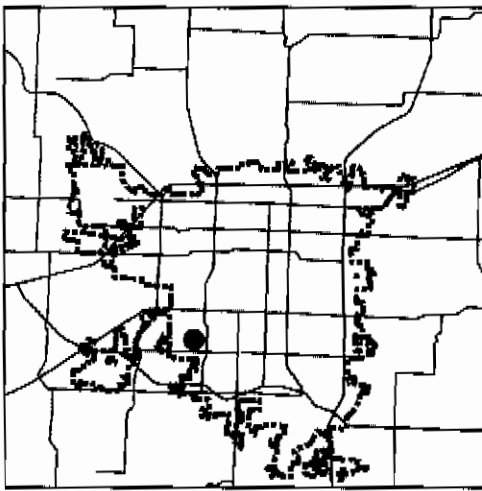


# Zoning & Subdivision Report

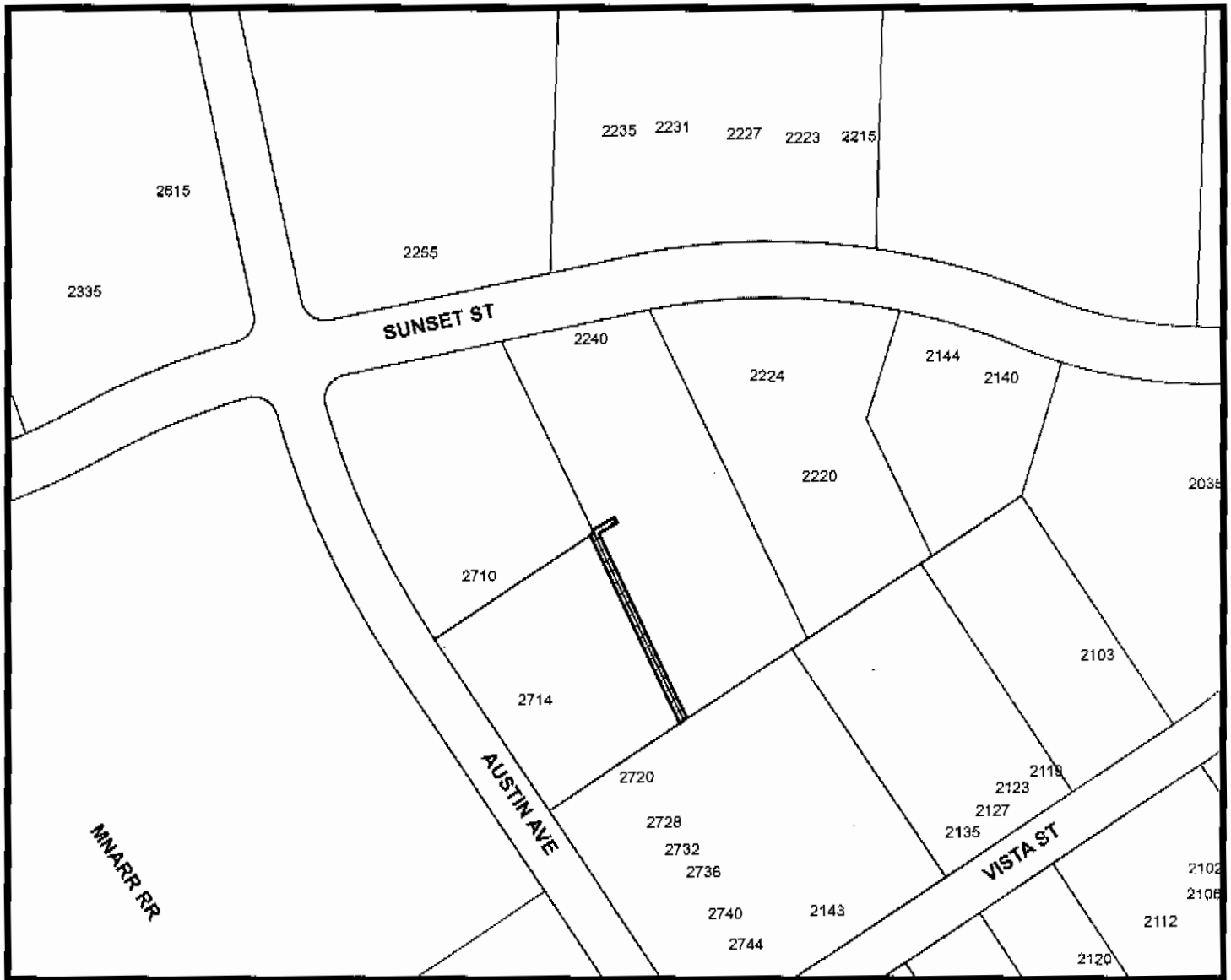
Planning & Development - 417/864-1611  
840 Boonville - Springfield, Missouri 65801

## **Relinquish Easement 741**

Location: 2220 West Sunset Street



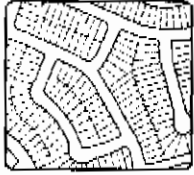
LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet



Zoning & Subdivision Report  
Planning & Development Department ~ 417/864-1611  
840 Boonville Avenue ~ Springfield, Missouri 65801

## **REQUEST TO RELINQUISH EASEMENT NUMBER 741**

DATE: September 23, 2009

PURPOSE: To relinquish a utility easement

### **BACKGROUND:**

LOCATION: 2220 West Sunset

APPLICANT: Cox HPS of the Ozarks, Inc.

### **RECOMMENDATION:**

The request be **approved**.

### **FINDING:**

The request meets the approval criteria listed in Attachment B.

### **STAFF CONTACT PERSON:**

K. A. Giles  
Associate Planner

Attachment A: Background report  
Attachment B: Approval criteria  
Exhibit 1: Legal description  
Exhibit 2: Drawing of the site

ATTACHMENT A  
RELINQUISH EASEMENT NO. 741  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

The applicant is requesting to relinquish a utility easement to facilitate the combination and development of the two adjacent lots.

SANITARY SERVICES COMMENTS:

No objection to relinquishing the utility easement.

CITY UTILITIES

City Utilities has no objection to relinquishing the utility easement.

STORM-WATER COMMENTS:

Relinquishment of this easement does not impact storm water.

TRAFFIC ENGINEERING COMMENTS:

Traffic Engineering has no objections to the relinquishment of the utility easement.

STAFF COMMENTS:

1. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect utilities.
2. The existing utility easement was placed on the common lot line between lots 1 and 2 at the time the property was platted and before there were plans to develop the land. Now the applicant has purchased the two lots and is ready to develop the property with a building which will cross the property line. The existing utility easement prevents construction because the building cannot be constructed over an easement. There are no utilities within the easement to be relinquished and it does not serve any purpose with the lots combined into one tract.
3. No one has objected to this request.

ATTACHMENT B  
RELINQUISH EASEMENT NO. 741  
APPROVAL CRITERIA

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings:

1. No one has objected to the relinquishment of these easements.

STAFF RESPONSE:

No one has objected to the relinquishment of this utility easement.

2. The appropriate City agency has filed with the Planning and Development Department a statement that the easement is no longer needed to provide utility service.

STAFF RESPONSE:

The utility easement is not needed.

3. That the retention of the easement no longer serves any useful public purpose.

STAFF RESPONSE:

The retention of the subject easement no longer serves a public purpose.

RELINQUISH EASEMENT NO. 741  
EXHIBIT 1

DESCRIPTION OF EASEMENT TO BE RELINQUISHED:

A PARCEL OF LAND LOCATED IN LOTS ONE (1) AND TWO (2) OF THE FINAL PLAT OF BATTLEFIELD BUSINESS CENTER NO.11, CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT TWO (2) OF SAID FINAL PLAT OF BATTLEFIELD BUSINESS CENTER NO.11, THENCE SOUTH 25°46'23" EAST, ALONG THE EAST LINE OF SAID LOT TWO (2), A DISTANCE OF 5.05 FEET TO A PLATTED 5.00 FOOT UTILITY EASEMENT; THENCE NORTH 56°12'03" EAST, ALONG SAID EASEMENT A DISTANCE OF 5.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 25°47'42" WEST, ALONG SAID PLATTED 5.00 FOOT EASEMENT, A DISTANCE OF 10.10 FEET; THENCE NORTH 56°12'03" EAST, A DISTANCE OF 34.96 FEET; THENCE SOUTH 33°47'57" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 56°12'03" WEST, A DISTANCE OF 36.36 FEET; THENCE SOUTH 25°46'23" EAST, ALONG A PLATTED 5.00 FOOT EASEMENT AND PARALLEL TO THE WEST LINE OF LOT ONE (1) OF SAID FINAL PLAT, A DISTANCE OF 243.97 FEET TO THE NORTH LINE OF A 10.00 FOOT PLATTED EASEMENT; THENCE SOUTH 56°08'05" WEST, ALONG SAID EASEMENT, A DISTANCE OF 10.10 FEET; THENCE NORTH 25°46'23" WEST, ALONG A PLATTED 5.00 FOOT EASEMENT, A DISTANCE OF 243.98 FEET; THENCE NORTH 56°12'03" EAST, A DISTANCE OF 10.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 2797 SQUARE FEET, 0.06 ACRES

**LEGEND**

- EXISTING 5/8" IRON PIN CAPPED "LS-2260" EXCEPT AS NOTED
- 5/8" IRON PIN SET CAPPED "LC-2007008003"
- ⊕ FIRE HYDRANT
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ GAS METER
- ⊕ GAS VALVE
- ⊕ SANITARY SEWER MANHOLE
- ⊕ STORM SEWER MANHOLE
- ⊕ ELECTRIC MANHOLE
- ⊕ CLEAN OUT
- ⊕ POWERPOLE
- ⊕ GUY ANCHOR
- ⊕ SIGN
- ⊕ LIGHT POLE
- ⊕ ELECTRIC JUNCTION ENCLOSURE
- ⊕ TELEPHONE PEDESTAL
- ⊕ WOOD PRIVACY FENCE
- ⊕ UNDERGROUND TELEPHONE
- ⊕ UNDERGROUND ELECTRIC
- ⊕ UNDERGROUND 8" WATER LINE
- ⊕ UNDERGROUND 4" GAS LINE

**DESCRIPTION OF EASEMENT TO BE RELINQUISHED:**  
 A PARCEL OF LAND LOCATED IN LOTS ONE (1) AND TWO (2) OF THE FINAL PLAT OF BATTLEFIELD BUSINESS CENTER NO.11, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT TWO (2) OF SAID FINAL PLAT OF BATTLEFIELD BUSINESS CENTER NO.11, THENCE SOUTH 25°46'23" EAST, ALONG THE EAST LINE OF SAID LOT TWO (2), A DISTANCE OF 5.05 FEET TO A PLATTED 5.00 FOOT UTILITY EASEMENT; THENCE NORTH 56°12'03"EAST, ALONG SAID EASEMENT A DISTANCE OF 5.05 FEET TO THE POINT OF BEGINNING; THENCE NORTH 25°47'42"WEST, ALONG SAID PLATTED 5.00 FOOT EASEMENT, A DISTANCE OF 10.10 FEET; THENCE NORTH 56°12'03"EAST, A DISTANCE OF 34.98 FEET; THENCE SOUTH 33°47'57" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 56°12'03"WEST, A DISTANCE OF 36.36 FEET; THENCE SOUTH 25°46'23" EAST, ALONG A PLATTED 5.00 UTILITY FOOT EASEMENT AND PARALLEL TO THE WEST LINE OF LOT ONE (1) OF SAID FINAL PLAT, A DISTANCE OF 243.97 FEET TO THE NORTH LINE OF A 10.00 FOOT PLATTED UTILITY EASEMENT; THENCE SOUTH 56°08'05"WEST, ALONG SAID EASEMENT, A DISTANCE OF 10.10 FEET; THENCE NORTH 25°46'23"WEST, ALONG A PLATTED 5.00 FOOT UTILITY EASEMENT, A DISTANCE OF 243.98 FEET; THENCE NORTH 56°12'03"EAST, A DISTANCE OF 10.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 2797 SQUARE FEET, 0.06 ACRES MORE OR LESS

**PROPERTY DESCRIPTION:**  
 ALL OF LOTS ONE (1) AND TWO (2), IN FINAL PLAT OF BATTLEFIELD BUSINESS CENTER NO. 11, A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI.

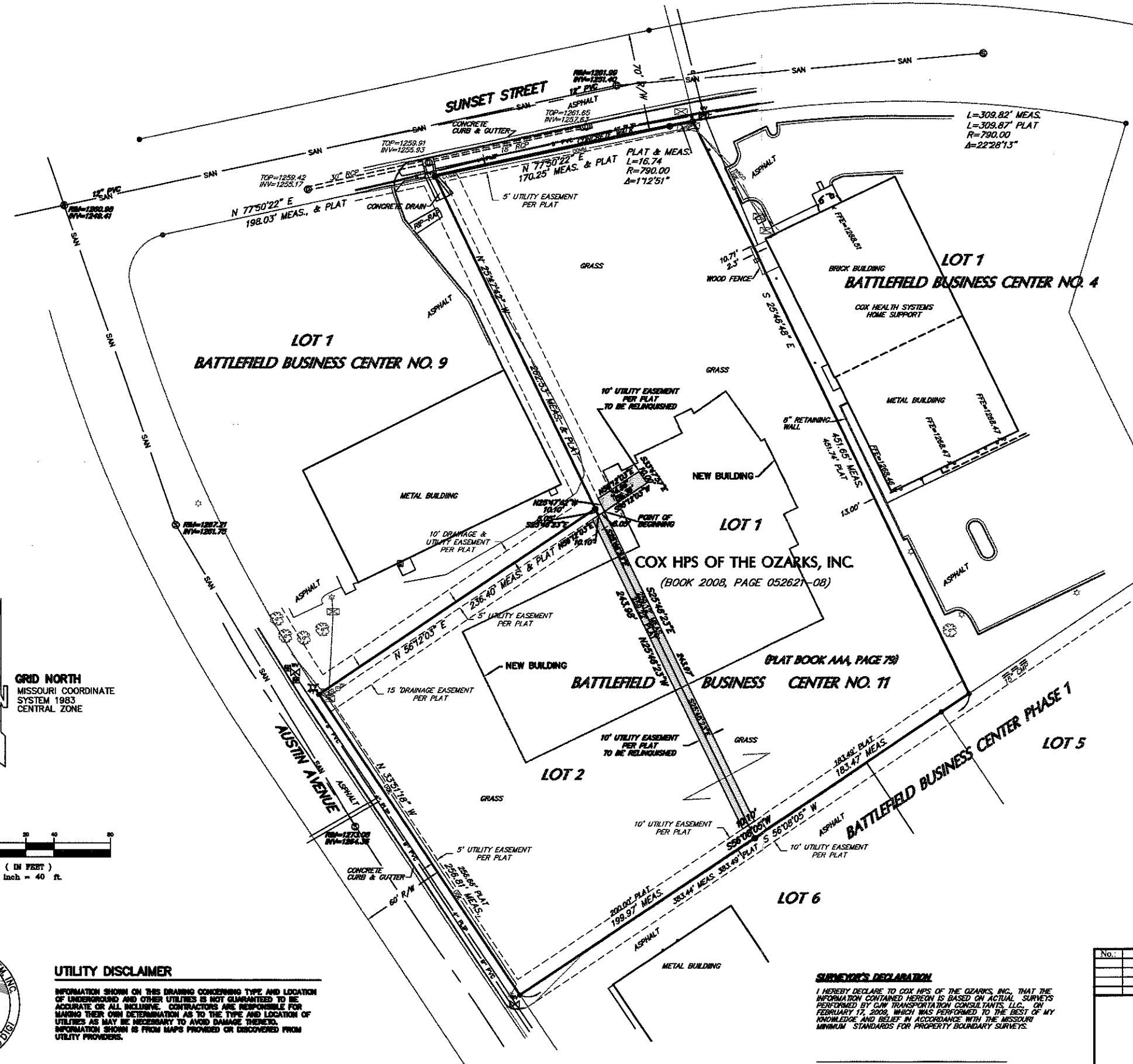
BOOK 2008, PAGE 052621-08 GREENE COUNTY RECORDERS OFFICE.

**PROPERTY DESCRIPTION BY SURVEY AS FOLLOWS:**  
 LOTS ONE (1) AND TWO (2) OF THE FINAL PLAT OF BATTLEFIELD BUSINESS CENTER NO.11, (RECORDED IN BOOK AAA AT PAGE 79) CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

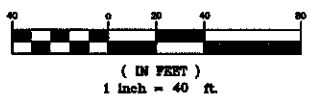
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 77°50'22" EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 170.25 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 790.00 FEET, AN ARC LENGTH OF 16.74 FEET AND A CHORD LENGTH OF 16.74 FEET THAT BEARS NORTH 78°26'47" EAST TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 25°46'48" EAST, A DISTANCE OF 451.65 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 56°08'05" WEST ALONG SOUTH LINE OF SAID LOT 1, A DISTANCE OF 383.44 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 33°51'18" WEST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 256.81 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 56°12'03" EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 236.40 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE NORTH 25°47'42"WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 262.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.32 ACRES, MORE OR LESS.

**RELINQUISH EASEMENT 741  
 EXHIBIT 2**



**GRID NORTH**  
 MISSOURI COORDINATE SYSTEM 1983  
 CENTRAL ZONE



**UTILITY DISCLAIMER**  
 INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUDING. CONTRACTORS ARE RESPONSIBLE FOR MAKING THEIR OWN DETERMINATION AS TO THE TYPE AND LOCATION OF UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THEREOF. INFORMATION SHOWN IS FROM MAPS PROVIDED OR DISCOVERED FROM UTILITY PROVIDERS.

**SURVEYOR'S DECLARATION**  
 I HEREBY DECLARE TO COX HPS OF THE OZARKS, INC. THAT THE INFORMATION CONTAINED HEREON IS BASED ON ACTUAL SURVEYS PERFORMED BY CJW TRANSPORTATION CONSULTANTS, L.L.C. ON FEBRUARY 17, 2009, WHICH WAS PERFORMED TO THE BEST OF MY KNOWLEDGE AND BELIEF IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

JAMES D. GRAY PLS-2000147882 DATE

No.	Revision:	Date:	RELINQUISH OF EASEMENT & ADMINISTRATIVE SUB. COX HPS OF THE OZARKS, INC.
Prepared by: <b>CJW</b> CJW Transportation Consultants, L.L.C.			LOTS 1 & 2 BATTLEFIELD BUSINESS CENTER NO. 11 A SUBDIVISION IN SPRINGFIELD, GREENE COUNTY, MISSOURI
5051 S. National Suite 4-110 Springfield, MO 65810 Tel: 417.889.3400 Fax: 417.889.3402 www.GoCJW.com			
SURVEY BY CHAPMAN/ROTTY	DESIGN J.GRAY	SCALES HOR. 1"=40'	SHEET 1
DATE 08/26/09	DRAWN J.GRAY	VERT. N/A	OF 1 SHEETS
DWG 0905	CHECKED CJW		FILE NO. ESMT/ADMIN