

City of Lee's Summit

Department of Planning and Codes Administration

August 5, 2016

TO: Planning Commission
FROM: Robert G. McKay, AICP, Director *all for RGM*
RE: **Application #PL2016-113 – VACATION OF EASEMENT – Kessler Ridge, all of a 15' utility easement generally located east of the intersection of SW Kessler Dr and SW Longview Blvd; Lutjen, Inc., applicant**

Commentary

This application is for the vacation of a utility easement that is approximately 930' long and 15' wide, generally located east of the intersection of SW Kessler Dr and SW Longview Blvd, within the proposed *Kessler Ridge, 1st 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, Water Utilities Departments or other utility companies.

Recommendation

Staff recommends **APPROVAL** of the vacation of utility easement, subject to the following:

1. The existing utility easement shall not be vacated until the proposed sanitary sewer line, that is to be constructed as part of this project and that will be contained within a new easement to be dedicated on the final plat, has been properly installed, tested and considered to be substantially complete and the final plat has been approved and recorded.

Project Information

Vacation of Easement: all of a 15' utility easement (approximately 930' in length)

Location: generally located east of the intersection of SW Kessler Dr. and SW Longview Blvd.

Zoning: PMIX (Planned Mixed Use District)

Surrounding Zoning and Use:

North: PMIX (Planned Mixed Use District) – proposed *Kessler Ridge, 1st Plat*-residential subdivision

South: PMIX (Planned Mixed Use District) – proposed *Kessler Ridge, 1st Plat*-residential subdivision

East: R-1 (Single-Family Residential District) – *Bridlewood*-residential subdivision

West: PMIX (Planned Mixed Use District) – apartment complex

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.

- April 4, 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 #200510051393.
- September 25, 2014 – The City Council approved a partial waiver of the TIF Contract between the City of Lee’s Summit and M-III Longview, LLC, authorizing the development of an additional 55 single-family housing units in the New Longview Farm area by Ordinance No. 7522. The waiver covers the proposed first plat of Kessler Ridge.
- March 5, 2015 – The City Council approved a preliminary development plan (Appl. #PL2014-158) for Kessler Ridge, located at the northeast corner of SW Longview Blvd. and SW Longview Rd., by Ordinance No. 7598.
- June 9, 2015 – The Planning Commission recommended approval of the final plat (Appl. #PL2015-051) for *Kessler Ridge, 1st Plat, Lots 1-55*. 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 930’ long and 15’ wide, generally located east of the intersection of SW Kessler Dr and SW Longview Blvd, within *Kessler Ridge, 1st Plat*. The vacation request stems from a conflict between the easement, an existing sanitary sewer line and the proposed location of residential lots. Said utility easement was dedicated by separate document in 2005 and serves as an easement for a sanitary sewer line connecting the New Longview commercial/residential area to the west and the Bridlewood subdivision to the east. Construction of a realigned sanitary sewer line is currently underway. New easements for the realigned sanitary sewer line will be dedicated as part of the proposed final plat of *Kessler Ridge, 1st 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. The other utility companies contacted include: KCP&L, Laclede Gas, AT&T, Time Warner Cable, and Comcast.

RGM/jmt

Attachments:

1. Drawing and legal description of the easement to be vacated, date stamped June 2, 2016—
2 pages
2. Location Map