City of **JOPLIN** City Council Agenda Item

Requested Council Meeting Date: July 2, 2018

Item: COUNCIL BILL NO. 2018-262
Originating Department: PLANNING & COMMUNITY DEVELOPMENT

Attachments: 1) Council Bill 2018-262
2) Planning Report
3) Commission Minutes

Planning/Community Development Manager: Troy Bolander
Finance Director: Leslie Haase
City Attorney: Peter C. Edwards
City Manager: Samuel L. Anselm
Board or Commission: Planning and Zoning Commission Date: 6/11/18

Recommended Action: Planning and Zoning Commission recommended Approval by a vote of "6 in Favor, 0 Nay, 1 Absent."

SUMMARY/REQUEST:
Case 022-18:
Street and Alley Vacation – Request to vacate an alley running north/south located west of Jackson Avenue between Junge Boulevard and 15th Street and a request to vacate a portion of 14th Street bounded by a north/south alley on the west and Jackson Avenue on the East for the consolidation of property – Joplin School District.

STAFF SUMMARY:

Joplin School District is requesting that the city of Joplin vacate the 120-foot gravel portion of 14th street and the portion of the alleyway that is adjacent to their property, which is approximately 460 feet. The portion of the alley adjacent to another owner's property will not be vacated. The purpose of the vacation request is to consolidate school district property and surround it with fencing. Doing this will allow additions to the bleachers, concession stand, and restroom facility.

Staff recommends approval of Case 022-17.

PLANNING & ZONING COMMISSION TESTIMONY:
Dave Pettit, Joplin School District, 411 Bobwhite, Webb City, MO. Joplin High School is going into a different sports conference. We are anticipating and increased scaling of the number of participants and those who are coming to see our football endeavors. At the first home football game we anticipate 6-7 thousand people. The purpose of the change is to allow security, safety and the quality of the event. A chain link fence is going to enclose the property. With the property behind the fencing it will limit access, while still maintaining the alleyway and small section of 14th Street. There will be access to the football field for the ambulances from Junge Blvd. This vacated property will be used for additional bleachers, concessions, and restrooms.

PUBLIC COMMENT: None.

CB 2018-262

Case 022-18: Street and Alley Vacation – Request to vacate an alley running north/south located west of Jackson Avenue between Junge Boulevard and 15th Street and a request to vacate a portion of 14th Street bounded by a north/south alley on the west and Jackson Avenue on the East for the consolidation of property – Joplin School District.

Mr. Duncan opened this case and asked if there was anyone else to speak in favor of this case?

Dave Pettit, Joplin School District, 411 Bobwhite, Webb City, MO. Our school is going into a different conference. We are anticipating the scaling of the number of participants and those who are coming to see our football endeavors. The first home football game we anticipate 6-7 thousand people. The purpose of the change is to allow Security, safety and the quality of the event to secure the property. The property will be behind fencing to limit access while still maintaining the alleyway and small section of 14th Street.

Mr. Duncan asked if Commissioners had any questions.

Mr. Ramsour wanted to know how the ambulance would get to the football field.

Mr. Pettit stated that this currently is an access just off Junge Blvd.

Mrs. Steele wanted to know about the other two properties you don't have control of right now.

Mr. Pettit stated that he has spoken to both of those owners and have signed permissions from them.

Mr. Duncan wanted to know if it was a chain link fence that was going to enclose the property.

Mr. Pettit stated it was.

Mr. Duncan asked if there was a setback that had to be maintained?

Mr. Pettit stated that they had planned on putting a buffer up.

Mr. Bolander stated that the fence itself can be right on the property line.

Mrs. Steele asked if any of the new property was going to be used for parking?

Mr. Pettit stated not at this time. This will be used for concessions and restrooms.

Mr. Duncan asked if there was anyone here to speak in favor of this case, there was not. He also asked if there was anyone to speak against this case and there was not.

MRS. KOELKEBRECK MOVED, SECONDED BY MR. RAMSOUR THAT CASE 022-18, BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. DUNCAN, MR. CORTEZ, MR. RAMSOUR, MRS. KOELKEBECK, MRS. STEELE, AND MRS. BRUCKNER-SEARS VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Z&P Meeting: June 11, 2018
City Council Meeting: July 2, 2018

STAFF PLANNING REPORT
Vacation

CASE 022-18 A request for the vacation of approximately 120 feet of 14th Street, a 50-foot wide designated right of way; and the vacation of approximately 460 feet of a 20-foot-wide alleyway.

APPLICANT Joplin School District

REPRESENTATIVE David Pettit

LOCATION An alley running north/south located west of Jackson Avenue between Junge Boulevard and 15th Street; and a portion of 14th Street bounded by a north/south alley on the west and Jackson Avenue on the east.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Street	50’ x 120’
Alleyway	20’ x 460’

REASON FOR VACATION

Consolidation of property to expand concessions for the high school football stadium.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

Yes.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

All existing utilities (water, gas, electric) will remain in the easement.

DISCUSSION

This vacation request is for a portion of 14th Street bounded by a north/south alley on the west and Jackson Avenue on the east; also an alley running north/south located west of Jackson Avenue between Junge Boulevard and 15th Street. The request will vacate the street, but will leave all utility easements in place.

Joplin Highschool's football team will be changing conferences this season. This change will result in Joplin playing more local teams than in past years. Because of this, Joplin School District anticipates larger crowds at football games this fall. To accommodate for the larger crowds, the School District wishes to expand the bleachers and the concession stand.

There is an alleyway directly to the east of the football stadium. Other than two lots on the south end of the alley, Joplin School District owns all the property adjacent to the alley. A 120-foot portion of 14th Street runs between the School District's lots and connects to the alley; this portion of 14th street is gravel.

Joplin School District is requesting that the city of Joplin vacate the 120-foot gravel portion of 14th street and the portion of the alleyway that is adjacent to their property, which is approximately 460 feet. The portion of the alley adjacent to other owner's property will not be vacated. The purpose of the vacation request is to consolidate school district property and surround it with fencing. Doing this will allow additions to the bleachers, concession stand, and restroom facility.

The school district's plan is to run fencing across the alleyway to their property line on Jackson Avenue, then north across the vacated portion of 14th street to Junge Blvd, then west to the existing stadium fencing. There will be 3 gates, one at each location where the fencing crosses vacated right-of-way: one at each end of the alley and one on 14th Street and Jackson Avenue. This will allow the utility companies to perform maintenance when needed.

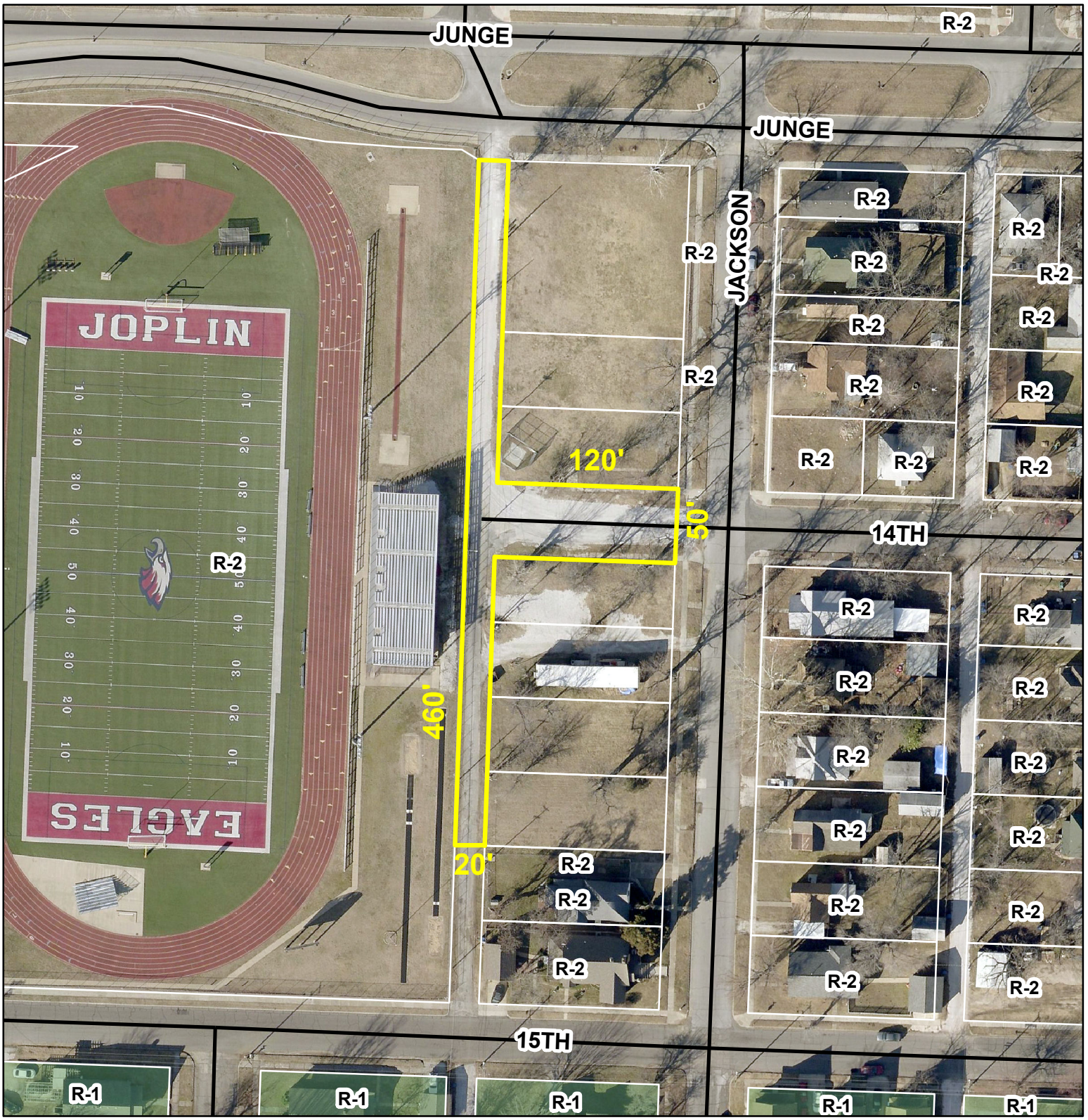
The method for securing the gate will be a daisy-chain, where the locks from all utility companies are chained together. This method will allow utility companies to have access to the gates at any time. Additionally, the school district will install a Knox Box that will hold a key for the Fire Department to access the gate at any time. The Fire Marshal has required that the gates provide at least 13 feet, 6 inches when the gate is open so a fire truck can pull through. The applicant agreed to these terms and is planning to install 16-foot swinging gates.

