CITY OF JOPLIN
COUNCIL AGENDA ITEM

ITEM:
CB 2020-283-Street Vacation

MEETING DATE:
December 7, 2020

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.

SUMMARY REQUEST:
Case 045-20: Street Vacation – A request to vacate approximately 120' of W. 11th Street right-of-way lying East of S. Byers Ave. – Boyd Metals of Joplin, Inc.

BACKGROUND:
Boyd Metals has applied to vacate this small portion of 11th Street right-of-way to consolidate the land they own in this area. In addition, 11th Street right now terminates and spills into their property leading to vehicles using their property to turn around.

Vacating this portion of right-of-way will also remove the burden of its maintenance from the City.

PLANNING & ZONING COMMISSION TESTIMONY:
Steven Crane representing Boyd Metals. Boyd Metals recently purchased the property to the south. They are requesting a street vacation for that little portion of property. They use it for parking, moving forklifts back and forth on that property, and trucks will pull into that property there.

PUBLIC COMMENT;
None.

FUNDING SOURCE
These payments are included in the FY 2019-20 budget of the Community Planning Fund.

RECOMMENDATION:
Planning & Zoning Commission recommends approval, (5 in Favor, 1 Absent).
Staff recommends approval of Case 045-20.

ATTACHMENTS:
CB 2020- 283, Staff Planning Report, P&Z Commission Minutes

CB 2020-283

Case 045-20: Street Vacation – A request to vacate approximately 120' of W. 11th Street right-of-way lying East of S. Byers Ave. – Boyd Metals of Joplin

Steven Crane representing Boyd Metals. Boyd Metals recently purchased the property to the south. They are requesting a street vacation for that little portion of property. They use it for parking, moving forklifts back and forth on that property, and trucks will pull into that property there.

Mr. Ramsour asked the commissioners if they had any other questions for Mr. Crane. He also asked about utilities on that piece they want to vacate.

Mr. Stanton stated they provided letters of consent from the area utility companies.

Mr. Ramsour asked if there is anyone else to speak in favor of this case? There was not. Mr. Ramsour asked if there is anyone to speak in opposition of this case? There was not.

MR. EASTMAN MOVED, SECONDED BY MR. MCCULLOUGH THAT CASE 045-20 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE, MR. MCCULLOUGH, MR. EASTMAN AND MR. KIMBLE VOTING "AYE". (5 IN FAVOR, 1 ABSENT).

Z&P Meeting: November 9, 2020
City Council Meeting: December 7, 2020

STAFF PLANNING REPORT
Vacation

CASE 045-20 A request to vacate approximately 120' of W. 11th St. right-of-way lying East of S. Byers Ave. and South of W 7th St.

APPLICANT Boyd Metals

REPRESENTATIVE Audie Dennis

LOCATION East of the intersection of W. 11th St. and S. Byers Ave.

EXISTING CONDITIONS

Easement Type(s)	Easement Size
Street Right-of-Way	Approximately 120' x 50'

REASON FOR VACATION

Boyd Metals is looking to consolidate the land they hold in the area. Additionally, 11th Street currently dead ends into their property leading to some vehicles using it to turn around.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Utilities are currently in the Right-of-Way. Rerouting of utilities will not be required.

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

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

DISCUSSION

Boyd Metals has applied to vacate this small portion of 11th Street right-of-way to consolidate the land they own in this area. In addition, 11th Street right now terminates and spills into their property leading to vehicles using their property to turn around.

Vacating this portion of right-of-way will also remove the burden of its maintenance from the City.

Staff recommends approval of Case 045-20.

ENCLOSURES

- Application
- Map

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.: 045-20
Filing Fee: ~~$500.00~~ $50.00
Date Advertised:
Date Notices Sent 10-26-20
Public Hearing Date: 11-9-20

I. Applicant Name: Boyd Metals of Joplin, Inc. Phone: 417-626-2693

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

Address: 1027 Byers Avenue, Joplin MO Zip: 64801

II. Type of vacation requested (check one):

Street Vacation ✓

Alley Vacation_____

Utility vacation_____

Other (Please specify)_____

III. Legal Description of area requested to be vacated: Attached.

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. We purchased the Richland Mechanical property and they are the only other users of this portion of 11th St.

2. The vacation will not cause the public to suffer a loss or inconvenience. See above. This portion of 11th is realistically nothing more than a drive into our property.

3. In justice to the applicant(s) the vacation should be granted. Boyd wishes to have this property in order be able to maximize our use of the Richland property as we seek to grow and expand.

V. Required Attachments:

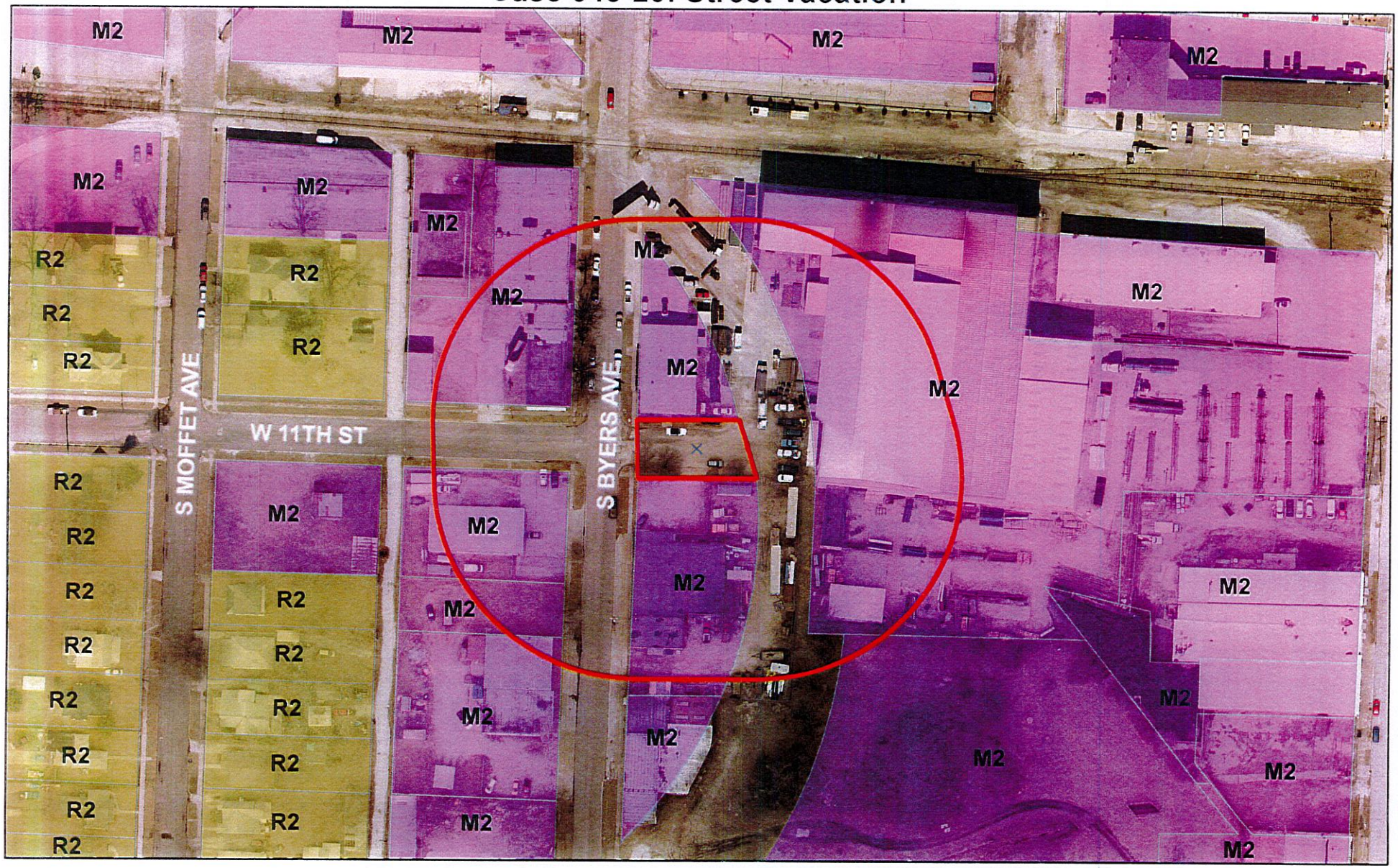
1. Affidavit(s) from each owner of land adjoining said area that is proposed to be vacated, whom are not listed as an applicant, indicating their consent to the vacation. N/A

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. The following private companies must be contacted and consent to the vacation before the Public Hearing can take place.

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

Case 045-20: Street Vacation



Case 045-20: Street Vacation – A request to vacate approximately 120' of W. 11th Street right-of-way lying East of S. Byers Ave. – Boyd Metals of Joplin, Inc.

0 62.5 125 250 375 500 Feet

N

P & Z Case 045-20
Boyd Metals of Joplin, Inc.
(P & Z Recommended Approval)

COUNCIL BILL NO. 2020- 283 ORDINANCE NO.

AN ORDINANCE providing the street vacation approximately 120 feet of W. 11th St. lying East of S. Byers Ave. St. in the City of Joplin, Jasper County, Missouri.

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

Section 1. That part of a public street right-of-way being located approximately 120 feet of W. 11th St. lying East of S. Byers Ave. St. in the City of Joplin, Jasper County, Missouri. described as follows and hereby vacated, conveyed, relinquished, and reverted to the owners of the abutting lots and land:

> A part of Eleventh (11th) Street being described as Beginning at the Northwest Corner of Lot Number Nine (9) in Carter's First Addition to the City of Joplin, Jasper County, Missouri, thence North along the East line of Byers Avenue 60.00 feet to the Southwest Corner of Lot number Eight (8) in Carter's First Addition to the City of Joplin, Jasper County, Missouri, thence East along the South line of said Lot Number Eight (8) 87.20 feet more or less to the Westerly Right-of-way of the Frisco Railroad, thence Southeasterly along said Railroad Right-of-way to the North line of Lot Number Nine (9) in Carter's First Addition to the City of Joplin, Jasper County, Missouri, thence along the North line of said Lot Number Nine (9) 98.10 feet more or less to the point of beginning,

Section 2. That this vacation of the portion of the street easement hereby vacated shall not affect or derogate from the existing rights of way or other easements of public utility companies now having installations in the portion of the street hereby vacated. Such utility companies shall have the right to maintain and repair any such installations now on the vacated portion of said street and shall be subject to the rights of the city of Joplin for sewer construction and maintenance.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2020, by a vote of _____.

_____
ATTEST: Ryan D. Stanley, Mayor

_____
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney