGE SUBDIVISION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.



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 RBC Holding Company, *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:* 200 LF of East 9th Street Right-of-Way

Located at: 200L of East 9th Street heading East from the intersection of 9th and Peters towards Rex.

For the following purpose: To construct a duplex development with associated parking and structures.

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.

_____ 01/11/2023
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: _____
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   - ☐ 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 — 3/8/2023 — 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. 1511
Zoning-Planning@JoplinMO.org

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

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

J R [illegible] — Authorized Representative

1-20-2023 — Date

LIBERTY UTILITIES — Name of Utility

Signature: Jose Arellano
Jose Arellano (May 11, 2022 15:28 CDT)

Email: jose.arellano@spireenergy.com

Signature: Julie King
Julie King (May 13, 2022 13:26 CDT)

Email: julie.king@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. 511

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

Be it known that RBC Holding Company, *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:* Approximately 400 LF of E. 9th Street

Located at: between S. Peters Ave and S. Rex Ave

For the following purpose: New housing development

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.

Alex Sammet (May 16, 2022 20:38 MDT)
Authorized Representative

05/16/2022
Date

Spire Missouri Inc.
Name of Utility

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

May 9th, 2022

RBC Holding Company

Re: 400' LF of E. 9th Street, between S. Peters Ave & S. Rex Ave.

Vacation: 400' LF of E. 9th Street, between S. Peters Ave & S. Rex Ave.

RBC Holding Company,

In response to your letter letter dated April 27th, 2022 relative to the above referenced street vacation.

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

Sincerely,

Alex Sammet (May 16, 2022 20:38 MDT)

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

TJF:MRS
cc: Wayne@gbcivil.com

Engineering Dept. Approval: JMA

System Planning Approval: 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. 1511
Zoning-Planning@JoplinMO.org

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

Be it known that RBC Holding Company, *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:* 200 LF of East 9th Street Right-of-Way

Located at: 200LF of East 9th Street heading East from the intersection of 9th and Peters towards Rex.

For the following purpose: To construct a duplex development with associated parking and structures.

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: RETAIN 20-FOOT WIDE UTILITY EASEMENT AND PROTECT FACILITIES, MATCHING THE WIDTH OF THE EXISTING EASEMENT NORTH OF THE 9TH STREET RIGHT-OF-WAY

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

Chris Parker, P.E. — Authorized Representative

3/13/23 — Date

CITY OF JOPLIN 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: _____
Phone: _____
Email: _____

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Located at: 200L of East 9th Street heading East from the intersection of 9th and Peters towards Rex.

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

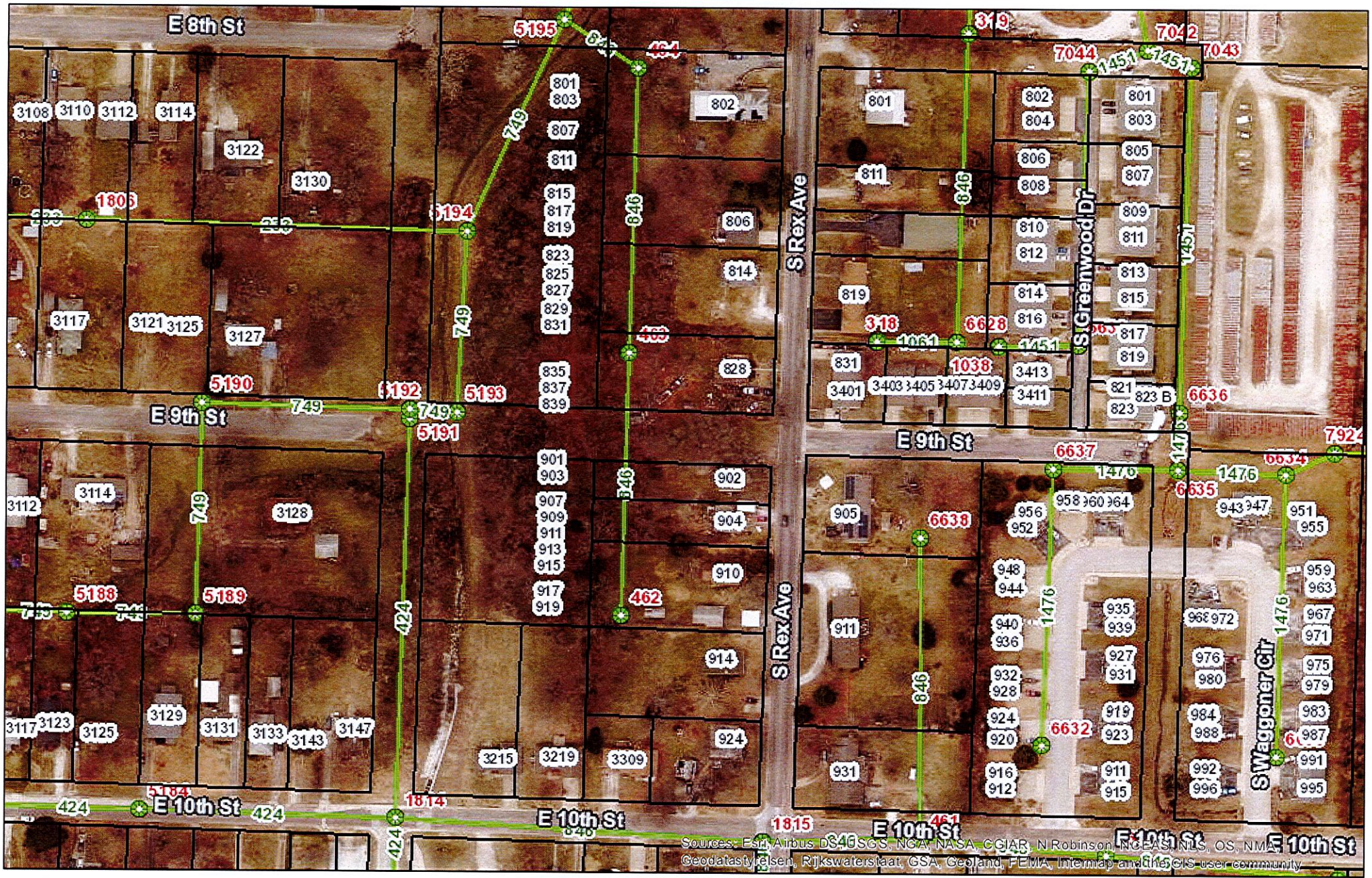
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   □ will waive objections subject to the following conditions (describe below, or on separate sheet.)
      □ Retain utility easement and protect facilities
      □ Relocate facilities
      □ Other: _____

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

Chris Parker
Authorized Representative

4/10/2023
Date

City Stormsewer
Name of Utility



Date: 4/20/2023

1 " = 188 '

0 0.0175 0.035 0.07 mi

N

- Local Historic Landmarks
- Joplin City Limits
- Addresses
- Jasper Parcels
- Newton Parcels
- Joplin Streets

JoplinMH

- JoplinMH

JoplinSewer

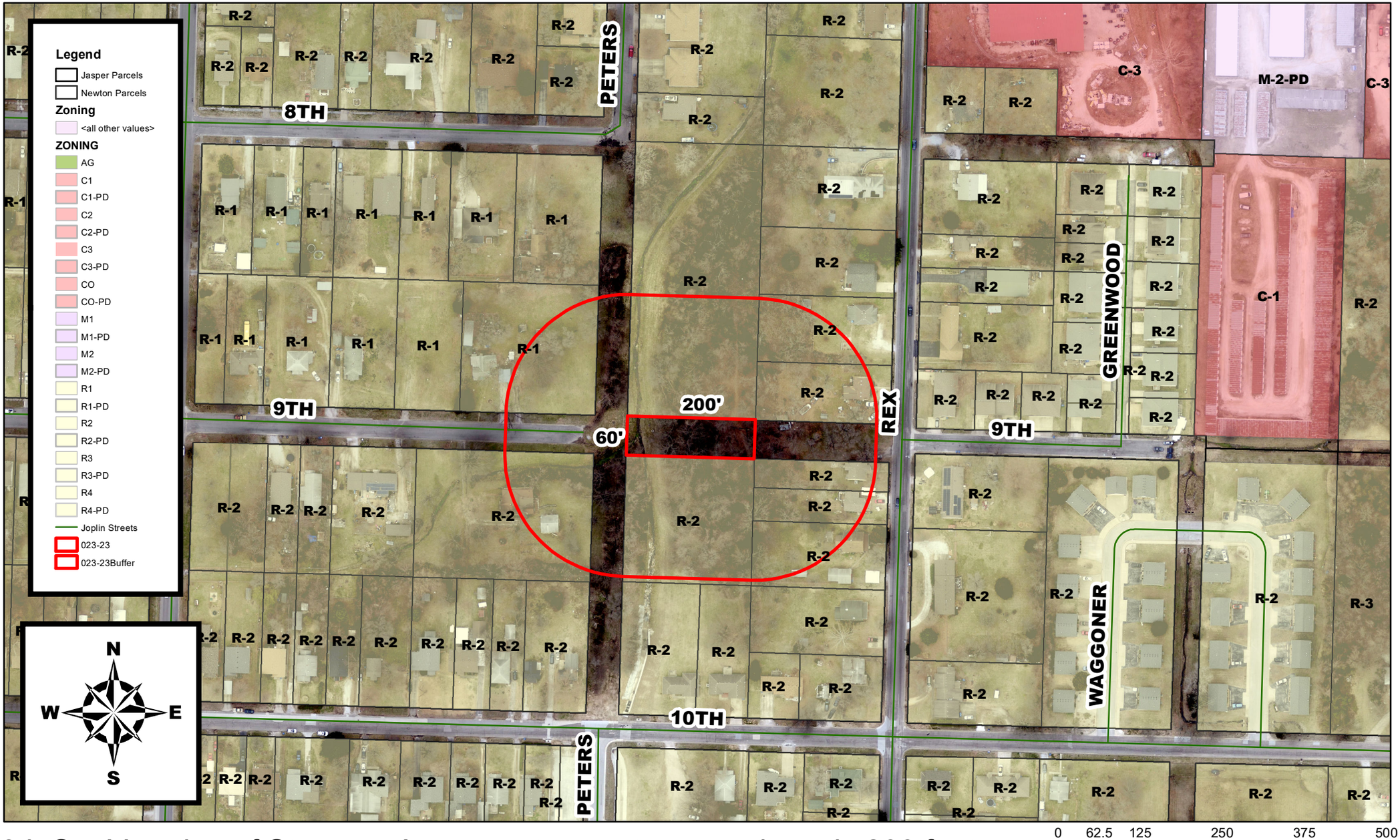
- GRAVITY
- PRESSURE
- Abandoned

- 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.

Case 023-23 - Street Vacation



9th St - Vacation of Streets – A request to vacate approximately 200 feet of 9th St between S Rex Ave and S Peters Ave – Rick Benson

P & Z Case 023-23
RBC Holding Co.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-272 ORDINANCE NO.

AN ORDINANCE providing to vacate approximately 200 feet of 9th St, approximately located between S Rex Ave and S Peters Ave, City of Joplin, Jasper County, Missouri.

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

Section 1. To vacate approximately 200 feet of 60 feet-wide right-of-way of 9th St, approximately located between S Rex Ave and S Peters Ave, City of Joplin, Jasper County, Missouri described as follows:

ALL THAT PART OF NINTH STREET (9TH STREET) BEING FORTY FEET (40') IN WIDTH LYING ADJACENT AND CONTIGUOUS TO LOTS EIGHT (8) AND NINE (9) AND LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF PETERS AVENUE AND BEING BOUND ON THE EAST BY THE PROLONGATION OF THE EAST LINE OF LOTS EIGHT (8) AND NINE (9) IN OAK RIDGE SUBDIVISION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

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_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney