Z&P Meeting: September 14, 2015
City Council Meeting: October 5, 2015

STAFF PLANNING REPORT
Vacation

CASE 035-15: A request for the vacation of a 10' utility easement tween the west right-of-way line of Schifferdecker Avenue to the east right-of-way of Washington Avenue.

APPLICANT: Schuber Mitchell Homes

REPRESENTATIVE: Levi Greer

LOCATION: 2215 Wisconsin Avenue

EXISTING CONDITIONS:

Easement Type(s)	Easement Size
Utility	10' x 60' (approx.)

REASON FOR VACATION:

Schuber Mitchell Homes would like to build a house on this lot but cannot do so without vacating the easement or building on top of it.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT? No

UTILITIES PLANNED TO LOCATE IN THE EASEMENT? No

DISCUSSION:

This lot is currently zoned R-1, Single-Family Residential. However, because the lot is relatively modest in size, it would be nearly impossible to fit a single-family home on the lot without building on top of the easement. The vacation of this easement would create a buildable lot in the disaster area for a new single-family home.

Staff recommends approval of Case 035-15.

ENCLOSURES: None.

RECEIVED
8-20-15

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.: 035-15
Filing Fee: $ 350.00
Date Advertised: 8-30-15
Date Notices Sent 8-31-15
Public Hearing Date: 9-14-15

I. Applicant Name: SCHUBER MITCHELL HOMES Phone: 417 626 7000

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

Address: 1621 ANDERSON DR Zip: 64870

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: All that Part of Lots 67 and 68 in HARMONY HEIGHTS Addition a replat of South Morland Acres to the City of Joplin, Jasper County, Missouri, described as follows:

Commencing at the Northwest corner of said Lot 68, Thence S87°59'29"E Along the North Line of said Lot 68 A distance of 40.32 feet to the point of beginning;

Thence N02°00'31"E a distance of 5.00 feet;
Thence S87°59'29"E a distance of 58.33 feet;
Thence S16°24'45"E a distance of 10.54 feet;
Thence N87°59'29"W a distance of 61.67 feet;
Thence N02°00'31"E a distance of 5.00 feet to the point of beginning.

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. STANDARD IS MET 100% AS EASEMENT IS LIMITED TO A SINGLE LOT. THEREFORE, NO PERSONAL RIGHTS WILL BE AFFECTED BY THE VACATION.

2. The vacation will not cause the public to suffer a loss or inconvenience. STANDARD IS MET 100% AS EASEMENT IS LIMITED TO A SINGLE LOT. NO LOSS OR INCONVENIENCE WILL RESULT FROM REMOVAL.

3. In justice to the applicant(s) the vacation should be granted. GRANTING VACATION WILL ENABLE GUHUBER MITCHELL HOMES TO BUILD A HOME FOR A FAMILY ON THIS LOT THEREBY INCREASING THE VALUE OF THE NEIGHBORHOOD WITH THE ADDITION OF A QUALITY HOME.

V. Required Attachments:

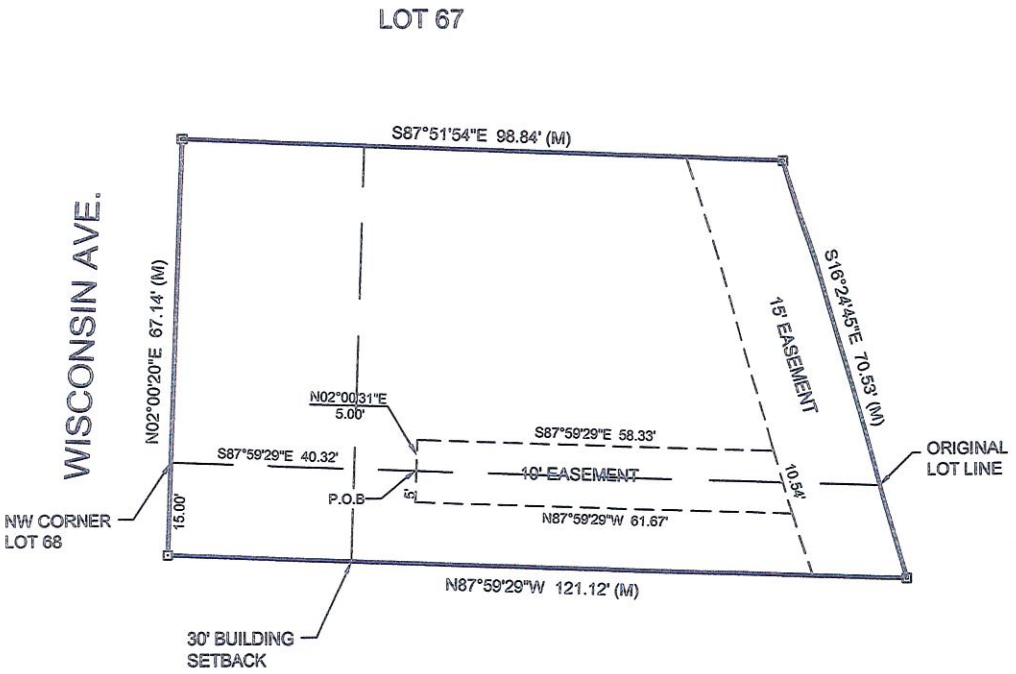
1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation.