The two property owners on the south end of the alley (1420 S. Jackson & 1430 S. Jackson) have been contacted. They have signed statements acknowledging they are not opposed to this action as long as they continue to have their trash picked up in the same location. All utility companies have also been contacted and signed statements saying that they do not have a concern with the vacation request. Trash services will continue to utilize the alleyway to pick up trash for the property owners. However, if the alley is blocked by the school district's fence, after driving into the alley to pick up trash, the truck will need to back out of the alley onto 15th Street. Staff has spoken with the area manager from Republic Trash and he stated that this wouldn't be an issue for the trucks to do this.

Staff recommends approval of Case 021-18.

ENCLOSURES

- Application



Case 022-18: An alley running north/south located west of Jackson Avenue between Junge Boulevard and 15th Street and a request to vacate a portion of 14th Street bounded by a north/south alley on the west and Jackson Avenue on the east. -- A request to vacate an alley and a street easement -- Joplin School District

P & Z Case 022-18
David Pettit, Joplin, School District
(P & Z Recommended Approval)

COUNCIL BILL NO. 2018-262 ORDINANCE NO.

AN ORDINANCE providing for the vacation of the alley running north/south located west of Jackson Avenue between Junge Boulevard and 15th Street and a request to vacate a portion of 14th Street bounded by a north/south alley on the west and Jackson Avenue on the East for the consolidation of property in the City of Joplin, Jasper County, Missouri.

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

Section 1. That all that alley running north/south located west of Jackson Avenue between Junge Boulevard and 15th Street and a request to vacate a portion of 14th Street bounded by a north/south alley on the west and Jackson Avenue on the east in the City of Joplin, Jasper County, Missouri, described as follows are hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

> ALL THAT PORTION OF THE APPROXIMATELY TWENTY FEET WIDE EXISTING ALLEY LYING WEST OF LOTS 169, 170, 171, 172, 173, 174, 175 AND 176 IN SOUTH JOPLIN LAND COMPANY'S 1ST ADDITION, A SUBDIVISION OF LAND IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, AS PREVIOUSLY PLATTED AND RECORDED, AND EAST OF THE TRACT OF LAND OWNED BY THE JOPLIN SCHOOL DISTRICT, IDENTIFIED AS TRACT P-52, M-44 AS SHOWN IN BOOK 339, PAGE 633 IN THE OFFICE OF THE RECORDER OF DEEDS IN JASPER COUNTY, MISSOURI; AND, ALL THAT PORTION OF WEST 14TH STREET LYING BETWEEN LOTS 172 AND 173 IN SAID JOPLIN LAND COMPANY'S 1ST ADDITION; AND, ALL THAT PORTION OF THE EXISTING ALLEY LYING WEST OF THAT PORTION OF 14TH STREET, BETWEEN LOTS 172 AND 173 IN SAID JOPLIN LAND COMPANY'S 1ST ADDITION. SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS, IF ANY.

Section 2. That this vacation of the portion of the street easement hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in the portion of the street 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 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 _____ day of _____, 2018, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____

Barbara L. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____

Peter C. Edwards, City Attorney