CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-279-Utility Easement Vacation

MEETING DATE:
September 7, 2021

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, City Manager- Nicholas Edwards.

SUMMARY REQUEST:
Case 038-21: Southeast Corner of S. Anderson Ave. and W. 26th St. – A request to vacate a utility easement – Memorial Hills II, L.P. c/o Kevin Parker

BACKGROUND:
Utilities are not currently in the Right-of-Way. Rerouting of utilities is not required to maintain current services to adjoining properties. No plans for new utilities to be located in the right-of-way. As the platted lots are now under common ownership, the easement providing utility access to those lots is no longer necessary, particularly with a proposed redevelopment of this scale on the site. No existing or future utilities are currently in or planned to be within this easement.

PLANNING & ZONING COMMISSION TESTIMONY:
Kevin Parker with Parker Development, 1115 Illinois Ave. Ste. 1, Joplin, MO. The easement he is requesting to vacate is a legacy easement which has been vacated on both sides, which was recorded in 1978 and is now on a site that is being held by the Joplin Redevelopment Commission, that he is purchasing for the construction of Memorial Hills II.

PUBLIC COMMENT:
None.

FUNDING SOURCE
These payments are included in the FY 2020-21 budget of the Community Planning Fund.

RECOMMENDATION:
Staff recommends approval of Case 038-21.
Planning & Zoning Commission recommends approval for Case 038-21 (5 in favor, 0 Nays, 2 Absent.)

ATTACHMENTS
CB 2021- 279, Staff Planning Report, P&Z Commission Minutes

CB 2021-279

Case 038-21: Southeast Corner of S. Anderson Ave. and W. 26th St. – A request to vacate a utility easement – Memorial Hills II, L.P. c/o Kevin Parker

Kevin Parker with Parker Development, 1115 Illinois Ave. Ste. 1, Joplin, MO. The easement he is requesting to vacate is a legacy easement which has been vacated on both sides, which was recorded in 1978 and is now on a site that is being held by the Joplin Redevelopment Commission, that he is purchasing for the construction of Memorial Hills II. This is a 54-unit affordable housing project. The easement was not a concern initially, but we had to move our building up due to unsuitable soils. Notifications has been sent to all utility companies, but since it has been abandoned, no one has any problems with the vacation.

Ms. Bruckner-Sears asked if any of the Commissioners had any questions. They did not. Ms. Bruckner-Sears asked if there was anyone in the audience to speak in favor of this request? There was not. Ms. Bruckner-Sears asked if there was anyone opposed to this request? There was not.

MS. STEELE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 038-21 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MS. BRUCKNER-SEARS, MR. EASTMAN, MS. STEELE, MR. MCCULLOUGH, AND MS. PHILLIPS VOTING "AYE", (5 IN FAVOR, 2 ABSENT)

Z&P Meeting: August 9, 2021
City Council Meeting: September 7, 2021

STAFF PLANNING REPORT
Vacation

CASE 038-21 A request to vacate a utility easement.

APPLICANT Memorial Hills II L.P. c/o Kevin Parker

REPRESENTATIVE Ross Epple, Kevin Parker

LOCATION SE Corner of W. 26th St. and S. Anderson Ave.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	Approximately 10' x 150'

REASON FOR VACATION

The applicant is requesting this vacation in order to re-develop the site for future multi-family, senior apartments. Previously, the site was platted as a number of smaller lots, and the easement in question was platted to provide utilities to those lots. With the site under common, singular ownership, the previously platted easement is no longer necessary for a redevelopment of this size.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Utilities are not currently in the Right-of-Way. Rerouting of utilities is not required to maintain current services to adjoining properties.

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

No plans for new utilities to be located in the right-of-way.

DISCUSSION

As the platted lots are now under common ownership, the easement providing utility access to those lots is no longer necessary, particularly with a proposed redevelopment of this scale on the site. No existing or future utilities are currently in or planned to be within this easement.

Staff recommends approval of Case 038-21.

ENCLOSURES

- Application
- Map

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form and Attachments 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.: 038-21
Filing Fee: $550.00
Date Advertised:
Date Notices Sent 7-26-21
Public Hearing Date: 8-9-21

I. Applicant Name: Memorial Hills II, L.P. C/O Kevin Parker Phone: 417-624-5552

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

Address: 1115 Illinois Avenue, Suite 100, Joplin, MO Zip: 64801

II. Type of vacation requested (check one):

Street Vacation_____

Alley Vacation_____

Utility Vacation X

Other (Please specify)_____

III. 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 endangered by the vacation of this easement as there is currently no known utilities found within this easement.

2. The vacation will not cause the public to suffer a loss or inconvenience. Vacation of this easement will not cause the public to suffer a loss or inconvenience as there is currently no known utilities within this easement.

3. In justice to the applicant(s) the vacation should be granted. The vacation should be granted to the applicant as there is currently no known utilities within this easement and the proposed building had to be moved north

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: Memorial Hills II, L.P. C/O Kevin Parker
Phone: 417-624-5552
Email: kevin@parkerdevelopment.biz

Be it known that Memorial Hills II, L.P. *, 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 utility easement that bisects the property at the below location

Located at: the corner of Anderson Avenue and 27th Street (Joplin Parcel #19501640001009001)

For the following purpose: to build the proposed building (Memorial Hills II)

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 (Jun 2, 2021 12:41 CDT)

Authorized Representative

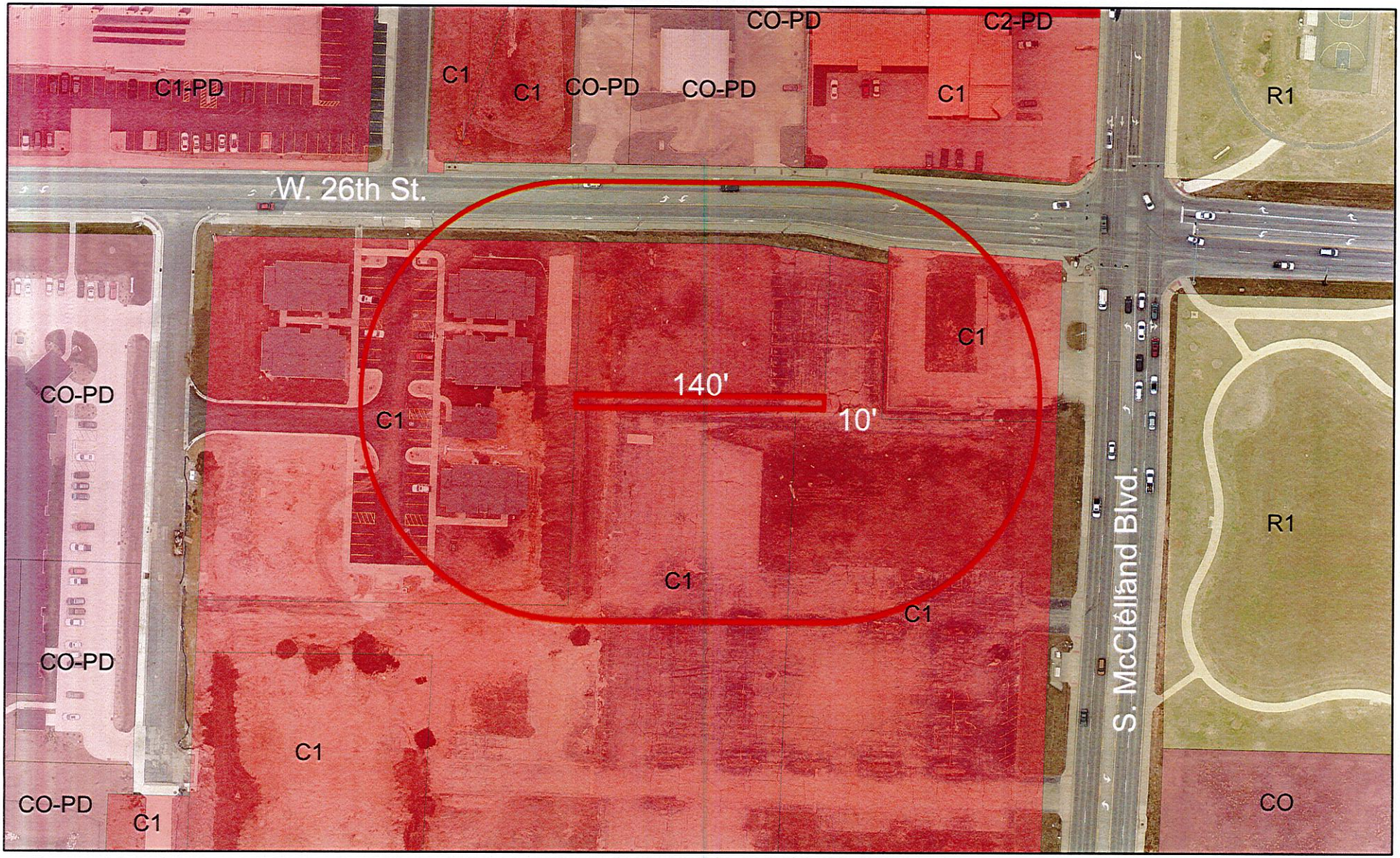
06/02/2021

Date

Spire

Name of Utility

Case 038-21 - SE Corner of S. Anderson Ave. and W. 26th St. Easement Vacation



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N

0 40 80 160 240 320 Feet

P & Z Case 038-21
Kevin Parker
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-279 ORDINANCE NO.

AN ORDINANCE providing the vacation of a utility easement lying on property at the Southeast Corner of S. Anderson Ave. and W. 26th St., 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 a utility easement lying on property the Southeast Corner of S. Anderson Ave. and W. 26th St. City of Joplin, Jasper County, Missouri described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

> The South 10 feet of Lots 103, 104, and 105 of Ludwig's First Addition, as shown in Plat Book 7, Page 1 in the Office of the Recorder of Deeds in Jasper County, Missouri

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 21, by a vote of _____.

_____
Ryan D. Stanley, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney