CASE NUMBER: Request to Relinquish Easement No. 889

LOCATION: 505 East St. Louis Street

ACRES: N/A

EXISTING LAND USE: Utility Easement

APPLICANT: LW MSU, LLC

STAFF: Andrew Menke, 864-1613

STAFF RECOMMENDATION: Approve

PROPOSED MOTION: Move to approve Relinquish Easement No. 889

SUMMARY OF APPLICANTS REQUEST:
The applicant, LW MSU, LLC, is requesting to relinquish a utility easement to facilitate the development of the property. A replacement easement is to be dedicated.

STAFF COMMENTS:

PLANNING AND DEVELOPMENT:

1. The applicant is requesting to relinquish a utility easement in order to facilitate the development of the property.
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.

CITY UTILITIES – DEVELOPER SERVICES:

Electric facilities to 521 E St Louis will be relocated. Relinquishment and replacement easements are acceptable. Contact Tom Arnall in Electric Engineer at 417-831-8764 or Josh Casey in Development Services at 417-831-8816 as needed.
SURROUNDING LAND USES (GOOGLE MAP AERIAL VIEW):

GOOGLE MAPS STREET VIEW:
In order to approve a relinquishment of a public easement, 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. No one has objected to the relinquishment of the easements.</td>
<td>No one has objected to the relinquishment of the easement.</td>
</tr>
<tr>
<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 easement. The applicant is dedicating a replacement easement.</td>
</tr>
<tr>
<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. The applicant is to dedicate a replacement easement through a separate instrument.</td>
</tr>
</tbody>
</table>
LEGAL DESCRIPTION:

ALL OF THE LAND DESCRIBED IN BOOK 1191 PAGE 53 TO WIT:

BEGINNING AT A POINT 120 FEET EAST OF THE SOUTHEAST CORNER OF BENTON AND OLIVE, THENCE SOUTH 185 FEET, THENCE WEST 6 FEET, THENCE NORTH 185 FEET, THENCE EAST TO THE POINT OF BEGINNING.