



Report to Planning & Zoning Commission

Clay County, Missouri

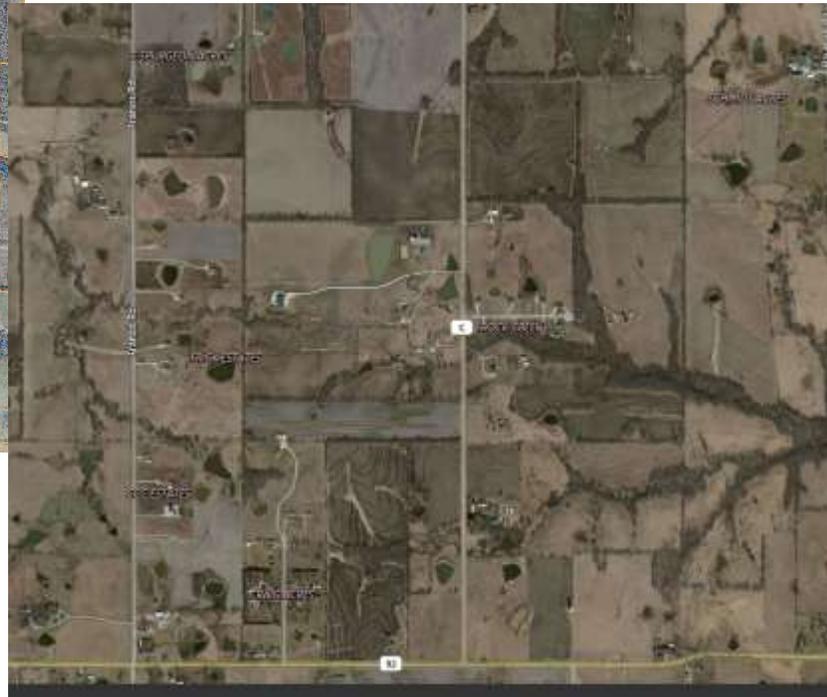
General Information

- Site Location:** Approximately 15822 C Highway
Section 25 | Township 53 | Range 32
- Site Size:** See below legal description and attached Final Plat
- Existing Landuse & Zoning:** Lot 1, Three J's Acres – Agricultural (AG) District, with Planned Unit (PUD) overlay
- Zoning/Platting History:** Three J' Acres, recorded 9/10/2002
- Surrounding Landuse & Zoning:**
- North – Agricultural (AG) Zoned Land, C. Spurgeon Acres (R-1)
 - West – Erick Estates (R-1), Agricultural (AG) Zoned Land
 - South – CCC Estates (R-1A), Agricultural (AG) Zoned Land, 92 Highway
 - East – Agricultural (AG) Zoned Land, Rock Creek (R-1A)

Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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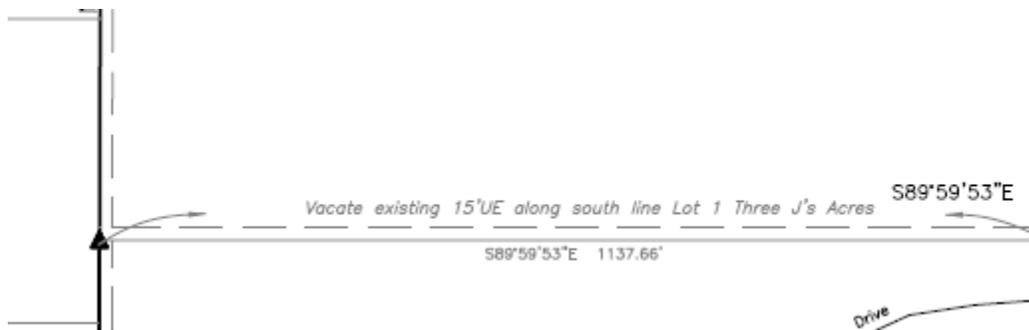
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Assessment

Rebecca McMahill and Brent Vanderford, representing Steven D. McMahill seek to vacate a Utility Easement (henceforth known as "U.E"s) on Lot 1 of Three J's Acres which is legally described as follows:

LEGAL DESCRIPTION of UTILITY EASEMENT WITHIN LOT 1, THREE J'S ACRES

Beginning at the NW corner of said NW1/4; thence S00°08'58"W, a distance of 711.00 feet to the Point of Beginning; thence N89°59'53"E, a distance of 1137.47; thence S00°54'10"E, a distance of 15 feet; thence S89°59'53"W, a distance of 1137.75 feet; thence N00°08'58"E, a distance of 15.00 feet to the Point of Beginning.



The applicants are seeking to vacate the existing U.E.'s as part of rezoning and re-platting Three J's Acres, Lot 1 and Maples Addition 2005, Lot 2 proposed as Hillford Estates, Case Number, June 16-115RZ/F.

Character of the General Neighborhood

Agriculturally zoned land surrounds the property in each direction. C. Spurgeon Acres (R-1) is to the north of the property. Frick Estates (R-1) is to the west. CCC Estates (R-1A) and 92 Highway are to the south. Rock Creek (R-1A) is to the East.

LDC Considerations

Chapter 151-3.13 of the 2011 Clay County Land Development Code ("LDC") sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with the Missouri Revised Statutes ("RSMo") Chapter 71.270.

The applicants for the vacation must meet the approval criteria as noted in Section 151-3.13 (F):

F. Approval Criteria

A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria have been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.



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The requested Vacation appears to substantially comply with the LDC. The vacation application was properly noticed in the Kearney Courier on May 19, 2016, and the utility providers were notified by a letter dated May 10, 2016.

Outside Agency Review

The vacation request was mailed to the utility providers and other agencies for their comments and possible objections to the vacation. Replies with no objection to the request have been received from water (Clay County PWSD#6), electrical (P.C.E.C.) and Century Link (Telephone).

The property would be served by propane gas service or all electric.



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Findings

None.

Recommendations

Staff recommends **approval** of this vacation request based upon no stated objection by any utility company, the associated replat (*Case No: June 16-115RZ/F*), along with general compliance to the LDC, with the following condition:

1. The **Resolution for Vacation**, if approved by the County Commission, be recorded simultaneously with Hillford Estates (*Case No: June 16-115RZ/F*) with the above described utility easement shown as vacated on the recording copies of the Final Plat (*line for writing of BK. and PG*).



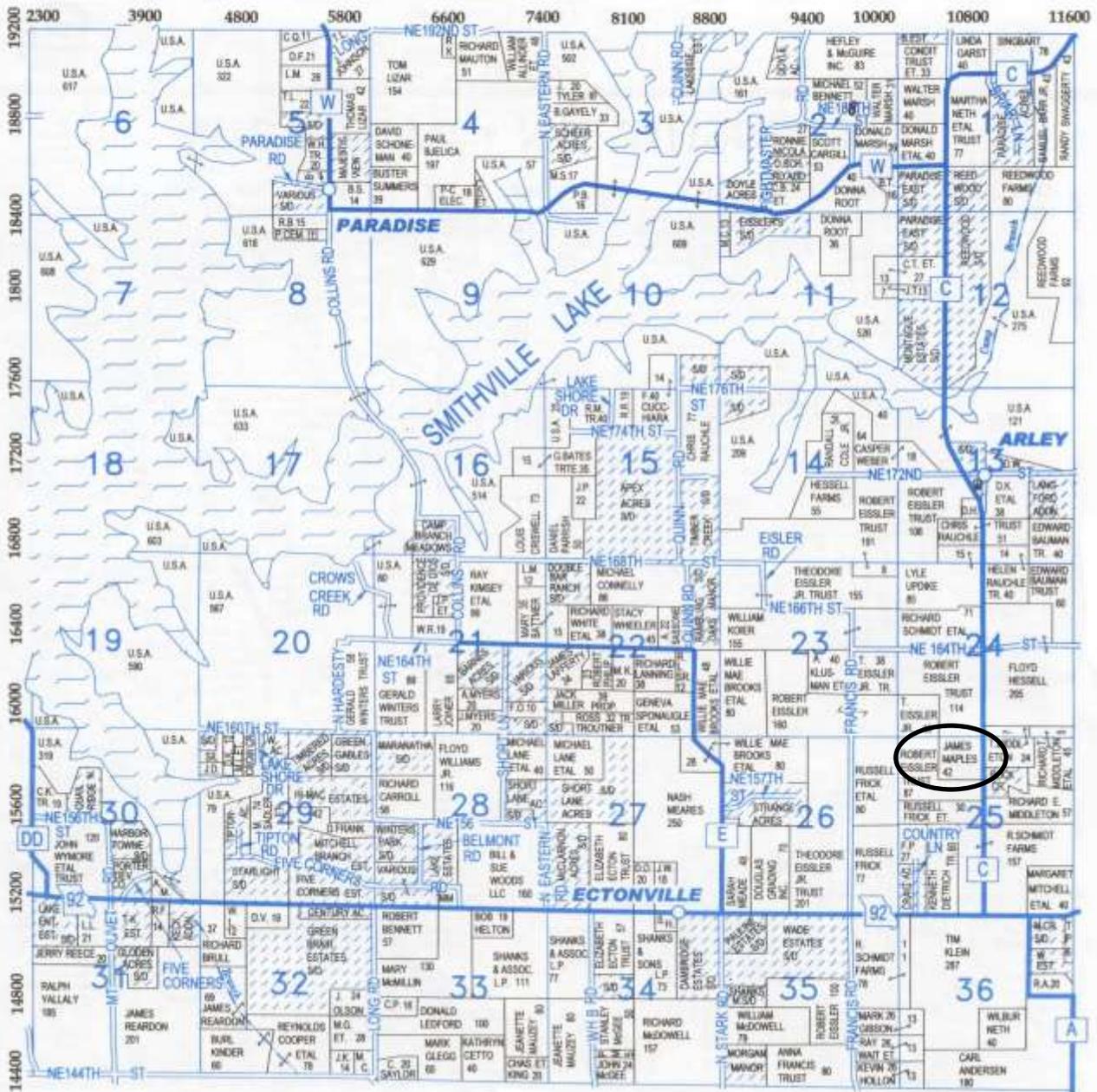
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Attachments

June 16-114V Three J's Acres, Lot 1 Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 32W

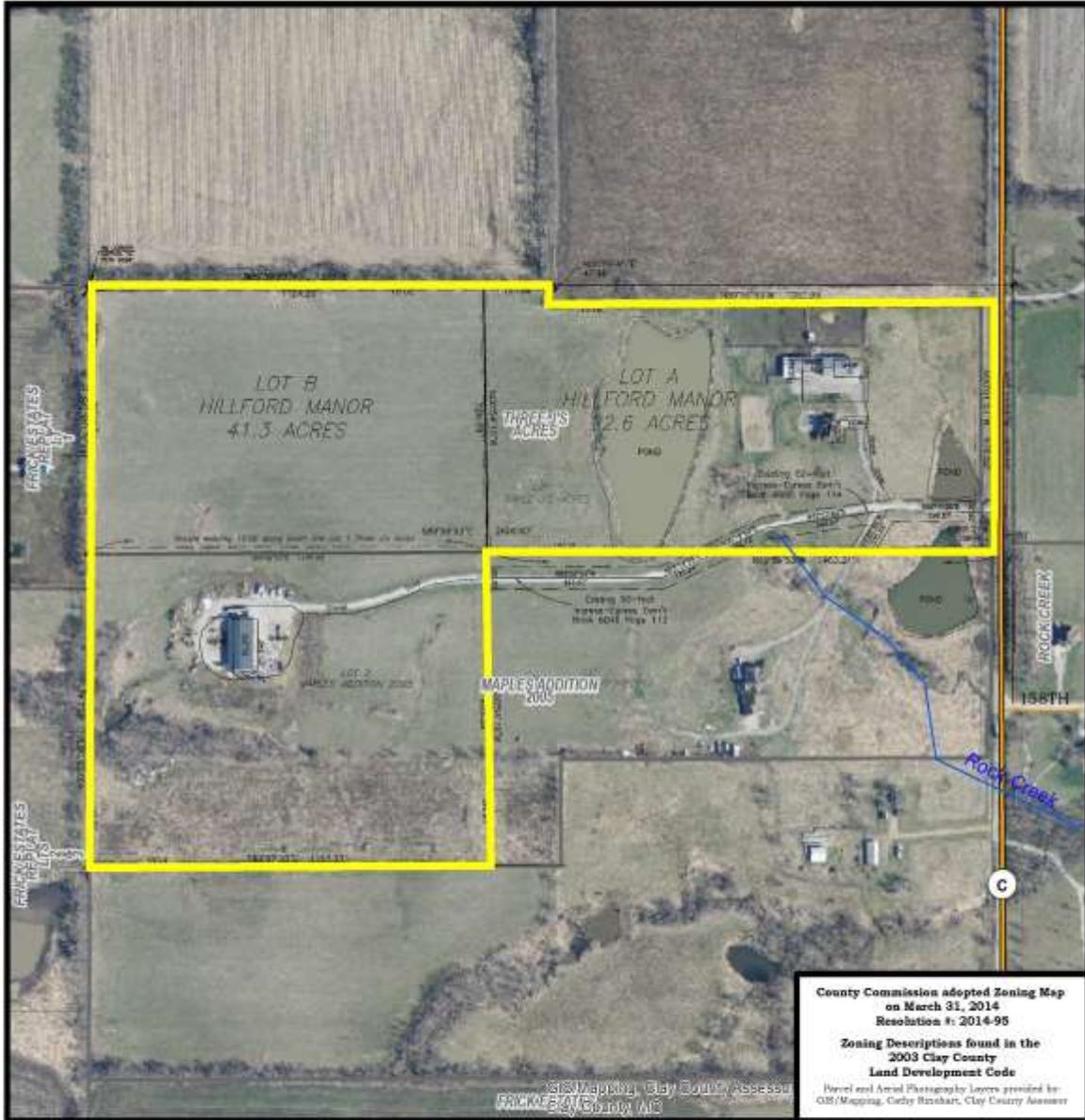




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June 16-114V – Three J's Acres - Vacation UE Attachment B - Site Plan Map



Map Document: G:\GIS\Project_Files\Vacancy Map - 8 x 11 P.mxd
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Planning & Zoning Department

1 inch = 400 feet
1 inch = 0.08 miles

LEGEND

Property Line	Roads	Subdivisions
Streams (EPA)	Interstates	2016 City Limits
Railroads	State Highways	Parks
	Local Roads	County Boundaries
	Highway Ramps	