CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2019-280-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 036-19: Easement Vacation – A request to vacate an alley 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. We would like to reinstall the alley easement from North to South all the way through.

Mr. Bolander gave a little history on this property. He stated that the school use to sit on this property, that is why some of the property was vacated and you have all the different easements. Originally, this lot was platted like the lots surrounding this property. This was platted as a single family residential before the school was built on it. The North/South Alleyway will be extended back out and be re-dedicated. It will go all the way through from 18th Street to 19th Street.

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 036-19.

ATTACHMENTS
CB 2019- 280, Staff Planning Report, P&Z Commission Minutes

CB 2019-280

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Mr. Ramsour stated he understood what Mr. Bolander was stated but the request reads that you want to vacate it and Mr. Ledford wants to reintroduce it.

Mr. Bolander stated that the North/South Alleyway will be extended back out and be re-dedicated. It will go all the way through from 18th Street to 19th Street.

Mr. Ledford stated the property is zoned R-2 but we are going to build single family homes on it to be consistent with the neighborhood.

Mr. Ramsour asked if there were any other questions from the Commissioners? There were not. 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.

MR. DERMOTT MOVED, SECONDED BY MRS. KOLKEBECK, FOR CASE 036-19 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 036-19 A request for the vacation of approximately 260 feet of a 10-foot-wide alley easement.

APPLICANT Ledford Construction & Development

REPRESENTATIVE James Ledford

LOCATION A utility easement running East/West 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
Alley Easement	Approximately 10' x 260'

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 alley 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 036-19.

ENCLOSURES

- Application
- Map

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.: 036-19
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 Ste. C Zip: 64804

Email: jamesledford72@me.com

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

Street Vacation_____

Alley Vacation X

Utility vacation_____

Other (Please specify)_____

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

Attached.

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.

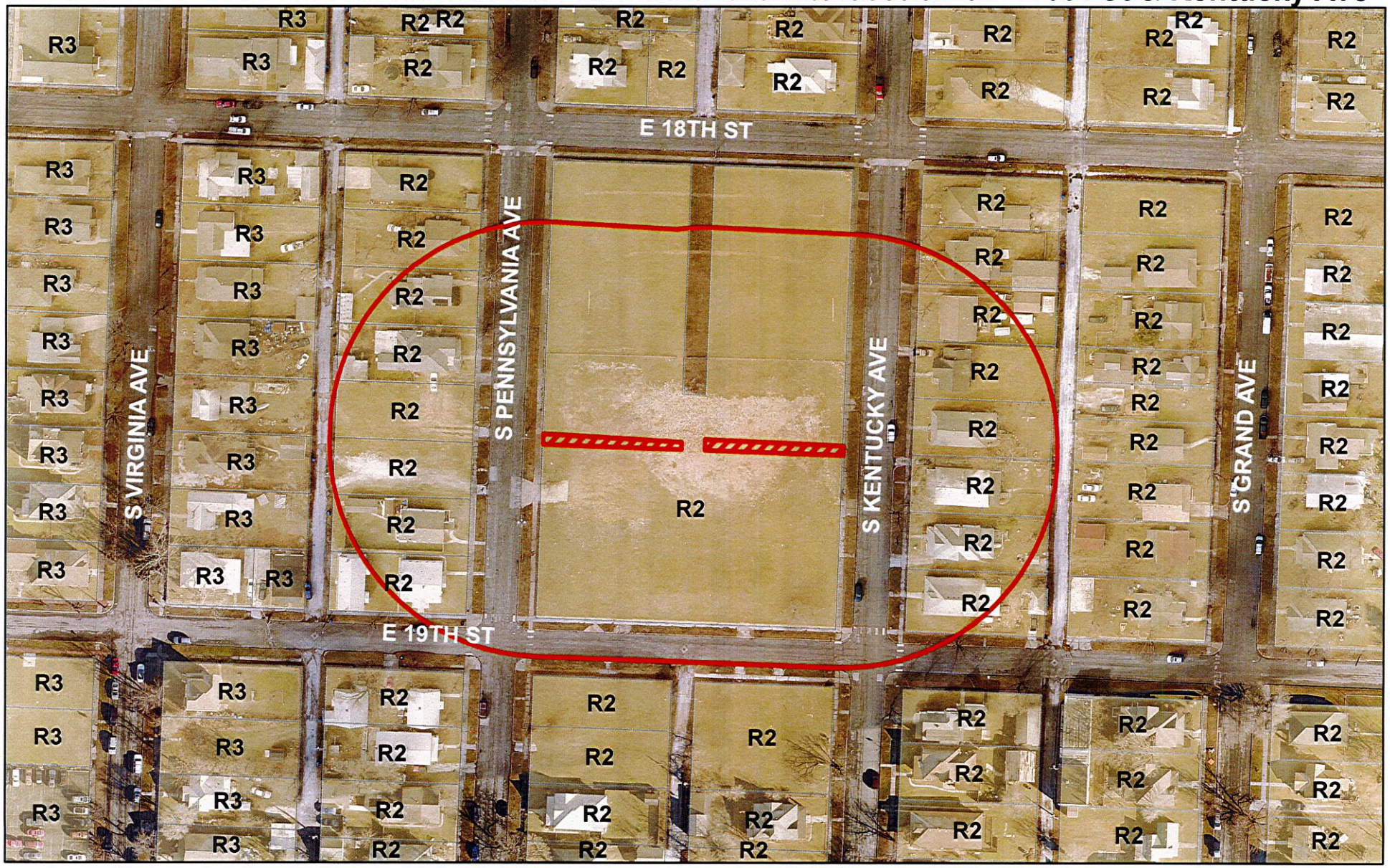
a.) MGE Missouri Gas Energy	(800) 582-1234
b.) Empire District Electric Company	(417) 624-0300
c.) Cable One	(417) 624-6340
d.) MO American Water Company	(800) 256-6426
e.) AT&T	(800) 464-7928
f.) Republic Services (Trash)	(800) 431-1507

SIGNATURE: _____ DATE: _____

BY: _____

TITLE: _____

Case 036-19: 160 feet West and 180 feet North of the intersection of E 19th St & Kentucky Ave



Case 036-19: Easement Vacation – A request to vacate an alley easement located approximately 160 ft. West and 180 ft. North of the intersection of E. 19th Street and S. Kentucky Ave. - Ledford Construction & Development.

0 50 100 200 300 400 Feet

N

P & Z Case 036-19
Ledford Construction & Development
(P & Z Recommended Approval)

COUNCIL BILL NO. 2019-280 ORDINANCE NO.

AN ORDINANCE providing to vacate an alley easement located approximately 120 feet West and 125 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. The alley easement located 120 feet West and 125 feet North of the intersection of E. 19th Street and S. Kentucky Ave. described as:

> "A strip of land 10 feet wide off the North side of lots 83 and 108 in Mitchell's Second Addition to the City of Joplin", is hereby vacated.

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

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney