

# City of Lee's Summit

## Development Services Department

September 14, 2018

TO: City Council  
PREPARED BY: Jennifer Thompson, Planner  
CHECKED BY: Hector Soto, Jr., AICP, Current Planning Manager  
RE: **Appl. #PL2018-083 – VACATION OF EASEMENT – a 100' x 100' permanent construction easement abutting Lots 539 and 540 of Eagle Creek, 12<sup>th</sup> Plat; City of Lee's Summit, applicant**

---

### Commentary

The City proposes to vacate a 100' x 100' permanent construction easement abutting Lots 539 and 540 of *Eagle Creek, 12<sup>th</sup> Plat*. This easement allowed for the construction and public use of a vehicle turnaround where SW River Trail Road terminates at the western boundary of *Eagle Creek, 12<sup>th</sup> Plat*. *Eagle Creek, 16<sup>th</sup> Plat* has been submitted and proposes the continuation of right-of-way for SW River Trail Road, including additional easement dedication on both sides of the roadway for the extension and connection of utilities.

### Recommendation

Staff recommends **APPROVAL** of the vacation of the 100' x 100' permanent construction easement.

### Zoning and Land Use Information

**Location:** west of SW Pryor Road, approximately ½ mile south of Scherer Road

**Current Zoning:** R-1 (Single-family Residential)

**Surrounding zoning and use:**

**North:** AG (Agricultural) — vacant undeveloped land and R-1 (Single-family Residential District) – Eagle Creek subdivision

**South:** R-1 (Single-family Residential District) — Eagle Creek subdivision

**East:** R-1 (Single-family Residential District) — Eagle Creek subdivision

**West:** R-1 (Single-family Residential District) — Eagle Creek subdivision

### Project Information

**Current Use:** single-family residential subdivision

### Unified Development Ordinance

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

## Process

**Procedure:** The Planning Commission makes a recommendation to the City Council on the vacation of easement. The City Council takes final action on the vacation of easement in the form of an ordinance.

**Duration of Validity:** Approval of the vacation of easement does not expire unless stated in the approval.

## Background

- September 11, 2001 – The Planning Commission approved the preliminary plat (Appl. #2001-121) for *Eagle Creek, Lots 121-169 & 229-743*, subject to rezoning.
- December 6, 2001 – The City Council approved the rezoning (Appl. #2001-119) from AG (Agricultural) to R-1 (Single-Family Residential) and R-3P (Planned Low-Density Multi-Family, now RP-3) and preliminary development plan (Appl. #2001-120) for the Eagle Creek development by Ord. #5240.
- September 16, 2004 – The City Council approved Amendment No. 5 (by Ord. #5814) to the Pryor and Hook Road Development Agreement between the City and Hunt Midwest Real Estate Development, Inc. This agreement permitted the release of an additional 120 building permits, for a total of 620 dwelling units, pursuant to the phasing schedule of the improvements to Hook Road.
- March 6, 2006 – The City Council directed staff to disregard subpart Section 8 of the Pryor and Hook Road Development Agreement, dated April 10, 1998, as amended, so as to allow the construction of 820 dwelling units.
- Since 2006 – The City completed the improvement of the Hook Road and Pryor Road intersection, as well as the widening of Hook Road west of Pryor Road, and Pryor Road north of Hook Road to interim standards. With these improvements, there is no limitation related to traffic on building permits within the Eagle Creek subdivision.
- June 2, 2011 – The City Council approved the final plat (Appl. #PL2011-023) for *Eagle Creek, 12<sup>th</sup> Plat, Lots 510-556* by Ord. #7058.
- September 6, 2011 – The subject permanent construction easement granted by Hunt Midwest Real Estate Development, Inc., to the City of Lee's Summit was recorded with the Jackson County Recorder of Deeds office by Instrument #2011-E-0081886.
- September 19, 2013 – The City Council approved the final plat (Appl. #PL2013-033) for *Eagle Creek, 13<sup>th</sup> Plat, Lots 557-616* by Ord. #7361.
- August 1, 2016 – The City Council approved the final plat (Appl. #PL2016-017) for *Eagle Creek, 14<sup>th</sup> Plat, Lots 617-660 and Tract N* by Ord. #7923.
- March 6, 2018 – The City Council approved the final plat (Appl. #PL2017-011) for *Eagle Creek, 15<sup>th</sup> Plat, Lots 661-707 and Tracts O, P and Q* by Ord. #8349.
- June 26, 2018 – The Planning Commission recommended approval for the final plat (Appl. #PL2018-060) for *Eagle Creek, 16<sup>th</sup> Plat, Lots 708-747 and Tract R*.

## Analysis of Vacation of Easement

The City proposes to vacate a 100' x 100' permanent construction easement that was executed as part of *Eagle Creek, 12<sup>th</sup> Plat* for the purpose of granting a right-of-way easement for the construction, improvement, reconstruction and maintenance of a right-of-way for public use as a

dead-end section of street to allow vehicles to turnaround while using SW River Trail Road where the road terminated at the western boundary of *Eagle Creek, 12<sup>th</sup> Plat*. *Eagle Creek, 16th Plat* has been submitted and proposes the continuation of right-of-way for SW River Trail Road and additional easement dedication on both sides of the roadway to accommodate the extension of utilities.

Letters were sent to the utility companies (KCP&L, Spire, Google Fiber, AT&T, Spectrum Cable, and Comcast Cable), as well as to the City's Public Works and Water Utilities Departments, for their input. No objections were received to the proposed vacation of easement, with the exception of Spire and KCP&L. Staff has not received correspondence from these two entities. Initial staff correspondence to all affected utilities was sent out on May 22, 2018. Multiple follow-up requests for comment have been made to Spire and KCP&L, but no responses have been received. Staff recommends moving forward with the approval of the vacation of easement.

Attachments:

1. Vacation of easement legal description and exhibit, date stamped May 9, 2018 – 2 pages
2. Copy of executed easement, date stamped May 9, 2018 – 4 pages
3. Location Map