

City of Lee's Summit

Development Services Department

December 7, 2018

TO: Planning Commission
PREPARED BY: Hector Soto, Jr, AICP, Current Planning Manager
RE: **Appl. #PL2018-183 – VACATION OF EASEMENT – 837 NW Donovan Rd; Northpoint Development, applicant**

Commentary

The applicant proposes to vacate a 20' x 50' public drainage easement located on Lot 1 of *Summit Orchard, 1st Plat, Lots 1-4 & Tract A*. The future stormwater line to be constructed within the subject easement as part of the Summit Square Apartments Phase II development will be a private line rather than a public line, thus making the public easement unnecessary. No objection to the vacation was raised by the City's Public Works Department or Water Utilities Department.

Recommendation

Staff recommends **APPROVAL** of the vacation of the 20' x 50' drainage easement.

Zoning and Land Use Information

Location: south side of NW Tudor Rd, approximately 325' east of NW Ward Rd

Current Zoning: PMIX (Planned Mixed Use)

Surrounding zoning and use:

North (across NW Tudor Rd): PMIX — Summit Technology Academy/Missouri Innovation Campus

South: PMIX — future Summit Orchard

East: PMIX — Summit Square Apartments and KCP&L substation

West: PMIX — Summit Technology campus

Site Characteristics. The subject property is the vacant site of a future 326-unit apartment development.

Description and Character of Surrounding Area. The subject property sits within an area approved for a mix of multi-family residential, commercial and education uses. The existing Summit Technology Campus is located to the west.

Project Information

Current Use: vacant

Future Use: 326-unit apartment complex

Number of Lots: 1

Land Area: 4.6 acres

Unified Development Ordinance

Applicable Section(s)	Description
2.480, 2.490	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

- June 18, 2015 – The City Council approved the final plat (Appl. #PL2015-035) for *Summit Innovation Center, 1st Plat, Lots 1-7* by Ordinance No. 7659. The subject 20' x 50' public drainage easement was dedicated on Lot 7 as part of this plat. The final plat was recorded with the Jackson County Recorder of Deeds Office by Instrument No. 2015-E-0054787 on June 25, 2015.
- November 23, 2015 – The administratively approved minor plat (Appl. #PL2015-155) of *Summit Innovation Center, 2nd Plat, Lots 7A and 8* was recorded with the Jackson County Recorder of Deeds Office by Instrument No. 2015-E-0109577.
- August 18, 2016 – The City Council approved the final plat (Appl. #PL2016-120) for *Summit Orchard, 1st Plat, Lots 1-4 & Tract A* by Ordinance No. 7946. The lot on which the subject 20' x 50' public drainage easement is located was replatted as Lot 1 of this plat. The final plat was recorded with the Jackson County Recorder of Deeds Office by Instrument No. 2016-E-0079184 on August 26, 2016.
- July 6, 2018 – Staff issued administrative approval of the minor plat (Appl. #PL2018-086) of *Summit Orchard, 2nd Plat, Lot 1A*. The plat has not yet been recorded.

Analysis of Vacation of Easement

The applicant requests to vacate a 20' x 50' public drainage easement that was dedicated to the City via plat. The future Summit Square Apartments Phase II project calls for the construction of a future private stormwater line through the public easement location. Private infrastructure cannot be located within a public easement, thus requiring the vacation of the public easement. Maintenance and ownership of the private stormwater line shall be the responsibility of the property owner.

The easement does not contain any public infrastructure. The subject easement was specifically dedicated to the City. As a result, no input regarding the vacation request is required from any private utilities. No objection to the vacation was raised by the City's Public Works Department or Water Utilities Department.

Attachments:

1. Vacation of easement legal description and exhibit, dated October 15, 2018 – 2 pages
2. Location Map