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

# STAFF PLANNING REPORT
## Vacation

**CASE 043-16** A request for the vacation of a 50' street easement

**APPLICANT** James Satlak

**REPRESENTATIVE** James Satlak

**LOCATION** 500 feet south of the intersection of 7th Street and Northpark Lane

### EXISTING CONDITIONS

| Easement Type(s) | Easement Size |
|---|---|
| Street | 50' x 430' |

### REASON FOR VACATION

Orr Avenue was not constructed and the easement was never vacated.

**UTILITIES CURRENTLY LOCATED IN THE EASEMENT?** Yes.

**UTILITIES PLANNED TO LOCATE IN THE EASEMENT?** N/A

### DISCUSSION

Orr Avenue was originally platted to be built at this location. However, it was constructed approximately 250' to the east. The original easement was never vacated. The owner would like to have the street easement vacated prior to development of the property. The approval of this application would vacate the street easement, but it would not vacate the utility easement. There are utilities located in this easement.

*Staff recommends approval of Case 043-16.*

### 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.: 043-16
Filing Fee: $ 450.00
Date Advertised:
Date Notices Sent 10-3-16
Public Hearing Date: 10-10-16

I. Applicant Name: JAMES SATLAK Phone: 417-540-5976

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

Address: P.O. BOX 597, JOPLIN, MO Zip: 64802-0597

Email: NONE

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

Street Vacation X

Alley Vacation

Utility vacation

Other (Please specify)

III. Legal Description of area requested to be vacated: ALL OF THE WEST ONE-HALF OF ORR STREET LYING EAST OF AND ADJOINING LOTS NUMBERED SIXTY-FIVE THRU SIXTY-EIGHT, INCLUSIVE, IN OAK RIDGE SUB-DIVISION IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI.

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

2. The vacation will not cause the public to suffer a loss or inconvenience. NONE

3. In justice to the applicant(s) the vacation should be granted. ORR STREET WAS MOVED AND THE ORIGINAL ORR STREET WAS NEVER VACATED.

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: James Sartin DATE: SEPT 14 2016

BY: _____

TITLE: _____




Case 043-16: 500 feet south of the intersection of 7th Street and Northpark Lane – A request to vacate a street easement – James Satlak.

N

Case 043-16: 500 feet south of the intersection of Seventh Street and Northpark Lane – A request to vacate a street easement – James Satlak.

Mr. Smith opened the public hearing for Case 043-16.

Mr. James Satlak, 823 Greenwood, Joplin, owns the property in Case 043-16. Many years ago Orr Avenue was platted to go down this section, with Orr actually being moved 200 feet to the east.

Mr. Satlak wants to vacate this strip through that land and stated that strip has already been vacated between Seventh and Eighth Streets.

Mr. Duncan asked if residential uses are proposed. Mr. Satlak replied this area contains woods, and that he owns seven duplexes on the west side of the storage buildings. The developer at the southeast corner of Seventh Street and Rex Avenue bulldozed all of the trees down, leaving no place for the deer and other wildlife to go. His intention is to leave the easement just the way it is. He has no intentions of building in this area.

Mr. Smith asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 043-16.

**MR. BROWN MOVED, SECONDED BY MS. BRUECKNER-SEARS, THAT CASE 043-16 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).**