Vacation of Streets or Easements Procedures

Applicability. Vacation is the process to eliminate any plat, part of a plat, street, alley, utility easement, or public reservation of land. The application shall be made by the public entity owning the property interest in the property sought to be vacated or by all owners of lands adjoining on both sides of the street, alley or public reservation proposed to be vacated.

Review Criteria. A vacation shall be reviewed according to the following criteria:

1. The application is in accordance with the comprehensive plan. In particular, the impact of the vacation on physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments reflect the principles and concepts of the plan.
2. Compliance with the requirements of this code. In particular, the vacation is consistent with the intent and design objectives of the subdivision design standards.
3. The vacation reflects sound planning and urban design principles with respect to existing and potential development in the vicinity, including consideration of current and future streets, opens spaces, blocks, lots, and public utilities and facilities.
4. Any impacts identified by specific studies or technical reports are mitigated with generally accepted sound planning, engineering, and urban design solutions, that reflect long-term solutions and sound fiscal investments.
5. No private rights will be injured or endangered by the vacation.
6. The street, easement or other public reservation of land to be vacated no longer serves a public purpose.
7. All resulting lots and parcels are capable of meeting the intent and objectives of the applicable zoning districts and development standards.

Review Procedures. In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements are specific to vacations:

1. Notice shall be published for two consecutive weeks in an official City newspaper. The notice shall state that an application for vacation has been filed in the office of the City Clerk, describing the property fully, and including all other information required for public hearings in Section 2.01.
2. The City Council or the Director may determine that it would be advisable to obtain the recommendation of Planning Commission concerning a vacation application prior to the public hearing before the City Council. In that event, the Planning Commission shall hold its own public hearing on the application according to the same procedures as City Council. At the conclusion of any such hearing, the Planning Commission shall submit its recommendation on the application to the City Council.
3. Approval of a vacation shall be by ordinance adopted by the City Council.

Effect of Decision. The vacation shall be effective on the date specified in the ordinance and after recording with the applicable county Recorder of Deeds. In approving a vacation, the City Council may place any conditions it deems necessary to protect the public health, safety and welfare, including the requirement for easements. The Director shall certify to the City Clerk when any conditions have been met and, upon such certification, the vacation may be recorded.

Vacation of Streets or Easements Application

Return Form to:
Planner
Joplin City Hall
602 S. Main Street
Joplin, Missouri 64801
417-624-0820 Ext. 1511
Zoning-Planning@JoplinMO.org

Office Use Only
Case No.: 032 - 24
Filing Fee: $600.00
Received: 9/5/24
Date Advertised: _____
Proj. No.: 24 - 106
Public Hearing Date: 10 - 14 - 24

Applicant: OWN, Inc. Phone No.: 816-777-0400

Address: 8455 College Blvd Overland Park, KS 66210 Email: jkonnesky@weareown.com

Owner: KC DT LLC Phone No.: 816-645-8963

Address: 4706 Broadway St Kansas City, MO 64112 Email: tstrong@USFPCO.com

Location of Street or Easement: West 22nd Street & South Maiden Lane 2128 S Maiden Ln

Type of Vacation: Street (Easement) Alley Plat

Instructions: Please indicate below the extent to which the following standards are met, in the applicant's opinion.

Yes	No	
☑	☐	Private rights will not be injured or endangered by the vacation.
☑	☐	The vacation will not cause the public to suffer a loss or inconvenience.
☑	☐	In justice to the applicant(s) the vacation should be granted.

Submission of Documents: The following documents are **required** at time of submission.

Yes	No	
☑	☐	Legal description of the street, alley, or utility easement to be vacated from a deed of record or certified survey. Digital copies are acceptable. Must be legible.
☑	☐	Survey or such other drawing acceptable to the Director of Planning,

Development, & Neighborhood Services depicting the street, alley or public reservation sought to be vacated and the properties and property ownerships surrounding said street, alley, or public reservation.

☑ ☐ Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, who are not listed as an applicant, indicating their consent to the vacation.

☑ ☐ Completed Utility Comments forms from the following utility companies indicating their consent to vacate the easement. The following companies must be contacted, and their consent received, before the Public Hearing can take place.

Utility	Contact	Email	Phone
AT&T	Gene Lollis	IL0967@att.com	417-499-7819
MoAm Water*	Robert Divine	robert.divine@amwater.com	
MoAm Water*	Drew Daniels	drew.daniels@amwater.com	
Liberty Utilities (Power)	Jeff Lebeda	jeff.lebeda@libertyutilities.com	417-625-6159
Republic Services (Trash)			(800) 431-1507
Cable One/Sparklight	Keri Bledsoe	keri.bledsoe@sparklight.biz	
Spire Energy (Gas)**	Ken Stegall	ken.stegall@spireenergy.com	
Spire Energy (Gas)**	Mandy Butkovich	mandy.butkovich@spireenergy.com	816-472-3767
City Sanitary Sewer	Chris Parker	cparker@joplinmo.org	417-624-0820 x1584
City Stormwater	Kaleb Roberts	kroberts@joplinmo.org	417-624-0820 x1531

*Must contact ALL contacts at MoAm Water.
**Must contact BOTH contacts at Spire Energy.

Signature: _____ **Date:** 08/29/2024

Utility Comments: Vacation of Streets, Alleys, & Easements

City of Joplin
Planning, Development, & Neighborhood Services
602 S. Main St., Joplin, MO 64801
417-624-0820 ext. 1511
Zoning-Planning@JoplinMO.org

Case Number:_____
Applicant:_____
Phone:_____
Email:_____

Be it known that Kansas City DT, LLC, *being owners of real estate abutting or withholding a street, alley, or easement, desires to petition the City of Joplin, Missouri, to pass an ordinance vacating:* A Sanitary Sewer Easement to be relocated around a approved Dollar Tree Store.

Located at: The Northwest corner of West 22nd Street & South Maiden Lane.

For the following purpose: To build a City approved Dollar Tree Store.

For Utility Use:

1. Our utility has facilities or interest within this right-of-way:
   □ Yes (proceed to #2) □ No (form complete)

2. Our utility:
   □ has no objection
   □ objects to vacation and will not waive objection under any conditions (describe below, or on separate sheet.)
   □ will waive objections subject to the following conditions (describe below, or on separate sheet.)
      □ Retain utility easement and protect facilities
      □ Relocate facilities
      □ Other: _____

Please return this form within **21 days** to the applicant listed above.

_____ _____
Authorized Representative Date

_____
Name of Utility

Utility Comments: Vacation of Streets, Alleys, & Easements

City of Joplin
Planning, Development, & Neighborhood Services
602 S. Main St., Joplin, MO 64801
417-624-0820 ext. 1511
Zoning-Planning@JoplinMO.org

Case Number: _____
Applicant: _____
Phone: _____
Email: _____

Be it known that Kansas City DT, LLC, *being owners of real estate abutting or withholding a street, alley, or easement, desires to petition the City of Joplin, Missouri, to pass an ordinance vacating:* A Sanitary Sewer Easement to be relocated around a approved Dollar Tree Store.

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1. Our utility has facilities or interest within this right-of-way:
   ☑ Yes (proceed to #2) ☐ No (form complete)

2. Our utility:
   ☐ has no objection
   ☐ objects to vacation and will not waive objection under any conditions (describe below, or on separate sheet.)

   ☑ will waive objections subject to the following conditions (describe below, or on separate sheet.)
   ☐ Retain utility easement and protect facilities
   ☑ Relocate facilities
   ☑ Other: New sewer reroute & its easement protecting City interests have been done/built & recorded at County; see attachments demonstrating this fact.

Please return this form within **21 days** to the applicant listed above.

Authorized Representative — 9/04/24 Date

City of Joplin - Sanitary Sewer
Name of Utility

Recorded In Jasper County, Missouri

Recording Date/Time: 08/22/2024 at 01:02:31 PM

Book: 2728 Page: 240

Instr #: 2024010888

Type: EASE

Pages: 4

Fee: $33.00 S 20240010714

RECORDER OF DEEDS SEAL JASPER COUNTY, MO

Charlotte Pickering
Recorder of Deeds

SEWER EASEMENT

THIS INDENTURE, made the 13th day of August, 2024, by and between KC DT LLC, party of the first part (GRANTOR), and *City of Joplin, a Municipal Corporation*, of the County of Jasper, in the State of Missouri, party of the second part (GRANTEE).

