CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-276-Utility Vacation

MEETING DATE:
October 7, 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 032-19: Easement Vacation – A request for the vacation of approximately 320 feet of a 20-foot-wide utility easement located 2300 E 7th Street – David & Connie Box.

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:
David Box, 7387 River Road, Joplin, MO. There is an old sewer easement that is not being used and we would like to have it vacated for building purposes.

PUBLIC COMMENT;
None.

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

RECOMMENDATION:
Planning & Zoning Commission recommends approval, 7 in Favor, 0 Nays.
Staff recommends approval of Case 032-19.

ATTACHMENTS
CB 2019- 276, Staff Planning Report, P&Z Commission Minutes

CB 2019-276

Case 032-19: Easement Vacation – A request to vacate a utility easement located 2300 E 7th Street – David & Connie Box

David Box, 7387 River Road, Joplin, MO. There is an old sewer easement that is not being used and we would like to have it vacated for building purposes.

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.

MRS. STEELE MOVED, SECONDED BY MR. EASTMAN, FOR CASE 032-19 BE FORWARDED TO THE CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL. MOTION CARRIED, MR. RAMSOUR, MRS. KOELKEBECK, MRS. STEELE, MS. BRUCKNER-SEARS, MR. DERMOTT, MR. EASTMAN, AND MR. MCCULLOUGH, VOTING "AYE. (7 IN FAVOR, 0 NAYS).

Z&P Meeting: September 9, 2019
City Council Meeting: October 7, 2019

STAFF PLANNING REPORT
Vacation

CASE 032-19 A request for the vacation of approximately 320 feet of a 20-foot-wide utility easement.

APPLICANT David & Connie Box

REPRESENTATIVE David & Connie Box

LOCATION A utility easement running Northeast/Southwest located midblock of the 2300 block of the north side of E 8th Street.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	Approximately 20' x 340'

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?

No plans for new utilities to be located in the easement.

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 032-19.

ENCLOSURES

- Application
- Map

RECEIVED
7-22-19

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.: 032-19
Filing Fee:
Date Advertised: 8-25-19
Date Notices Sent 8-23-19
Public Hearing Date: 9-9-19

I. Applicant Name: DAVID & CONNIE BOX Phone: 1-417-437-7669

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

Address: 7387 River Rd Joplin, MO. Zip: 64804

Email: boxrentals@cableone.net

II. Type of vacation requested (check all that apply):

Street Vacation____

Alley Vacation ✓

Utility vacation ✓

Other (Please specify)_____

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

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. None, this property has McConnell St. that Runs along the West sid with Locke Supply across the St. Patterson St that runs along the East si with Nixons Garage across the St. On the South end - 8th St. is our Apts. On the North side is a privacy fence (we own) with Charles Burt Realty behind that.

2. The vacation will not cause the public to suffer a loss or inconvenience. No, Not at all

3. In justice to the applicant(s) the vacation should be granted. This is a old easement that is not used and has no use. This vacation will allow us to best develope the property.

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(s). The following private companies must be contacted and consent to the vacation before the request can be advertised for public hearing.

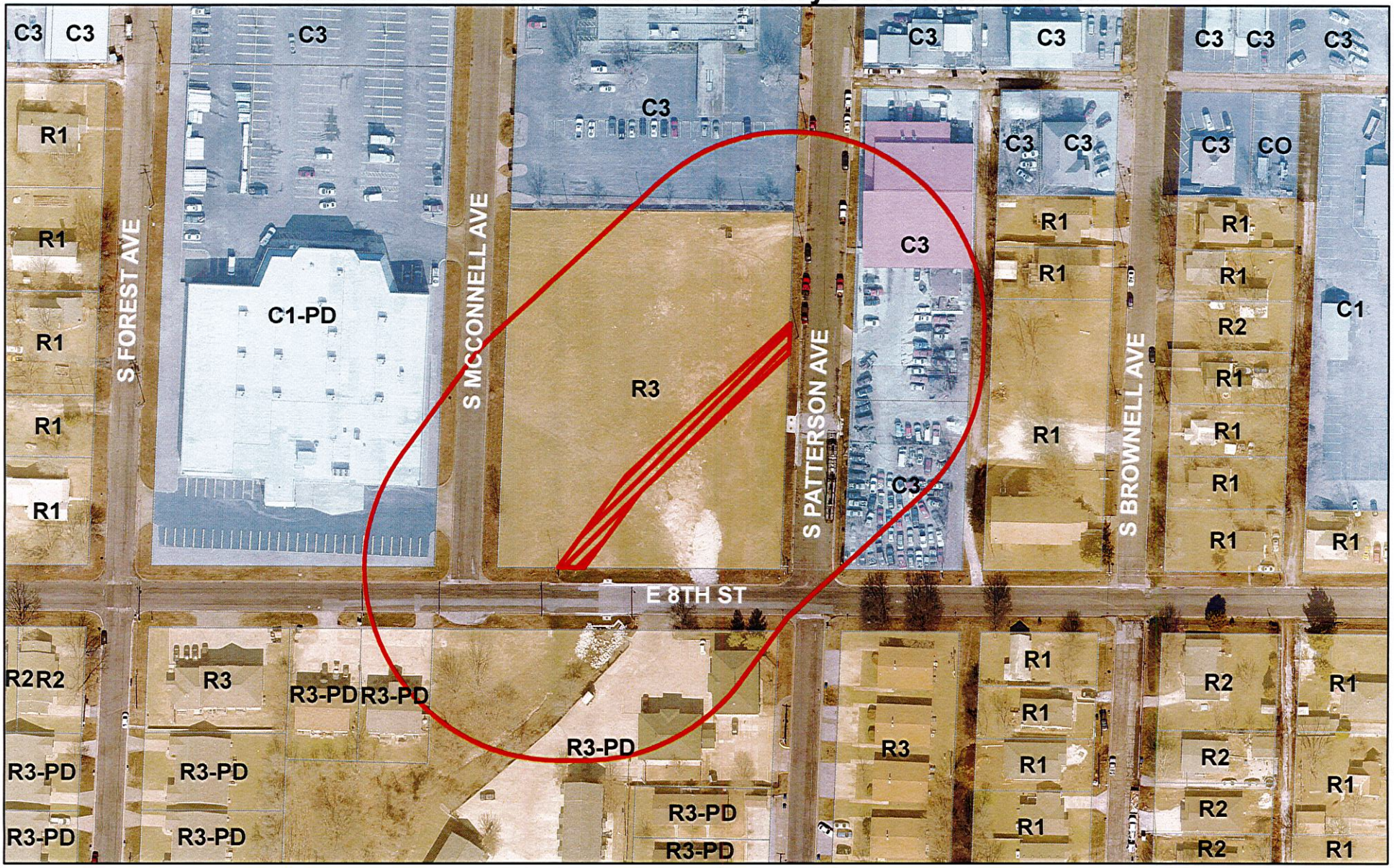
a.) MGE Missouri Gas Energy	(800) 582-1234
b.) Empire District Electric Company ✓	(417) 624-0300
c.) Cable One	(417) 624-6340
d.) MO American Water Company ✓	(800) 256-6426
e.) AT&T	(800) 464-7928
f.) Republic Services (Trash)	(800) 431-1507

SIGNATURE: ~~David Box~~ Connie Box DATE: 1-23-17

BY: DAVID Box Connie Box

TITLE: Owner

Case 032-19: 2300 E 7th Street: Utility Easement Vacation



Case 032-19: 2300 E 7th Street - A request to vacate a utility easement - David & Connie Box

P & Z Case 32-19
David & Connie Box
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-276 ORDINANCE NO.

AN ORDINANCE providing to vacate approximately 320 feet of a 20-foot-wide utility easement located at 2300 E. 7th Street, Joplin, MO.

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

Section 1. To vacate approximately 320 feet of a 20-foot-wide utility easement described as:

As commencing at the Southeast corner of lot numbered 172; thence N89°44'00"W along the North line of 8th Street a distance of 186.80 feet to the point of beginning; thence N37°56'26"E a distance of 87.02 feet; thence N46°42'07"W a distance of 194.05 feet to a point on the West line of Patterson Avenue; thence N02°14'31"E along the West line of Patterson Avenue a distance of 28.55 feet; thence S46°42'07"W a distance of 215.96 feet; thence S37°56'26"W a distance of 104.00 feet to point on the North line of 8th Street; thence S89°44'00"E along the North line of 8th Street a distance of 25.27 feet to the point of beginning.

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

_____
ATTEST: Gary L. Shaw, Mayor

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney