

Development Review Staff Report



PLANNING AND ZONING COMMISSION PUBLIC HEARING:
CITY COUNCIL PUBLIC HEARING:

MARCH 11, 2021
N/A

CASE: Relinquishment of Easement 909

ACRES: 0.27

LOCATION: 2305 South Blackman Road

EXISTING LAND: Office complex

APPLICANT: Blackman Road Properties, LLC

STAFF: Andrew Menke, Assistant Planner
417-864-1613

STAFF RECOMMENDATIONS:
Approve

PROPOSED MOTION: Move to approve as submitted in the staff report. 5 voting members to approve or deny.



SUMMARY OF REQUEST:

The applicant, Blackman Road Properties, LLC, is requesting to relinquish a drainage easement to facilitate the development of their property. The easement is no longer used for the drainage corridor as it is located above the elevation needed for drainage. No replacement easements are to be dedicated.

FINDINGS FOR STAFF RECOMMENDATION:

The requested relinquishment meets the approval criteria listed in Table A.

Development Review Staff Report



GOOGLE AERIAL OF LANDMARKS, BUSINESSES, AND ATTRACTIONS:



GOOGLE MAPS STREET VIEW:



PLANNING AND ZONING COMMISSION AUTHORITY:

Sec. 98-160. - Relinquishment of public utility easements.

- (a) The planning and zoning commission may authorize the relinquishment of a public utility easement upon determining the following:
- (1) No one has objected to the relinquishment of the easement.
 - (2) The appropriate city agency (public works in the case of sewer easements, and city utilities in the case of electric, gas and water easements) has filed with the department of community development a statement that the easement is no longer needed to provide utility service.
 - (3) The retention of the easement no longer serves any useful public purpose.
- (b) Upon the planning and zoning commission determining that the conditions set forth in subsection (a) of this section have been satisfied, the commission may adopt a resolution authorizing the mayor of the city to quitclaim the city's interest in the public utility easement, which quitclaim deed shall be filed in the county land records. If the conditions set forth in subsection (a) of this section are not satisfied, any person who has filed a request for the relinquishment of the public utility easement can request that the city council consider the matter by filing a notice with the director of community development asking that the city council hear the matter.

STAFF COMMENTS:

1. The applicant is requesting to relinquish a drainage 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.

DEPARTMENT COMMENTS:

DEPARTMENT OF PUBLIC WORKS STORMWATER ENGINEERING DIVISION:

There are no issues with stormwater with proposed drainage easement relinquishment. We have discussed this via email and come to an agreement.

Development Review Staff Report



RELINQUISHMENT OF EASEMENT RESPONSES:

Table A

In order to approve a relinquishment of a public easement, the Planning and Zoning Commission must make the following findings.		Staff Response
1.	No one has objected to the relinquishment of the easements.	No one has objected to the relinquishment of the easement.
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.	All interested City agencies have filed a statement and do not object to the relinquishment of the subject easement. The applicant is not required to dedicate a replacement easement.
3.	That the retention of the easements no longer serves any useful public purpose.	The retention of the subject easement no longer serves a public purpose. The applicant is not required to dedicate a replacement easement.

LEGAL:

DRAINAGE EASEMENT RELINQUISHMENT:

A part of the Common Area in TerraGreen Phase III, a subdivision in the City of Springfield, Greene County, MO, duly filed in the Greene County Recorder's Office in Plat Book AAA, at Page 404, being a part of an existing drainage easement duly recorded in the Greene County Recorder's Office in Deed Book 2634, at Page 1832, all being a part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 34, Township 29 North, Range 21 West, Greene County, Missouri, and being more particularly described as follows:

COMMENCING at a found 5/8" iron bar with cap, "MO LC366", marking the Southwest Corner of TerraGreen Phase III, a subdivision in the City of Springfield, Greene County, MO, duly filed in the Greene County Recorder's Office in Plat Book AAA, at Page 404; thence N01°12'14"E along the West line of said subdivision, a distance of 173.96 feet to the POINT OF BEGINNING; thence continuing along said West line N01°12'14"E, a distance of 63.40 feet to a point in the Northeast line of an existing drainage easement duly recorded in the Greene County Recorder's Office in Deed Book 2634, at Page 1832; thence departing said West line S71°38'23"E along said Northeast line, a distance of 40.78 feet; thence continuing along said Northeast line S28°16'25"E, a distance of 213.90 feet to the South line of said existing drainage easement; thence S61°43'35"W along said South line, a distance of 17.41 feet; thence departing said South line N89°25'30"W along and the projection of the South line of an existing concrete retaining wall, and beyond, along and adjacent to the South line of said concrete wall, a distance of 42.41 feet to a corner of said wall; thence departing said South line N01°41'43"W along and adjacent to the West line of said concrete retaining wall, a distance of 7.64 feet; thence continuing along and adjacent to said West line, along a curve to the left having a Radius of 10.00 feet and a Chord that bears N16°39'10"W, an arc length of 5.22 feet; thence continuing along and adjacent to said West line N31°36'37"W, and beyond said concrete retaining wall, a distance of 156.26 feet to the POINT OF BEGINNING

Containing 11,870 square feet or 0.272 acres, more or less, and subject to any rights-of-way, easements, and restrictions of record.