CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-269-Utility Vacation

MEETING DATE:
August 5, 2019

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, Interim City Manager- Daniel Pekarek.

SUMMARY REQUEST:
Case 023-19: Located approximately 145 ft. West and 175 ft. South from the intersection of 26th St. and Maiden Lane Ave.– A request to vacate a utility easement – Joplin Redevelopment Corporation.

BACKGROUND:

The purpose for this Vacation request is to improve the ability to redevelop the site. Currently the utility easement restricts the footprint of any development. The easement is no longer in use to serve private property or to extend public utilities.

PLANNING & ZONING COMMISSION TESTIMONY:
Troy Bolander, 602 S. Main Street, Joplin, MO. This is property that the Joplin Redevelopment Corporation owned, and I am representing them. Aldi's has purchased this property and in their due diligence they did find out there was an old easement on this property and are requesting it to be vacated so they can develop this property.

Mr. Ramsour stated he drove by the property and there is a drop off and was wondering if that will be an issue?

Mr. Bolander stated they are not purchasing the little piece of property to the north. Basically, the length of the easement is what they are purchased.

PUBLIC COMMENT;
None.

FUNDING SOURCE
These payments are included in the FY 2018-19 budget of the Community Planning Fund.

RECOMMENDATION:
Staff recommends approval of Case 023-19.

ATTACHMENTS
CB 2019- 269, Staff Planning Report, P&Z Commission Minutes

CB 2019-269

Case 023-19: Located approximately 145 ft. West and 175 ft. South from the intersection of 26th St. and Maiden Lane Ave.– A request to vacate a utility easement – Joplin Redevelopment Corporation.

Troy Bolander, 602 S. Main Street, Joplin, MO. This is property that the Joplin Redevelopment Corporation owned, and I am representing them. You may have heard, Aldi's has purchased this property and in their due diligence they did find out there was an old easement on this property. Joplin Redevelopment Corporation is are requesting it to be vacated so Aldi's can develop this property.

Mr. Ramsour asked if there were any questions from the Commissioners? Mr. Ramsour stated he drove by the property and there is a drop off and was wondering if that will be an issue?

Mr. Bolander stated they are not purchasing the little piece of property to the north. Basically, the length of the easement is what they are purchased.

Mr. Ramsour asked if there anyone else that would like to speak in favor of this case? There were not. There was no one to speak in opposition of this request.

MRS. STEELE MOVED, SECONDED BY MR. MCCULLOUGH, TO BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR CASE 023-19. MOTION CARRIED, WITH MR. RAMSOUR, MR. DERMOTT, MRS. BRUECKNER-SEARS, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Z&P Meeting: July 8, 2019
City Council Meeting: August 5, 2019

STAFF PLANNING REPORT
Vacation

CASE 023-19 A request for the vacation of approximately 480 feet of a 10-foot-wide utility easement.

APPLICANT Joplin Redevelopment Corporation

REPRESENTATIVE Joplin Redevelopment Corporation

LOCATION A utility easement running North/South located on West side of 2600 Block of McClelland Boulevard

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EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	10' x 480'

REASON FOR VACATION

For the redevelopment on the applicant's property. Current easement prevents the footprint of any proposed development from being located at present recorded location.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

No active connection. Rerouting of utilities is not required to maintain current services to adjoining properties.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

Utilities will be connected in new locations during the redevelopment/construction of the property.

DISCUSSION

The purpose for this Vacation request is to improve the ability to redevelop the site. Currently the utility easement restricts the footprint of any development. The easement is no longer in use to serve private property or to extend public utilities.

Staff recommends approval of Case 023-19.

ENCLOSURES

- Application

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form to:
Planning / Community Development Specialist.
Joplin City Hall
602 South Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 511
FAX 417-625-4738

For Office Use Only

Case No.: 023-19
Filing Fee: $500.00
Date Advertised: 6-23-19
Date Notices Sent 6-21-19
Public Hearing Date: July 8th & Aug. 5th

I. Applicant Name: Joplin Redevelopment Corporation Phone: (417) 624-0820

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

Address: 602 S. Main St. Joplin, MO Zip: 64801

II. Type of vacation requested (check one):

Street Vacation_____

Alley Vacation_____

Utility vacation__X___

Other (Please specify)_____

III. Legal Description of area requested to be vacated: Attached

_____

_____

_____

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. Private rights will not be injured or endangered since the unused utility easement is no longer needed to serve private property.

2. The vacation will not cause the public to suffer a loss or inconvenience. The public will not suffer a loss or inconvenience since the utility easement is no longer needed for extending public utilities.

