

Request for Legislative Action

Ord. #5596
Date: February 7, 2022

Completed by County Counselor's Office			
Action Requested:	Ordinance	Res.Ord No.:	5596
Sponsor(s):		Legislature Meeting Date:	2/7/2022

Introduction
Action Items: ['Authorize']
Project/Title:
Farmland Reserve, Inc - LA-2022-041

Request Summary
<p>Requesting the vacation of a portion of Blue Valley Road. There are no residences that would be affected by vacating the 1,200 feet of road. The applicant owns the farm ground on both sides of the request.</p> <p>Staff recommends approval as the request complies with the Unified Development Code requirements. The Jackson County Plan Commission held a public hearing on January 20, 2022, and accepted testimony pertaining to the rezoning request. There was no one in attendance opposed to the request. The Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.</p>

Contact Information			
Department:	Public Works	Submitted Date:	1/26/2022
Name:	Randy D. Diehl	Email:	RDiehl@jacksongov.org
Title:	Development Division	Phone:	816-881-4577

Budget Information	
Amount authorized by this legislation this fiscal year:	\$ 0
Amount previously authorized this fiscal year:	\$ 0
Total amount authorized after this legislative action:	\$
Is it transferring fund?	No
Single Source Funding:	
Fund:	Department:
Line Item Account:	Amount:
	!Unexpected End of Formula

Request for Legislative Action

Prior Legislation	
Prior Ordinances	
Ordinance:	Ordinance date:
Prior Resolution	
Resolution:	Resolution date:

Purchasing	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

Compliance	
Certificate of Compliance	
Not Applicable	
Minority, Women and Veteran Owned Business Program	
Goals Not Applicable for following reason: Not spending money	
MBE:	.00%
WBE:	.00%
VBE:	.00%
Prevailing Wage	
Not Applicable	

Fiscal Information
<ul style="list-style-type: none"> This legislative action does not impact the County financially and does not require Finance/Budget approval.

Request for Legislative Action

History

Randy D. Diehl at 1/26/2022 9:16:14 AM - [Submitted |]
Department Director: Brian Gaddie at 1/26/2022 10:15:16 AM - [Approved |]
Finance (Purchasing): Barbara J. Casamento at 1/26/2022 12:12:24 PM - [Not applicable |]
Compliance: Katie M. Bartle at 1/26/2022 1:53:55 PM - [Approved |]
Finance (Budget): Mark Lang at 1/26/2022 3:14:10 PM - [Not applicable |]
Executive: Sylvya Stevenson at 1/26/2022 10:05:21 PM - [Approved |]
Legal: Elizabeth Freeland at 2/3/2022 10:52:38 AM - [Approved |]

LA-2022-041

ATTACHMENT 1: PROPERTY DESCRIPTION

Description:

All that part of the right-of-way for East Blue Valley Road and recorded in Book 1 at Pages 540 and 541 of the Jackson County, Missouri Records lying in the Southeast Quarter of Section 23 and the Northeast Quarter of Section 26, both in Township 51 North, Range 31 West in Jackson County, Missouri being described as follows:

Commencing at the Northeast corner of said Section 26; thence along the North line of said Northeast Quarter, also being the centerline of said East Blue Valley Road, North 86 degrees 34 minutes 00 seconds West, 15.00 feet, to the Point of Beginning described as follows:

Thence from the Point of Beginning leaving the North line of said Northeast Quarter, South 03 degrees 26 minutes 00 seconds West, 15.00 feet, to the south right-of-way line of said East Blue Valley Road; thence along a line 15.00 south of and parallel to the North line of said Northeast Quarter, and along the south right-of-way line, North 86 degrees 34 minutes 00 seconds West, 1200.00 feet; thence leaving said south right-of-way line, North 03 degrees 26 minutes 00 seconds East, 30.00 feet to a point on the north right-of-way line of said East Blue Valley Road; thence along a line 15.00 north of and parallel to the south line of said Southeast Quarter, and along said north right-of-way line, South 86 degrees 34 minutes 00 seconds East, 1200.00 feet; thence leaving said north right-of-way, South 03 degrees 26 minutes 00 seconds West, 15.00 feet to the Point of Beginning. Contains 0.83 acres, more or less.

LA-2022-041

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from January 20, 2022

Staff Report

Location Map

Application

Cover Letter from Applicant

Pictures of Road

Survey and Description of said Requested Road Vacation

2012 Aerial

2021 Aerial

Surrounding Area of Request

Randy Diehl gave the staff report:

RE: LA-2022-041

Applicant: Farmland Reserve, Inc

Location: Blue Valley Road

Request: Vacation of a portion of Blue Valley Road

The applicant is requesting the vacation of a portion of Blue Valley Road which runs West approximately 1200 feet from the T-intersection. This terminates at the location where the last home and structures used to stand. These structures were razed in 2012.

