Z&P Meeting: October 15, 2015
City Council Meeting: November 2, 2015

STAFF PLANNING REPORT
Vacation

CASE 037-15 A request for the vacation of an alley easement.

APPLICANT Majzoub Family Trust

REPRESENTATIVE Levi Greer

LOCATION 175' north of the Northwest Corner of 15th Street and Rangeline Road

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Alley	20x280 ft

REASON FOR VACATION

The Majzoub Family Trust would like to vacate this alley easement so that the future Chili's restaurant can construct their facilities on this property without building in an existing easement.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT? Yes – sanitary sewer.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT? No.

DISCUSSION

This easement is the site for the future Chili's development at the Northwest Corner of 15th Street and Rangeline Road. In order to construct the restaurant on this site, Chili's needs to build on top of the location of the existing easement. This is an alley easement that is also used for utility lines within the alley. Currently there is a sanitary sewer line that runs through the easement.

These lots were rezoned C-3-PD and the Chili's site plan was approved by Planning and Zoning on April 13, 2015 and the City Council on May 18, 2015.

Staff recommends approval of Case 037-15.

ENCLOSURES

Application

Survey

RECEIVED
8-2715

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.:_____
Filing Fee: $ 350.00
Date Advertised:_____
Date Notices Sent_____
Public Hearing Date:_____

I. Applicant Name: MAJZOUB FAMILY LP Phone: 781-8812

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

Address: PO Box 2602 Joplin MO Zip: 64803

Email: yorktownpeps@gmail.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: See attachment.

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. The area where the alley is was a drainage culvert and was not visible as an alley.

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

3. In justice to the applicant(s) the vacation should be granted. We own the property on both sides of the alley. The vacation will allow us to use the property more effectively.

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

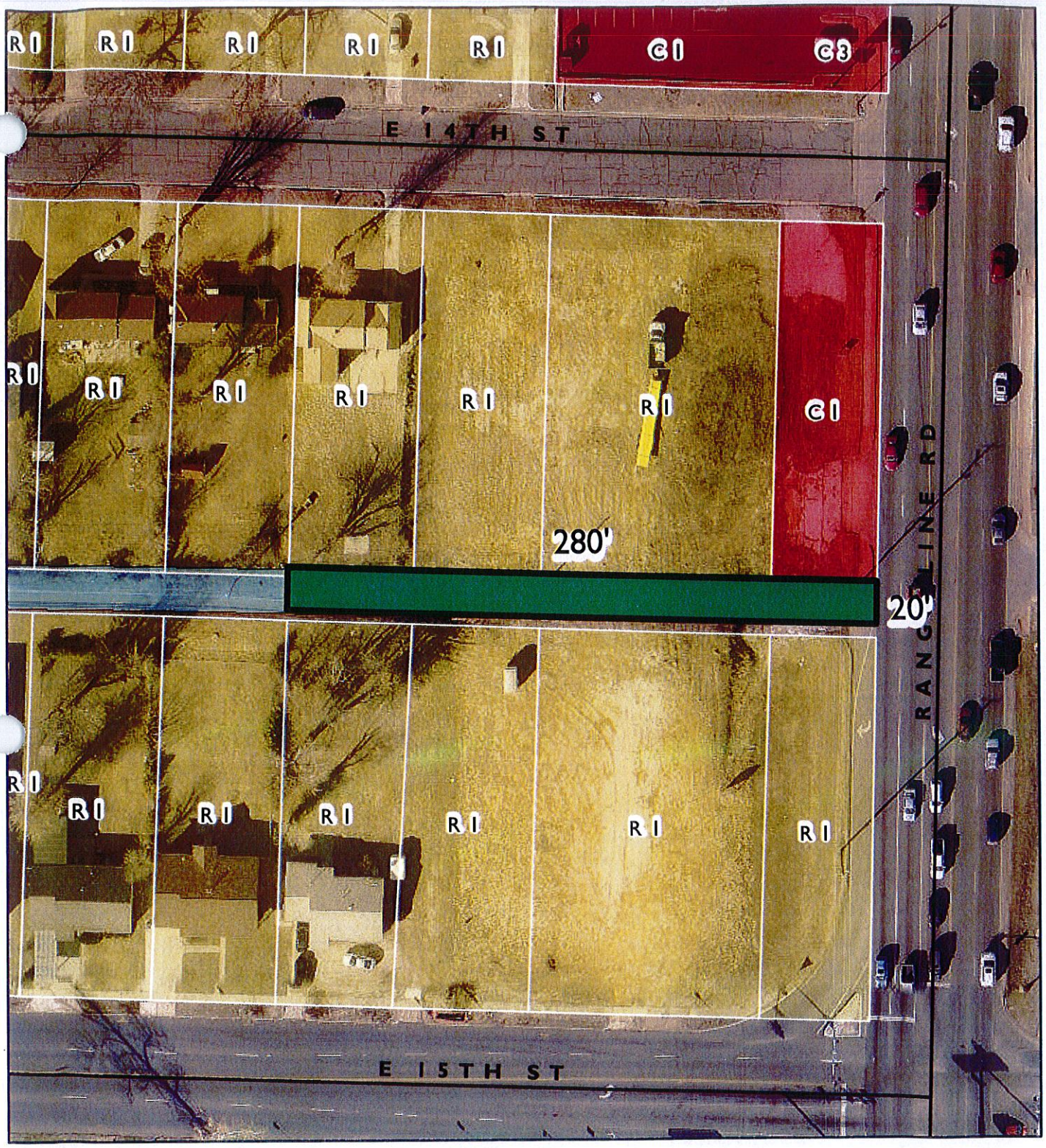
SIGNATURE: _____ DATE: 8-26-15

BY: JEFF MAZOUB

TITLE: MANAGER

Alley area to be vacated

T.G.
MAWC
E-28-15



0 55 110 220 330 440 Feet

Case 037-15: 175' north of the Northwest Corner of 15th Street and Rangeline Road – A request for the vacation of an alley easement – Majzoub Family Trust.

N

Case 037-15: 175 Feet north of the Northwest Corner of 15th Street and Range Line Road – A request for the vacation of an alley easement – Majzoub Family Trust.

Mr. Eastman opened the public hearing for Case 037-15.

Mr. Mike Mellinger, 2615 East 36th Street, Joplin, Missouri, appeared representing the Majzoub Family Trust to request the vacation of the alley in Case 037-15. Several months ago, they appeared before this commission and the City Council to request zoning of this property for Chili's but did not have consent from all the utility companies to vacate the alley. They have now received consent from all the utilities and are now requesting the alley vacation.

Mr. Eastman asked for comments from the commissioners and the audience, and none were received. He then closed the public hearing for Case 037-15.

MR. SMITH MOVED, SECONDED BY MR. DUNCAN, THAT CASE 037-15 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, MR. DERMOTT, MR. DUNCAN, MR. EASTMAN, MR. RAMSOUR, AND MR. SMITH VOTING "AYE"; AND WITH MR. CORTEZ BEING ABSENT (6 IN FAVOR, 1 ABSENT).