



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	June 16-116V
Case Type	Vacation – Utility Easement (U.E.) & an Ingress/Egress Easement
Project Name	Vacation, within Lot 2A <u>Replat of Lot 2 Sunset Ridge</u>
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Applicant/Owners	Roger and Brenda Smith 19804 NE 164 th Street Kearney, MO 64060
Request	Vacation of Utility Easement (“U.E.”) & an ingress/egress easement within Lot 2A <u>Replat of Lot 2 Sunset Ridge</u>
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Application Submittal	2016-04-18
Public Notice Published	2016-05-19
Utility Letters Sent	2016-05-10
Report Date	2016-05-31
Public Hearing Opened	2016-06-07
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REPORT AUTHOR(S)	Debbie Viviano, Planner Kipp Jones, Manager
Recommendation	APPROVE with condition



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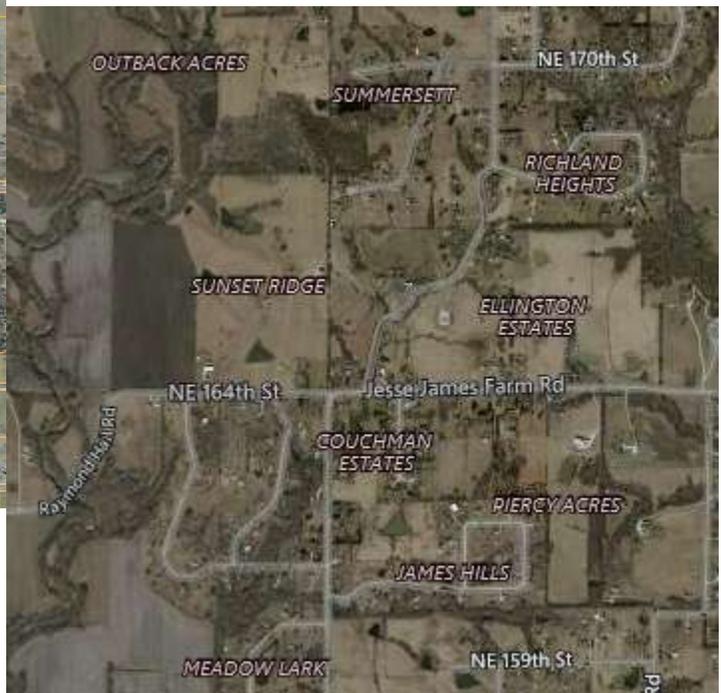
General Information

- Site Location:** Approximately 19804 NE 164th Street
Section 24 | Township 53 | Range 31
- Site Size:** See below legal description and attached Final Plat
- Existing Landuse & Zoning:** Lot 2A, Replat of Lot 2 Sunset Ridge – Residential Low-Density (R-1A) District
- Zoning/Platting History:** Sunset Ridge, recorded 6/10/1996; Replat of Lot 2, Sunset Ridge, recorded 11/9/2005
- Surrounding Landuse & Zoning:**
- North – Agricultural (AG) Zoned Land, Summersett (R-1)
 - West – Agricultural (AG) Zoned Land, Muddy Fork Creek
 - South – Kountryridge Estates (R-1), Couchman Estates (R-1)
 - East – Agricultural (AG) Zoned Land, Summersett (R-1), Clay County Park (Jesse James Farm)

Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Roger and Brenda Smith seek to vacate a Utility Easement (henceforth known as "U.E"s) and an ingress/egress Easement within Lot 2A of the Replat of Lot 2 Sunset Ridge which is legally described as follows:

LEGAL DESCRIPTIONS of UTILITY EASEMENTS and AN INGRESS/EGRESS EASEMENT WITHIN LOT 2A

REPLAT of LOT 2 SUNSET RIDGE

TELEPHONE EASEMENT

Vacation of a 15 foot telephone easement over Lot 2A, Replat of Lot 2 in Sunset Ridge as recorded in Book G at Page 23 in the Recorder of Deeds Office, Clay County, Missouri, being 7.5 feet on each side of the following described centerline Beginning at the SW corner of Lot 1 of Sunset Ridge as recorded in Cabinet "C" at Sleeve 390 in the Recorder of Deeds Office, Clay County, Missouri; thence N00°06'15"W along the west line of said Lot 1, a distance of 211.13 feet; thence N13°28'13"W, a distance of 135.69 feet; thence N02°32'20"W, a distance of 319.69 feet; thence N07°18'00"W, a distance of 71.73 feet; thence N14°36'23"W, a distance of 97.69 feet; thence N08°30'57"W, a distance of 50.93 feet; thence N00°56'02"W, a distance of 26.44 feet; thence N19°52'54"W, a distance of 34.35 feet to the north line of said Lot 2A and the terminus of said centerline.

ELECTRIC LINE EASEMENT

Vacation of a 15 foot electric line easement over Lot 2A, Replat of Lot 2 in Sunset Ridge as recorded in Book G at Page 23 in the Recorder of Deeds Office, Clay County, Missouri, being 7.5 feet on each side of the following described centerline Commencing at the NE corner of Lot 1 of Sunset Ridge as recorded in Cabinet "C" at Sleeve 390 in the Recorder of Deeds Office, Clay County, Missouri; thence S89°51'40"W along the north line of said Lot 1, a distance of 300.99 feet to the Point Of Beginning; thence N15°16'23"W, a distance of 304.75 feet; thence N20°09'54"W, a distance of 295.88 feet; thence N19°52'54"W a distance of 34.35 feet to the north line of said Lot 2A and the terminus of said centerline.

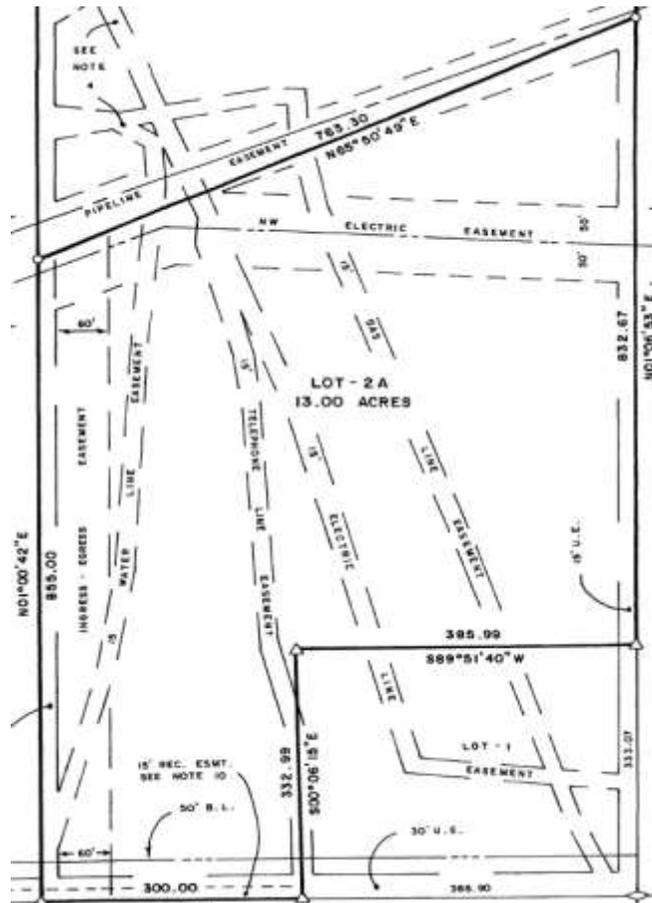
60' INGRESS – EGRESS EASEMENT

Vacation of a 60 foot ingress-egress easement over Lot 2A, Replat of Lot 2 in Sunset Ridge as recorded in Book G at Page 23 in the Recorder of Deeds Office, Clay County, Missouri, described as follows: the east 60 feet of the west 75 feet of said Lot 2A.



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The applicants are seeking to vacate the above existing U.E.'s and 60' ingress/egress, and establish new U.E.'s and a 60' ingress/egress as part of Case No: June 16-117F, Lot 2A-1 Sunset Ridge (A Replat of Lot 2A being a Replat of Lot 2 in Sunset Ridge).

Character of the General Neighborhood

Agriculturally zoned land surrounds on the north, east and west of the property. Summerset (R-1) subdivision is also on the north and east of the property. Kountryside and Couchman Estates (R-1) are to the south. The Muddy Fork Creek is to the west and the Jesse James Farm is to the east of the property.

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;



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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.

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 of the U.E.'s and 60' ingress/egress: water (Clay County PWSD#8), NW Electric Power Electric Coop., Missouri Gas Energy, KCPL, AT&T, Ameren (U.E.). Replies with no objection to the request have been received from Mid America Pipeline Company saying they have no objections to the utilities crossing our pipeline easement as long as they abide by our encroachment guidelines; electrical (P.C.E.C.) and Century Link (Telephone); Missouri Gas Energy.



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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 16-117F*), 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 Lot 2A-1 Sunset Ridge (*Case No: June 16-117F*) with the above described utility easements and an ingress/egress shown as vacated on the recording copies of the Final Plat (*line for writing of BK. and PG*).



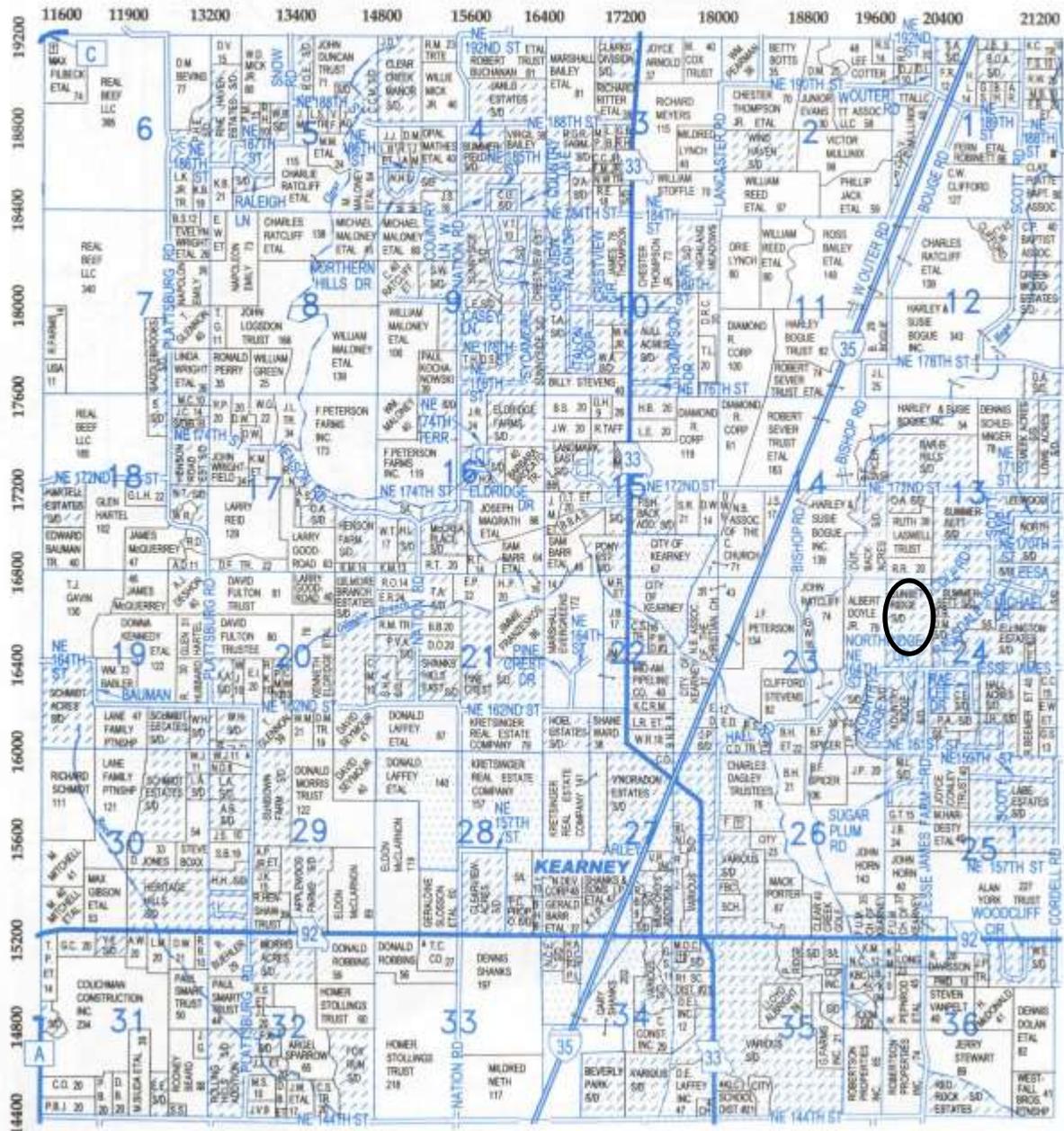
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Attachments

June 16-116V- within Lot 2A –Replat of Lot 2 Sunset Ridge

TOWNSHIP 53N • RANGE 31W

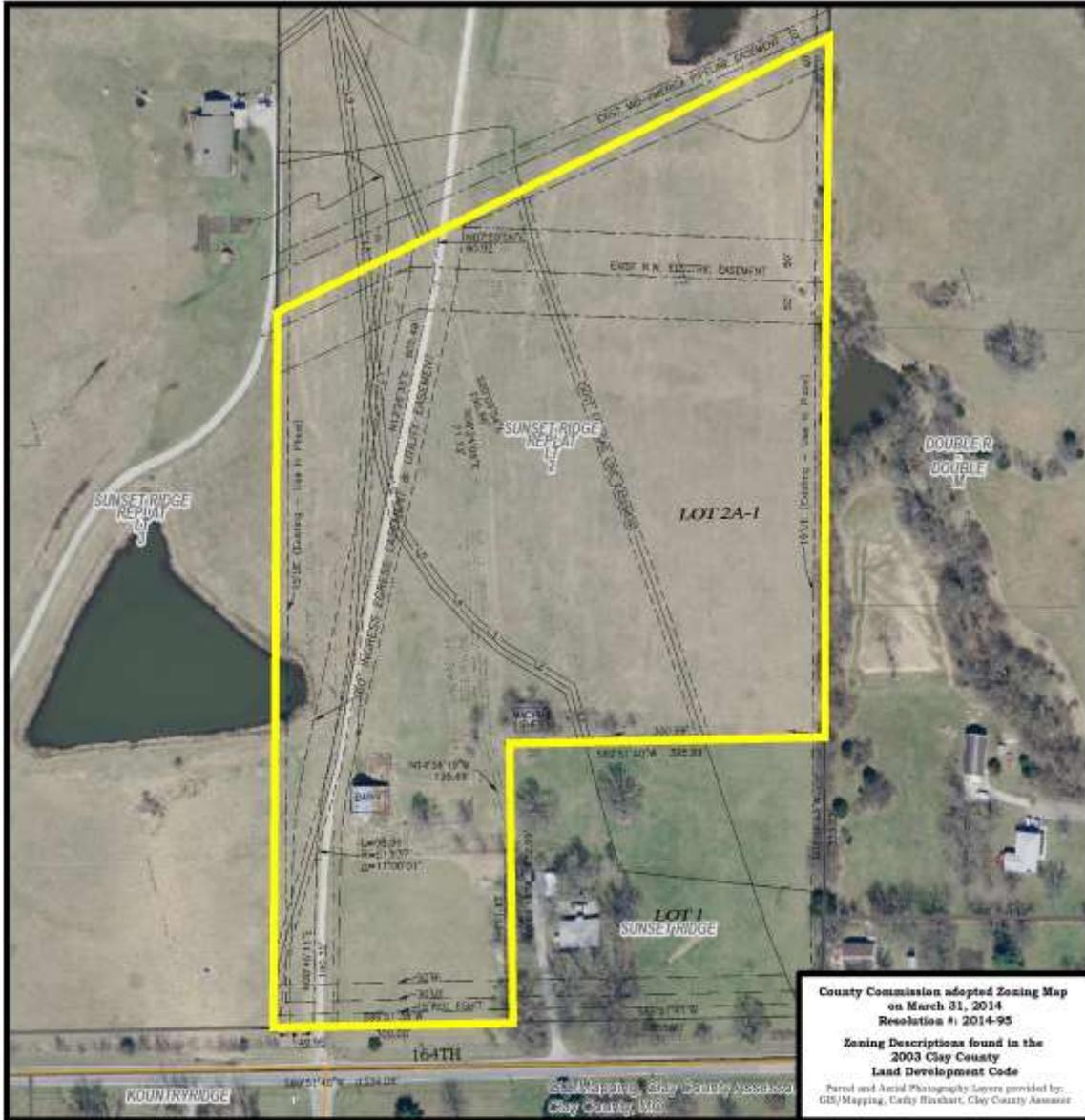




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June 16-116V – Replat of Lot 2 Sunset Ridge Attachment B - Site Plan Map



Map Document: C:\GIS\Projects\Plan\Obecity Map - 8 x 11 (road) 0001202010 - 01:52:18 PM

Planning & Zoning Department

1 inch = 175 feet
1 inch = 0.03 miles

LEGEND

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