CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2023-296 – Rezoning Request

MEETING DATE:
December 4, 2023

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:
These payments are included in the FY2023 budget of the Community Planning Fund.

SUMMARY REQUEST:
Case 051-23: SW Corner of S Montana Pl and E 24th St – Utility Easement Vacation – A request to vacate a 10' utility easement – Joel Standeford

BACKGROUND:

A utility easement sits on the center of the parcel located at the SW Corner of S Montana Pl and E 24th St. The owner of the property is seeking to build, and the utility easement will need to be vacated. There are no utilities located within the easement. No utilities are planning to locate within the easement. All utilities have consented to the vacation.

This vacation is sought to develop the empty parcel. Utilities are placed in the streets and alternative easements, with no intention to be placed on the subject easement.

PLANNING & ZONING COMMISSION TESTIMONY:
Mr. Zach Black represented the property. Mr. Black stated the utility companies were not impacted by the requested vacation. Mr. Black is seeking to build a residential home at this location.

PUBLIC COMMENT;
There was no comment in favor or opposition of this case.

RECOMMENDATIONS:
Staff recommends approval for Council Bill 2023-296
Planning & Zoning Commission recommends approval for Case 051-23 (7 in Favor, 0 Opposed)

ATTACHMENTS

Staff Planning Report
P&Z Commission Minutes
Applicant Materials
Map

Case 051-23

SW Corner of S Montana Pl and E 24th St-Utility Easement Vacation-A request to vacate a 10′ utility easement-Joel Standeford

Zach Black, 1704 S. St. Louis Ave. Joplin, Missouri. Mr. Black stated they completed the vacation of easement. It was sent to all the utilities, and it came back that there was not any affect to the utilities. They were requesting to build a residential property at this location.

Mr. Kimble asked if there were any questions from the Commission on Case 051-23.

There were none.

Mr. Kimble asked if there was any one to speak in favor of Case 051-23.

There were none.

Mr. Kimble asked if there was any one to speak in opposition of Case 051-23.

There were none.

MR. JACKSON MOVED THAT CASE 051-23 BE APPROVED AND FORWARDED TO THE CITY COUNCIL FOR APPROVAL. MS. PHILLIPS SECONDED THE MOTION. MOTION CARRIED. (7 IN FAVOR, 0 NAY)

JOPLIN
PLANNING, DEVELOPMENT, & NEIGHBORHOOD SERVICES

STAFF PLANNING REPORT
Vacation

CASE 051-23 A request to vacate a utility easement.

APPLICANT Joel Standeford

REPRESENTATIVE Joel Standeford

LOCATION SW Corner of S Montana Pl and E 24th St.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Utility Easement	Approximately 10'X100'

REASON FOR VACATION

A utility easement sits on the center of the parcel located at the SW Corner of S Montana Pl and E 24th St. The owner of the property is seeking to build, and the utility easement will need to be vacated.

UTILITIES CURRENTLY LOCATED IN THE EASEMENT?

There are no utilities located within the easement. All utilities have consented to the vacation.

UTILITIES PLANNED TO LOCATE IN THE EASEMENT?

No utilities are planning to locate within the easement.

DISCUSSION

This vacation is sought to develop the empty parcel. Utilities are placed in the streets and alternative easements, with no intention to be placed on the subject easement.

Staff recommends approval of Case 051-23.

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.: _____
Filing Fee: $550.00
Received: _____
Date Advertised: _____
Proj. No.: _____
Public Hearing Date: _____

Applicant: JOEL STANDEFORD Phone No.: 417-438-6081

Address: 423 E. 4TH St. SUITE #1 Email: _____

Owner: JOPLIN MO 64801 Phone No.: 417-438-6081

Address: " Email: _____

Location of Street or Easement: _____

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,

JOPLIN
MISSOURI

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.

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.

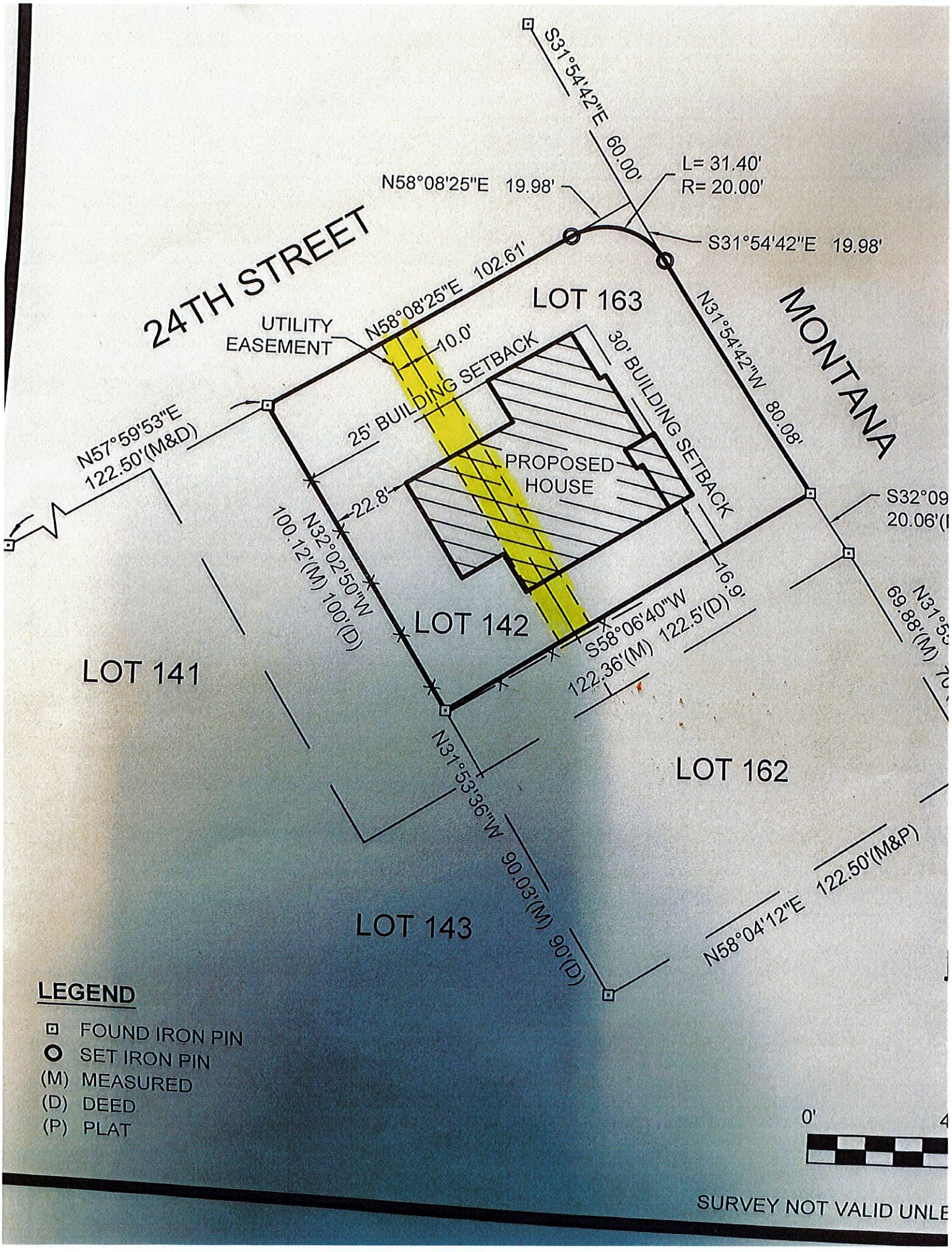
NA ☒ ☐ Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, who are not listed as an applicant, indicating their consent to the vacation.

☒ ☐ 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.

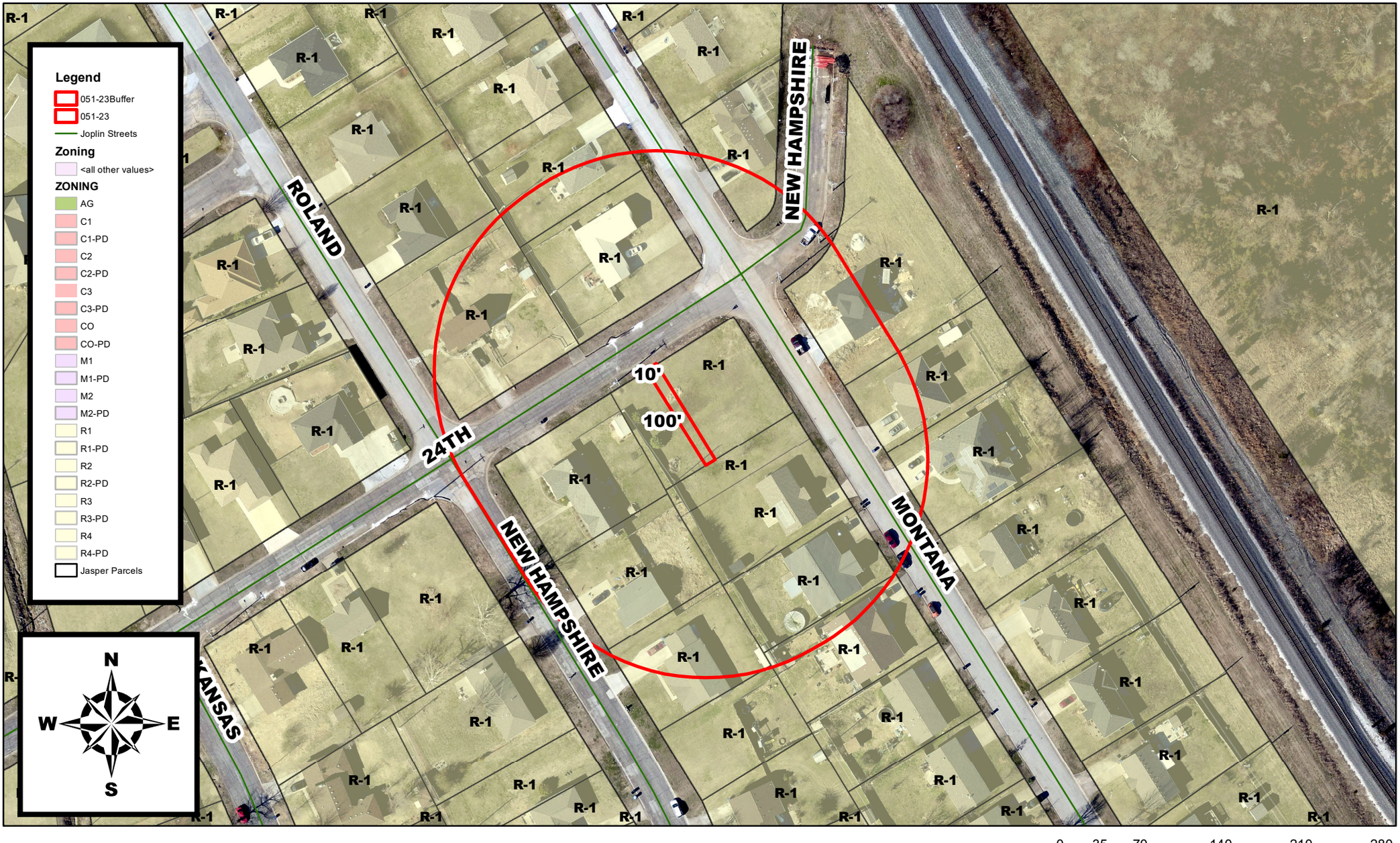
Utility	Contact	Email	Phone
✓ **AT&T**	Jon Fisk	jf4583@att.com	417-529-0840
✓ **MoAm Water***	Derec Bass	derec.bass@amwater.com	
MoAm Water*	Trenton Mccarty	trenton.mccarty@amwater.com	
MoAm Water*	Bob Kirby	bob.kirby@amwater.com	
✓ **Liberty Utilities (Power)**	Jeff Lebeda	jeff.lebeda@libertyutilities.com	417-625-6159
NA **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:** 10-2-23


S31°54'42"E 60.00'
L= 31.40'
R= 20.00'
N58°08'25"E 19.98'
S31°54'42"E 19.98'
24TH STREET
N58°08'25"E 102.61'
LOT 163
MONTANA
UTILITY EASEMENT
N58°08'25"E 10.0'
25' BUILDING SETBACK
30' BUILDING SETBACK
N31°54'42"W 80.08'
N57°59'53"E 122.50'(M&D)
PROPOSED HOUSE
22.8'
S32°09
20.06'(
N32°02'50"W 100.12'(M) 100'(D)
16.9'
LOT 142
S58°06'40"W 122.36'(M) 122.5'(D)
N31°5
69.88'(M)
LOT 141
LOT 162
N31°53'36"W 90.03'(M) 90'(D)
N58°04'12"E 122.50'(M&P)
LOT 143
LEGEND
FOUND IRON PIN
SET IRON PIN
(M) MEASURED
(D) DEED
(P) PLAT
0'
4
SURVEY NOT VALID UNLE

Case 051-23: Utility Easement Vacation



SW Corner of S Montana Pl and E 24th St – Utility Easement Vacation – A request to vacate a 10' utility easement - Joel Standeford

0 35 70 140 210 280
Feet

P & Z Case 051-23
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2023-296 ORDINANCE NO.

AN ORDINANCE providing to vacate a 10' utility easement, lying on property described as the SW Corner of S Montana Pl and E 24th 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 lying on property described as the SW Corner of S Montana Pl and E 24th 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:

A 10 FOOT UTILITY EASEMENT LYING FIVE FEET ON THE EASTERLY SIDE OF LOT 142 AND FIVE FEET ON THE WESTERLY SIDE OF LOT 163 FOR THE ENTIRE LENTH OF SAID LOTS IN HARMONY HEIGHTWS SUBDIVISION TO THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this the _____ day of_____, 2023, by a vote of _____.

_____
Douglas W. Lawson, Mayor

ATTEST:

_____
Holly Nagy, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney