ITEM: 
CB 2021-259-Street Vacation

MEETING DATE: 
March 1, 2021

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 008-21: Approximately 250’ South and 350’ East of the intersection of S. Murphy Blvd. and S. Connecticut Ave. - A request to vacate approximately 670’ of 75’-wide street right-of-way between S. Connecticut Ave. and E. 15th St. – City of Joplin

BACKGROUND: 
The existing location of Murphy Blvd. between Connecticut and 15th St. is not currently within the right-of-way that is the subject of this vacation, and the City has no plans to use this right-of-way for a realignment or any other project. Thus, the City is requesting to vacate this excess right-of-way.

PLANNING & ZONING COMMISSION TESTIMONY: 
Keegan Stanton, 602 S Main Street, Joplin, MO. The City is requesting a vacation for this portion of what was Murphy Blvd. right-of-way. The city does not have any plan for this property in the future. There is a little notch on the west side and that is to keep the right-of-way, in the event the city would like to put a right-hand turn bay there. Staff does recommend approval of this case.

PUBLIC COMMENT: 
None.

FUNDING SOURCE 
These payments are included in the FY 2020-21 budget of the Community Planning Fund.

RECOMMENDATION: 
Planning & Zoning Commission recommends approval, 5 in favor, 0 Nays, 2 Absent.

Staff recommends approval of Case 008-21.

ATTACHMENTS 
CB 2021- 259, Staff Planning Report, P&Z Commission Minutes
Case 008-21: Approximately 250’ South and 350’ East of the intersection of S. Murphy Blvd. and S. Connecticut Ave. - A request to vacate approximately 670’ of 75’-wide street right-of-way between S. Connecticut Ave. and E. 15th St. – City of Joplin

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Mr. Ramsour asked if the commissioners had any questions for Mr. Stanton? They did not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in favor of this case? There was not. Mr. Ramsour asked if there was anyone in the audience who would like to speak in opposition to this case? There was not.

MR. EASTMAN MOVED, SECONDED BY MS. PHILLIPS THAT CASE 008-21 BE FORWARDED TO THE CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL. MOTION CARRIED, WITH MR. RAMSOUR, MS. STEELE (BY PHONE), MR. EASTMAN, MS. BRUCKNER-SEARS (BY PHONE), AND MS. PHILLIPS VOTING “AYE” (5 IN FAVOR, 2 ABSENT)
CASE 008-21  A request to vacate approximately 670’ of 75’-wide street right-of-way between S. Connecticut Ave. and E. 15th St. – City of Joplin

APPLICANT  City of Joplin

REPRESENTATIVE  Keegan Stanton

LOCATION  Approximately 250’ South and 350’ East of the intersection of S. Murphy Blvd. and S. Connecticut Ave.

EXISTING CONDITIONS

<table>
<thead>
<tr>
<th>Easement Type(s)</th>
<th>Easement Size</th>
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<tbody>
<tr>
<td>Street Right-of-Way</td>
<td>Approximately 670’ x 75’</td>
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</table>

REASON FOR VACATION

The City of Joplin is applying for this vacation to remove excess right-of-way that is not in use by Murphy Blvd.

UTILITIES CURRENTLY LOCATED IN THE RIGHT-OF-WAY?

Utilities are not currently in the Right-of-Way. Rerouting of utilities is not required to maintain current services to adjoining properties. A savings clause will be provided in the ordinance.

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

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

DISCUSSION

The existing location of Murphy Blvd. between Connecticut and 15th St. is not currently within the right-of-way that is the subject of this vacation, and the City has no plans to use this right-of-way for a realignment or any other project. Thus, the City is requesting to vacate this excess right-of-way.
Staff recommends approval of Case 008-21 with a savings clause to allow for utilities to access and maintain their infrastructure.

ENCLOSURES

- Application
- Map
CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form and Attachments 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.: 008-21
Filing Fee: $550.00
Date Advertised:
Date Notices Sent
Public Hearing Date: 2-8-21

I. Applicant Name: City of Joplin Phone: 417-624-0820 ext. 511
If more than one property applicant, please submit additional names, address and phone numbers on attached sheet(s)

Address: 602 S. Main St. Joplin, MO Zip: 64801

II. Type of vacation requested (check one):

Street Vacation X

Alley Vacation

Utility Vacation

Other (Please specify)

III. 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. Correct

2. The vacation will not cause the public to suffer a loss or inconvenience. Correct

3. In justice to the applicant(s) the vacation should be granted. Correct
IV. Required Attachments:

1. 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.

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 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.

4. 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.

<table>
<thead>
<tr>
<th>Utility</th>
<th>Contact</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT&amp;T</td>
<td>Kenny Kenworthy</td>
<td><a href="mailto:kk7429@att.com">kk7429@att.com</a></td>
<td>417-625-8092</td>
</tr>
<tr>
<td>Missouri American Water</td>
<td>Andrew Holderness</td>
<td><a href="mailto:andrew.holderness@amwater.com">andrew.holderness@amwater.com</a></td>
<td>417-623-0676 x1009</td>
</tr>
<tr>
<td>Liberty Utilities (Power)</td>
<td>Jeff Lebeda</td>
<td><a href="mailto:jeff.lebeda@libertyutilities.com">jeff.lebeda@libertyutilities.com</a></td>
<td>417-625-6159</td>
</tr>
<tr>
<td>Republic Services (Trash)</td>
<td></td>
<td></td>
<td>(800) 431-1507</td>
</tr>
<tr>
<td>Cable One/Sparklight</td>
<td>Keri Bledsoe</td>
<td><a href="mailto:keri.bledsoe@sparklight.biz">keri.bledsoe@sparklight.biz</a></td>
<td></td>
</tr>
<tr>
<td>Spire Energy (Gas)*</td>
<td>Ken Stegall</td>
<td><a href="mailto:ken.stegall@spireenergy.com">ken.stegall@spireenergy.com</a></td>
<td></td>
</tr>
<tr>
<td>Spire Energy (Gas)*</td>
<td>Mandy Butkovich</td>
<td><a href="mailto:mandy.butkovich@spireenergy.com">mandy.butkovich@spireenergy.com</a></td>
<td>816-472-3767</td>
</tr>
<tr>
<td>City Sanitary Sewer</td>
<td>Chris Parker</td>
<td><a href="mailto:cparker@joplinmo.org">cparker@joplinmo.org</a></td>
<td>417-624-0820 x584</td>
</tr>
<tr>
<td>City Stormwater</td>
<td>Steven Martinez</td>
<td><a href="mailto:smartine@joplinmo.org">smartine@joplinmo.org</a></td>
<td>417-624-0820 x531</td>
</tr>
</tbody>
</table>

*Must contact BOTH contacts at Spire Energy.

Signature: [Signature]

Date: 2/3/21
Case 008-21: Approximately 250' South and 350' East of the intersection of S. Murphy Blvd. and S. Connecticut Ave. - A request to vacate approximately 670' of 75'-wide street right-of-way between S. Connecticut Ave. and E. 15th St. – City of Joplin
P & Z Case 008-21
City of Joplin
(P & Z Recommended Approval)

COUNCIL BILL NO. 2021-259 ORDINANCE NO.

AN ORDINANCE providing to vacate approximately 670’ of 75’-wide street right-of-way between S. Connecticut Ave. and E. 15th St.

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

Section 1. That all that part of approximately 250’ South and 350’ East of the intersection of S. Murphy Blvd. and S. Connecticut Ave. - A request to vacate approximately 670’ of 75’-wide street right-of-way between S. Connecticut Ave. and E. 15th, in the 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:

PART OF A TRACT OF LAND THAT WAS CONVEYED FOR HIGHWAY PURPOSES IN BOOK 411, PAGE 210 IN THE RECORDER OF DEEDS OFFICE IN JASPER COUNTY, MISSOURI, BEING PART OF MISCELLANEOUS TRACT NO. 10, IN SECTION 12, TOWNSHIP 27 North, RANGE 33 West, IN THE CITY OF JOPLIN, JASPER COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 15TH STREET AND THE WEST RIGHT-OF-WAY LINE OF MURPHY BOULEVARD; THENCE NORTH 44°52'38" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF MURPHY BOULEVARD, 108.44 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE 167.16 FEET ALONG THE RIGHT-OF-WAY LINE OF THE DISCONTINUED PORTION OF MURPHY BOULEVARD ON A CURVE TO THE LEFT HAVING A RADIUS OF 319.26 FEET AND A CHORD BEARING NORTH 59°52'38" WEST, 165.26 FEET; THENCE NORTH 74°52'38" WEST ALONG SAID DISCONTINUED RIGHT-OF-WAY LINE, 366.40 FEET; THENCE 215.64 FEET ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 613.68 FEET AND A CHORD BEARING NORTH 64°48'38" WEST, 214.54 FEET; THENCE NORTH 54°44'38" WEST, 100.33 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CONNECTICUT AVENUE; THENCE NORTH 2°04'00" EAST ALONG SAID RIGHT-OF-WAY LINE, 6.64 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH 46°01'29" EAST, 28.81 FEET; THENCE NORTH 2°04'00" EAST, 55.13 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE DISCONTINUED PORTION OF MURPHY BOULEVARD; THENCE SOUTH 54°44'38" EAST, 128.76 FEET; THENCE 187.53 FEET ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 533.68 FEET AND A CHORD BEARING SOUTH 64°46'38" EAST, 186.57 FEET; THENCE SOUTH 74°52'38" EAST ALONG SAID RIGHT-OF-WAY LINE, 272.24 FEET; THENCE 256.61 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1596.98 FEET AND A CHORD BEARING SOUTH 49°28'50" EAST, 256.34 FEET; THENCE SOUTH 44°52'38" EAST ALONG SAID RIGHT-OF-WAY LINE, 25.67 FEET TO THE POINT OF BEGINNING. CONTAINS 1.25 ACRES, MORE OR LESS. BEARINGS ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this __________ day of __________________, 21, by a vote of ______________.
Ryan D. Stanley, Mayor

ATTEST:

______________________________
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

______________________________
Peter C. Edwards, City Attorney