3. In justice to the applicant(s) the vacation should be granted. The vacation of the easement will allow potential buyers full use of the property for development

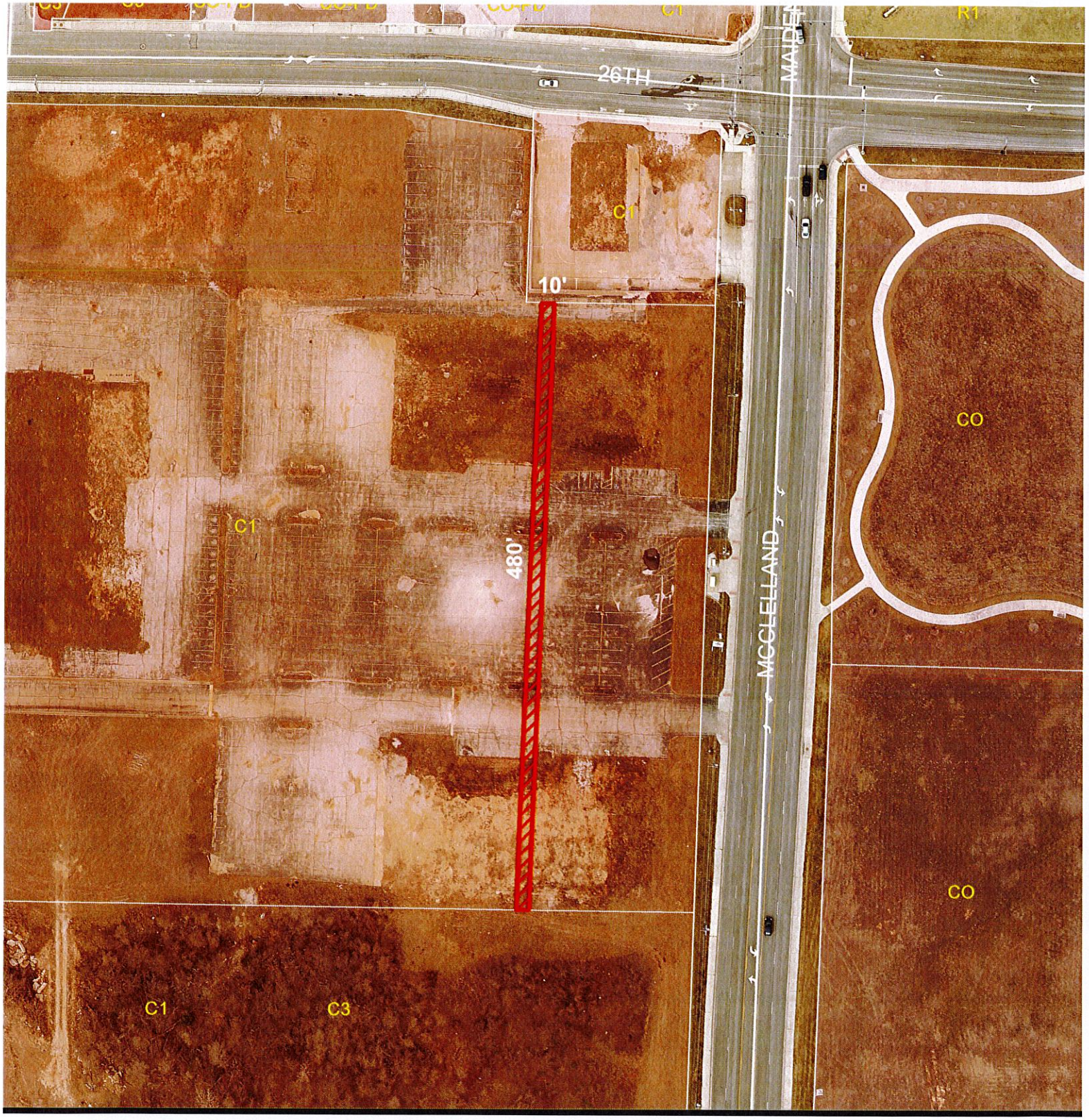
V. Required Attachments:

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

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 the following private utility companies indicating their consent to vacate the easement. The following private companies must be contacted and consent to the vacation before the Public Hearing can take place.

