

## ARTICLE 17

### VACATION PROCEDURE

Where an application for the vacation of any street, alley, utility easement, or other public reservation by ordinance is not made by the owners of lands adjoining on both sides of the street, alley, or public reservation to be vacated, the application shall be accompanied by affidavits of all such owners not joining in the application indicating their consent to the vacation. Copies of the application shall be filed in both the office of the City Clerk and the Department of Planning, Development, and Neighborhood Services. The application shall be accompanied by a legal description and 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.

#### Vacation Procedure:

Applications to vacate a street, alley, utility easement, or other public reservation by ordinance may only be considered at a public hearing following notice to surrounding property owners as provided in the City of Joplin Subdivision Regulations and publication notice as hereinafter provided. The Planning Department shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 15 days prior to the hearing.

The City Council or the Planning / Community Development Manager may determine that it would be advisable to obtain the recommendation of Planning and Zoning Commission concerning a vacation application prior to the public hearing before the City Council. In that event, the Planning and Zoning Commission shall hold its own public hearing on the application following publication notice and notice to surrounding property owners in accordance with the provisions for public hearings. At the conclusion of any such hearing, the Planning and Zoning Commission shall submit its recommendation on the application to the City Council.

At the time designated in the publication notice for its hearing, the Government Body shall proceed to hear the application, or may adjourn the hearing from time to time to some day and hour certain, as deemed necessary, and which adjournment shall be noted upon the record of the proceedings thereof. At the hearing, the City Council shall hear such testimony as may be presented or required in order to fully understand the true nature of the application and the property of granting the same.

The City Council shall approve the application if it determines from the evidence that:

1. Due and legal notice has been given by publication as required herein.
2. No private rights will be injured or endangered by the vacation.
3. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

An application shall not be granted if, at the time or before the hearing, a written objection thereto is filed with the City Council by any owner or adjoining owner who would be a proper party to the application but has not joined therein.

CITY OF JOPLIN

APPLICATION FOR VACATION OF STREET OR RESERVATION

Return Form and Attachments to:  
Planner  
Joplin City Hall  
602 S. Main Street  
Joplin, Missouri 64801  
417-624-0820 Ext. 1511  
FAX 417-625-4738

For Office Use Only

Case No.: \_\_\_\_\_  
Filing Fee: \$550.00 \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_

I. Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_

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

Address: \_\_\_\_\_ Email: \_\_\_\_\_

II. Type of vacation requested (check one):

Street Vacation \_\_\_\_\_

Alley Vacation \_\_\_\_\_

Utility Vacation \_\_\_\_\_

Other (Please specify) \_\_\_\_\_

III. Location of street, alley, utility easement, or other reservation: \_\_\_\_\_

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. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

3. In justice to the applicant(s) the vacation should be granted. \_\_\_\_\_

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V. 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, who 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.

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.

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Signature

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Date