Mailing Address of Grantee: 602 S. Main Street, Joplin, Missouri 64801

WITNESSETH: that the said parties of the first part, in consideration of the sum of Ten and 00/100 Dollars ($10.00) and other good and valuable considerations now paid the said parties of the first part by the party of the second part, the receipt and sufficiency of which is hereby confessed and acknowledged, the parties of the first part do hereby GRANT and CONVEY unto the said party of the second part, and to its assigns and legal representatives and to its agents, servants and employees, full and free right and privilege, from time to time hereafter at his and their will and pleasure, to install, construct, erect, repair and maintain a sanitary sewer line, sewer system, sewer pipe, sewer connections and sewer mains, with manholes and other appurtenances, and do all other things necessary for the installation, construction, erection, repair and maintenance of said sanitary sewer line upon and along the property hereinafter described.

The lands of said parties of the first part above referred to in and upon which the party of the second part is granted and conveyed the right to install, construct, erect, maintain and repair a sanitary sewer system are located and situated in the County of Jasper, State of Missouri, and described as follows, to wit:

PERMANENT EASEMENT:

IN TESTIMONY WHEREOF, I, Samuel J. DePriest, being a Professional Land Surveyor in the State of Missouri, do hereby certify to the accuracy of the legal description contained herein, and have hereunto set my hand and affixed my official seal hereto.

STATE OF MISSOURI
SAMUEL J. DEPRIEST
NUMBER PLS-2013000041
PROFESSIONAL LAND SURVEYOR

08/14/2024
Date (sealed)

Party of the second part hereby covenants and agrees to refill all holes and ditches dug by it, its agents, servants or employees, in the installation, construction, erection, repair and maintenance of the sanitary sewer lines, sewer system, sewer pipes, sewer connections and sewer mains herein constructed.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

KC DT LLC

By _____
Michael Belew, Member

By _____

STATE OF MISSOURI)
)ss
COUNTY OF JACKSON

ACKNOWLEDGEMENT BY PARTNERSHIP

On this 13th day of August, 2024 before me personally appeared _____ Michael Belew of KC DT LLC, to me known to be the persons described in and who executed the foregoing instrument, who being by me duly sworn, acknowledged that they executed the same as their free act and deed and for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above written.

My term expires November 4, 2025.

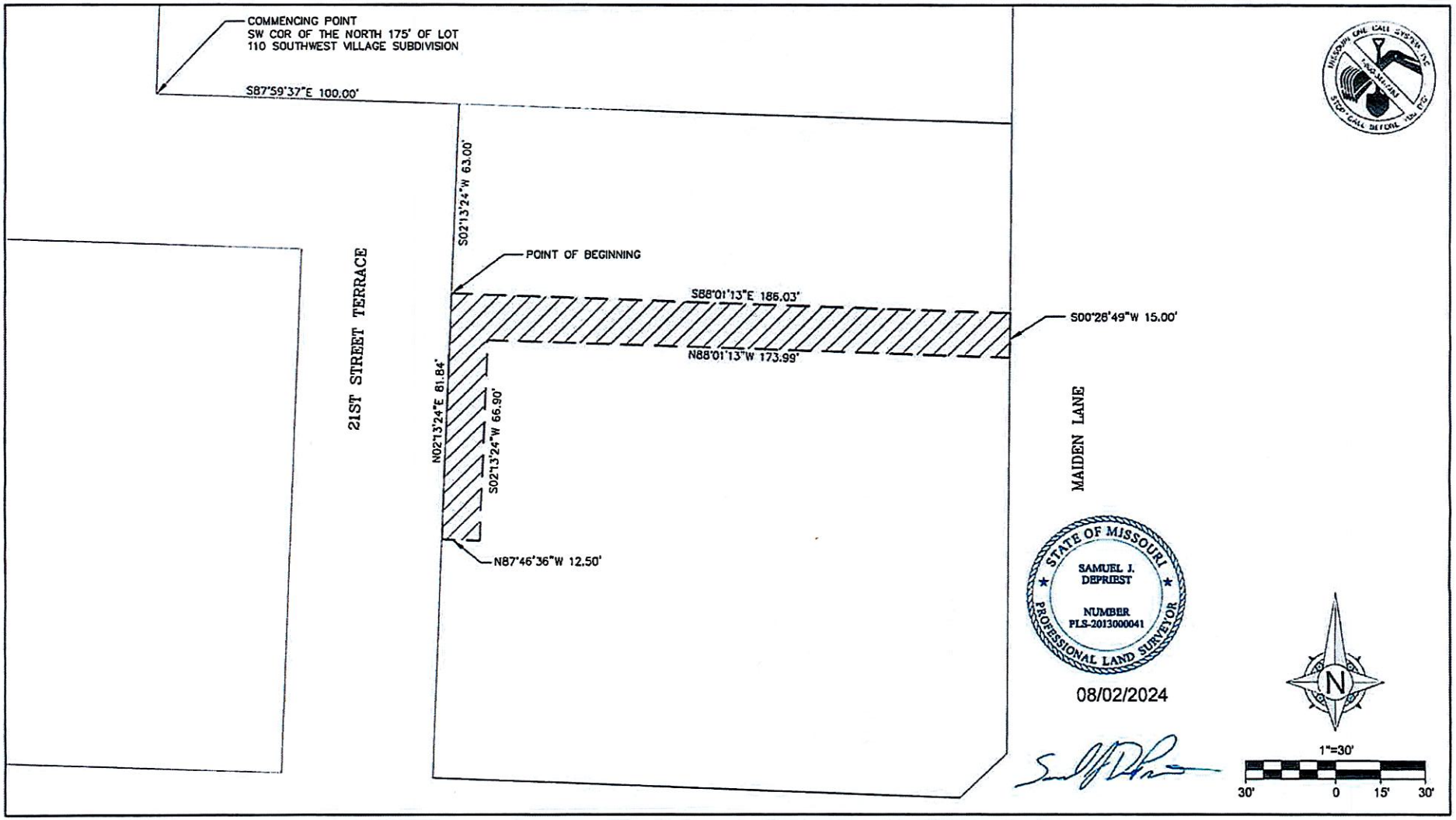
KRISTI STUEDLE
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES NOVEMBER 4, 2025
CLAY COUNTY
COMMISSION #13473833

Kristi Stuedle
Notary Public

All that part of Lot 110, of Southwest Village Subdivision, a subdivision in the City of Joplin, Jasper County, Missouri being more particularly described as follows: commencing at the southwest corner of the North 175 feet of said Lot 110, thence South 87 degrees 59 minutes 37 seconds East, with the south line of the North 175 feet of said Lot 110, a distance of 100.00 feet; thence South 02 degrees 13 minutes 24 seconds West, and no longer with the south line of the North 175 feet of said Lot 110, and with the east right of line of 21st Street Terrace, a distance of 63.00 feet to the point of beginning; thence South 88 degrees 01 minute 13 seconds East, and no longer with the east right of way line of 21st Street Terrace, a distance of 186.03 feet to a point on the west right of way line of Maiden Lane; thence South 00 degrees 28 minutes 49 seconds West, with the west right of way line of Maiden Lane, a distance of 15.00 feet; thence North 88 degrees 01 minute 13 seconds West, and no longer with the west right of way line of Maiden Lane, a distance of 173.99 feet; thence South 02 degrees 13 minutes 24 seconds West, a distance of 66.90 feet; thence North 87 degrees 46 minutes 36 seconds West, a distance of 12.50 feet to a point on the east right of way line of 21st Street Terrace; thence North 02 degrees 13 minutes 24 seconds East, with the east right of way line of 21st Street Terrace, a distance of 81.84 feet to the point of beginning. The above described tract contains 3,630 square feet or 0.08 acres.



08/02/2024



OWN
Engineering beyond.
8455 College Boulevard
Overland Park, KS 66210
816.777.0400
COA# E-137

DOLLAR TREE

EXHIBIT B

WEST 22ND STREET AND MAIDEN LANE, JOPLIN, MISSOURI

DRAWN BY:	FIELD BY:
HD	-
DATE: 07-15-2024	FIELD BK: -

Recorded in Jasper County, Missouri

Recording Date/Time: 05/16/2024 at 08:40:09 AM
Book: 2717 Page: 182
Instr #: 2024006080
Type: EASE
Pages: 4
Fee: $33.00 S 20240006026

SEAL

Charlotte Pickering
Recorder of Deeds

SEWER EASEMENT

THIS INDENTURE, made the 7th day of May, 2024, by and between KC DT LLC party of the first part (GRANTOR), and *City of Joplin, a Municipal Corporation*, of the County of Jasper, in the State of Missouri, party of the second part (GRANTEE).

