CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2021-283 Right-of-way Vacation

MEETING DATE:
October 4, 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 049-21: E. 11th St. between S. Rex Ave. and S. Peters Ave. – A request to vacate street right-of-way – Missouri Place Properties.

BACKGROUND:
The applicant holds the land on either side of this proposed vacation, so no private party would be affected by the vacation but the applicant. The street right-of-way is presently unimproved. There is no public access through this right-of-way and it currently serves as access to no property. This vacation is being sought for the consolidation and redevelopment of the site.

PLANNING & ZONING COMMISSION TESTIMONY:
Gil Stevens, 23 Pheasant Run, Joplin, MO. He is representing the owner of the property, David Buttrum. There is a street he is asking to be vacated. This property is zoned for duplexes and to make the highest and best use of the property for development, 11th Street needs to be vacated. The owner does want to build duplexes.

PUBLIC COMMENT;
None.

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

RECOMMENDATION:
Planning & Zoning Commission recommends approval,. **(**5 in Favor, 1 Absent, 1 Abstain)

Staff recommends approval of Case 049-21.

ATTACHMENTS
CB 2021-283, Staff Planning Report, P&Z Commission Minutes

CB 2021 - 283

Case 049-21: E. 11th St. between S. Rex Ave. and S. Peters Ave. – A request to vacate street right-of-way – Missouri Place Properties.

Mr. Eastman abstained from this case.

Gil Stevens, 23 Pheasant Run, Joplin, MO. He is representing the owner of the property, David Buttrum. There is a street he is asking to be vacated. This property is zoned for duplexes and to make the highest and best use of the property for development, 11th Street needs to be vacated. The owner does want to build duplexes.

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.

MR. KIMBLE MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 049-21 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MS. BRUCKNER-SEARS, MR. MCCULLOUGH, MR. KIMBLE, MS. PHILLIPS, AND MS. WARREN "AYE", (5 IN FAVOR, 1 ABSENT, 1 ABSTAIN)

Z&P Meeting: September 13, 2021
City Council Meeting: October 4, 2021

STAFF PLANNING REPORT
Vacation

CASE 049-21 A request to vacate 11th Sstreet right-of-way extending East from S. Peters Ave. and S. Rex Ave.

APPLICANT Missouri Place Properties

REPRESENTATIVE Gil Stevens

LOCATION E. 11th St. between S. Rex Ave. and S. Peters Ave.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Street Right-of-Way	Approximately 400' x 50'

REASON FOR VACATION

Missouri Place Properties has petitioned for this street vacation in order to consolidate their land holdings to the North and South and redevelop the site for future residential development.

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.

STAFF ANALYSIS

PRIVATE RIGHTS WILL NOT BE INJURED OR ENDANGERED BY THIS VACATION.

The applicant holds the land on either side of this proposed vacation, so no private party would be affected by the vacation but the applicant.

THE VACATION WILL NOT CAUSE THE PUBLIC TO SUFFER A LOSS OR INCONVENIENCE.

The street right-of-way is presently unimproved. There is no public access through this right-of-way and it currently serves as access to no property.

IN JUSTICE TO THE APPLICANT(S) THE VACATION SHOULD BE GRANTED.

Yes.

DISCUSSION

This vacation is being sought for the consolidation and redevelopment of the site. Missouri Place Properties would be looking at a future residential development in an area that is bounded by E. 10th St., S. Peters Ave., E. 12th St., and S. Rex Ave. This property is presently zoned R-2, and that designation would be extended to the vacated property should this item pass.

Staff recommends approval of Case 049-21.

ENCLOSURES

- Application
- Map

RECEIVED 8-4-21

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.: 04/9-21
Filing Fee: $550.00
Date Advertised: 8-27-21
Date Notices Sent 8-27-21
Public Hearing Date: 9-13-21

I. Applicant Name: Missouri Place Properties Phone: 417-434-6391
If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: PO Box 2218 Joplin, MO. Zip: 64803-2218

II. Type of vacation requested (check one):

Street Vacation ✓

Alley Vacation ____

Utility Vacation ✓

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. None

2. The vacation will not cause the public to suffer a loss or inconvenience. None

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

IV. Required Attachments:

1. 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.

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 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.

4. 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.

Missouri.com
American Water 417-627-3800 '17'

Utility	Contact	Email	Phone
AT&T	Kenny Kenworthy	kk7429@att.com	417-625-8092
Missouri American Water	~~Andrew Holderness~~ Derec Bass	~~andrew.holderness@amwater.com~~ derec.bass@amwater.com	~~417-623-0676 x1009~~
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 x584
City Stormwater	Steven Martinez	smartine@joplinmo.org	417-624-0820 x531

*Must contact BOTH contacts at Spire Energy.

Signature

4 August
Date

Case 049-21 - E. 11th St. between S. Rex Ave. and S. Peters Ave. - Vacation



Case 049-21: E. 11th St. between S. Rex Ave. and S. Peters Ave. – A request to vacate street right-of-way – Missouri Place Properties

N

0 50 100 200 300 400 Feet

P & Z Case 049-21
Missouri Place
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-283 ORDINANCE NO.

AN ORDINANCE providing the vacation of a street right-of-way lying on property E. 11th St. 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. That the vacation of a street right-of-way lying on property East of the East Right-of-way, 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:

All of that part of East Eleventh (11th) Street lying East of the east Right-of-way line of Peters Avenue, and West of the West line of Rex Avenue and adjoining the South line of Lots Numbered Three (3) and Ten (10) all in Shepherd's Addition to the City of Joplin, Jasper County, Missouri, being subject to all easements, right-of-ways, and reservations of record.

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