

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4603

Sponsor(s): XXXXX

Date: February 3, 2014

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance Project/Title: <u>Kenneth & Mary Anderson and Tandra Williams - Case No. - LA-2014-031</u>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="329 506 1203 821"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____ Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____	Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:	\$	Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT TO ACCT
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PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____										
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577										
REQUEST SUMMARY	Requesting a vacation of a portion unimproved right of way (21 st Street North) within Blue Skyline Acres, a subdivision in Jackson County, Missouri. Street was platted in 1962 and never built. The adjacent property owners are requesting it to be vacated as they both are maintaining the area within the right of way. The property location is in Hines Road and 21 st Street North in Section 19, Township 50, Range 31, Jackson County, Missouri. and specifically described on Attachment to RLA-1. Staff recommends approval because this vacation is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements. The Jackson County Plan Commission voted 9 to 0 to recommend <u>APPROVAL</u> to the County Legislature.										
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)										
ATTACHMENTS	See Attachment to RLA-2										
REVIEW	<table border="1" data-bbox="315 1707 1528 1967"> <tr> <td>Department Director:</td> <td>Date: 01/29/2014</td> </tr> <tr> <td>Earl Newill, Acting Director <i>Earl Newill</i></td> <td></td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>[Signature]</i></td> <td>Date: 1/29/14</td> </tr> <tr> <td>County Counselor's Office: <i>[Signature]</i></td> <td>Date:</td> </tr> </table>	Department Director:	Date: 01/29/2014	Earl Newill, Acting Director <i>Earl Newill</i>		Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>[Signature]</i>	Date: 1/29/14	County Counselor's Office: <i>[Signature]</i>	Date:
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Division Manager: <i>[Signature]</i>	Date: 1/29/14										
County Counselor's Office: <i>[Signature]</i>	Date:										

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Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

ATTACHMENT TO RLA-2:

Attachments

Plan Commission Public Hearing Summary from January 16, 2014

Location Map

Staff report

Names/Addresses of surrounding property owners

Maps showing current zoning districts in area

Application

Written request from adjacent property owners

Plat of Blue Skyline Acres

Photo of area

ATTACHMENT TO RLA 1:

Description:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 90, BLUE SKYLINE ACRES, A SUBDIVISION IN JACKSON COUNTY, MISSOURI, RECORDED AS DOCUMENT 196210796857, THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 90, A DISTANCE OF 210 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 50 FEET TO THE NORTHEAST CORNER OF LOT 91, SAID SUBDIVISION; THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 91, A DISTANCE OF 210 FEET TO THE NORTHWEST CORNER SAID LOT 90; THENCE NORTH 50 FEET TO THE SOUTHWEST CORNER OF SAID LOT 90, SAID POINT BEING POINT OF BEGINNING.

**Jackson County Plan Commission
Summary of Public Hearing**

LA-2014-031

Applicant: Kenneth & Mary Anderson and Tambra Williams

Request: Vacation of a portion of unimproved right of way (21st Street North) within Blue Skyline Acres.

Location: Said street lies between both of the applicants lots, lots 90 and 91, within said subdivision plat of Blue Skyline Acres.

Area: The dedicated right of way is 50 feet wide along Hines Road and runs 210 feet west to a point parallel to both the applicants' rear property lines.

Review Criteria:

Section 24003.24 of the Unified Development Code (UDC) establishes the purpose and process for the vacation of streets and reservations.

A public reservation is defined as a tract of public land or easement reserved for some special use, as for a road. An easement is a certain right to use the real property of another without possessing it.

If no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, then all or a portion of any street or public reservation, including easements, may be vacated.

Applications for vacation of any street or a public reservation may be made by the County or by any owner of property on which the street or public reservation lies or adjoins.

Reversion of streets, alleys or other public reservations which have been vacated shall revert to the owners of adjoining properties.

Comments: This portion of 21st Street North was established by the subdivision plat, Blue Skyline Acres, Lots 52 to 99, recorded August 31, 1962. Prior to the Unified Development Code (UDC) being adopted in 1995, there were no regulations that required all proposed improvements, such as streets within subdivisions, to be constructed. The UDC requires that all improvements be constructed and approved prior to the recording of the subdivision plat.

To the West of the applicants' property is the Courtney Ridge Landfill. Access to the landfill is from Missouri Route 291. There is a buffer zone that the landfill owns that is between the landfill and the properties to the East.

Jackson County Plan Commission Summary of Public Hearing

Staff contacted Missouri One Call to determine whether or not there were any utilities within said unimproved right of way. There are no utilities within said area to be vacated.

Recommendation:

Staff recommends APPROVAL of LA-2014-031.

General Discussion:

No questions for staff.

Applicants did not have any additional information.

Mr. Pointer asked if the applicants are maintaining the ROW currently. Mr. Anderson and Ms. Williams confirmed yes.

Mrs. Mer'shon made a motion to take LA-2014-031 under advisement. Mr. Akins seconded. Voice Vote. Approved 9-0.

LA-2014-031 was taken under advisement.

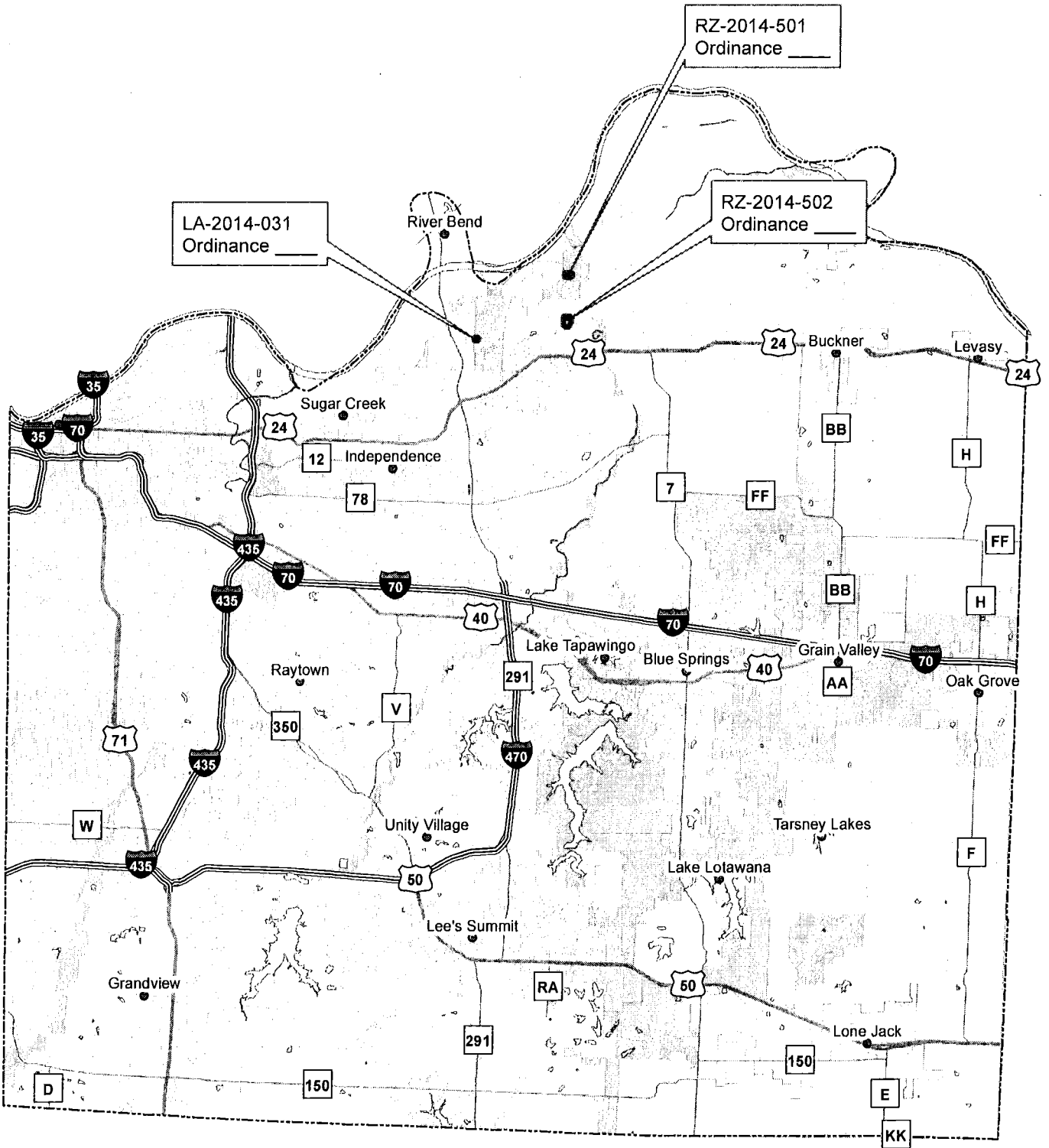
Mr. Crawford made motion to approve LA-2014-031, seconded by Mr. Tarpley.

Roll Call vote taken.

Mr. Akins	Approve	Mr. Haley	Approve
Mrs. Query	Approve	Mr. Crawford	Approve
Mr. Gibler	Approve	Mrs. Mer'shon	Approve
Mr. Pointer	Approve	Chairman. Antey	Approve
Mr. Tarpley	Approve		

LA-2014-031 APPROVED

Jackson County Plan Commission
January 16, 2014
Agenda Location Map



STAFF REPORT

PLAN COMMISSION

January 16, 2014

RE: LA-2014-031

Applicant: Kenneth & Mary Anderson and Tandra Williams

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Ex. 1

To the West of the applicants' property is the Courtney Ridge Landfill. Access to the landfill is from Missouri Route 291.

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Recommendation:

Staff recommends APPROVAL of LA-2014-031.

Respectfully submitted,

Jackson County Public Works
Planning and Environmental Health
Scott George, Assistant Director
Randy Diehl, Subdivision and Zoning Coordinator

Plan Commission
January 16, 2014
LA-2014-031

Applicants / Property Owners:

16-320-02-09
Kenneth and Mary Anderson
2100 N Hines Road
Independence, MO 64058

16-320-02-08
Tambra Williams
2020 N Hines Road
Independence, MO 64058

Certified Mail – Return Receipt
Property Owners within 185 feet

16-320-01-10
Juan P & Phyllis M Diaz
16800 E 21st St N
Independence, MO 64058

16-320-03-03
Norman C Oxley
2015 N Hines Road
Independence, MO 64058

16-320-03-02
Michele & Marla Frisby
2019 N Hines Road
Independence, MO 64058

16-320-01-17
James D & Tracy A Myers
2107 N Hines Road
Independence, MO 64058

16-320-02-07
Debra Erickson
2014 N Hines Road
Independence, MO 64058

16-320-02-16
M Deloris Reed
2110 N Hines Road
Independence, MO 64058



16-320-02-32
Courtney Ridge Landfill LLC
PO Box 29246
Phoenix, AZ 85038-9246

11-700-04-24
Courtney Ridge Landfill LLC



Jackson County Zoning Map

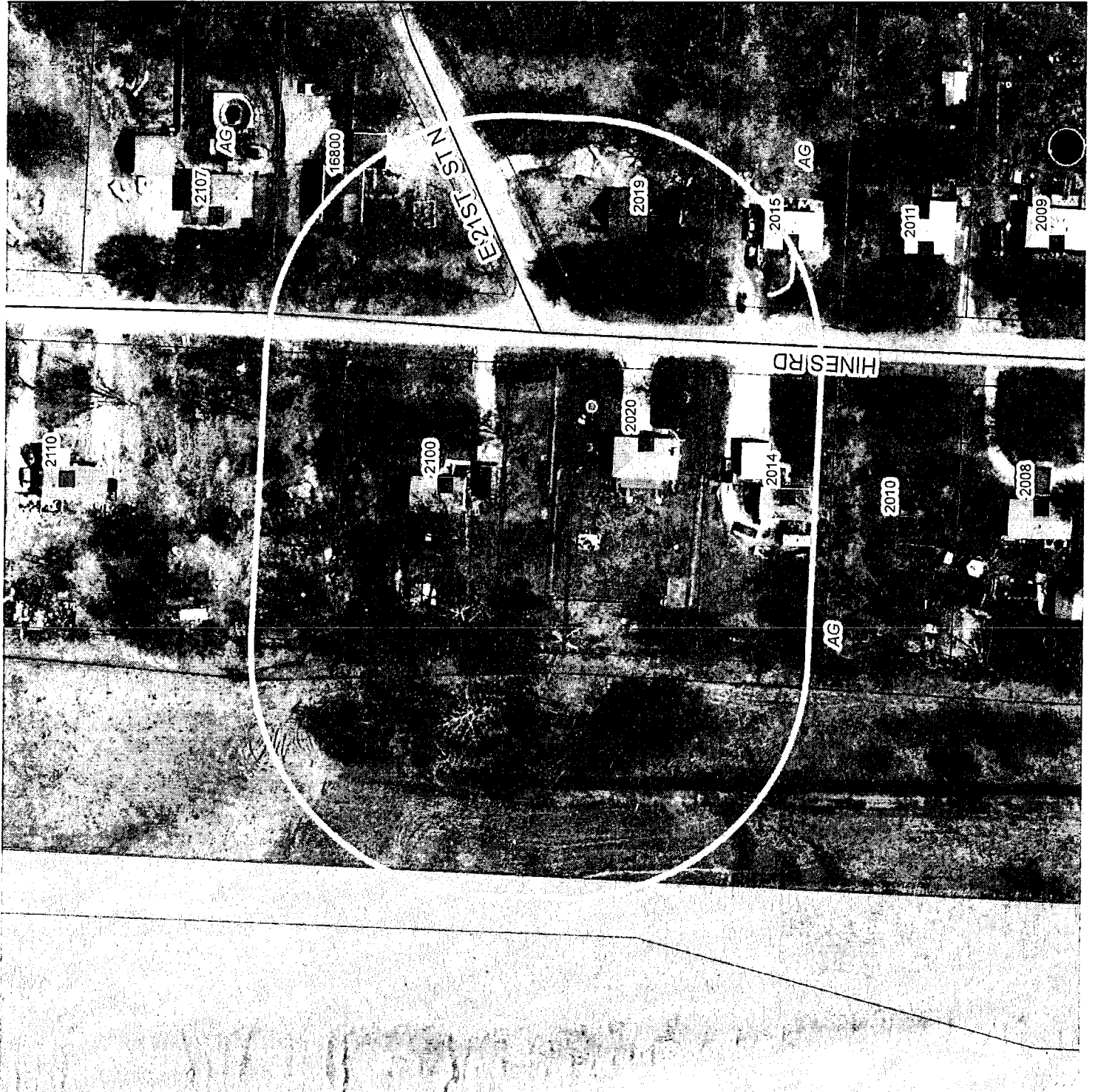
Legend

-  185' Notification Area
-  Legislative_Action

EX. 5

LA-2014-031
Ord

1 inch = 100 feet





Jackson County Zoning Map

Legend

- 185' Notification Area
- Legislative_Action

EX. 5

LA-2014-031
Ord

1 inch = 500 feet



JACKSON COUNTY, MISSOURI
APPLICATION FOR RIGHT-OF-WAY AND EASEMENT VACATIONS

Type of vacation (check one):

Easement

Street

Road right-of-way

Applicant: Tambra Williams

Address: 2020 N. Hines Rd Indep. Mo 64058

Phone: 816-703-8110

APPLICANT INFORMATION:

Application must be filed with the Jackson County Planning and Development Division, 303 West Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.

The following items need to be submitted with the application:

1. A letter to the Administrator of Planning and Development giving the reasons for the vacation request.
2. An accurate legal description of the easement, street or road right-of-way. This needs to be done by a Missouri Registered land surveyor who must sign and seal the legal description document.
3. One (1) copy, size 8 1/2 x 11, of a black and white map which shows the general location of the subject easement, street or road right-of-way.
4. Two (2) copies, (1 size 8 1/2 x 11, 1 copy size 22 x 33) of a black and white map which shows the subject easement, street or road right-of-way in detail.
5. The filing fee of \$250 (non-refundable), check payable to Manager of Finance.

Signature of individual submitting the vacation request:

Tambra Williams
(Signature)

10-9-13
(Date)

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Vacation Case Number LA 2014-031

Date filed 10-18-13 Date of hearing 11-21-13 Date Advertised _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

EX. 8

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

	Signature	Date
Applicant(s):	<u>Gambra Williams</u>	<u>10-9-13</u>
Applicant(s):	_____	_____
	_____	_____
	_____	_____

TERI A. GULICK
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires May 23, 2014
Commission # 10878698

STATE OF Missouri
COUNTY OF Jackson

On this 9th day of October, in the year of 2013, before me the undersigned notary public, personally appeared known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

Teri A. Gulick Commission Expires May 23, 2014
Notary Public

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature

Date

Applicant(s): Mary M Anderson 10/8/13

Applicant(s): Kenneth Anderson 10-8-13

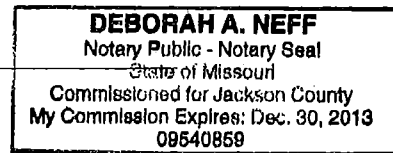
STATE OF Missouri
COUNTY OF Jackson

On this 8th day of Oct, in the year of 2013, before me the undersigned notary public, personally appeared

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Deborah A. Neff Commission Expires _____
Notary Public



To whom it may concern,
We would like the property
vacated to build a garage
next to the house.

Mary Anderson
Ken Anderson
2100 N. Hines
Independence MO
64058

10-27-13

to whom it may concern.

We would like the property vacated
to open the land

Janetia Linnack Williams

3020 N. Hives Rd.

Independence, Mo. 64058

BLUE SKYLINE ACRES

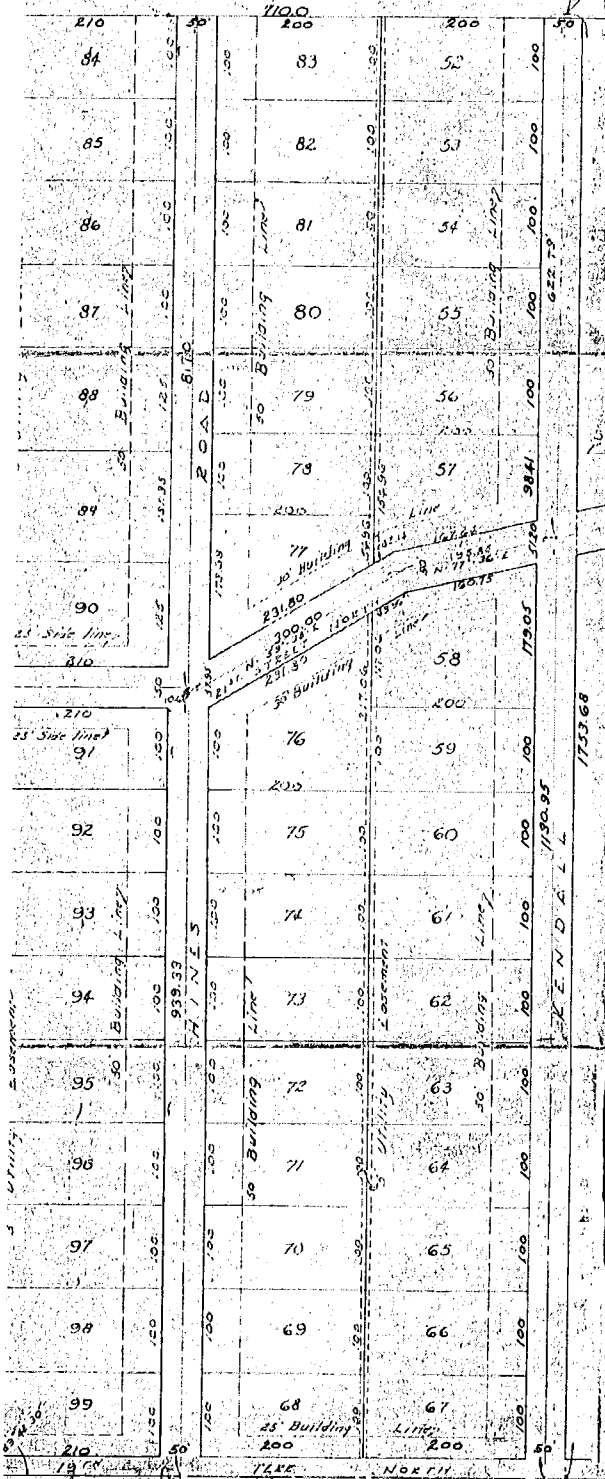
Lots 52 to 99 Inclusive

description:

A tract of land located in Section 19 Township 50 Range 31 Jackson County Missouri described follows: Beginning at the NW corner of the NE 1/4 of the NW 1/4 of Sec. 19 T. 50 S. R. 31 E. thence South along said NE 1/4 1136.33 ft thence East and parallel to the East West center line of Sec. 19 T. 50 S. R. 31 E. North North 1/4 1/4 1/4 to a point on the North line of said section 19 thence West along said North line 120.11 to point of beginning. The lands intended for sale are described by and as lots as set forth in this plat, the dimensions of which have thereon, that portion reserved for public use as roads, the extent and direction of which are shown on this plat; utility easements as shown are hereby dedicated to the public use forever.

In testimony whereof We the undersigned owners of the above described property, have hereunto set our hand and seal the day of July 1962.

John and Catherine



- William C. Cantelero - Lot 52
- Bob Cantelero - Lot 53
- Charles S. Cantelero - Lot 54
- Grace L. Cantelero - Lot 55
- Richard Cantelero - Lot 56
- Bessie Cantelero - Lot 57
- John Cantelero - Lot 58
- John Cantelero - Lot 59
- John Cantelero - Lot 60
- John Cantelero - Lot 61
- John Cantelero - Lot 62
- John Cantelero - Lot 63
- John Cantelero - Lot 64
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- John Cantelero - Lot 88
- John Cantelero - Lot 89
- John Cantelero - Lot 90
- John Cantelero - Lot 91
- John Cantelero - Lot 92
- John Cantelero - Lot 93
- John Cantelero - Lot 94
- John Cantelero - Lot 95
- John Cantelero - Lot 96
- John Cantelero - Lot 97
- John Cantelero - Lot 98
- John Cantelero - Lot 99

On this 9th day of July, 1962 before me personally appeared the above signed owners, who are personally known to me to be the same persons who executed the foregoing instrument of writing and duly acknowledge the execution of same to be their own free acts and deed.

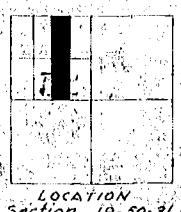
In testimony whereof, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

My Commission expires July 27, 1963.

Adelma H. Bradley
Notary Public in and for Jackson County, Mo.

APPROVED: As to Planning and Zoning
Jackson County Planning Commission
By: [Signature]
Date: July 27, 1962

APPROVED: As to road locations and widths, Highway
Engineer and Surveyor Jackson Co., Missouri
By: [Signature]
Date: 7/27/62



LOCATION Section 19-50-31

Surveyed & Platted
By: [Signature]
METROPOLITAN SURVEY CO.
5501-A Johnson Drive
Mission, Kansas

EX 12