Mailing Address of Grantee: 602 S. Main Street, Joplin, Missouri 64801

WITNESSETH: that the said parties of the first part, in consideration of the sum of Ten and 00/100 Dollars ($10.00) and other good and valuable considerations now paid the said parties of the first part by the party of the second part, the receipt and sufficiency of which is hereby confessed and acknowledged, the parties of the first part do hereby GRANT and CONVEY unto the said party of the second part, and to its assigns and legal representatives and to its agents, servants and employees, full and free right and privilege, from time to time hereafter at his and their will and pleasure, to install, construct, erect, repair and maintain a sanitary sewer line, sewer system, sewer pipe, sewer connections and sewer mains, with manholes and other appurtenances, and do all other things necessary for the installation, construction, erection, repair and maintenance of said sanitary sewer line upon and along the property hereinafter described.

The lands of said parties of the first part above referred to in and upon which the party of the second part is granted and conveyed the right to install, construct, erect, maintain and repair a sanitary sewer system are located and situated in the County of Jasper, State of Missouri, and described as follows, to wit:

PERMANENT EASEMENT:

IN TESTIMONY WHEREOF, I, Samuel J. DePriest, being a Professional Land Surveyor in the State of Missouri, do hereby certify to the accuracy of the legal description contained herein, and have hereunto set my hand and affixed my official seal hereto.

STATE OF MISSOURI
SAMUEL J.
DEPRIEST
NUMBER
PLS-2013000041
PROFESSIONAL LAND SURVEYOR

04.16.2024
Date (sealed)

Party of the second part hereby covenants and agrees to refill all holes and ditches dug by it, its agents, servants or employees, in the installation, construction, erection, repair and maintenance of the sanitary sewer lines, sewer system, sewer pipes, sewer connections and sewer mains herein constructed.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

By Daniel Carr - President KC DT

By

STATE OF MISSOURI)
)ss
COUNTY OF NEWTON)

ACKNOWLEDGEMENT BY PARTNERSHIP

On this 7th day of May ~~April~~, 2024 before me personally appeared Daniel Carr of KC DT LLC, to me known to be the persons described in and who executed the foregoing instrument, who being by me duly sworn, acknowledged that they executed the same as their free act and deed and for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above written.

My term expires July 20th, 2027.

Notary Public

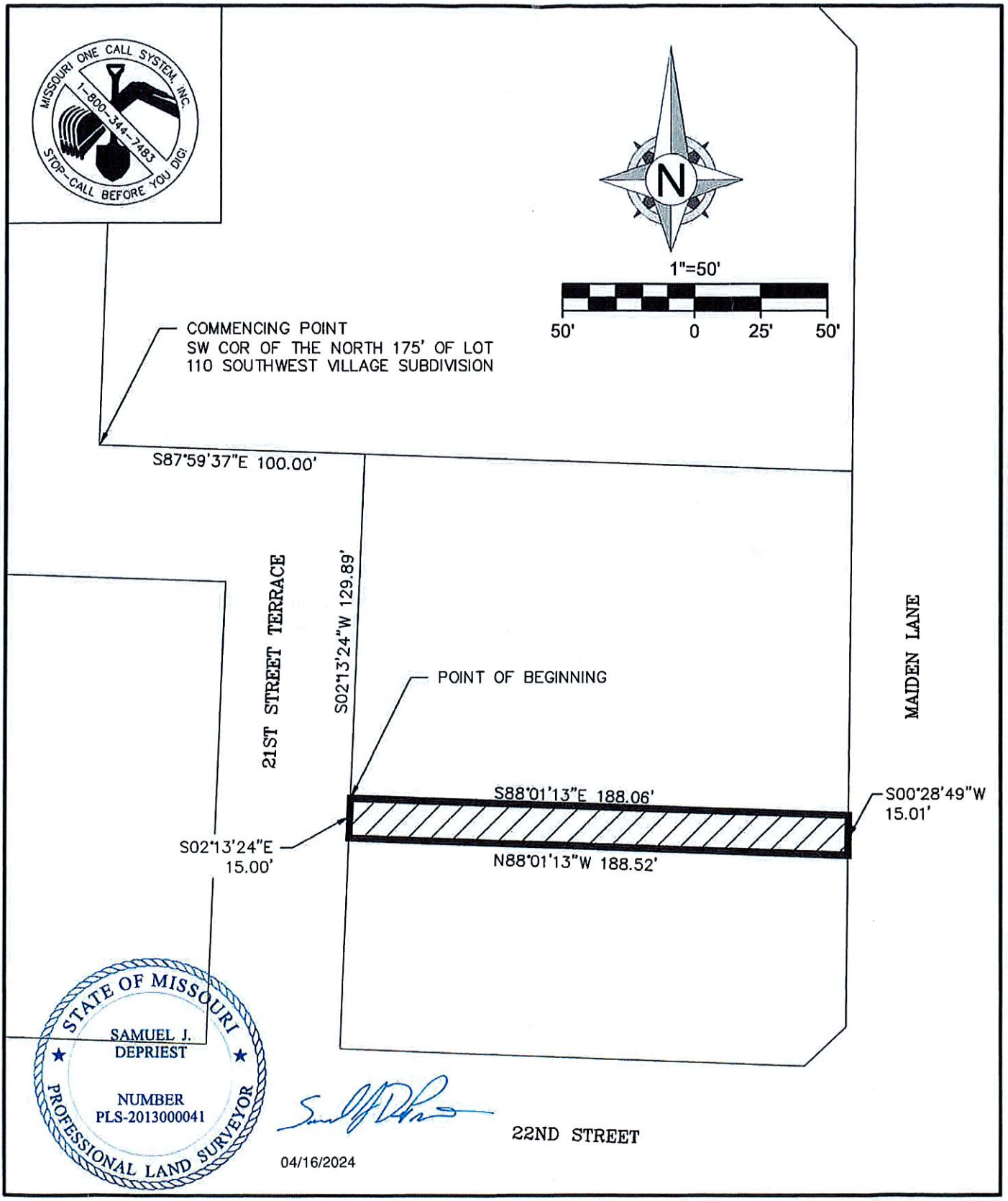
RYAN THOMAS KELLY
Notary Public - Notary Seal
Jackson County - State of Missouri
Commission Number 23246339
My Commission Expires Jul 20, 2027

EXHIBIT A

All that part of Lot 110, of Southwest Village Subdivision, a subdivision in the City of Joplin, Jasper County, Missouri being more particularly described as follows: commencing at the southwest corner of the North 175 feet of said Lot 110, thence South 87 degrees 59 minutes 37 seconds East, with the south line of the North 175 feet of said Lot 110, a distance of 100.00 feet to a point on the east right-of-way line of 21st Street Terrace; thence South 02 degrees 13 minutes 24 seconds West, with the east right-of-way line of 21st Street Terrace, a distance of 129.89 feet to the point of beginning; thence South 88 degrees 01 minute 13 seconds East, and no longer with the east right-of-way line of 21st Street Terrace, a distance of 188.06 feet to a point on the west right-of-way line of Maiden Lane; thence South 00 degrees 28 minutes 49 seconds West, with the west right-of-way line of Maiden Lane, a distance of 15.01 feet; thence North 88 degrees 01 minute 13 seconds West, and no longer with the west right-of-way line of Maiden Lane, a distance of 188.52 feet to a point on the east right-of-way line of 21st Street Terrace; thence North 02 degrees 13 minutes 24 seconds East, with the east right-of-way line of 21st Street Terrace, a distance of 15.00 feet to the point of beginning. The above described tract contains 2,824 square feet, or 0.06 acres.



04/17/2024



OWN
Engineering beyond."
8455 College Boulevard
Overland Park, KS 66210
816.777.0400
COA# 00062

DOLLAR TREE

EXHIBIT B

WEST 22ND STREET AND MAIDEN LANE, JOPLIN, MISSOURI

DRAWN BY: SD
DATE: 04.16.2024
FIELD BY: