Z&P Meeting: October 10, 2016
City Council Meeting: November 7, 2016

STAFF PLANNING REPORT
Vacation

CASE 041-16 A request for the vacation of a 20' utility easement

APPLICANT Mark Graham

REPRESENTATIVE Linda Gardner

LOCATION 20 feet south of 1365 Crest Drive

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility	15' x 295'

REASON FOR VACATION

The property owner would like to add onto their house to the south which will require the vacation of this easement to build.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT? No.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT? No.

DISCUSSION

This is a 15-foot utility easement located east of Crest Drive. It runs east and west along the south side of 1365 Crest Drive. There are no utilities currently located in this easement. All utility companies have signed off on the release of this easement. The property owner is planning an addition on the southern portion of their home that could encroach this easement and have requested that it be vacated.

Staff recommends approval of Case 041-16.

ENCLOSURES

- Application
- Vacation Sketch

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.: 041-16
Filing Fee: ~~$350.00~~ $450.00
Date Advertised:
Date Notices Sent 10-3-16
Public Hearing Date: 10-10-16

I. Applicant Name: Mark Graham Phone: 717-580-9976

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

Address: 1365 Crest Drive Zip: 64801

Email: gardnerhomes@yahoo.com

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: All of lots twelve (12) and thirteen (13) in Brammar Addition to the City of Joplin, Jasper County, Missouri, according to the recorded plat thereof, (as recorded at Book 2302, Page 1776).

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. Applicant owns lots on all sides of easement

2. The vacation will not cause the public to suffer a loss or inconvenience. Since the easement was originally platted with the property and not used plus ownership of lots surrounding easement, the public has never used it.

3. In justice to the applicant(s) the vacation should be granted. The applicant wishes to build an addition onto their existing home, thereby increasing all surrounding property values.

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.

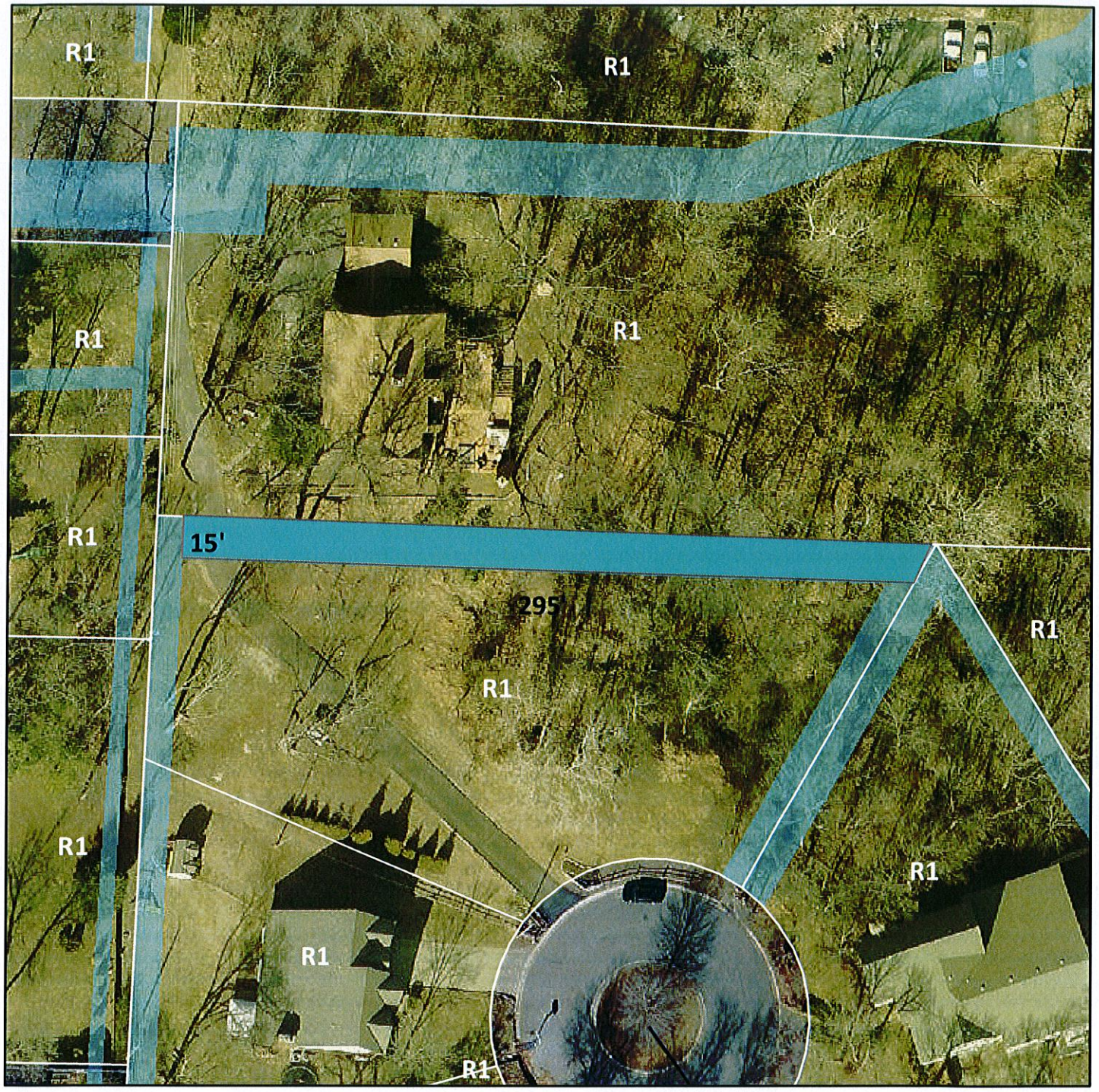
3. Affidavit(s) from the following private utility companies indicating their consent to vacate the easement(s). The following private companies must be contacted and consent to the vacation before the request can be advertised for public hearing.

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 041-16: 20 feet south of 1365 Crest Drive – A request to vacate a fifteen (15) foot utility easement – Mark Graham.

N

Case 041-16: 20 feet south of 1365 Crest Drive – A request to vacate a fifteen (15) foot utility easement – Mark Graham.

Mr. Smith opened the public hearing for Case 041-16.

Ms. Linda Gardner, 1011 Carrington Terrace, Joplin, appeared representing Mark and Tatiana Graham, who are adding onto their current property at 1365 Crest Drive. Ms. Gardner will serve as their general contractor. A 15-foot utility/drainage easement exists between two of Mr. and Mrs. Graham's lots. They are requesting the vacation of the easement so they can construct this addition onto their existing home.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 041-16.

Mr. Smith asked if all the utility companies have approved the vacation of the easement, and Ms. Cunningham replied yes. She has received letters from all the utility companies except Missouri Gas Energy but has received an e-mail from them stating a letter of approval is forthcoming.

MR. DERMOTT MOVED, SECONDED BY MR. CORTEZ, THAT CASE 041-16 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL, BASED UPON THE COMMENTS RECEIVED IN THE PLANNING REPORT AND DURING THE PUBLIC HEARING. THE MOTION CARRIED, WITH MR. BROWN, MS. BRUECKNER-SEARS, MR. CORTEZ, MR. DERMOTT, MR. DUNCAN, AND MR. SMITH VOTING "AYE"; AND WITH MR. RAMSOUR BEING ABSENT (6 IN FAVOR, 1 ABSENT).