



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number August 14-124V
Case Type Vacation – Utility Easements (U.E.)
Project Name Vacation, within Lots 5A & 5B of the Replat of Lot 5 Bonnie Acres

Applicant Dennis L. Schmidt, Countryside Survey, LLC,
representing Elizabeth S. Roberts

Owner Elizabeth S. Roberts
10008 NE 124th Street
Liberty, MO 64068

Request **Vacation** of portions of Utility Easements (“U.E.”) within Lots 5A & 5B of the Replat of Lot 5 Bonnie Acres. New U.E.s to be established with the proposed Elizabeth Acres (A Replat of Lot 5A and 5B Bonnie Acres).

Application Submittal 2014-06-30

Public Notice Published 2014-07-17

Utility Letters Sent 2014-07-18

Report Date 2014-07-24

Public Hearing Opened 2014-08-05

REPORT AUTHOR(S) Debbie Viviano, Planner
Matt Tapp, Director

Recommendation APPROVE with conditions



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General Information

Site Location: Lots 5A & 5B of the Replat of Lot 5 Bonnie Acres
 Approximately 10200 NE 124th Street
 Section 13 | Township 52 | Range 32

Site Size: See below legal description and attached Final Plat

Existing Landuse & Zoning:

Lot 5A – Agricultural (AG)
 Lot 5B – Suburban Residential District (R-1A)-Lot 5B

Zoning/Platting History:

Bonnie Acres, recorded 8/6/1993; Bonnie Acres, Replat of Lot 5, recorded 9/28/2006; RZ Replat of Lot 5 Bonnie Acres, Res#2006-319, PP-Res#2006-320; Final-Res#2006-321

Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Green Acres Estates (R-1), Reeves Addition (R-1A)
- East – Agricultural (AG) Zoned Land, Green Acres Estates (R-1)
- South – Agricultural (AG) Zoned Land, VanHendrix Acres (AG & R-1)
- West – Agricultural (AG) Zoned Land

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Dennis L. Schmidt, Countryside Survey, LLC, representing Elizabeth S. Roberts seeks to vacate portions of Utility Easements (henceforth known as "U.E"s) on Lots 5A & 5B of the Replat of Lot 5 Bonnie Acres, which is legally described as follows:

Part of Lot 5A and 5B, Replat of Lot 5, BONNIE ACRES, a subdivision of land recorded in Instrument Number 2006042929, in Book: G, at Page: 76, located in the Southwest Quarter of the Northwest Quarter of Section 13, Township 52 N, Range 32 W, Clay County, Missouri, being more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of said Section 13, thence along the West line of said quarter Section, North 00 degrees 20 minutes 38 seconds East 50.00 feet to a point on the South line of said Lot 5; thence North 89 degrees 44 minutes 31 seconds East along the said South line of Lot 5, a distance of 435.16 feet; thence North 00 degrees 15 minutes 29 seconds West a distance of 30.00 feet to the POINT OF BEGINNING; thence North 89 Degrees 44 Minutes 31 Seconds East a distance of 11.94 feet; thence North 26 Degrees 23 Minutes 55 Seconds East a distance of 107.04 feet; thence North 35 Degrees 15 Minutes 55 Seconds East a distance of 78.17 feet; thence North 00 Degrees 19 Minutes 26 Seconds East a distance of 246.43 feet; thence South 89 Degrees 40 Minutes 37 Seconds East a distance of 309.81 feet; thence North 00 Degrees 19 Minutes 33 Seconds East a distance of 15.00 feet; thence North 89 Degrees 40 Minutes 37 Seconds West a distance of 324.81 feet; thence South 00 Degrees 19 Minutes 26 Seconds West a distance of 256.71 feet; thence South 35 Degrees 15 Minutes 55 Seconds West a distance of 74.61 feet; thence South 26 Degrees 23 Minutes 55 Seconds West a distance of 104.92 feet; thence South 00 Degrees 15 Minutes 29 Seconds East a distance of 9.66 feet; to the point of beginning,

Containing 11326 square feet, or 0.26 acres more or less

Mr. Schmidt is seeking to vacate portions of the existing U.E.'s as part of re-platting of Bonnie Acres, Case Number July 14-123RZ/F.

Character of the General Neighborhood

Agriculturally (AG) zoned property is to each direction of the property. Green Acres Estates (R-1) and Reeves Addition (R-1A) subdivisions are to the north. Yosemite West (R-1A) and Yosemite East (R-1) subdivisions are to the east of the property. VanHendrix Acres (AG & R-1) are to the south of the property and Agriculturally (AG) zoned land is to west of the property [See Attachment B].

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.

The requested Vacation appears to substantially comply with the LDC. The vacation application was properly noticed in the Kearney Courier on July 17, 2014, and the utility providers were notified by a letter dated July 3, 2014.



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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 (PWSD#6), telephone (Century Link & AT &T), electrical (P.C.E.C., KCP&L) and gas service (MGE). PCEC has noted that they are not vacating the private easement recorded in Book 2632, Page 982.

Findings

None.

Recommendations

Staff recommends **approval** of this vacation request based upon no stated objection by any utility company, the associated replat (*Case No: July 14-123RZ/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 the Replat of Spring Hill Addition 2003 (*Case No: November 13-120RZ/F*) with the above described utility easement shown as vacated on the Final Plat.

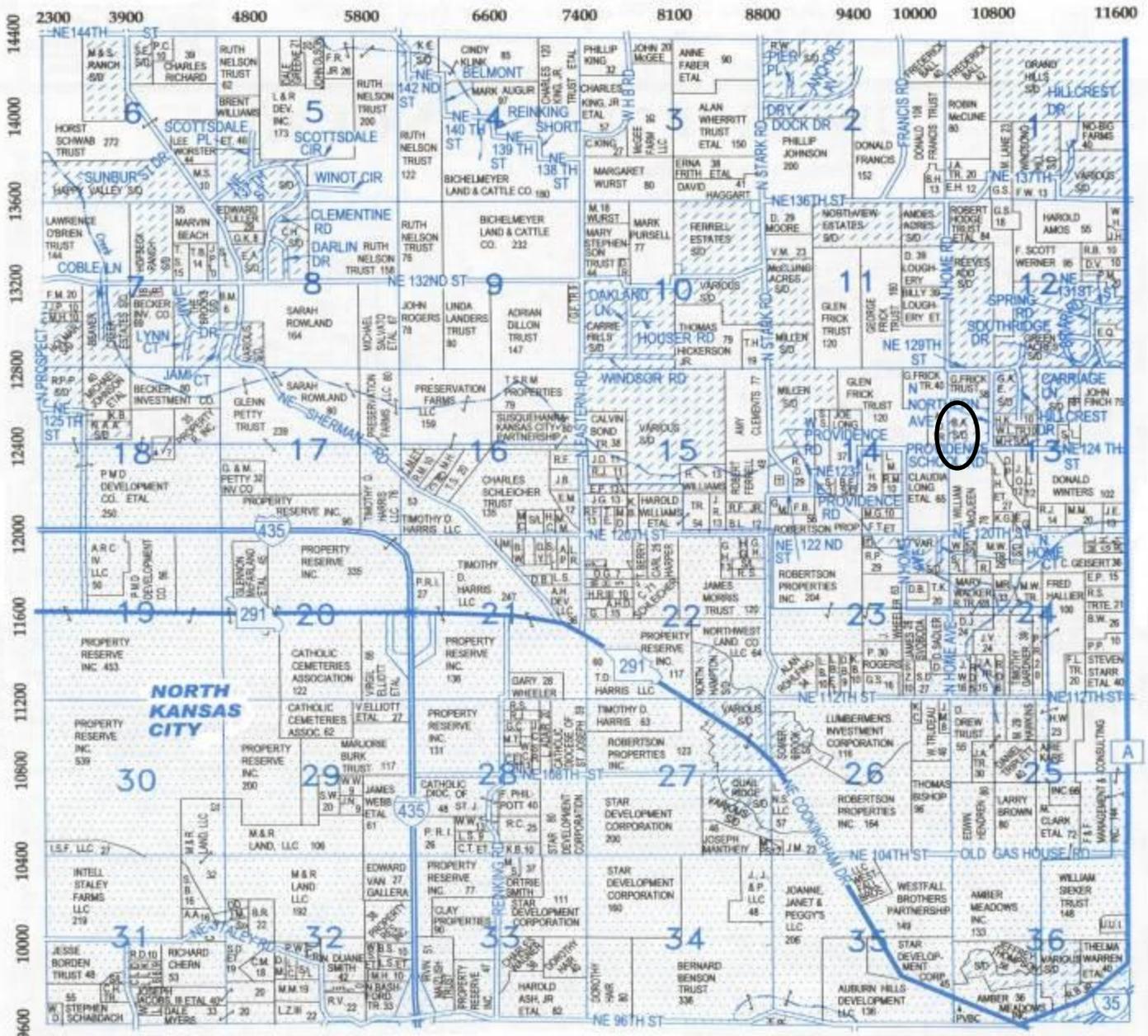


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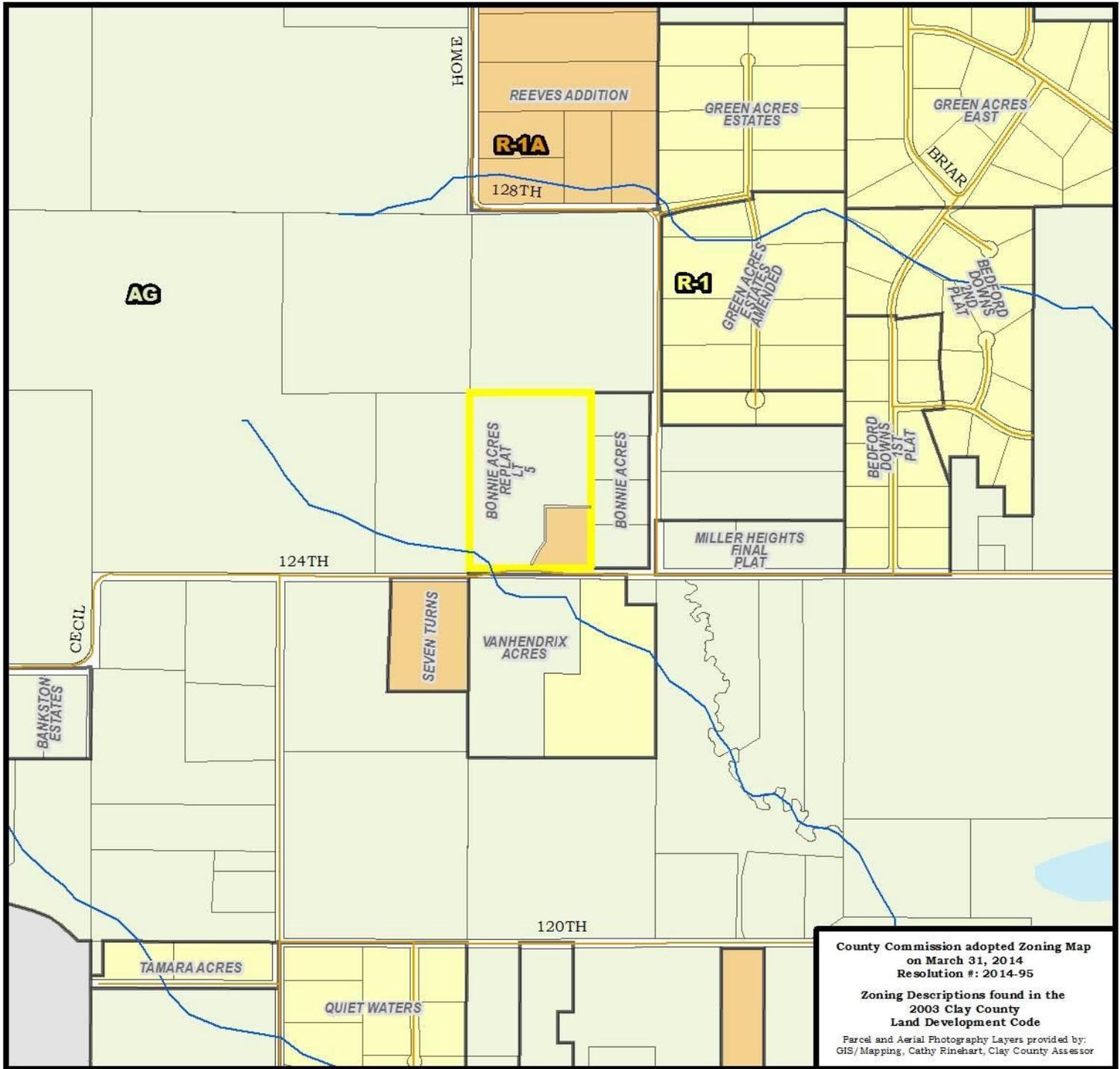
Attachments

August 14-124V – Vacation for portions of UE's within Lots 5A & 5B of the Replat of Lot 5 Bonnie Acres Attachment A – Vicinity Map



Aug 14-124V – Vacation UE - Bonnie Acres 5A-5B

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
 on March 31, 2014
 Resolution #: 2014-95

Zoning Descriptions found in the
 2003 Clay County
 Land Development Code

Parcel and Aerial Photography Layers provided by:
 GIS/Mapping, Cathy Rinhart, Clay County Assessor

Planning & Zoning Department

1 inch = 1,000 feet
 1 inch = 0.19 miles

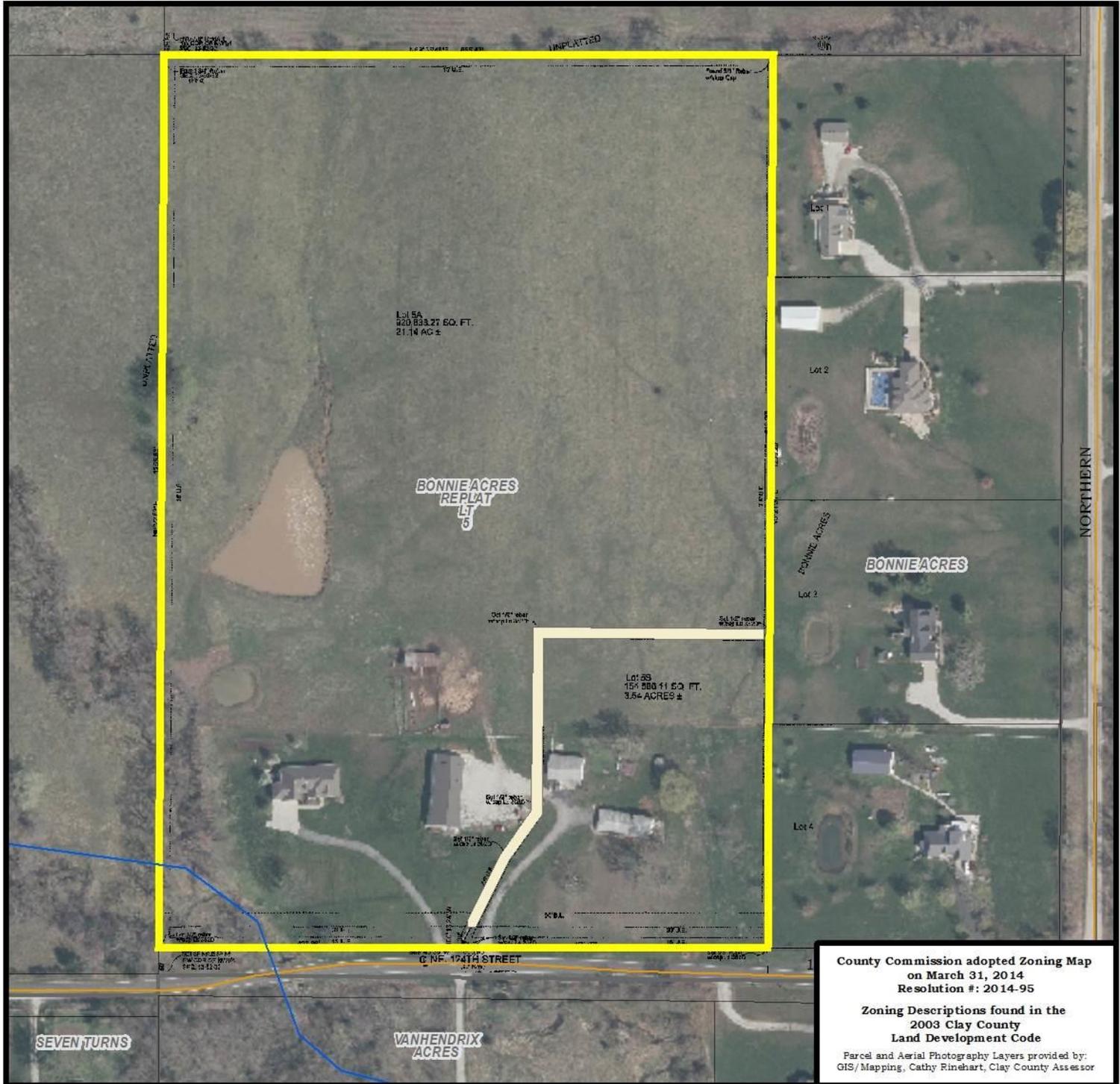
LEGEND

Property Line	Roads	Subdivisions	Overlay Districts	Zoning Districts	C-1
To Be Vacated	Interstates	2014 City Limits	CD (Conservation District)	AG	C-2
Streams (EPA)	State Highways	Parks	POD (Preservation Overlay District)	R-1A/R-5	I-1
Railroads	Local Roads	County Boundaries	PUD (Planned Unit Development)	R-1B/RU	I-2
	Highway Ramps			R-3	OP

Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd) 07/08/2014 -- 04:31:38 PM

Aug 14-124V – Vacation UE - Bonnie Acres 5A-5B

Attachment C - Site Plan Map



Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd) 07/09/2014 -- 10:21:18 AM

Planning & Zoning Department



1 inch = 200 feet
1 inch = 0.04 miles

LEGEND

- Property Line
- To Be Vacated
- Streams (EPA)
- Railroads
- Roads
- Interstates
- State Highways
- Local Roads
- Highway Ramps
- Subdivisions
- 2014 City Limits
- Parks
- County Boundaries