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

Levi Green - 417-437-5687



EASEMENT VACATION

ALL THAT PART OF LOTS 67 AND 68 IN HARMONY HEIGHTS ADDITION A REPLAT OF SOUTH MORLAND ACRES TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 68, THENCE S87°59'29"E ALONG THE NORTH LINE OF SAID LOT 68 A DISTANCE OF 40.32 FEET TO THE POINT OF BEGINNING;
THENCE N02°00'31"E A DISTANCE OF 5.00 FEET;
THENCE S87°59'29"E A DISTANCE OF 58.33 FEET;
THENCE S16°24'45"E A DISTANCE OF 10.54 FEET;
THENCE N87°59'29"W A DISTANCE OF 61.67 FEET;
THENCE N02°00'31"E A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARINGS

BEARINGS ARE BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983 MISSOURI WEST ZONE.

NOTES

NO UTILITIES SHOWN AS A PART OF THIS SURVEY.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

NO FLOOD DETERMINATIONS HAVE BEEN EXAMINED AS A PART OF THIS SURVEY.

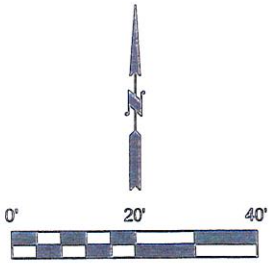
THIS SURVEY HAS BEEN PERFORMED BASED ON KNOWLEDGE AND INFORMATION IN ACCORDANCE WITH COMMONLY ACCEPTED PROCEDURES CONSISTENT WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND IS NOT A GUARANTEE OR WARRANTY EITHER EXPRESSED OR IMPLIED.

CERTIFICATE OF AUTHORITY LICENSE NUMBER LS-2014013548 EXPIRATION 12/31/2016



MJ SURVEYING, LLC
www.MJSurveyingLLC.com
PH 417.623.2525
FAX 417.623.1745
214 S. MAIN ST.
JOPLIN, MO 64801

DRAWN EM	DATE 8/19/2015	SCHUBER MITCHELL PART OF LOTS 67 & 68 IN HARMONY HTS JOPLIN, JASPER CO. MISSOURI
APPROVED BAA	DATE 8/19/2015	
SCALE 1" = 20'	SHEET	PROJECT # 15224



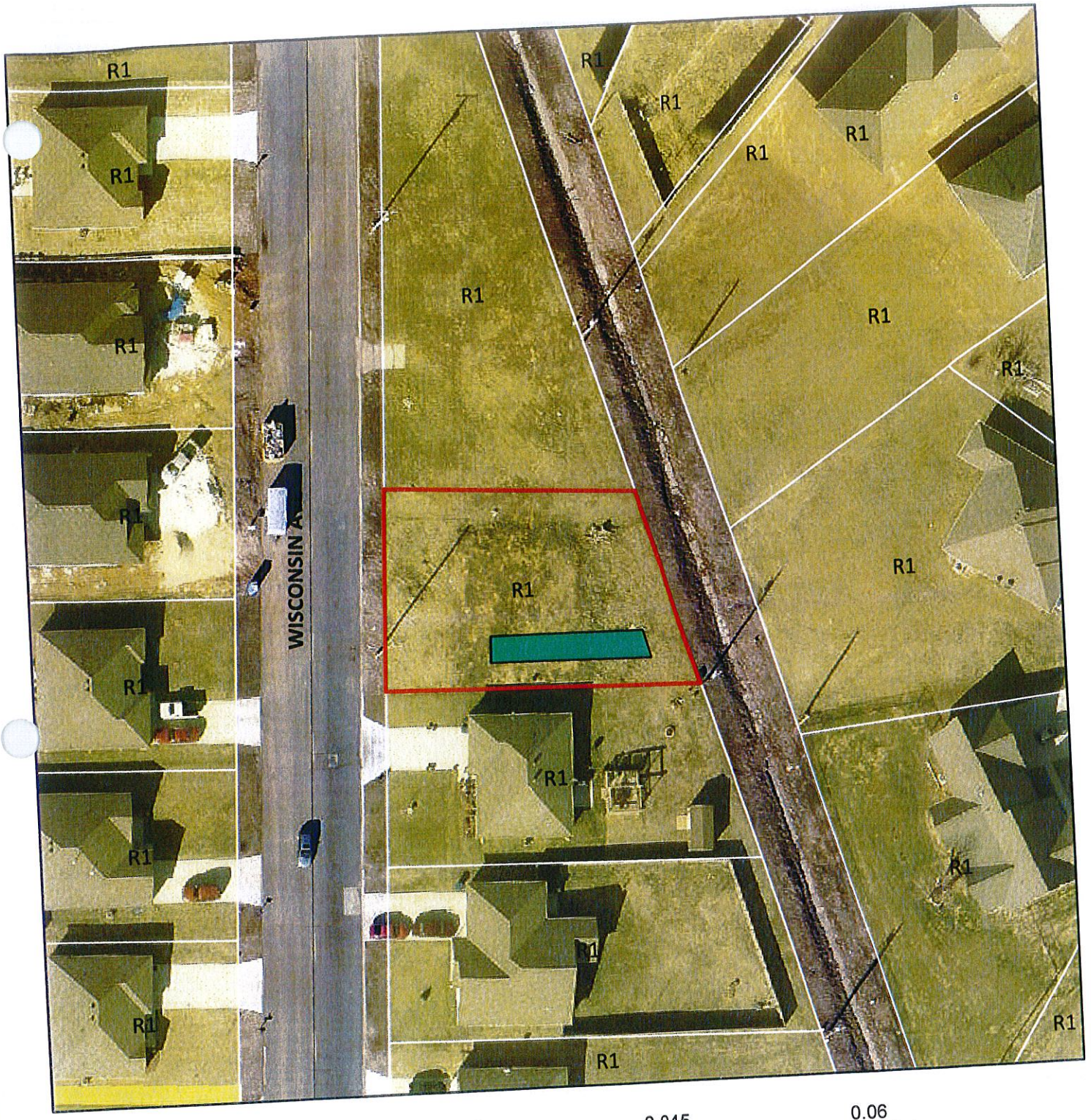
CLASS OF PROPERTY
URBAN

SOURCE DOCUMENTS
BOOK 2361, PAGE 1628

LEGEND

⊡	FOUND IRON PIN
(M)	MEASURED
(D)	DEED

SURVEY NOT VALID UNLESS SIGNED IN BLUE INK



Case 035-15: 2215 Wisconsin Ave – A request for the vacation of a 10' utility easement – Schuber Mitchell Homes.

Case 035-15: 2215 Wisconsin Avenue – A request for the vacation of a 10' utility easement – Schuber-Mitchell Homes.

Mr. Eastman opened the public hearing for Case 035-15.

Mr. Dan Mitchell, Schuber-Mitchell Homes, 1621 Anderson Drive, Webb City, Missouri, appeared to request the vacation of a small utility easement on property they own at 2215 Wisconsin Avenue. They have contacted all the utility companies and received written confirmation that they no longer need the easement. No utilities reside within the easement. Schuber-Mitchell would like to build a home there, with that being the purpose of their request.

Mr. Eastman asked about raising that area out of the flood zone, and Mr. Mitchell will get that certified.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 035-15.

MR. CORTEZ MOVED, SECONDED BY MR. BROWN, THAT CASE 035-15 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE" (7 IN FAVOR, 0 ABSENT).