CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-274-Utility Easement Vacation

MEETING DATE:
September 3, 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 030-19: Utility Easement Vacation – A request to vacate a utility easement located approximately 200 ft. North and 575 ft. West of the intersection of E. Newman Road and N. Range Line Road - City of Joplin.

BACKGROUND:
The purpose for this utility easement vacation request is to fulfill a commitment to the property owner that the city will vacate the unused sewer easement in exchange for a new sewer easement on their property. This will allow the property owner to develop in the areas where the easement will be vacated.

PLANNING & ZONING COMMISSION TESTIMONY:
Keegan Stanton, 602 S Main Street, Joplin, MO. Mr. Stanton stated that this property is located west of the Roper Honda on Range Line Rd. As part of an agreement with the city, a new sewer line and easement running on the north side of that property was installed, so the city would vacate the old easement. This old easement is no longer in use.

Mr. Ramsour asked for an explanation of the new sewer. It will be located farther north than the easement? Mr. Stanton stated that it has already been installed and the easement we are requesting to vacate is no longer active.

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 030-19.

ATTACHMENTS
CB 2019- 274, Staff Planning Report, P&Z Commission Minutes

CB 2019-274

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Mr. Ramsour asked for an explanation of the new sewer. It will be located farther north than the easement?

Mr. Stanton stated that it has already been installed and the easement we are requesting to vacate is no longer active.

Mr. Ramsour asked if the Commissioners had any questions? They did not.

Mr. Ramsour asked if there was anyone that would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone who would like to speak in opposition to this case? There was not.

MR. MCCULLOUGH MOVED, SECONDED BY MRS. KOLKEBECK, TO BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL FOR CASE 030-19. MOTION CARRIED, MR. RAMSOUR, MRS. BRUECKNER-SEARS, MRS. KOELKEBECK, MRS. STEELE, MR. MCCULLOUGH, AND MR. EASTMAN VOTING "AYE". (6 IN FAVOR, 0 NAYS, 1 ABSENT).

Z&P Meeting: August 12, 2019
City Council Meeting: September 3, 2019

STAFF PLANNING REPORT
Vacation

CASE 030-19 A request for the vacation of approximately 0.24 acres (10,283.7 square feet) of a utility easement.

APPLICANT City of Joplin

REPRESENTATIVE City of Joplin

LOCATION A utility easement running Northwest/Southeast located on North side of the 2800 Block of E. Newman Road, approximately 200 ft. North and 575 ft. West of the intersection of E. Newman Road and N. Range Line Road.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	0.24 acres (10,283.7 square feet)

REASON FOR VACATION

To come to an agreement with the property owner about a new sewer easement on their property, the City of Joplin committed to vacate the portion of the easement that would no longer be needed.

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?

No utilities are planned for location in this easement.

DISCUSSION

The purpose for this Vacation request is to fulfill a commitment to the property owner that the city will vacate the unused sewer easement in exchange for a new sewer easement on their property. This will allow the property owner to develop in the areas where the easement will be vacated, if they so choose.

Staff recommends approval of Case 030-19.

ENCLOSURES

- Map
- 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.: 030-19
Filing Fee: $500.00
Date Advertised: 7-28-19
Date Notices Sent 7-24-19
Public Hearing Date: 8-12-19

I. Applicant Name: City of Joplin 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: See 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. Correct.

2. The vacation will not cause the public to suffer a loss or inconvenience. Correct.

3. In justice to the applicant(s) the vacation should be granted. Correct.

V. Required Attachments:

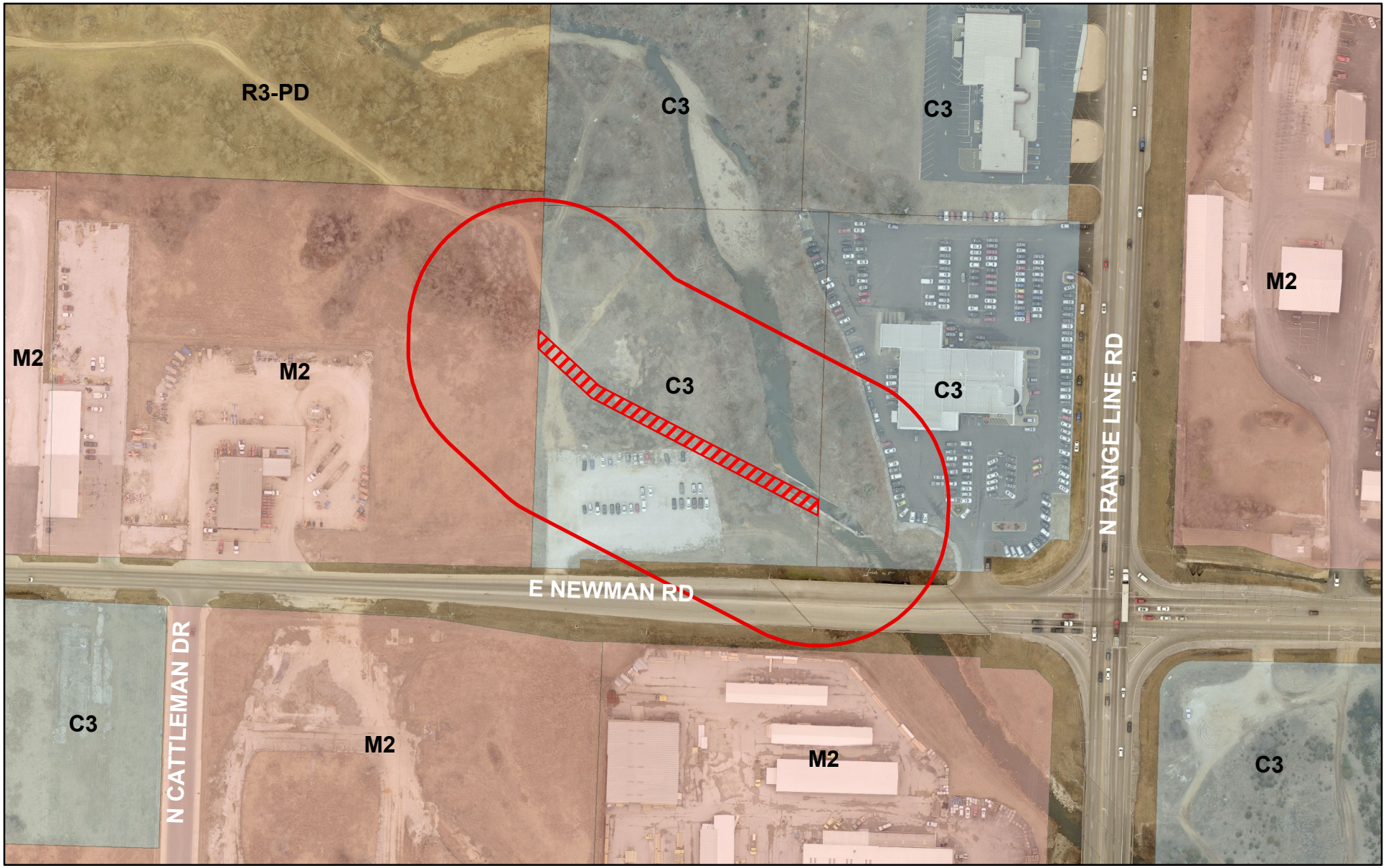
1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

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

Case 030-19: 2800 Block of E. Newman Road



Case 030-19: 2800 Block of E. Newman Road - A request to vacate a utility easement - City of Joplin

0 87.5 175 350 525 700 Feet

N

P & Z Case 030-19
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-274 ORDINANCE NO.

AN ORDINANCE providing to vacate a utility easement located approximately 200 ft. North and 575 ft. West of the intersection of E. Newman Road and N. Range Line Road on property.

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

Section 1. That part of approximately 200 ft. North and 575 ft. West of the intersection of E. Newman Road and N. Range Line Road on property, described as:

A tract of land being part of the Southeast Quarter of Section 36 Township 28 North Range 33 West all in the City of Joplin, Jasper County, Missouri. Being described more fully as follows: Commencing at the Southeast Corner of said Section 36; Thence N87°53'25"W a distance of 360.05 feet along the South line of said Southeast Quarter, Thence N02°05'32"E leaving said line a distance of 111.16 feet to the Point of Beginning; Thence N83°53'25"W a distance of 48.08 feet; Thence N59°08'26"W a distance of 358.32 feet; Thence N47°32'26"W a distance of 123.94 feet; Thence N02°10'29"W a distance of 26.44 feet; Thence S47°32'26"E a distance of 139.20 feet; Thence S59°08'26"E a distance of 399.73 feet to the Point of Beginning.

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