**SUMMARY OF REQUEST:**

The applicant is requesting to vacate Della Street right-of-way generally located in the 1000 block of West Della Street.

**FINDINGS FOR STAFF RECOMMENDATION:**

1. The requested vacation meets the approval criteria listed on Attachment 3.

**SURROUNDING ZONING AND LAND USES:**

<table>
<thead>
<tr>
<th></th>
<th>NORTH</th>
<th>SOUTH</th>
<th>EAST</th>
<th>WEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING</td>
<td>HC</td>
<td>HC</td>
<td>HC / R-SF</td>
<td>N/A</td>
</tr>
<tr>
<td>LAND USE</td>
<td>Parking lot</td>
<td>Commercial Building</td>
<td>Rear of commercial uses</td>
<td>Street right-of-way</td>
</tr>
</tbody>
</table>
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:
PROPERTY HISTORY:
This segment of street right-of-way was platted in 1958 as part of the Hill Cres Subdivision.

STAFF COMMENTS:
1. This is a request to vacate street right-of-way generally located in the 1000 Block of West Della Street.
2. The entire vacated portion of street right-of-way will return to the applicant’s property to the north.
3. The applicant is providing replacement easements for utilities and access located within the area to be vacated. Sewer, utilities and access easements have been reviewed and approved by City staff and other interested agencies.
4. The proposed vacation was reviewed by City departments and comments are contained in Attachment 3.

NEIGHBORHOOD MEETING:
The applicant’s representative conducted a neighborhood meeting on May 28, 2019. There were 101 notices sent out. The neighborhood meeting summary is contained in Attachment 2.

PUBLIC NOTIFICATION:
The public notice was advertised in the News-Leader at least 30 days prior to the public hearing. The property was posted by the applicant at least 10 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 300 feet.

Notices sent to property owners within 300 feet: Mailed: 20 Returned: 0
ATTACHMENT 1: DEPARTMENT COMMENTS

BUILDING DEVELOPMENT SERVICES COMMENTS:
No issues.

CITY UTILITIES COMMENTS:
A replacement utility easement is needed. The utility easement provided is acceptable.

ENVIRONMENTAL SERVICES - CLEAN WATER SERVICES COMMENTS:
Need to submit replacement sewer easements for the vacated R/W.

PUBLIC WORKS - TRAFFIC DIVISION COMMENTS:
The replacement access easement is acceptable.

PUBLIC WORKS - STORMWATER COMMENTS:
No issues. A easement is not needed.

FIRE DEPARTMENT COMMENTS:
The vacation of the street is approved
1. Request to vacate: Della Street east of Franklin Ave

(subject address)

2. Meeting Date & Time: 05/28/2019 4:00pm to 6:30pm

3. Meeting Location: 1041 W Kearney St

4. Number of invitations that were sent: 100+ (the labels were provided by the city)

5. How was the mailing list generated: City of Springfield provided labels

6. Number of neighbors in attendance (attach a sign-in sheet): 4

7. List the verbal comments and how you plan to address any issues:

   One phone call was received prior to the meeting from a neighbor named Lexi who had received the letter. She had no concerns directed toward the Vacation Petition and did not attend the public meeting. The night of the meeting there were 4 people who stopped by. They represented 3 different businesses/organizations. They asked questions, but none provided any concerns, only positive comments regarding the project. (See the attached sign-in sheet)

8. List or attach the written comments and how you plan to address any issues:

   No concerns were received regarding the Vacation Petition.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>2430 N. Johnston Ave</td>
<td>2430 N. Johnston</td>
<td>840-0578</td>
</tr>
<tr>
<td>Aaron's</td>
<td>101 W. Leckie</td>
<td>417-866-6939</td>
</tr>
<tr>
<td>Cayce Ragsdale</td>
<td>2417 N. Pierce</td>
<td>831-4506</td>
</tr>
<tr>
<td>Bod Dolly Neighborhood Assoc</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT 3: REQUIREMENTS FOR APPROVAL

In order to approve the vacation of a public street or alley, the Planning and Zoning Commission must make the following findings.

<table>
<thead>
<tr>
<th>Approval Criteria</th>
<th>Staff Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. All property owners adjacent to the street, alley or public way have access to another street, alley or public way.</td>
<td>All adjacent properties have access to other public streets. An access easement will be established over the vacated area to allow vehicular access to the adjacent business.</td>
</tr>
<tr>
<td>2. The owners of two-thirds of the property adjacent to the street, alley or public way to be vacated have given their consent to the vacation.</td>
<td>The applicant owns two-thirds of the property adjacent to the public right-of-way petitioned for the vacation.</td>
</tr>
<tr>
<td>3. That the retention of the street, alley, public way or subdivision serves no useful purpose.</td>
<td>With the necessary replacement easements, the requested portion to be vacated is no longer a benefit to the city street system and the traveling public.</td>
</tr>
<tr>
<td>4. That the vacation will not affect the ability to use utilities, public or private.</td>
<td>The applicant will be dedicating easements to accommodate existing utilities, sanitary sewer and access in the area.</td>
</tr>
</tbody>
</table>
ATTACHMENT 4: LEGAL DESCRIPTION

THAT CERTAIN PORTION OF DELLA STREET, LYING DIRECTLY SOUTH OF LOT 1 OF HIL CRES SUBDIVISION, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREEN COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID HIL CRES SUBDIVISION; THENCE, S02°37'05"W, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID DELLA STREET; THENCE, N88°42'07"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 139.84 FEET; THENCE, N02°34'37"E, A DISTANCE OF 65.34 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRANKLIN AVENUE; THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, SAID NON-TANGENT CURVE HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.90 FEET, A CENTRAL ANGLE OF 91°16'44", ALONG A CHORD BEARING S43°03'45"E, A CHORD DISTANCE OF 21.45 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AFORESAID DELLA STREET; THENCE, S88°42'07"E, A DISTANCE OF 124.54 FEET TO THE POINT OF BEGINNING. CONTAINING 7,042.1 SQUARE FEET, MORE OR LESS.
DESCRIPTION OF UTILITY, DRAINAGE AND ACCESS EASEMENT

THAT CERTAIN PORTION OF DELLA STREET, LYING DIRECTLY SOUTH OF LOT 1 OF HIL CRES SUBDIVISION, A RECORDED SUBDIVISION IN THE CITY OF SPRINGFIELD, GREEN COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID HIL CRES SUBDIVISION;

THEN, S02°37'05"W, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID DELLA STREET;

THEN, N88°42'07"W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 139.84 FEET;

THEN, N02°33'37"E, A DISTANCE OF 65.34 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRANKLIN AVENUE;

THEN, ALONG SAID EAST RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, SAID NON-TANGENT CURVE HAVING A RADIUS OF 15.00 FEET, AN ARC DISTANCE OF 23.90 FEET, A CENTRAL ANGLE OF 91°16'44", ALONG A CHORD BEARING S43°03'45"E, A CHORD DISTANCE OF 21.45 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AFORESAID DELLA STREET;

THEN, S88°42'07"E, A DISTANCE OF 124.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,042.1 SQUARE FEET, MORE OR LESS.

EASEMENT DRAWING
PREPARED FOR THE
CITY OF SPRINGFIELD

06/03/19

MICHAEI
WHITE
PROFESSIONAL LAND SURVEYOR
PLS-002488

STATE OF MISSOURI

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BILLINGS, MISSOURI
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