

# City of Lee's Summit

## Department of Planning and Codes Administration

June 10, 2016

TO: Planning Commission  
FROM: Robert G. McKay, AICP, Director *RM*  
RE: **Appl. #PL2016-069 – VACATION OF EASEMENT** – 120 SE Summit Ave; George & Peggy Nie, applicants

### Commentary

This application is for the vacation of all of a 15' sanitary sewer easement along the north property line of Lot 21 of Block 2, *Lowe's Addition*. The vacation request stems from a conflict between the easement and the proposed location of a duplex. There is no sanitary sewer line located within the subject easement. 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.

### Recommendation

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

### Project Information

**Vacation of Easement:** all of a 15' sanitary sewer easement along the north property line of Lot 21 of Block 2, *Lowe's Addition*

**Location:** 120 SE Summit Ave

**Zoning:** RP-2 (Planned Two-family Residential District)

**Surrounding Zoning and Use:**

**North:** RP-2 – duplexes

**South:** R-1 (Single-family Residential) – single-family residence

**East (across SE Summit Ave):** RP-2 – duplex

**West:** CP-1 (Planned Neighborhood Commercial) – office center

### Background

- May 18, 1925 – The Board of Alderman approved the plat (Appl. #1925-001) for *Lowe's Addition*.
- May 19, 1925 – The plat for *Lowe's Addition* was recorded with the Jackson County Recorder of Deeds office.
- August 21, 1990 – The City of Lee's Summit dedicated the subject 15' sanitary sewer easement by separate document. The easement was recorded with the Jackson County Recorder of Deeds office by Instrument #19901003644.

### Analysis of Vacation of Easement

The applicants request a vacation of all of a 15' sanitary sewer easement in order to accommodate the construction of a duplex on the subject property. There is no sanitary sewer

line or any other type of utility line located within the subject easement. The sanitary sewer line presumably intended to be constructed within the subject easement was actually constructed on the abutting property to the north (114 SE Summit Ave), which is also owned by the subject applicants. The applicants have agreed to dedicate a new utility easement to cover the correct location of the existing sanitary sewer line, which runs along the west property line of the subject property and across the abutting property to the north. An exhibit illustrating the new utility easement is included as an attachment.

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.*

#### **Planning and Codes Administration**

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 Planning and Codes Administration Department.
2. No building permits shall be issued for either 114 or 120 SE Summit Ave until such time as a new utility easement is dedicated for the existing sanitary sewer line.
3. A minor plat shall be approved and recorded prior to any building permits being issued for 114 and 120 SE Summit Ave.

RGM/hsj

#### **Attachments:**

1. Drawing and legal description of the easement to be vacated, date stamped April 11, 2016 – 1 page
2. Document and exhibit dedicating a new utility easement across both 114 & 120 SE Summit Ave, date stamped April 11, 2016 – 3 pages
3. Location Map