CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2024-285 – Easement Vacation

MEETING DATE:
November 4, 2024

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
Assistant City Manager – Tony Robyn
City Manager – Nicholas Edwards

FUNDING SOURCE:
Not applicable for this item.

SUMMARY REQUEST:
Case 031-24: 1403 E Valley St – Easement Vacation – A request to vacate part of a utility easement – Ledford Construction

BACKGROUND:

The requested easement vacation lies within a portion of a vacated street known as Comingo Avenue. This street was vacated in Ordinance No. 27115. A utility savings clause was established to protect easements, so only the right-of-way was impacted.

Ledford Construction wishes to build a house in part of the vacated street. They are requesting to vacate the easements for the portion of the street where there are currently no utilities.

PLANNING & ZONING COMMISSION TESTIMONY:

Tyler Ledford of 2806 Arizona suite C, Joplin, Missouri presented the case on behalf of Ledford Construction.

Mr. Ledford stated Ledford Construction wants to partially vacate the easement for the purpose of constructing a single-family home on the property.

PUBLIC COMMENT;
None.

RECOMMENDATIONS:
Staff recommends approving Council Bill 2024-285
Planning & Zoning Commission recommends approving Case 031-24 (7 in Favor, 0 Opposed, 0 Absent)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

CASE 031-24: EASEMENT VACATION

1403 E Valley St- Easement Vacation- A request to vacate part of a utility easement- Ledford Construction

Mr. Kimble asked if the applicant could come forward and state their name and address for the record.

Tyler Ledford of 2806 Arizona suite C, Joplin, Missouri presented the case on behalf of Ledford Construction.

Mr. Ledford stated Ledford Construction wants to partially vacate the easement for the purpose of constructing a single-family home on the property.

Mr. Kimble asked if the commission had any questions for the applicant.

Mr. Kimble asked the audience if anyone would like to speak in favor of this case.

Mr. Kimble asked the audience if anyone would like to speak in opposition to this case.

Mr. Kimble opened the floor to the commission for a motion of this case.

DR. ROSENBERG MADE A MOTION TO APPROVE CASE 031-24. MR. SPRUCE SECONDED THIS MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY, 0 ABSENT)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 031-24 A request to vacate part of a utility easement

APPLICANT Ledford Construction

REPRESENTATIVE Ledford Construction

LOCATION 1403 E Valley St

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Vacated Street	Approximately 15′X85′

REASON FOR VACATION

The applicant, Ledford Construction, needs this space to build a single-family home.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

There are existing utilities in the easement. The applicant is only requesting to vacate the portion of the easement that does not have any utilities located within it.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

Sparklight and Liberty have interests in the easement. They have waived objections, as the portion of the easement requested to be vacated does not contain/impact their overhead electric line.

DISCUSSION

The requested easement vacation lies within a portion of a vacated street known as Comingo Avenue. This street was vacated in Ordinance No. 27115. A utility savings clause was established to protect easements, so only the right-of-way was impacted.

Ledford Construction wishes to build a house in part of the vacated street. They are requesting to vacate the easements for the portion of the street where there are currently no utilities.

Staff recommends approving Case 031-24.

ENCLOSURES

- Application
- Map

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.: 031-24
Filing Fee: $600.00
Received: 8/14/24
Date Advertised: _____
Proj. No.: 24-099
Public Hearing Date: 10/14/24 @4
11/4/24 @6

Applicant: Ledford Construction and Development, LLC Phone No.: 4178502584

Address: 2806 Arizona Ave Suite C, Joplin, MO 64804 Email: tyler@ledfordconstructioncompany.com

Owner: Ledford Construction and Development, LLC Phone No.: 4178502584

Address: 1403 Valley St. Joplin, MO 64801 Email: tyler@ledfordconstructioncompany.com

Location of Street or Easement: Northeast lot where Comingo Ave (vacated) meets Valley St

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.

☐ N/A ☐ 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*	Derec Bass	derec.bass@amwater.com	
MoAm Water*	Trenton Mccarty	trenton.mccarty@amwater.com	
MoAm Water*	Bob Kirby	bob.kirby@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	Steven Martinez	smartine@joplinmo.org	417-624-0820 x1531

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

Signature: Tyler Ledford **Date:** 8/14/24

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: Tyler Ledford
Phone: 4178502584
Email: tyler@ledfordconstructioncompany.com

Be it known that Ledford Construction and Development, 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:* Our portion of the easement known as Comingo Ave. (25ft) to be partially vacated. This would include, what is shown on the provided certified plot plan, the portion starting on the east side of the the easement going west where we wish to put the future home.

Located at: Northeast lot where Comingo Ave (vacated) meets Valley St

For the following purpose: The only existing utility known to be using this vacated easement is Liberty Utilities. It is possible that other utilities companies may have future plans with this easement. That being said, we are only requesting 11.78' (south end) and 15.9 (north end) of the east side of the what now is a 50' easement (our 25' and the neighbor to the west's 25'). We are currently meeting the 10' requirement off of liberty's power line as shown in the certified plot plan. We kindly ask every utility company receiving this vacation request to grant us the space needed for a future resident.

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.

Gene Lollis
Authorized Representative

8/12/2024
Date

AT&T
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: Tyler Ledford
Phone: 4178502584
Email: tyler@ledfordconstructioncompany.com

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   - ☐ 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.

Matthew A. Jones Director of Operations — 8-14-2024

Authorized Representative — Date

Missouri American Water Co.

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: Tyler Ledford
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For Utility Use:

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   ☒ 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: Liberty agrees to vacate based upon the drawings attached preserving a 10 ft utility easement.

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

[signature] 8-8-24
Authorized Representative Date

Liberty Utilities
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: Tyler Ledford
Phone: 4178502584
Email: tyler@ledfordconstructioncompany.com

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   ☒ 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.

_____ 8/14/24
Authorized Representative — Date

Spar k light
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: _____
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   ☐ 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: Spoke w Tyler, work should not impact our overhead line

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

[signature] 8/12/24
Authorized Representative Date

Sparklight
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: Tyler Ledford
Phone: 4178502584
Email: tyler@ledfordconstructioncompany.com

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     - ☐ Relocate facilities
     - ☐ Other: _____

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

Alex Sammet (Aug 7, 2024 08:16 CDT)
Authorized Representative

08/07/2024
Date

Spire
Name of Utility

Spire Missouri Inc.
700 Market St.
St. Louis, MO 63101

8/5/24

Ledford Construction and Development, LLC

Re: Request to vacate the utility easement at 1403 Valley St, Joplin, MO that was retained in previous vacation of Comingo Ave via Ordinance NO. 27115 in 1974.

Vacation: Request to vacate the utility easement that was retained in previous vacation of Comingo Ave via Ordianace No. 27115 in 1974 as shown in black shaded area on the attached drawing.

Ledford Construction and Development, LLC,

In response to your letter relative to the above referenced request to vacate part of the utility easement at 1403 Valley St in Joplin, MO that was retained when Comingo Ave was vacated in 1974.

Please be advised that Spire Missouri Inc. ("Spire") has no facilities located within the area which is requested to be vacated.

Sincerely,

Alex Sammet (Aug 7, 2024 08:16 CDT)

Alex Sammet
Right of Way Area Manager, Missouri
Spire Missouri Inc.

TJF:MRS
cc: tyler@ledfordconstructioncompany.com

Engineering Dept. Approval: JMA

System Planning Approval: PAC

Signature: Jose Arellano

Email: jose.arellano@spireenergy.com

Signature: Phil Cellitti
Phil Cellitti (Aug 7, 2024 08:14 CDT)

Email: phil.cellitti@spireenergy.com

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: Tyler Ledford
Phone: 4178502584
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Located at: Northeast lot where Comingo Ave (vacated) meets Valley St

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   - ☐ 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.

Chris Parker - Civil Engineer 2 — Authorized Representative

8/06/24 — Date

City of Joplin - Sanitary Sewer — 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: Tyler Ledford
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     _____

     _____
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     - ☐ Relocate facilities
     - ☐ Other: _____

       _____

       _____

       _____

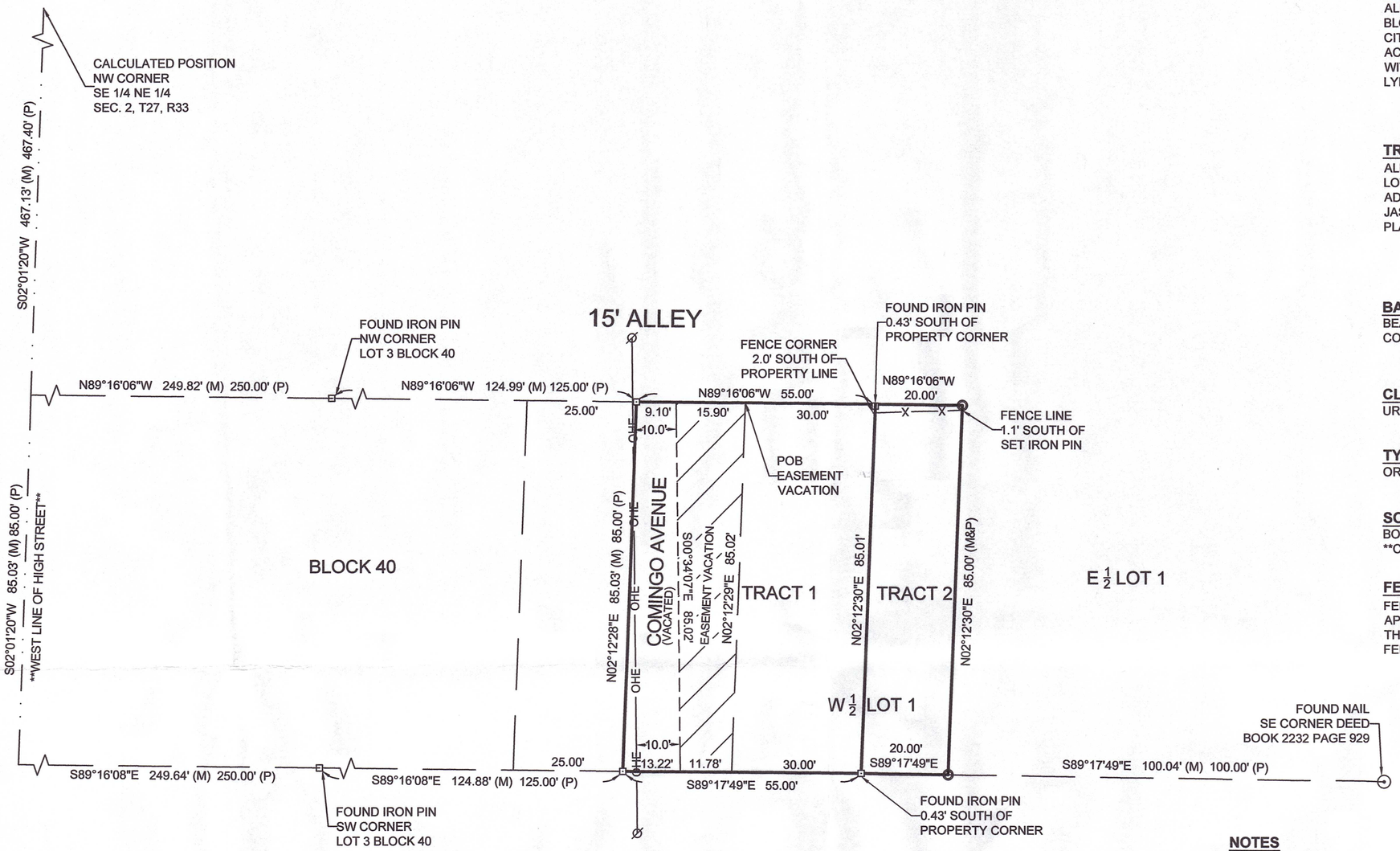
Please return this form within **21 days** to the applicant listed above.

_____ 8-5-24

Authorized Representative — Date

Stormwater

Name of Utility



TRACT 1:
ALL OF THE WEST THIRTY FEET OF LOT NUMBERED ONE (1) IN BLOCK THIRTY-NINE (39) IN FIRST ADDITION TO EAST JOPLIN CITY TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF, TOGETHER WITH THE EAST HALF (E1/2) OF VACATED COMINGO STREET, LYING WEST OF AND ADJOINING SAID LOT ONE (1).

TRACT 2:
ALL OF THE EAST TWENTY FEET OF THE WEST FIFTY FEET OF LOT NUMBERED ONE (1) IN BLOCK THIRTY-NINE (39) IN FIRST ADDITION TO EAST JOPLIN CITY TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

BASIS OF BEARINGS
BEARINGS ARE BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983 MISSOURI WEST ZONE.

CLASS OF PROPERTY
URBAN

TYPE OF SURVEY
ORIGINAL

SOURCE DOCUMENTS
BOOK 2705 PAGE 392
**COURT DECREE DATED 1/17/1919

FENCE NOTE
FENCE LOCATIONS SHOWN BETWEEN DIMENSION POINTS ARE APPROXIMATE AND THE ACTUAL FENCE MAY MEANDER FROM THE LOCATIONS SHOWN ON THE PLAT HEREIN. INTERIOR FENCES MAY NOT BE SHOWN.

LEGEND

- FOUND IRON PIN
- SET IRON PIN
- FOUND NAIL
- OHE — ELECTRIC LINE
- POWER POLE
- (M) MEASURED
- (D) DEED
- (P) PLAT

EASEMENT VACATION:
ALL THAT PART OF VACATED COMINGO AVENUE IN BLOCK THIRTY-NINE (39) LYING BETWEEN VALLEY STREET AND FURNACE STREET IN FIRST ADDITION TO EAST JOPLIN CITY IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN FIRST ADDITION TO EAST JOPLIN CITY;
THENCE N89°16'06"W A DISTANCE OF 15.90 FEET;
THENCE S00°34'07"E A DISTANCE OF 85.02 FEET TO THE NORTH LINE OF VALLEY STREET;
THENCE S89°17'49"E A DISTANCE OF 11.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;
THENCE N02°12'29"E ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 85.02 FEET TO THE POINT OF BEGINNING.

0' 20' 40'

SURVEY NOT VALID UNLESS SIGNED IN BLUE INK

NOTES
NO UTILITIES SHOWN AS A PART OF THIS SURVEY.
EASEMENTS AND SETBACKS ARE NOT SHOWN ON THE ORIGINAL PLAT.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

NO FLOOD DETERMINATIONS HAVE BEEN EXAMINED AS A PART OF THIS SURVEY.

THIS SURVEY HAS BEEN PERFORMED BASED ON KNOWLEDGE AND INFORMATION IN ACCORDANCE WITH COMMONLY ACCEPTED PROCEDURES CONSISTENT WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND IS NOT A GUARANTEE OR WARRANTY EITHER EXPRESSED OR IMPLIED. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS AND MAY NOT BE USED IN CONNECTION WITH A "SURVEY AFFIDAVIT" OR SIMILAR DOCUMENT, STATEMENT, OR MECHANISM TO OBTAIN TITLE INSURANCE FOR ANY SUBSEQUENT OR FUTURE GRANTEES.

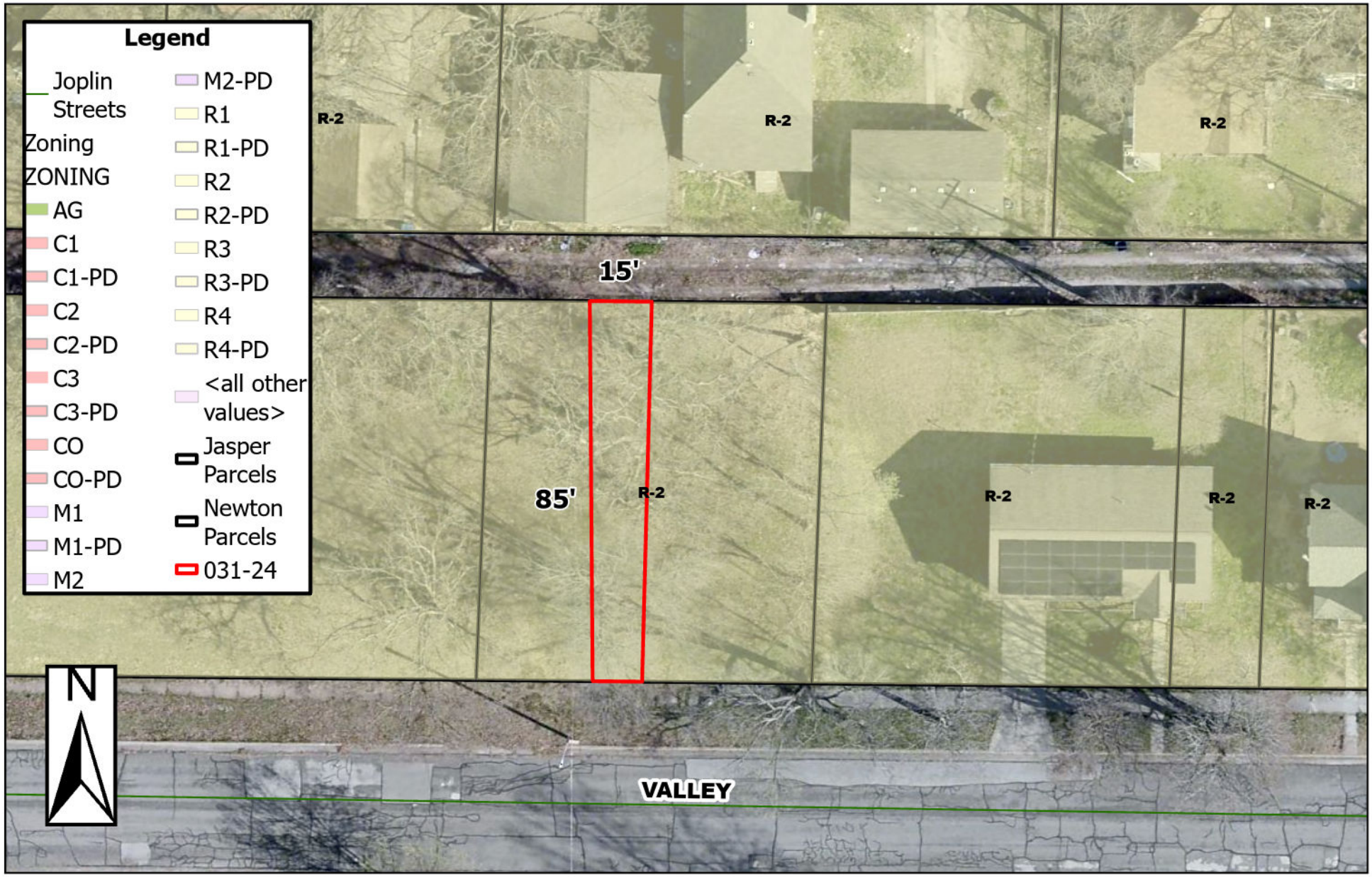
CERTIFICATE OF AUTHORITY LICENSE NUMBER LS-2014013548 EXPIRATION 12/31/2024

STATE OF MISSOURI
BRIAN A. MAYNE
NUMBER
PLS-2008000859
7/23/24
PROFESSIONAL LAND SURVEYOR

MJ SURVEYING, LLC
PH 417.623.2525
2224 S. MAIN ST.
JOPLIN, MO 64804
www.MJSurveyingLLC.com

DRAWN AMM	DATE 7/23/2024	LEDFORD CONSTR. PART LOT 1 IN FIRST ADD. TO EAST JOPLIN CITY, JOPLIN, JASPER COUNTY, MISSOURI
APPROVED BAA	DATE 7/23/2024	
SCALE 1"=20'	SHEET B/R	PROJECT # 24288

Case 031-24: Easement Vacation



1403 E Valley St - Easement Vacation - A request to vacate part of a utility easement - Ledford Construction

0 10 20 40 60 80
Feet

P & Z Case 031-24
Ledford Construction
(P & Z Recommended Approval)

COUNCIL BILL NO. 2024-285 ORDINANCE NO.

AN ORDINANCE providing to vacate a utility easement, lying on property described as 1403 E Valley St, City of Joplin, Jasper County, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That the vacation of a utility easement on property described as 1403 E Valley St, City of Joplin, Jasper County, Missouri, described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the lots and land:

ALL THAT PART OF VACATED COMINGO AVENUE IN BLOCK THIRY-NINE (39) LYING BETWEEN VALLEY STREET AND FURNACE STREET IN FIRST ADDITION TO EAST JOPLIN CITY IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN FIRST ADDITION TO EAST JOPLIN CITY; THENCE N89° 16'06"W A DISTANCE OF 15.90 FEET; THENCE S00° 34'07"E A DISTANCE OF 85.02 FEET TO THE NORTH LINE OF VALLEY STREET; THENCE S89° 17'49"E A DISTANCE OF 11.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N02° 12'29"E ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 85.02 FEET TO THE POINT OF BEGINNING.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2024, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney