

Development Review Staff Report



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

MARCH 11, 2021
N/A



CASE: Relinquishment of Easement 910

ACRES: 0.22

LOCATION: 6198, 6190, & 6182 South Maryland Avenue; 6179 South Hampton Avenue; and 6200 blk of South Farm Road 163

EXISTING LAND: Residential subdivision

APPLICANT: AP Developer, LLC and Anthony Park Property Owners Association, Inc.

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 applicants, AP Developer, LLC and Anthony Park Property Owners Association, Inc., are requesting to relinquish an electric line easement to facilitate the development of their property. The lines in the easement served a now demolished house and have been removed. Utilities serving homes in the new subdivision are located in right-of-way or in other utility easements. No replacement easements are to be dedicated.

FINDINGS FOR STAFF RECOMMENDATION:

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

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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 an electric line 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:

CITY UTILITIES:

No issues with proposed relinquishment.

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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:

THE SOUTH 10 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 28, RANGE 22.