**CASE NUMBER:**
Request to Relinquish Easement No. 880

**LOCATION:**
2107 South Eastgate Avenue

**ACRES:**
0.1

**EXISTING LAND USE:**
Vacant

**APPLICANT:**
Castelbay Real Estate Holding No 9, LLC

**STAFF:**
Andrew Menke, 864-1613

**STAFF RECOMMENDATION:**
Approve

**PROPOSED MOTION:**
Move to approve Relinquish Easement No. 880

**SUMMARY OF APPLICANTS REQUEST:**

Castelbay Real Estate Holding No 9, LLC is requesting to relinquish a sanitary sewer easement and a utility easement to facilitate development of the property. The easements do not have public utilities and are not needed. No replacement easements are to be dedicated.

**STAFF COMMENTS:**

**PLANNING AND DEVELOPMENT:**

1. The applicant is requesting to relinquish a sanitary sewer easement and a utility easement in order to facilitate development.
2. The Planning and Zoning Commission has the authority to relinquish easements if the relinquishment does not affect public utilities.
3. No one has objected to this request to date.

**ENVIRONMENTAL SERVICES – CLEAN WATER SERVICES:**

Easement exhibit B in the application needs to accompany the description but is acceptable. The print quality on the application is not very good; an original would be better. It does not appear as though the easement is required.

**CITY UTILITIES – DEVELOPER SERVICES:**

No apparent impact to CU facilities. No objections to easement relinquishment.
FINDINGS FOR STAFF RECOMMENDATION:

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

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<tr>
<th>APPROVAL CRITERIA</th>
<th>STAFF RESPONSE</th>
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<tr>
<td>1. No one has objected to the relinquishment of the easements.</td>
<td>No one has objected to the relinquishment of the easements.</td>
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<td>2. The appropriate City agency has filed with the Planning and Development Department a statement that the easements are no longer needed to provide service.</td>
<td>All interested City agencies have filed a statement and do not object to the relinquishment of the subject easements. The applicant is not required to dedicate a replacement easement.</td>
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<td>3. That the retention of the easements no longer serves any useful public purpose.</td>
<td>The retention of the subject easement no longer serves a public purpose.</td>
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LEGAL DESCRIPTION:

SANITARY SEWER EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF LOT 1 OF CHEROKEE RESIDENTIAL CARE CENTER, A SUBDIVISION IN SPRINGFIELD, MISSOURI, RECORDED IN PLAT BOOK RR, PAGE 7, GREENE COUNTY, RECORDERS OFFICE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID CHEROKEE RESIDENTIAL CARE CENTER;

THENCE SOUTH 87°54'55" EAST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 15.48 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 02°05'55" WEST, A DISTANCE OF 157.94 FEET TO THE NORTH LINE OF SAID LOT 1;

THENCE SOUTH 87°49'16" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 10.03 FEET;

THENCE SOUTH 02°05'55" EAST, A DISTANCE OF 157.94 FEET TO THE SOUTH LINE OF SAID LOT 1;

THENCE NORTH 87°54'55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 10.03 FEET TO THE POINT OF BEGINNING; (AS ILLUSTRATED IN SKETCH EXHIBIT “B”)

CONTAINING 1,579 SQUARE FEET

UTILITY EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT PART OF LOT 1 OF CHEROKEE RESIDENTIAL CARE CENTER, A SUBDIVISION IN SPRINGFIELD, MISSOURI, RECORDED IN PLAT BOOK RR, PAGE 7, GREENE COUNTY, RECORDERS OFFICE AND ALL THAT PART OF LOT 1 OF CATHOLIC HIGH SCHOOL FIRST ADDITION, A SUBDIVISION IN SPRINGFIELD, MISSOURI, RECORDED IN PLAT BOOK QQ, PAGE 48, GREENE COUNTY, RECORDERS OFFICE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF SAID CHEROKEE RESIDENTIAL CARE CENTER;

THENCE NORTH 01°11’58” EAST, A DISTANCE OF 64.85 FEET;

THENCE NORTHERLY 92.72 FEET ALONG A 11,635.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD Bearing AND DISTANCE OF NORTH 01°02’56” East, 92.72 Feet TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF CHEROKEE STREET;

THENCE SOUTH 87°49’16” EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 15.35 FEET;

THENCE SOUTH 02°10’44” WEST, LEAVING SAID RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET;

THENCE SOUTHWESTERLY 15.93 FEET ALONG A 10.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 46°32’15” WEST, 14.30 FEET;
THENCE SOUTHERLY 77.41 FEET ALONG A 11,640.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 01°05’12” EAST, 77.41 FEET THENCE SOUTH 01°11’58” WEST, A DISTANCE OF 204.81 FEET;

THENCE NORTH 87°49’20” WEST, A DISTANCE OF 5.00 FEET TO A POINT ON THE WEST LINE OF LOT 1 OF SAID CATHOLIC HIGH SCHOOL FIRST ADDITION;

THENCE NORTH 01°11’58” EAST, A DISTANCE OF 139.88 FEET TO THE POINT OF BEGINNING; (AS ILLUSTRATED IN SKETCH EXHIBIT “B”)

CONTAINING 1,561 SQUARE FEET
This sketch is not a boundary survey. It is intended to show the configuration of a utility easement to be vacated. It does not meet the Missouri standards for property boundary surveys.

SKETCH EXHIBIT #8
CASTLEBAY REAL ESTATE HOLDINGS NO. 9, LLC
UTILITY EASEMENT VACATE
PART OF THE SW1/4 OF THE NW1/4 OF S34, T29N, R21W
CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI

DATE 02/28/19  CJW PROJECT No. 18129
Prepared by:
CJW
CJW Transportation Consultants, LLC.
MO C.A. #2007008003