

# City of Lee's Summit

## Development Services Department

May 5, 2017

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director of Planning and Special Projects *LM For RGM*  
RE: **Appl. #PL2017-054 – VACATION OF EASEMENT – a portion of an easement generally located at the southeast corner of SW Raintree Pkwy and SW Raintree Dr, for the proposed Creekside at Raintree residential subdivision; Landrock Development, LLC, applicant**

### Commentary

The applicant proposes to vacate an approximately 380' long segment of a 15' wide sanitary sewer easement through the proposed Creekside at Raintree subdivision. The subject easement contains an existing 10" sanitary sewer line segment that will be relocated to the east and replaced with a new 12" sanitary sewer line. A new easement for the relocated sanitary sewer line will be dedicated via the final plat for the subdivision. The existing easement was specifically dedicated to the City as a sanitary sewer easement. As a result, no input regarding the vacation request is required from any private utilities or the City's Public Works Department. No objection was raised by the City's Water Utilities Department.

The application for vacation of easement shall not be placed on a City Council agenda for approval until such time as the new sanitary sewer line has been constructed by the developer and accepted by the City.

This application is related to Application #PL2017-053 for a final plat, also on this agenda.

### Recommendation

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

### Project Information

**Vacation of Easement:** an approximately 380' segment of a 15' sanitary sewer easement

**Location:** generally located at the southeast corner of SW Raintree Pkwy and SW Raintree Dr

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

#### **Surrounding Zoning and Use:**

**North (across SW Raintree Dr):** R-1 – single-family residential

**South:** CP-2 (Planned Community Commercial) – undeveloped large acreage

**East:** CP-2 – church; single-family residences outside of city limits

**West:** R-1 – single-family residential; Raintree Lake

### Background

- April 6, 1976 – The subject property was annexed into the city. The property was zoned C-2 in Cass County prior to annexation, which became C-1 (General Business District) upon annexation.

- April 6, 1981 – The subject sanitary sewer easement granted by Raintree Lake Development Corporation to the City of Lee’s Summit was recorded with the Cass County Recorder of Deeds office by Instrument #98606.
- February 28, 2017 – The Planning Commission approved the preliminary plat (Appl. #PL2017-006) of *Creekside at Raintree, Lots 1-31 & Tracts A-F*.
- March 16, 2017 – The City Council approved a rezoning (Appl. #PL2017-005) from CP-2 to R-1 for the Creekside at Raintree single-family residential subdivision by Ordinance No. 8125.

**Analysis of Vacation of Easement**

The applicant requests the vacation of a 380’ long segment of a 15’ wide sanitary sewer easement. There is an existing 10” sanitary sewer line located within the subject easement, which will be relocated and replaced with a 12” sanitary sewer line. A new easement for the relocated sanitary sewer line segment will be dedicated as part of the final plat for Creekside at Raintree.

The subject easement was specifically dedicated to the City as a sanitary sewer easement. As a result, no input regarding the vacation request is required from any private utilities or the City’s Public Works Department. No objection was raised by the City’s Water Utilities Department.

**Code and Ordinance Requirements**

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

<p><b>Planning</b></p> <ol style="list-style-type: none"> <li>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.</li> </ol>
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RGM/hsj

Attachments:

1. Drawing and legal description of the easement to be vacated, date stamped April 24, 2017 – 2 pages
2. Location Map