

City of Lee's Summit

Development Services Department

November 22, 2017

TO: Planning Commission
PREPARED BY: Hector Soto, Jr., Current Planning Manager
CHECKED BY: Josh Johnson, AICP, Assistant Director of Plan Services
RE: **PUBLIC HEARING – Application #PL2017-221 – VACATION OF RIGHT-OF-WAY – a portion of NW Gregory Blvd located east of NW Lee's Summit Rd; City of Lee's Summit, applicant**

Commentary

The City proposes to vacate a portion of a 40'-wide right-of-way originally dedicated in 1882. The portion of right-of-way to be vacated abuts and runs parallel along the south side of NW Gregory Blvd a distance of approximately 2900', then turns south approximately 1700' to a point of termination on the north side of the existing NW Strother Rd right-of-way.

The City only relatively recently became aware of the right-of-way's existence, which the City inherited at the time the area was annexed in 1964. There is no existing road within the subject portion of right-of-way, nor is there any future road proposed within the subject portion of right-of-way, and therefore the City has no purpose for it. All of the existing 2-lane section of NW Gregory Blvd in the area is located within a separate 80' of right-of-way that will be unaffected by this application.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. KCP&L and Comcast identified existing infrastructure within the right-of-way to be vacated. However, said utilities are agreeable to the proposed vacation with the condition that a general utility easement is retained to cover the existing infrastructure.

Recommendation

Staff recommends **APPROVAL** of the vacation of right-of-way for a portion of NW Gregory Blvd, subject to the following:

1. A utility easement shall be retained over the 40' wide right-of-way in order to accommodate existing utility infrastructure.

Zoning and Land Use Information

Location: generally located along the south side of NW Gregory Blvd, east of NW Lee's Summit Rd

Current Zoning: AG (Agricultural)

Surrounding Zoning and Use:

North: R-1 (Single-family Residential) – single-family residential

South: AG – school and Jackson County Family Court Services

East: AG – large acreage tract with a single-family residence and undeveloped large acreage tracts

West: AG – school and Jackson County Family Court Services

Site Characteristics. The subject portion of right-of-way is an unutilized, heavily-wooded 40'-wide swath of property.

Description and Character of Surrounding Area. The area immediately east of NW Lee's Summit Rd between NW Gregory Blvd and NW Strother Rd is composed of large acreage tracts. The properties south and west of the subject right-of-way house a school operated by the State and the Jackson County Family Court Services facility. East of the subject right-of-way is a large acreage residential tract and undeveloped large acreage tracts.

Public Notification

<p>Neighborhood meeting conducted: n/a</p> <p>Newspaper notification published: November 11, 2017</p> <p>Radius notices mailed to properties within 185 feet: November 10, 2017</p>
--

Process

<p>Procedure: The Planning Commission holds a public hearing and makes a recommendation to the City Council on the proposed vacation of right-of-way. The City Council holds a public hearing and takes final action on the vacation of right-of-way application. All vacation of right-of-way applications shall be approved by ordinance.</p> <p>Duration of Validity: The vacation of right-of-way goes into effect upon City Council final action, unless otherwise stated in the approval, and does not expire.</p>
--

Unified Development Ordinance

Applicable Section(s)	Description
4.460, 4.470	Vacation of Right-of-way

Comprehensive Plan

Focus Areas	Goals, Objectives and Policies
n/a	

Background

- 1882 – Jackson County declared a public road (the subject right-of-way) described in Book 2, Page 328 of the Jackson County Road Records.
- December 31, 1964 – The City annexed approximately 44 square miles from unincorporated Jackson County, including the subject right-of-way and surrounding area.

Analysis of Vacation of Right-of-way

The City proposes to vacate a portion of an unutilized 40'-wide right-of-way originally dedicated by Jackson County in 1882. The right-of-way was absorbed into the city limits in 1964 as part of an annexation. The subject portion of right-of-way serves no current or future public purpose. There is no existing road within the subject portion of right-of-way, nor is any future road proposed within the subject portion of right-of-way.

Vacating the right-of-way will not negatively impact access for any area properties; all properties abutting the subject right-of-way have access to the existing street network via NW Strother Rd

or the existing 2-lane section of NW Gregory Blvd that is located within a separate 80' of right-of-way.

The request for vacation of right-of-way was sent to the City's Public Works and Water Utilities Departments, as well as the private utility companies, for their input. KCP&L and Comcast identified existing infrastructure within the right-of-way to be vacated. However, said utilities are agreeable to the proposed vacation with the condition that a general utility easement is retained to cover the existing infrastructure. There were no objections to the requested vacation by the remaining utility companies.

JJ/hsj

Attachments:

1. Vacation of Right-of-way Exhibit and Legal Description, date stamped October 12, 2017
2. Location Map