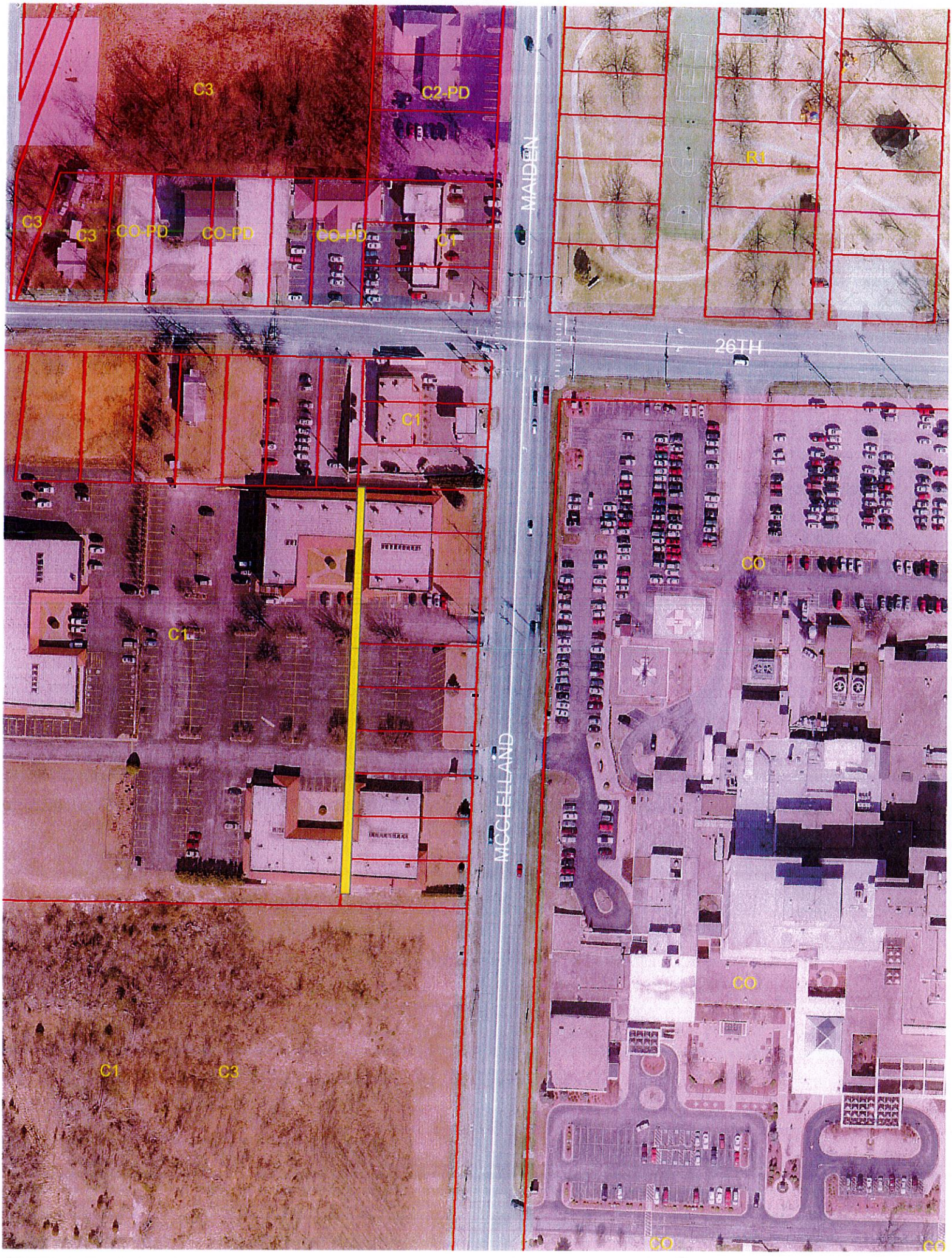
a.) MGE Missouri Gas Energy	(800) 582-1234
b.) Empire District Electric Company	(417) 624-0300
c.) Cable One	(417) 624-6340
d.) MO American Water Company	(800) 256-6426
e.) AT&T	(800) 464-7928
f.) Republic Services (Trash)	(800) 431-1507



300 150 0 300

Feet

Case 023-19: Located approximately 145 ft. West and 175 ft. South from the intersection of 26th St. and Maiden Lane Ave.– A request to vacate a utility easement – Joplin Redevelopment Corporation.


C3
C2-PD
C3
C3
CO-PD
CO-PD
CO-PD
C1
MAIDEN
R1
26TH
C1
C1
CO
MCCLELLAND
CO
C1
C3
CO
CO

P & Z Case 023-19
Joplin Redevelopment Corporation
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-269 ORDINANCE NO.

AN ORDINANCE providing for the vacation of a utility easement located approximately 145 ft. West and 175ft South of the intersection of 26th Street and Maiden Lane Avenue.

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

Section 1. That all that part of utility easement located approximately 145 ft. West and 175ft South of the intersection of 26th Street and Maiden Lane Avenue. more particularity described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

A tract of land being the West 10.00 feet of Lots 93 through 100, Ludwigs First Addition, a subdivision in the Southeast Quarter of Section 16, Township 27 North, Range 33 West, in the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2019, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney