CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2022-285 – Utility Easement Vacation

MEETING DATE:
November 7, 2022

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
City Manager – Nicholas Edwards

FUNDING SOURCE:
These payments are included in the FY2021-22 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 055-22: Easement Vacation – 3209 S Range Line Rd. – A request to vacate a sanitary sewer easement – Driven Brands

BACKGROUND:
In order to develop the vacant lot, the applicant is requesting the easement be vacated in order to fit Take 5 Car Wash. The utilities would be rerouted to a new easement already dedicated to the sanitary sewer gravity main.

PLANNING & ZONING COMMISSION TESTIMONY:
Logan Ellis of Anderson Engineering and representing the owner on this project. They are seeking to vacate the existing sanitary sewer easement running through the property. They are proposing to re-route the sewer around the edge of the property with a new sanitary sewer easement.

PUBLIC COMMENT;
There were none.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2022-285.
Planning & Zoning Commission recommends approval for Case 057-22 (7 in Favor, 0 Opposed)

ATTACHMENTS
Staff Planning Report
P&Z Commission Minutes
Applicant Materials

Map

Case 055-22: Easement Vacation

3209 S. Range Line Rd. -A request to vacate a sanitary sewer easement-Driven Brands

Logan Ellis, 811 E. 3rd Street, Joplin, Missouri. Mr. Ellis is employed by Anderson Engineering and representing the owner on this project. They are seeking to vacate the existing sanitary sewer easement running through the property. They are proposing to re-route the sewer around the edge of the property with a new sanitary sewer easement. Mr. Ellis stated he would be available to answer any questions proposed.

Mr. Kimble asked if the Commission had any questions for Mr. Ellis.

There were none.

Mr. Kimble asked if anyone wished to speak in favor of Case 055-22.

There were none.

Mr. Kimble asked if anyone wished to speak in opposition of Case 055-22.

There were none.

MR. ROSENBERG MOVED THAT CASE 055-22 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MR. MCCULLOUGH SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAYS)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 055-22 A request to vacate approximately 120 feet of a recorded utility easement.

APPLICANT Driven Brants, Inc

REPRESENTATIVE Rebecca McCalister

LOCATION 3209 S Range Line Rd.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	Approximately 90′ x 20′

REASON FOR VACATION

In order to develop the vacant lot, the applicant is requesting the easement be vacated in order to fit Take 5 Car Wash. The utilities would be rerouted to a new easement already dedicated to the sanitary sewer gravity main.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Sanitary Sewer currently exists in the easement. A new easement to reroute the sewer extension has been required to be dedicated prior to easement vacation to proceed. New sewer extension is required to be installed in the new dedication prior to existing utilities to be abandoned.

UTILITIES PLANNED TO LOCATE IN THE RIGHT-OF-WAY?

No plans for new utilities to be located in the right-of-way.

DISCUSSION

This vacation is sought to develop the empty lot. A proposed building would encroach on the existing easement, so a new easement has been recorded that makes room for the rerouting of utilities as well as the footprint of the proposed building.

Staff recommends approval of Case 055-22.

ENCLOSURES

- Application
- Map

Vacation of Streets or Easements Application

Project #: 22-0112

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.: _____
Filing Fee: $550.00
Received: _____
Date Advertised: _____
Date Notice Sent: _____
Public Hearing Date: 10-10-22

Applicant: Driven Brands Phone No.: (281) 660-9583
Address: 440 S. Church Street, Suite 700 Charlotte, NC 28202 Email: Rebecca.McAllister@drivenbrands.com
Owner: Southwest Development Properties, LLC - Brett Roubal Phone No.: 417-576-6620
Address: 1027 S. Main Ste. 200 Joplin, MO 65804 Email: b_roubal@yahoo.com
Location of Street or Easement: 3209 Rangeline Rd.

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	
X	☐	Private rights will not be injured or endangered by the vacation.
X	☐	The vacation will not cause the public to suffer a loss or inconvenience.
X	☐	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	
X	☐	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.
X	☐	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	Jon Fisk	jf4583@att.com	417-529-0840
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: _____ **Date:** 8-10-2022

18-7522 - JOPLIN
SANITARY EASEMENT DESCRIPTION (VACATION)
JULY 22, 2022

A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST, NEWTON COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING S88°28'40"E 232.77 FEET AND S01°16'36"W 245.19 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 19; THENCE S08°51'32"E 91.27 FEET TO A POINT; THENCE N82°45'13"W 20.81 FEET TO A POINT; THENCE N08°51'47"W 89.14 FEET TO A POINT; THENCE S88°32'13"E 20.33 FEET TO THE TO THE POINT OF BEGINNING, CONTAINING 1,804 SQUARE FEET OR 0.04 ACRES, SUBJECT TO ANY AND ALL EASEMENTS, CONDITIONS, RESTRICTIONS OF RECORD.

LETTER OF TRANSMITTAL

ANDERSON ENGINEERING
EMPLOYEE OWNED
ENGINEERS • SURVEYORS • LABORATORIES • DRILLING
3213 S. WEST BYPASS SPRINGFIELD, MO 65807 (417) 866-2741

DATE 08/12/22 JOB NO. 22SP10091

ATTENTION: **Keegan Stanton**

RE: **Take 5 – Joplin Car Wash Sewer Easement Vacation Fee and Application**

Planning Development & Neighborhood

602 S. Main St.

Joplin. MO 64801

Phone: 417-624-0820 ext 1511

WE ARE SENDING YOU ■ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☐ Prints ■ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ 3 ½" Disk ☐ Storm Drainage Report

Copies	Dwg. No.	Dated	Description
1		08/11/22	Check#081385
1			Easement Vacation Description and Exhibit
1		08/10/22	Vacation Application Signed.

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval

☐ For your submittal ☐ Approved as noted ☐ Submit ____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return ____ corrected prints

☐ For review and comment ☐ Other

☐ FOR BIDS DUE _____ 20___ ☐ Prints returned after loan to us

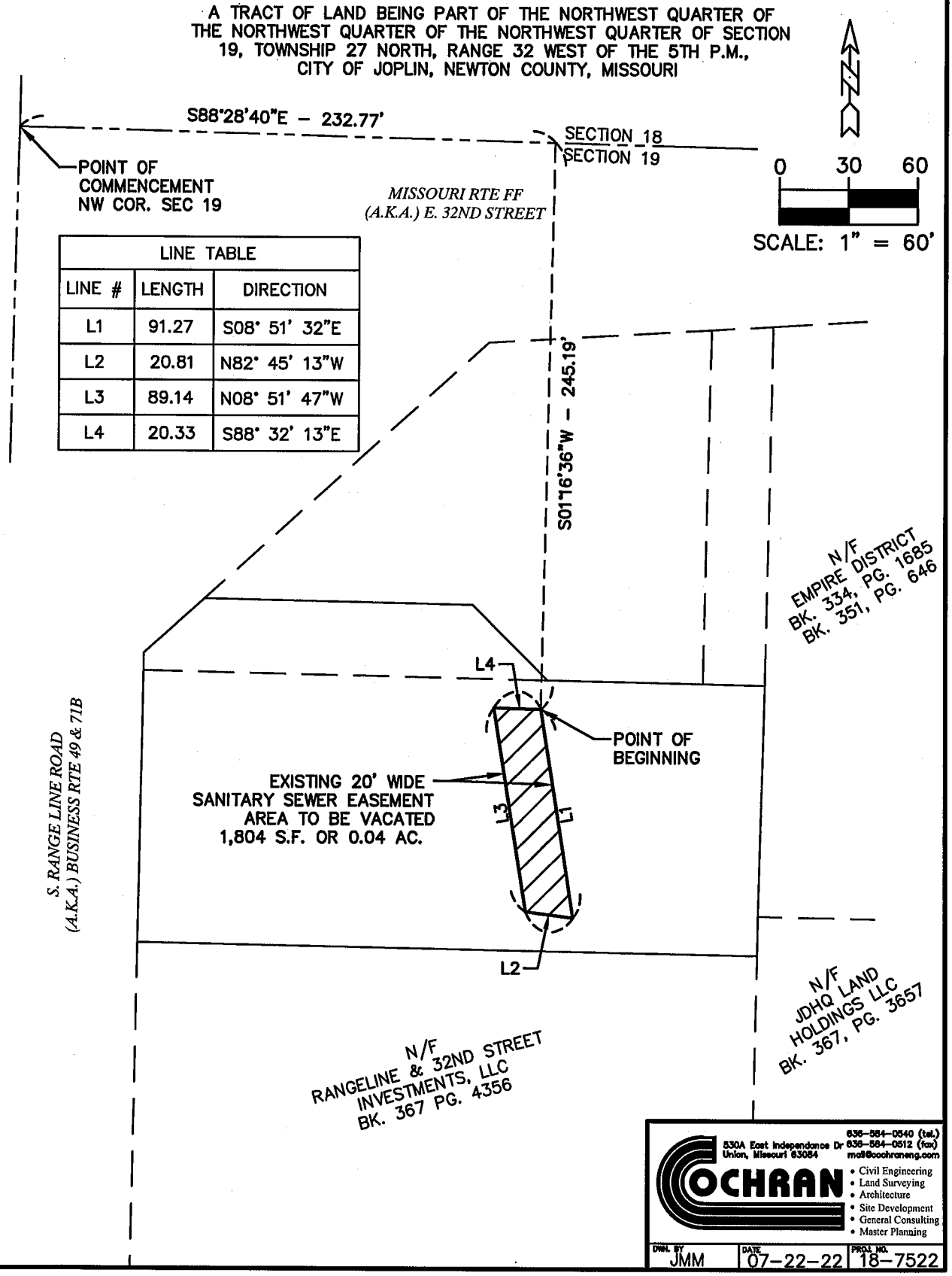
REMARKS: Please call (417) 866-2741 if you have any questions.

COPY TO:

SIGNED:_____
Amanda Johnson

EXHIBIT "A"

A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 27 NORTH, RANGE 32 WEST OF THE 5TH P.M., CITY OF JOPLIN, NEWTON COUNTY, MISSOURI

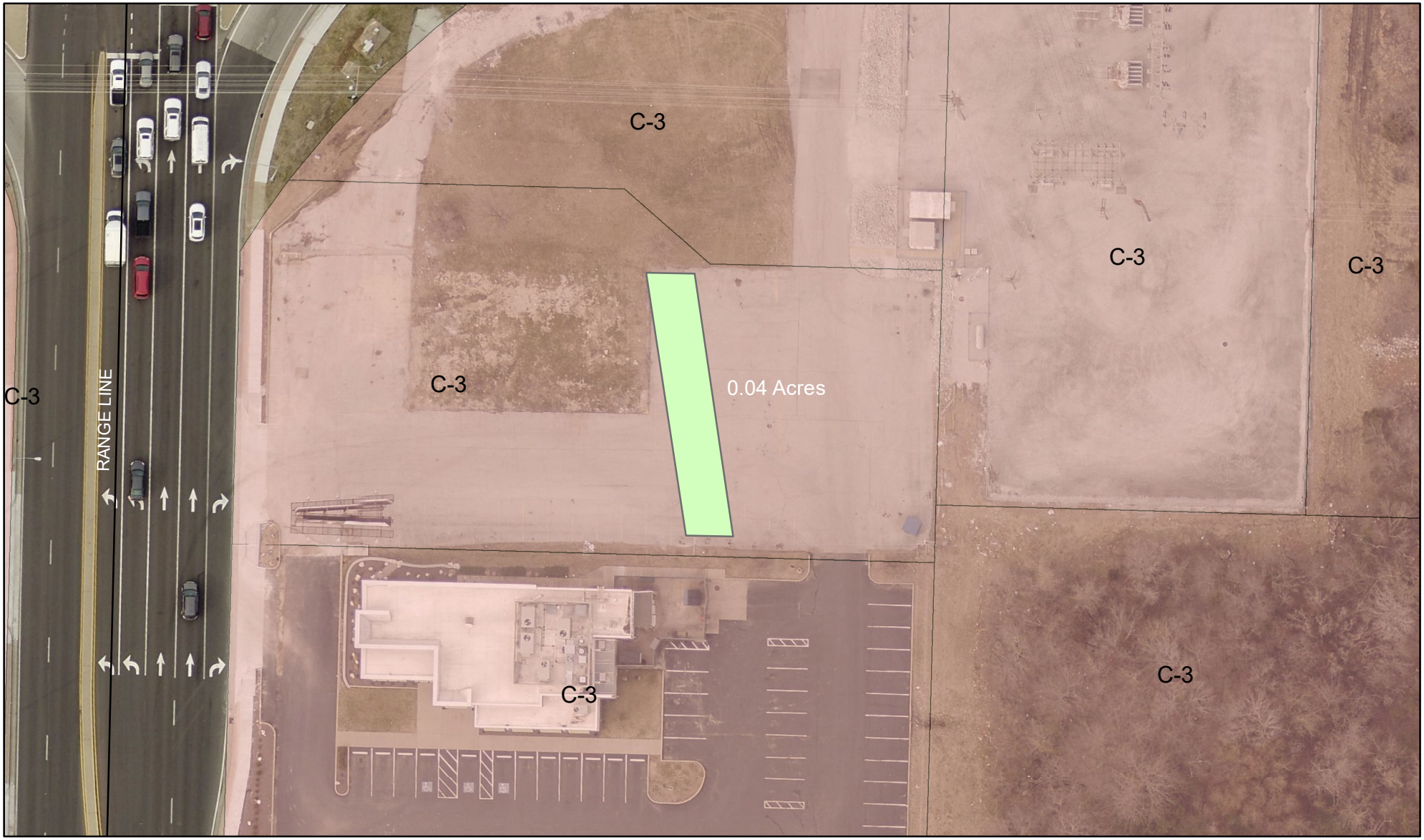


LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	91.27	S08° 51' 32"E
L2	20.81	N82° 45' 13"W
L3	89.14	N08° 51' 47"W
L4	20.33	S88° 32' 13"E

COCHRAN
530A East Independance Dr
Union, Missouri 63084
636-584-0540 (tel.)
636-584-0512 (fax)
mail@cochraneng.com
• Civil Engineering
• Land Surveying
• Architecture
• Site Development
• General Consulting
• Master Planning

DWN. BY	DATE	PROJ. NO.
JMM	07-22-22	18-7522

Case 055-22: Utility Easement Vacation - 3209 S. Range Line Rd. - Driven Brands



3209 S Range Line Rd. - A request to vacate a utility easement - Driven Brands

N

0 25 50 100 150 200 Feet

P & Z Case 055-22
Driven Brands, Inc
(P & Z Recommended Approval)

COUNCIL BILL NO. 2022-285 ORDINANCE NO.

AN ORDINANCE providing the vacation of a utility easement lying on property described as 3209 S Range Line Rd., City of Joplin, Jasper County, Missouri.

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

Section 1. That the vacation of a utility easement lying on property the Southeast Corner of S. Range Line Rd. and E. 32nd St. City of Joplin, Jasper County, Missouri described as follows is hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

> A tract of land being part of the northwest quarter of the northwest quarter of section 19, township 27 north, range 32 west, newton county, Missouri more particularly described as follows: Beginning at point being south 88°28'40" East 232.77 feet and South 01°16'36" West 245.19 feet from the northwest corner of said section 19; Thence South 08°51'32" East 91.27 feet to a point; thence South 88°32'13" East 20.33 feet to the point of the beginning, containing 1,804 square feet or 0.04 acres.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2022, by a vote of _____.

Douglas W. Lawson, Mayor

ATTEST:

Holly Nagy, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney