

City of Lee's Summit

Development Services Department

October 20, 2017

TO: Planning Commission
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services
PREPARED BY: Jennifer Thompson, Planner
RE: **Appl. #PL2017-175 – VACATION OF EASEMENT – 3200 SW Pergola Park Dr; Olsson Associates, applicant**

Commentary

This application is for the vacation of a utility easement that is approximately 550' long and 20' wide, generally located south of the existing Pergola Park subdivision and north of the historic pergola, within the proposed *Pergola Park 4th Plat*. The vacation request stems from a conflict between the easement and the proposed location of residential lots. No objection was raised by the City's Public Works and Water Utilities Departments or other utility companies, except that Spectrum Cable has not yet confirmed their status for this request.

The application for vacation of easement shall not be placed on a City Council agenda for approval until such time as all utility companies have responded and once the proposed and relocated sanitary sewer line that is to be constructed as part of the Pergola Park 4th Plat, has been properly installed, tested and issued a certificate of substantial completion and the final plat has been approved and recorded.

Recommendation

Staff recommends **APPROVAL** of the vacation of easement.

Project Information

Vacation of Easement: a 20' wide and approximately 550' long utility easement

Location: 3200 SW Pergola Park Drive

Zoning: PMIX (Planned Mixed Use District)

Surrounding Zoning and Use:

North: PMIX (Planned Mixed Use District)—vacant ground (future Pergola Park 4th Plat residential subdivision)

South: PMIX—(Planned Mixed Use District)—vacant ground (future Pergola Park 4th Plat residential subdivision)

East: PMIX—(Planned Mixed Use District)—vacant ground (future Pergola Park 4th Plat residential subdivision)

West: PMIX—(Planned Mixed Use District)—vacant ground (future Pergola Park 4th Plat residential subdivision)

Unified Development Ordinance

Applicable Section(s)	Description
4.480, 4.490	Vacation of Easement

Background

- October 3, 2002 – The City Council approved the rezoning (Appl. #2002-031) from AG, RP-1, RP-2, RP-3 and CP-2 to PMIX and the Conceptual Plan (Appl. #2002-032) for New Longview by Ordinance No. 5407.
- October 3, 2002 – The City Council approved the New Longview Preliminary Development Plan for the Arterial Traffic Network (Appl. #2002-081) by Ordinance No. 5408.
- March 25, 2003 – The Planning Commission approved the preliminary plat (Appl #2003-015) for *Pergola Park, Lots 1-138 and Tracts A-W*.
- December 11, 2003 – The final plat (Appl. #2003-251) of *Pergola Park, 1st Plat, Lots 1-7, 136 and Tracts 2-1 and 3-1* was approved by the City Council by Ordinance No. 5665.
- October 14, 2004 – The City Council approved the final plat (Appl. #2004-108) of *Pergola Park, 2nd Plat, Lots 8-14, 16-57 and Tracts A-H, J, K, 2-2, 3-2, 4-2, 4A-2 and 7-2* by Ordinance No. 5822.
- March 18, 2005 – The subject utility easement, executed between Gale Communities (Grantor) and the City of Lee's Summit (Grantee), was recorded by the Jackson County Recorder of Deeds Office by Instrument #2005I0051391.
- December 8, 2005 – The final plat (Appl. #2005-329) of *Pergola Park, 3rd Plat, Lots 56-80, and Tracts L, M, 6-3 and 7-3* was approved by the City Council by Ordinance No. 6085.
- December 29, 2016 – A minor plat (Appl. #PL2016-132) for *New Longview Mansion, Lots 1-2* was approved by staff and was recorded by the Jackson County Recorder of Deeds Office by Instrument #2016E0123276.
- September 12, 2017 – The Planning Commission recommended approval of the final plat (Appl. #PL2017-152) for *Pergola Park, 4th Plat, Lots 81-107 and Tracts N, 8-4 and 9-4*. The final plat was placed on hold following the Planning Commission. The plat will be placed on a City Council agenda for approval upon construction of all subdivision-related infrastructure or receipt of an acceptable form of security for completion of said infrastructure.

Analysis of Vacation of Easement

The applicant proposes to vacate a utility easement that is approximately 550' long and 20' wide, generally located south of the existing Pergola Park subdivision and north of the historic pergola, within the proposed *Pergola Park 4th Plat*. The vacation request stems from a conflict between the easement and the proposed location of residential lots. Said utility easement was dedicated by separate document in 2005 and provides connectivity for sanitary sewer throughout existing and proposed New Longview residential subdivisions. New easements for the realigned sanitary sewer line will be dedicated as part of the proposed final plat of *Pergola Park, 4th Plat*.

No objections were raised by the City's Public Works and Water Utilities Departments. Other utility companies were contacted and no objections were raised, except that Spectrum Cable has not yet confirmed their status for this request. The other utility companies contacted include: KCP&L, Laclede Gas, AT&T, Google, Spectrum Cable, and Comcast. The application for vacation of easement shall not be placed on a City Council agenda for approval until such time as all utility companies have responded and once the proposed and relocated sanitary sewer line that is to be constructed as part of the Pergola Park 4th Plat, has been properly installed, tested and issued a certificate of substantial completion and the final plat has been approved and recorded.

Code and Ordinance Requirements

The items in the box below are specific to this application and must be satisfactorily addressed in order to bring it into compliance with the Codes and Ordinances of the City.

Planning

1. The vacation of easement shall be recorded prior to the issuance of any building permits on the subject property. A copy of the recorded document shall be provided to the Development Services Department.

Attachments:

1. Drawing and legal description of the easement to be vacated, date stamped August 23, 2017—3 pages
2. Location Map