**CITY OF JOPLIN**
**COUNCIL AGENDA ITEM**

**ITEM:**
2025-288 – Drainage Easement Vacation

**MEETING DATE:**
December 1, 2025

**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 036-25: 2139 E Nashville St – Easement Vacation – A request to vacate a drainage easement – Oak & Linen Investments, LLC.

**BACKGROUND:**

The infrastructure in this easement has been relocated and set in a newly recorded easement that will give the builder space to construct their home, without coming into conflict with a City stormwater line. The owner has passed inspection of the newly constructed line from Public Works/Engineering. This process is to formally vacate the old easement.

**PLANNING & ZONING COMMISSION TESTIMONY:**

Mr. Alex Kendall, spoke in favor of the case. He is the builder for this lot and stated they moved the line to the shared property line.

**PUBLIC COMMENT;**

There was none.

**RECOMMENDATIONS**:
Staff recommends approving Council Bill 2025-288
Planning & Zoning Commission recommends approving Case 036-25 (7 in Favor, 0 Opposed, 0 Absent)

**ATTACHMENTS**

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

**CASE 036-25: EASEMENT VACATION**

Mr. Kimble asked the applicant to step forward and state their name for the record.

Alex Kendall, 4401 Par Ln, spoke in favor of the case. Mr. Kendall wants to vacate the easement because they ran a new drainage line to the property line instead of diagonally through the property, and he wants to build a house on this lot. They already made the move and it is now on the shared property line.

Mr. Kimble asked if anyone else wanted to speak in favor of this case.

Mr. Kimble asked if anyone wanted to speak in opposition of this case.

Mr. Kimble asked if there was a motion on this case.

**MR. SPRUCE MADE A MOTION TO APPROVE CASE 036-25. THIS MOTION WAS SECONDED BY MS. WARREN. MOTION CARRIED. (7 IN FAVOR, 0 IN OPPOSITION, 0 ABSENT)**

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

# STAFF PLANNING REPORT
## Vacation

**CASE 036-25** A request to vacate a drainage easement.

**APPLICANT** Oak & Linen Investments, LLC.

**REPRESENTATIVE** Alex Kendall

**LOCATION** 2139 E Nashville St

### EXISTING CONDITIONS

| Easement Type(s) | Easement Size |
|---|---|
| Drainage Easement | Approximately 20′X113′ |

### REASON FOR VACATION

The owner seeks to construct a house where the easement is currently located. The easement contains a stormwater drainage line.

### UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

The owner has worked with the Public Works & Engineering Department to record a new easement and relocate the existing line. They are going through the vacation process for the old easement, which no longer contains stormwater infrastructure.

### UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

No new utilities are planned to be located within the easement. The only utility with rights/access to this easement is Stormwater. They have waived objections on the condition that the infrastructure in the old easement be relocated.

## DISCUSSION

The infrastructure in this easement has been relocated and set in a newly recorded easement that will give the builder space to construct their home, without coming into conflict with a City stormwater line. The owner has passed inspection of the newly constructed line from Public Works/Engineering. This process is to formally vacate the old easement.

**Staff recommends approving Case 036-25.**

## 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.: 036-25
Filing Fee: $600.00
Received: 10/1/25
Date Advertised: _____
Proj. No.: 25-059
Public Hearing Date: 11/10/25

Applicant: Alex Kendall Phone No.: 228-224-3010

Address: 4401 Par Ln. Joplin, MO 64804 Email: alex@quickturnpropertypros.com

Owner: Oak & Linen Investments, LLC Phone No.: _____

Address: _____ Email: _____

Location of Street or Easement: Lot 197 of Castle Rock Addition

Type of Vacation: Street (Easement) Alley Plat
(Storm Drainage)

**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, |

# 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.

# 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: Alex Kendall
Phone: 223-224-3010
Email: alex@quickturnpropertypros.com

*Be it known that* Oak & Linen Investments, 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:* _____

*Located at:* Lot 197 of Castle Rock Addition (see legal attached)

*For the following purpose:* To remove existing City stormwater infrastructure & move to new location with a new easement.

**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: must get new easement Recorded first

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

Jeremy Hoy
Authorized Representative

9/30/25
Date

City Stormwater
Name of Utility

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*** | 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)** | Jerry Herron | jherron@republicservices.com | (620) 620-1117 |
| **Cable One/Sparklight** | Keri Bledsoe | keri.bledsoe@sparklight.biz | |
| **Allo Fiber** | Brandon Warren | Brandon.warren@allofiber.com | |
| **Allo Fiber** | Chris Rowley | Chris.rowley@allofiber.com | 402-430-2870 |
| **Spire Energy (Gas)**** | Ken Stegall | ken.stegall@spireenergy.com | |
| **Spire Energy (Gas)**** | Mandy Butkovich | mandy.butkovich@spireenergy.com | 816-472-3767 |
| **City Sanitary Sewer** | Kaleb Roberts | kroberts@joplinmo.org | 417-624-0820 x1531 |
| **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:** 9/30/25

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STATE OF Missouri }
COUNTY OF Jasper } ss.

On this 23rd day of December, 1982

before me, appeared James Berzina

to me personally known, who being by me duly sworn, did say that he is the President of City Manager of the City of Joplin, Missouri

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said City Council and said James Berzina acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Joplin Missouri, the day and year last above written.

My commission expires June 13, 1983

Ethel R. Carpenter
Notary Public within and for said County and State.
Ethel R. Carpenter

ETHEL R. CARPENTER NOTARY PUBLIC SEAL JASPER COUNTY, MISSOURI

139 COMPARED

# Quit-Claim Deed

FROM

CITY OF JOPLIN, MISSOURI

303 EAST THIRD STREET, JOPLIN, MO.

TO

EUGENE M. MENSE, III

Filed for record this 5 day of January, A. D. 1983 at 8 o'clock 15 minutes A.M.

Recorded in Book at Page

Recorder.

By Deputy.

Recorder's Fee, $ 5.00

Record and Return to

Gene Mense
2161 Nashville
Joplin, Mo., 64801

DEMAREE STATIONERY CO., 908 Walnut, Kansas City, Mo.

# Corporation Quit-Claim Deed

**This Indenture,** *Made on the* 6th *day of* December *, A. D., One Thousand Nine Hundred and* Eighty-two *, by and between* The City of Joplin, Missouri, a Municipal Corporation, *duly organized under the laws of the State of* Missouri *, of the County of* Jasper *, State of* Missouri *, party of the first part, and* Eugene M. Mense, III *of the County of* Jasper *, State of* Missouri *, party of the second part, (Mailing address of said first named grantee is* 2161 Nashville St., Joplin, Missouri *).*

*WITNESSETH, THAT THE SAID PARTY OF THE FIRST PART, in consideration of the sum of* Two Hundred Dollars and Other Valuable Consideration-------*DOLLARS, to it in hand paid by the party of the second part, the receipt for which is hereby acknowledged, does, by these presents, REMISE, RELEASE and FOREVER QUIT-CLAIM unto the said party of the second part, the following described lots, tracts or parcels of land, lying, being and situate in the County of* Jasper *and State of* Missouri *to-wit:*

All of Lots Numbered One Hundred Ninety-seven (197) in the Castle Rock Subdivision, located at Nashville Street and Patterson Avenue

The Party of the First Part reserves and retains for itself, its successors and assigns a Drainage Easement across Lot 197 in Castle Rock Subdivision in the City of Joplin, Jasper County, Missouri.

Being a 20.0 foot easement, 10.0 feet on either side of the following described center line:

Beginning at a point on the South line of Lot 197, 16.30 feet East of the Southwest corner of said Lot. Thence Northeasterly 113.95 feet to the North line of said Lot 197, said point being 31.0 feet East of the Northwest corner of said Lot, and the point of ending.

This conveyance is made subject to the foregoing reservations.

~~*THIS DEED OF QUIT-CLAIM being made to release from the lien of certain ---------- bearing date ---------- day of ---------- 19 recorded in the office of the ---------- of Deeds within and for the County of -- and State of ----------, in Deed Book ---------- No. ---------, at Page No. which said ---------- was executed by ---------- ---------- to secure the payment of a ---------- numbered and described in said ---------- which said note and ---------- are now held and owned by the said ---------- ---------- grantor herein. ---------- ----------*~~

*TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances, thereto belonging, unto the said party of the second part and unto* his heirs *and assigns forever; so that neither the said party of the first part, nor any other person or persons, for it or in its name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.*

*IN WITNESS WHEREOF, The said party of the first part has caused these presents to be signed by its President and attested by its Secretary, and the corporate seal to be hereto attached, the day and year first above written.*

ATTEST:

City Clerk

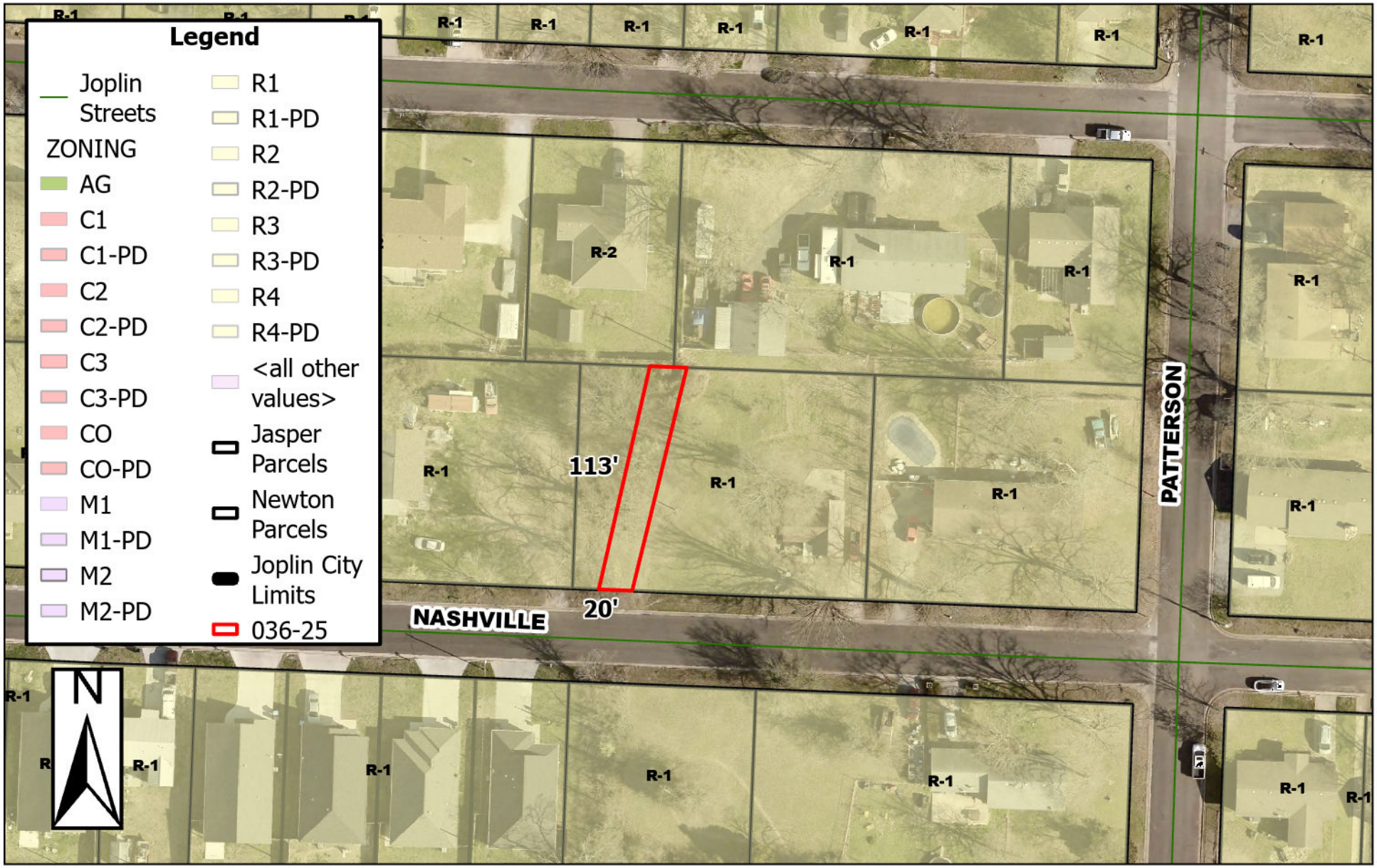
APPROVED AS TO FORM:

City Attorney

City of Joplin, Missouri

By James Berzina, President, City Manager

# Case 036-25: Easement Vacation




2139 E Nashville St – Easement Vacation – A request to vacate a drainage easement – Oak & Linen Investments, LLC.

0 25 50 100 150 200 Feet

P & Z Case 036-25
Oak & Linen Investments, LLC.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2025-288 ORDINANCE NO.

AN ORDINANCE providing to vacate a drainage easement, located at 2139 E Nashville 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 drainage easement described as an easement located at 2139 E Nashville 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:

**Being a 20.0 foot easement, 10.0 feet on either side of the following described center line: Beginning at a point on the South line of Lot 197, 16.30 feet East of the Southwest corner of said Lot. Thence Northeasterly 113.95 feet to the North line of said Lot 197, said point being 31.0 feet East of the Northwest corner of said Lot, and the point of ending.**

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2025, by a vote of _____.

_____
Keenan T. Cortez, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney