CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-279-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 035-19: Easement Vacation – A request to vacate a sewer utility easement located approximately 120 ft. West and 125 ft. North of the intersection of E. 19th Street and S. Kentucky Ave. -Ledford Construction & Development.

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:
James Ledford, 4121 S Jackson Ave, Joplin, MO. They are trying to vacate this piece of property. This is a 1906 problem that they are trying to fix. We would like to get rid of that one and you will see the other easement on there was because in 1906 they vacated the south half of that alleyway and they ended up putting in a 10-foot easement from east to west as access.

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 035-19.

ATTACHMENTS
CB 2019- 279, Staff Planning Report, P&Z Commission Minutes

CB 2019-279

Case 035-19: Easement Vacation – A request to vacate a sewer utility easement located approximately 120 ft. West and 125 ft. West of the intersection of E. 19th Street and S. Kentucky Ave. - Ledford Construction & Development.

James Ledford, 4121 S Jackson Ave, Joplin, MO. They are trying to vacate this piece of property. This is a 1906 problem that they are trying to fix. We would like to get rid of that one and you will see the other easement on there was because in 1906 they vacated the south half of that alleyway and they ended up putting in a 10-foot easement from east to west as access. The 10-foot access does not work anymore.

Mr. Ramsour mentioned there are houses in that development.

Mr. Ledford stated there was. The sewer has been moved.

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. BRUCKNER-SEARS MOVED, SECONDED BY MRS. STEELE, FOR CASE 035-19 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 035-19 A request for the vacation of approximately 110 feet of a 12-foot-wide utility easement.

APPLICANT Ledford Construction & Development

REPRESENTATIVE James Ledford

LOCATION A utility easement running North/South located approximately 120 ft. West and 125 ft. North of the intersection of E. 19th Street and S. Kentucky Ave.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Sewer Utility Easement	Approximately 110' x 12'

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 035-19.

ENCLOSURES

- Application
- Map

RECEIVED
8-9-19

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.: 035-19
Filing Fee: $
Date Advertised: 8-25-19
Date Notices Sent 8-23-19
Public Hearing Date: 9-9-19

I. Applicant Name: LEDFORD CONST & DEV. Phone: 417-437-2583

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

Address: 2806 ARIZONA Suite C Zip: 64804

Email: jamesledford72@me.com

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

Street Vacation_____

Alley Vacation_____

~~Utility vacation~~ X

Other (Please specify) ~~Specialty~~ specifically JOPLIN South Sewer Dist #23

III. Legal Description of area requested to be vacated: right-of-way giving permission for DISTRICT Sewer to be lay ACROSS LOTS 80, 81, 82, 83 in Mitchell's Second

~~A STRIP OF LAND 10' WIDE OFF OF THE NORTH SIDES OF LOT 83, and 108 IN MITCHELL'S SECOND~~

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. _____

_____

_____

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

_____

_____

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

_____

_____

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.

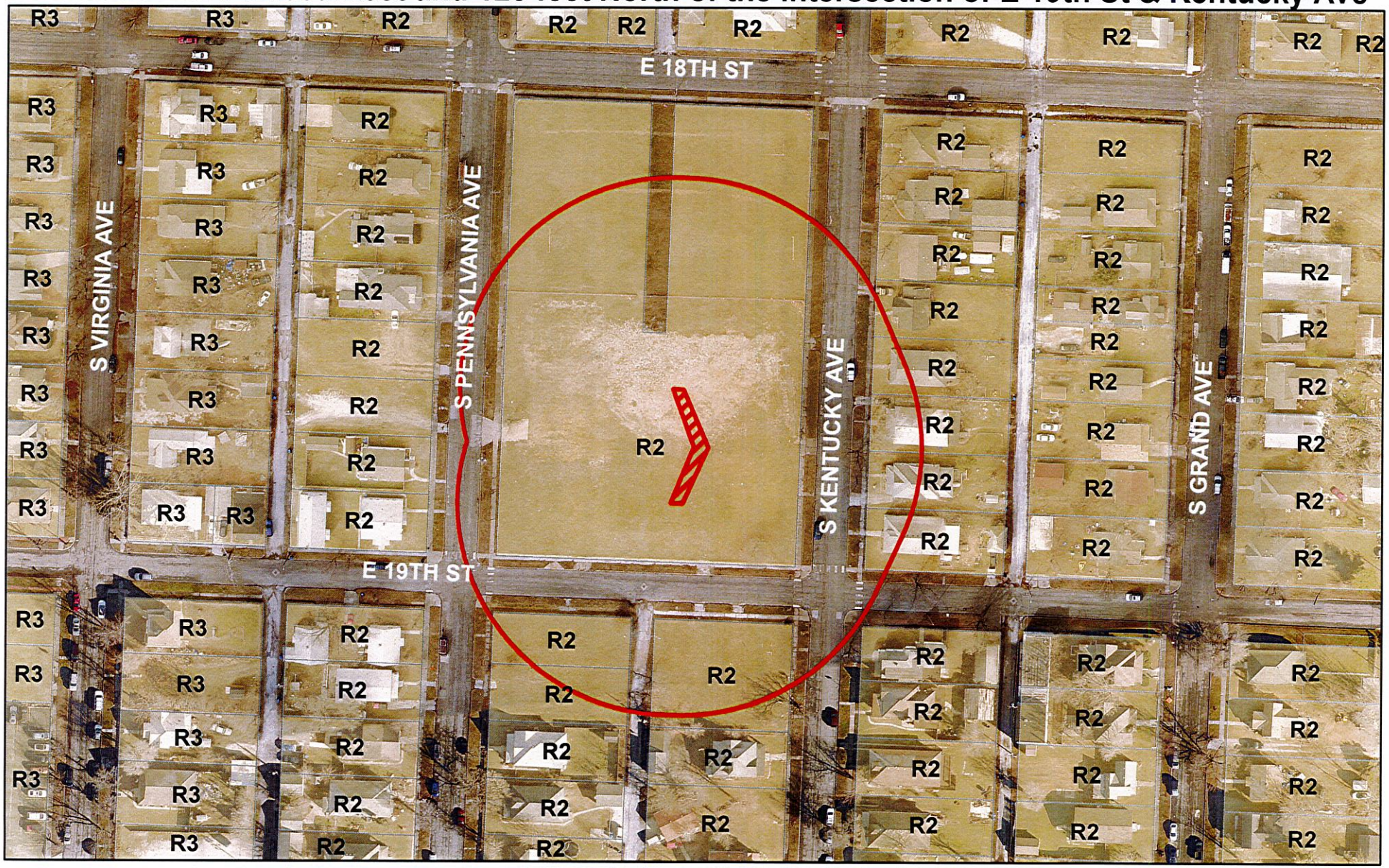
a.) MGE Missouri Gas Energy	(800) 582-1234
b.) Empire District Electric Company	(417) 624-0300
c.) Cable One	(417) 624-6340
d.) MO American Water Company	(800) 256-6426
e.) AT&T	(800) 464-7928
f.) Republic Services (Trash)	(800) 431-1507

SIGNATURE: _____ DATE: 8-9-19

BY: _____

TITLE: _____

Case 035-19: 120 feet West and 125 feet North of the intersection of E 19th St & Kentucky Ave



Case 035-19: Easement Vacation – A request to vacate a sewer utility easement locatedapproximately 120 ft. West and 125 ft. North of the intersection of E. 19th Street and S. Kentucky Ave. - Ledford Construction & Development.

P & Z Case 035-19
Ledford Construction & Development
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-279 ORDINANCE NO.

AN ORDINANCE providing to vacate a sewer utility easement approximately 120 feet West and 124 feet North of the intersection of E. 19th Street and S. Kentucky Ave

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

Section 1. To vacate approximately 120 feet West and 124 feet North of the intersection of E. 19th Street and S. Kentucky Ave. described as:

As across lots 80, 81, 82, and 83 in Mitchell's Second Addition to the City of Joplin.

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