The public road ended at the driveway location. Utilizing old aerial photos staff was able to verify that there has not been a public road past this point as far back as the early 1960's.

As of 2012, Farmland Reserve has acquired the property on both sides of the road as well as most of the property in the vicinity. They have experienced both trespassing and unlawful dumping. They would like to erect a gate at the intersection to control access into their property.

The road has functioned only as access into their farm ground since the removal of the structures.

The road runs east about three miles. There is one home and Tri-County Waters facility is at the end of the road.

The Road and Bridge Maintenance Division has no objection to this request.

The vacation would be subject to any utilities that may exist within it.

Recommendation:

Staff recommends APPROVAL of LA-2022-041

Respectfully submitted,

Jackson County Public Works
Development Division
Randy Diehl, Administrator

Mr. Antey: Are there any questions for Randy?

There were none.

Mr. Antey: Is the applicant here?

Joseph Rust, 79 South Main Street, Salt Lake City, UT.

Mr. Antey: Do you have anything to add to the report?

Not really. I checked the property yesterday and it's just as reported. There are a couple of junction boxes on the south side that will be preserved. We are not going to do anything with them. We are going to install a gate, recessed a bit, so that nobody will run into it. We are going to trench each side of it for drainage. We hope this will help our situation out there.

Mr. Antey: Is there anyone else who is in favor of this application?

There were none

Mr. Antey: Is there anyone who is opposed or has questions regarding this application?

There were none

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Hilliard seconded.

Discussion under advisement

Mr. Tarpley moved to approve. Mr. Hilliard seconded.

Mr. Tarpley	Approve
Mr. Crawford	Approve
Mr. Hilliard	Approve
Ms. Ryerkerk	Approve
Mr. Farrar	Approve
Mr. Lake	Approve
Chairman Antey	Approve

Motion Carried 7 – 0

STAFF REPORT

PLAN COMMISSION

September 17, 2020

RE: LA-2022-041

Applicant: Farmland Reserve, Inc

Location: Blue Valley Road

Request: Vacation of a portion of Blue Valley Road

The applicant is requesting the vacation of a portion of Blue Valley Road which runs West approximately 1200 feet from the T-intersection. This terminates at the location where the last home and structures used to stand. These structures were razed in 2012.

The public road ended at the driveway location. Utilizing old aerial photos staff was able to verify that there has not been a public road past this point as far back as the early 1960's.

As of 2012, Farmland Reserve has acquired the property on both sides of the road as well as most of the property in the vicinity. They have experienced both trespassing and unlawful dumping. They would like to erect a gate at the intersection to control access into their property.

The road has functioned only as access into their farm ground since the removal of the structures.

The Road and Bridge Maintenance Division has no objection to this request.

The vacation would be subject to any utilities that may exist within it.

Recommendation:

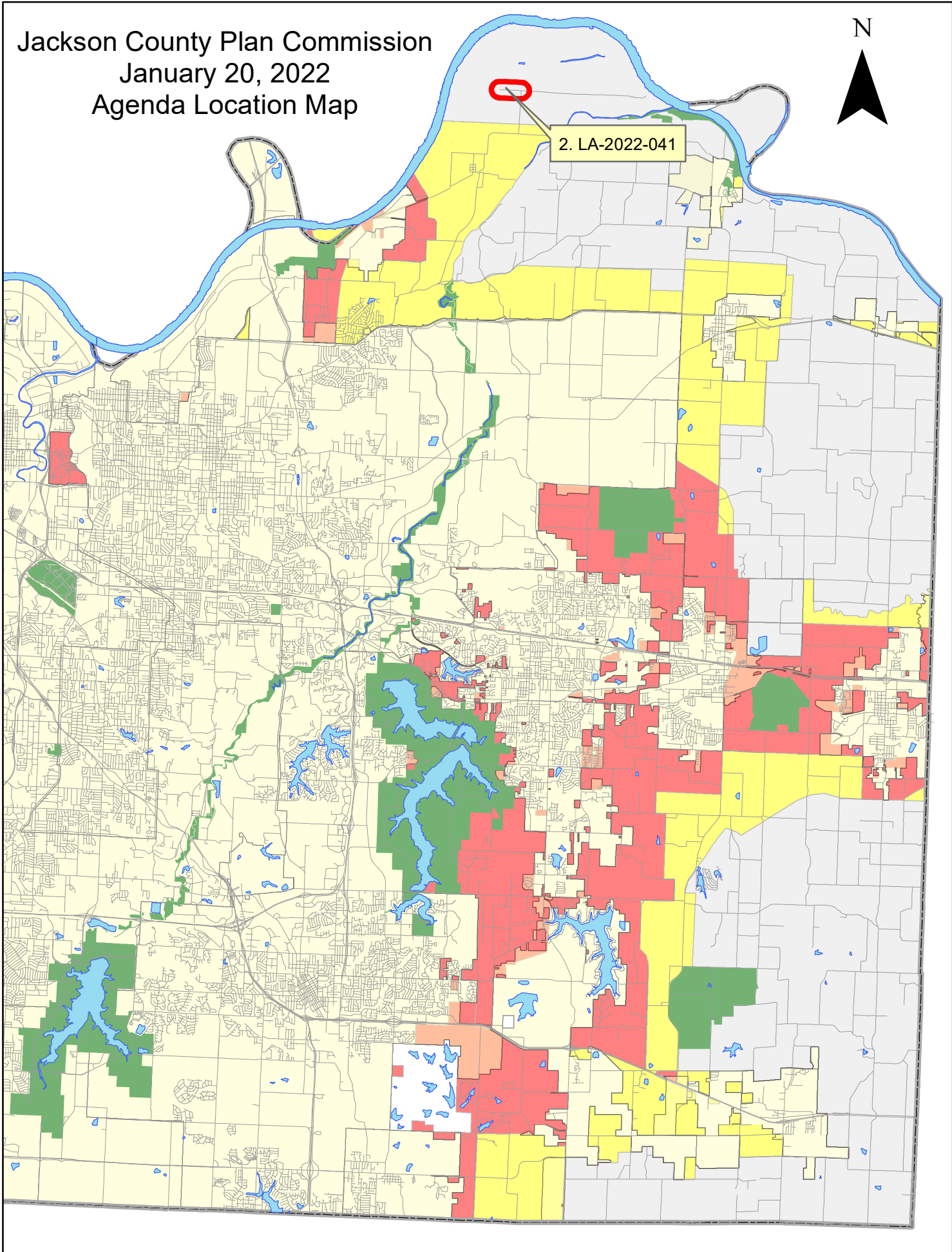
Staff recommends APPROVAL of LA-2022-041

Respectfully submitted,

Jackson County Public Works

Development Division
Randy Diehl, Administrator

Jackson County Plan Commission
January 20, 2022
Agenda Location Map



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

Type of vacation (check one):

Easement

Street

Road right-of-way

Applicant: Farmland Reserve, Inc.

Address: 79 South main street, Ste 1000, Salt Lake City, UT 84111

Phone: 801-715-9100

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 ½ 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 ½ 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:

G. T. Tuttle Hooper 11/30/21
 (Signature) (Date)

TO BE COMPLETED BY OFFICE PERSONNEL ONLY:

Vacation Case Number LA _____

Date filed _____ Date of hearing _____ Date Advertised _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

Heard by _____ Date _____ Decision _____

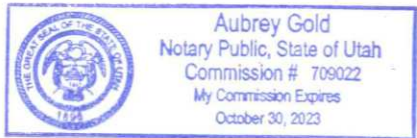
Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

	Signature	Date
Applicant(s):	<u>G. Trenton Hooper</u>	<u>11/30/21</u>
Applicant(s):	_____	_____
	_____	_____
	_____	_____

STATE OF Utah
COUNTY OF Salt Lake

On this 30 day of November, in the year of 2021, before me the undersigned notary public, personally appeared Gary Trenton Hooper 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.

Aubrey Gold Commission Expires 10/30/2023
Notary Public



Farmland Reserve, Inc.

79 South Main Street, Suite 1000
Salt Lake City, UT 84111
(801) 715-9100

November 29, 2021

Randy Diehl, Administrator
Jackson County Planning and Development Division
303 West Walnut
Independence, MO 64050

Dear Mr. Diehl,

This letter is part of the application by FRI for the County to vacate that portion of the County Road which extends West from the intersection of E. Blue Valley Road and N. Blue Valley Road, located in Sections 23 and 26 of T51N, R31W. (the "Road"). According to the map provided online by the County (a copy of which map is attached), it appears that the Road as claimed by the County extends about 1,058 feet West from that intersection. There is a dirt road extending further West, but it does not appear that the County claims that portion.

The Road is unpaved and is bounded on all sides by property belonging to FRI. See the attached maps showing FRI ownership on both the North and South sides of the Road. The Road also dead ends, thus making it useful only for access to FRI's property.

From the time in 2012 when FRI acquired the property on all sides of the Road to the present, FRI has experienced trespassing and unlawful dumping. This has been a burden on FRI and a safety concern as well. Continued use of the Road by third parties could be only for the purpose of trespassing on FRI's property and not for any legitimate purpose. It would be FRI's intent to erect a gate on the West side of the intersection, thus precluding use of the Road except by permission of FRI.

A recent survey, together with survey maps, created by a Missouri Registered land surveyor accompanies the Application. As noted above, also attached find the required black and white maps of the area, showing the general location of the subject road and also the location of subject road in detail. We would be happy to provide any further information needed.

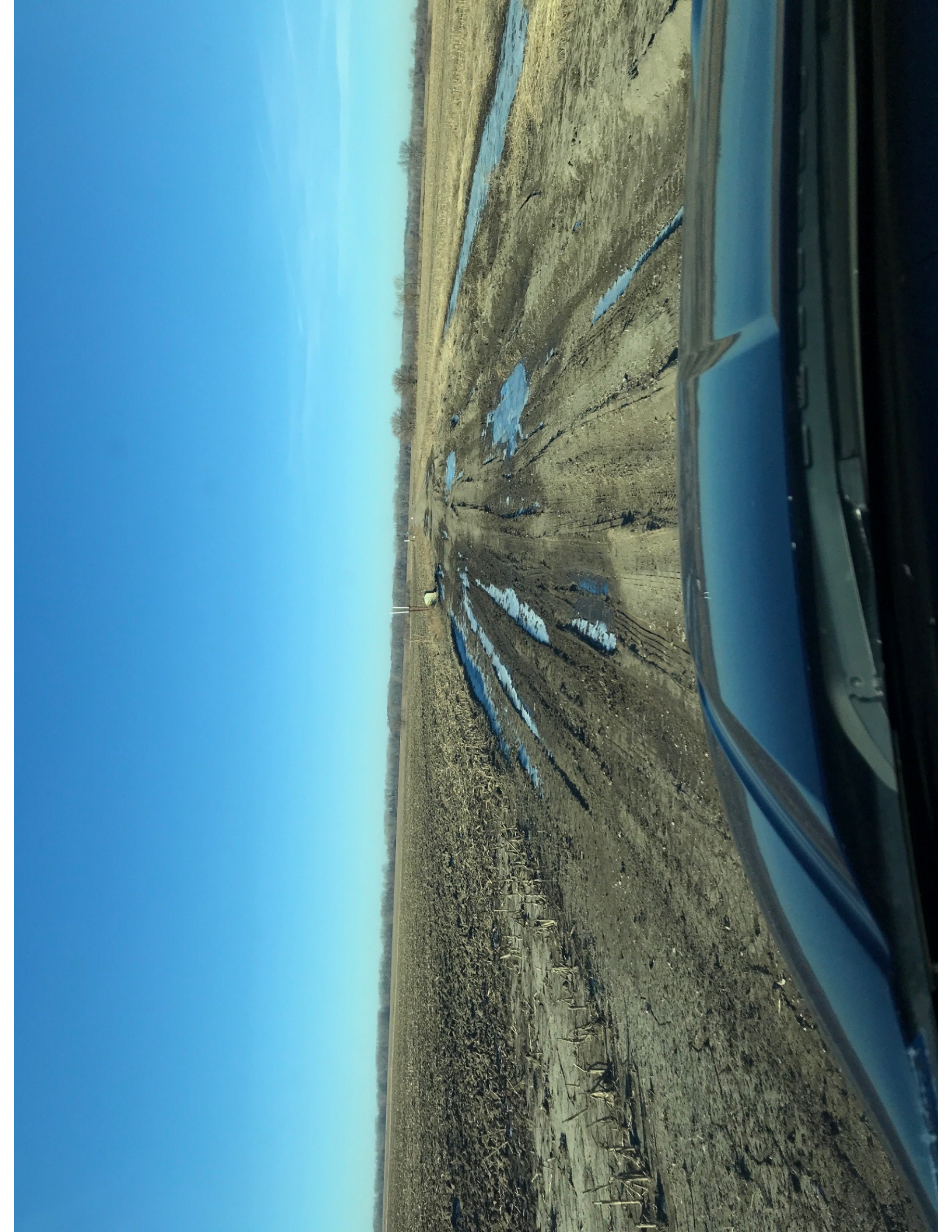
The required \$250 filing fee check also accompanies the Application.

Sincerely,



Trent Hooper
Land and Government Affairs Director

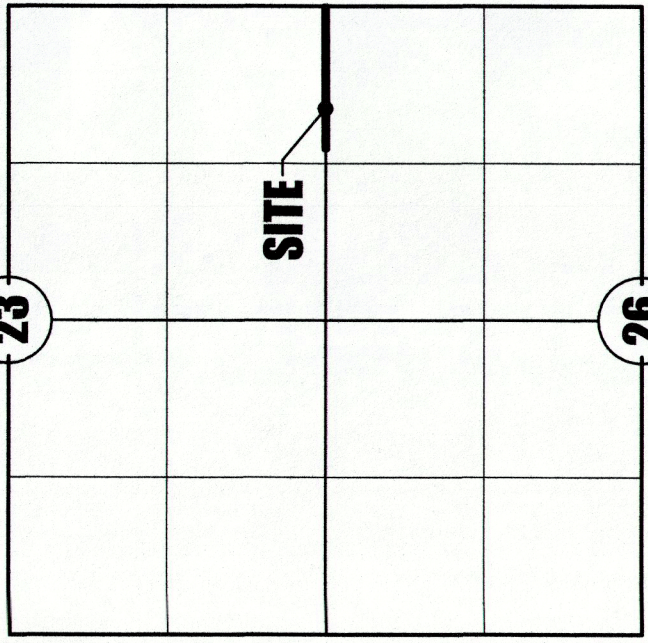




CERTIFICATE OF SURVEY

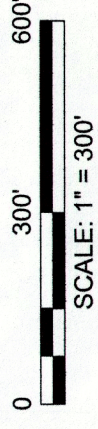
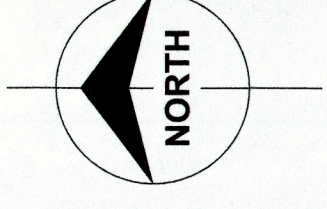
VACATION OF A PORTION OF EAST BLUE VALLEY ROAD PART OF SECTION 23&26, TOWNSHIP 51 NORTH, RANGE 31 WEST JACKSON COUNTY, MISSOURI

TOWNSHIP 51 NORTH, RANGE 31 WEST



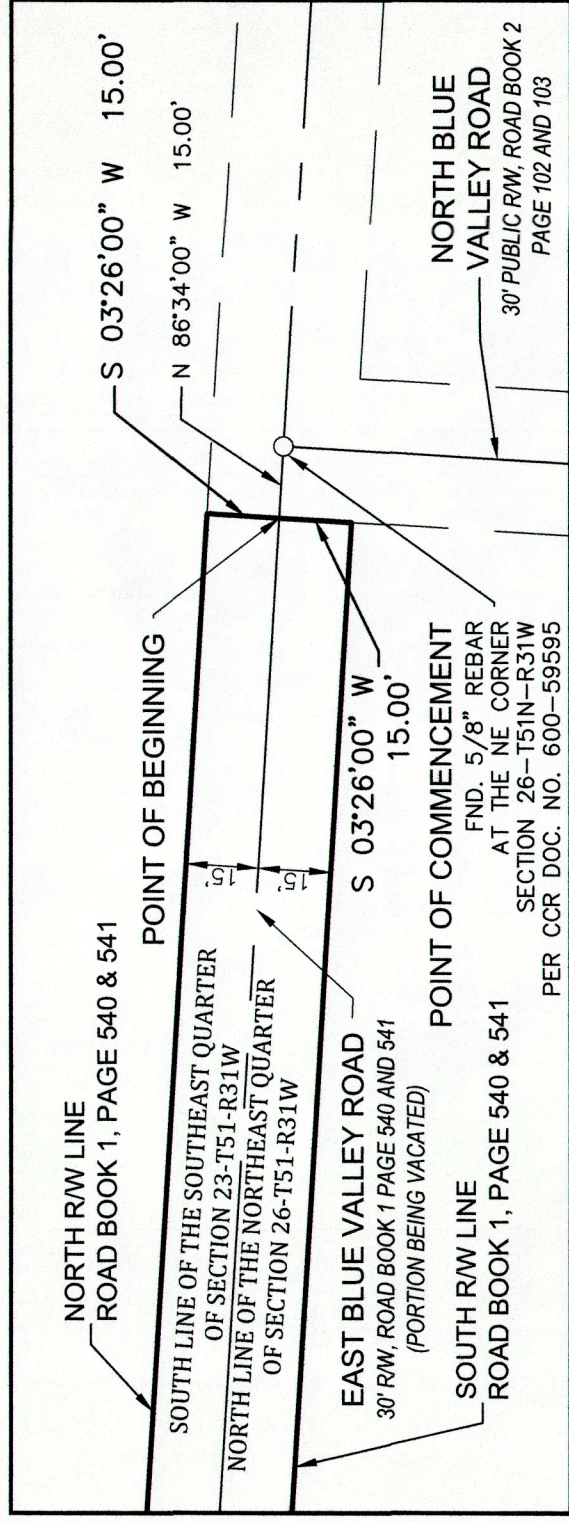
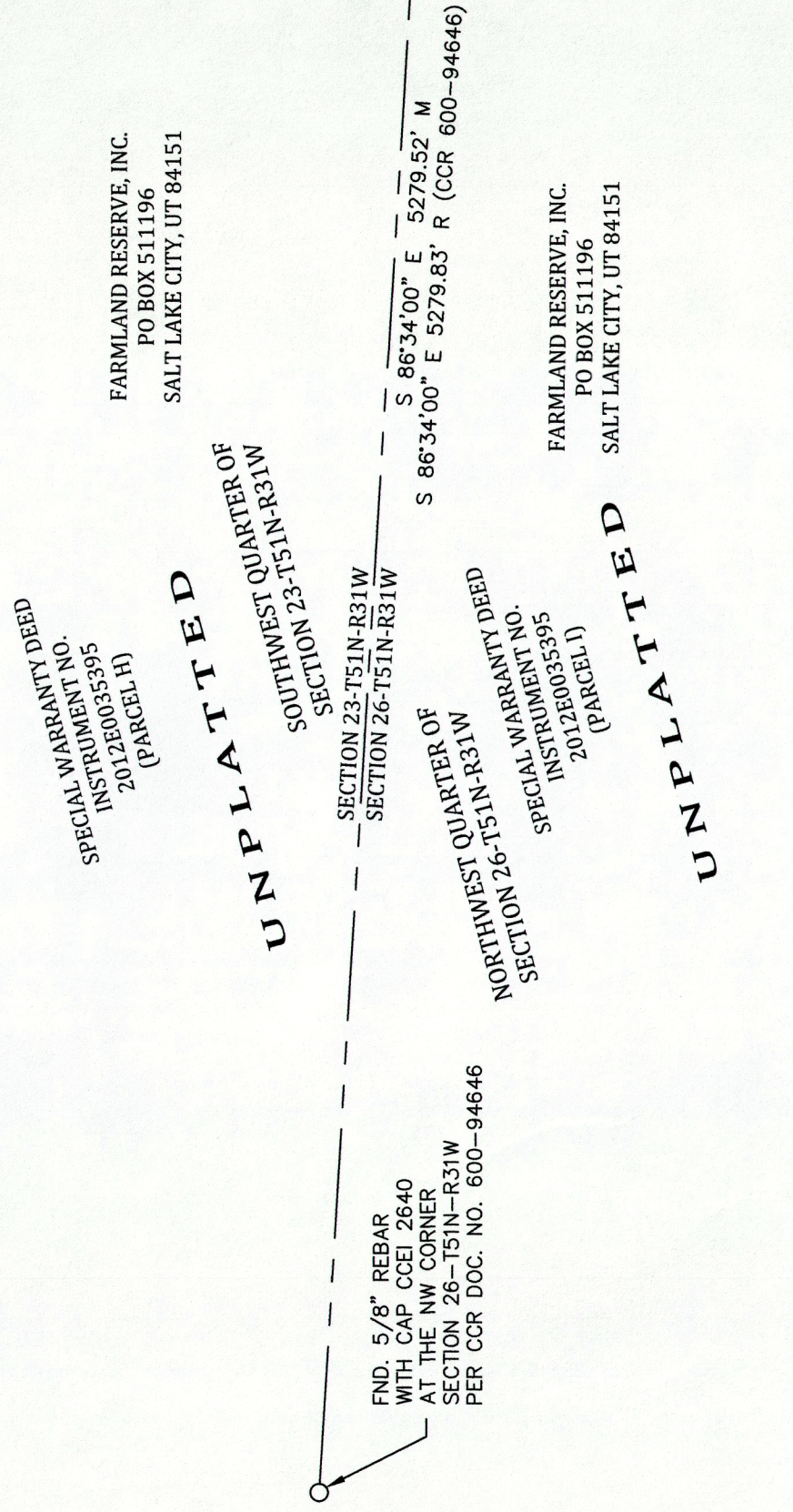
LEGEND:

- FOUND MONUMENT, AS NOTED
- FND. FOUND
- R RECORD DIMENSION
- M MEASURED DIMENSION
- R/W RIGHT-OF-WAY
- CCR CERTIFIED LAND CORNER DOCUMENT



REFERENCE BEARING:

BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, WEST ZONE AND TIED TO CONTROL MONUMENT "JA-32", 2003 ADJUSTMENT (N: 338123.225 METERS, E: 868921.376 METERS) OF THE MISSOURI GEOGRAPHIC REFERENCE SYSTEM, AS DEVELOPED FROM GPS OBSERVATIONS, A GRID FACTOR OF 0.9999163 WAS USED.



DESCRIPTION FOR ROAD VACATION:

ALL THAT PART OF THE RIGHT-OF-WAY FOR EAST BLUE VALLEY ROAD, AS NOW ESTABLISHED AND RECORDED IN BOOK 1 AT PAGES 540 AND 541 OF THE JACKSON COUNTY, MISSOURI ROAD RECORDS LYING IN THE SOUTHEAST QUARTER OF SECTION 23 AND THE NORTHEAST QUARTER OF SECTION 26, BOTH IN TOWNSHIP 51 NORTH, RANGE 31 WEST IN JACKSON COUNTY, MISSOURI BEING DESCRIBED AS FOLLOWS:

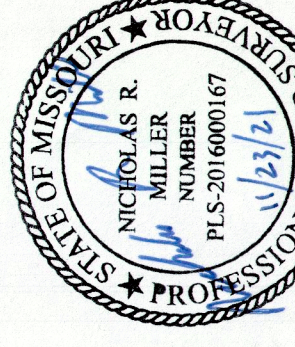
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, ALSO BEING THE CENTERLINE OF SAID EAST BLUE VALLEY ROAD, NORTH 86°34'00" WEST, 15.00 FEET, TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING LEAVING THE NORTH LINE OF SAID NORTHEAST QUARTER, SOUTH 03°26'00" WEST, 15.00 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST BLUE VALLEY ROAD; THENCE ALONG A LINE 15.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER, AND ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, NORTH 86°34'00" WEST, 1200.00 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, NORTH 03°26'00" EAST, 30.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST BLUE VALLEY ROAD; THENCE ALONG A LINE 15.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER, AND ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 86°34'00" EAST, 1200.00 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, SOUTH 03°26'00" WEST, 15.00 FEET TO THE POINT OF BEGINNING, CONTAINS 0.83 ACRES, MORE OR LESS.

NOTES:

- THE WORD "CERTIFY" OR "CERTIFICATION", AS SHOWN AND USED HEREON, MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- DECLARATION IS MADE TO THE PARTIES NAMED HEREON AND IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- NO TITLE REPORT WAS PROVIDED BY THE CLIENT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY POWELL CWM, INC. AND AS SUCH WE ARE NOT RESPONSIBLE FOR THE INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, UNRECORDED EASEMENTS, AUGMENTING EASEMENTS, IMPLIED OR PRESCRIPTIVE EASEMENTS, OR ANY OTHER FACTS.
- THE RECORD SOURCE OF THE SUBJECT PREMISES IS RECORDED IN ROAD BOOK 1 AT PAGE 540 AND 541 OF THE JACKSON COUNTY, MISSOURI ROAD RECORDS.
- EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PROPERTY.
- THE LOCATION AND / OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.
- NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL / PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES PLEASE CONTACT THE APPROPRIATE AGENCIES OR OTHER SURVEYS.
- THIS DRAWING IS FOR THE VACATION OF EAST BLUE VALLEY ROAD ONLY AND IS NOT TO BE USED FOR OTHER PURPOSES.
- NO PROPERTY CORNERS SET AS BOTH SIDES OR THE PROPOSED VACATED RIGHT-OF-WAY ARE CURRENTLY OWNED BY FARMLAND RESERVE, INC.

PREPARED FOR

FARMLAND RESERVE, INC.
79 S. MAIN STREET, 11TH FLOOR
SALT LAKE CITY, UT 84111



NICHOLAS R. MILLER, PLS
MO LS 2016000167

CERTIFICATE OF SURVEY

**VACATION OF A PORTION OF EAST BLUE VALLEY ROAD
PART OF SECTION 23&26, TOWNSHIP 51 NORTH, RANGE 31 WEST
JACKSON COUNTY, MISSOURI**

I HEREBY CERTIFY: THAT THIS CERTIFICATE OF SURVEY IS BASED ON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AS ESTABLISHED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE DEPARTMENT OF AGRICULTURE LAND SURVEY PROGRAM OF THE STATE OF MISSOURI.

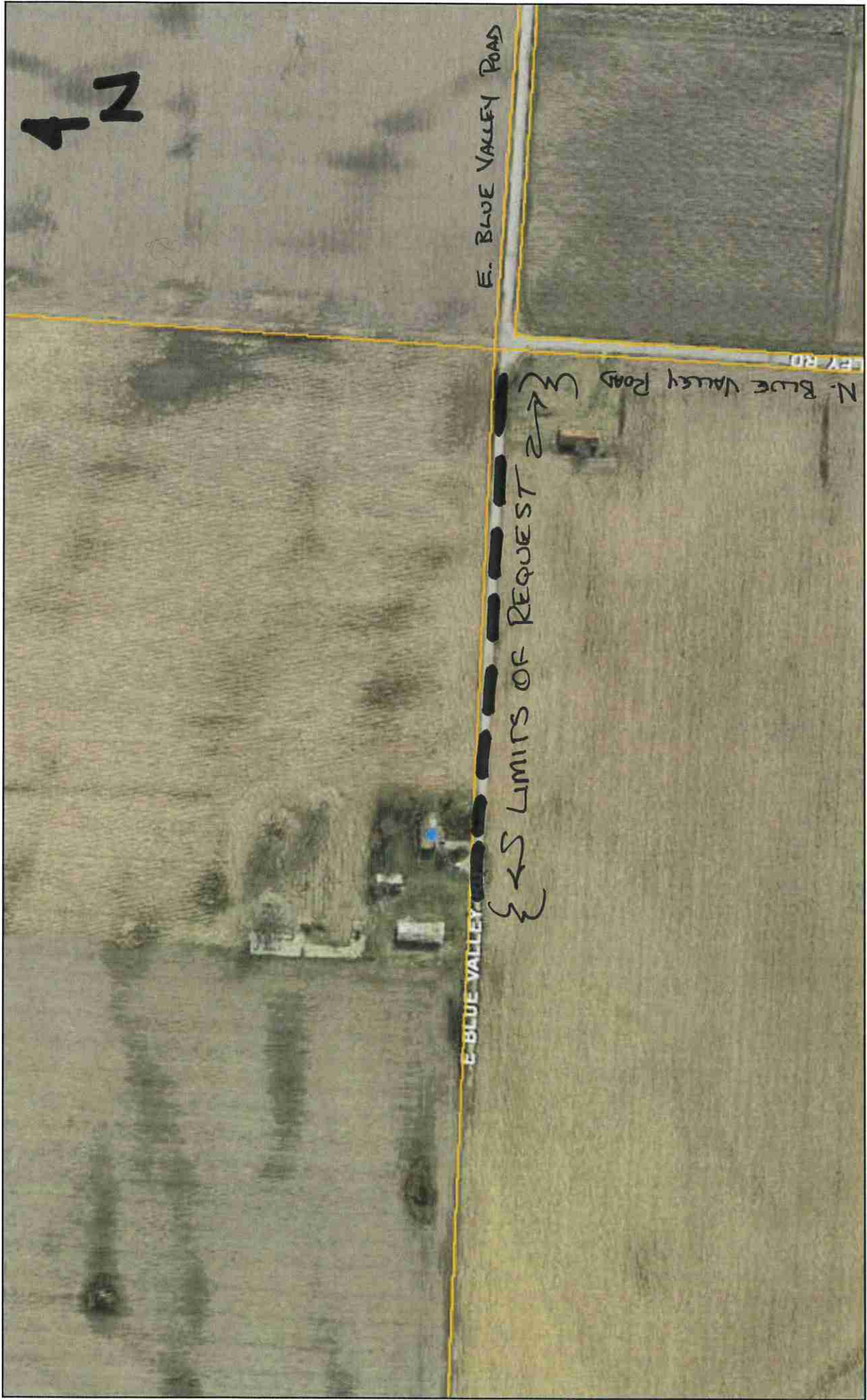
POWELL

C W M
ARCHITECTURE/ENGINEERING/SURVEYING

3200 S. State Route 291, Bldg. 1
Independence, MO 64057
816.373.4800 | powellcwm.com

Certificates of Authority
Architecture:
MO 310 | KS 73
MO 211 | KS 241
Land Surveying:
MO 123 | KS 36

DATE 11/23/2021
JOB NO. 21-1989
FILED BY WDM/MAS
DRAWN BY NRR
CHECKED BY JMP
CLASSIFICATION URBAN
SHEET NO. 1 OF 1



E. BLUE VALLEY ROAD

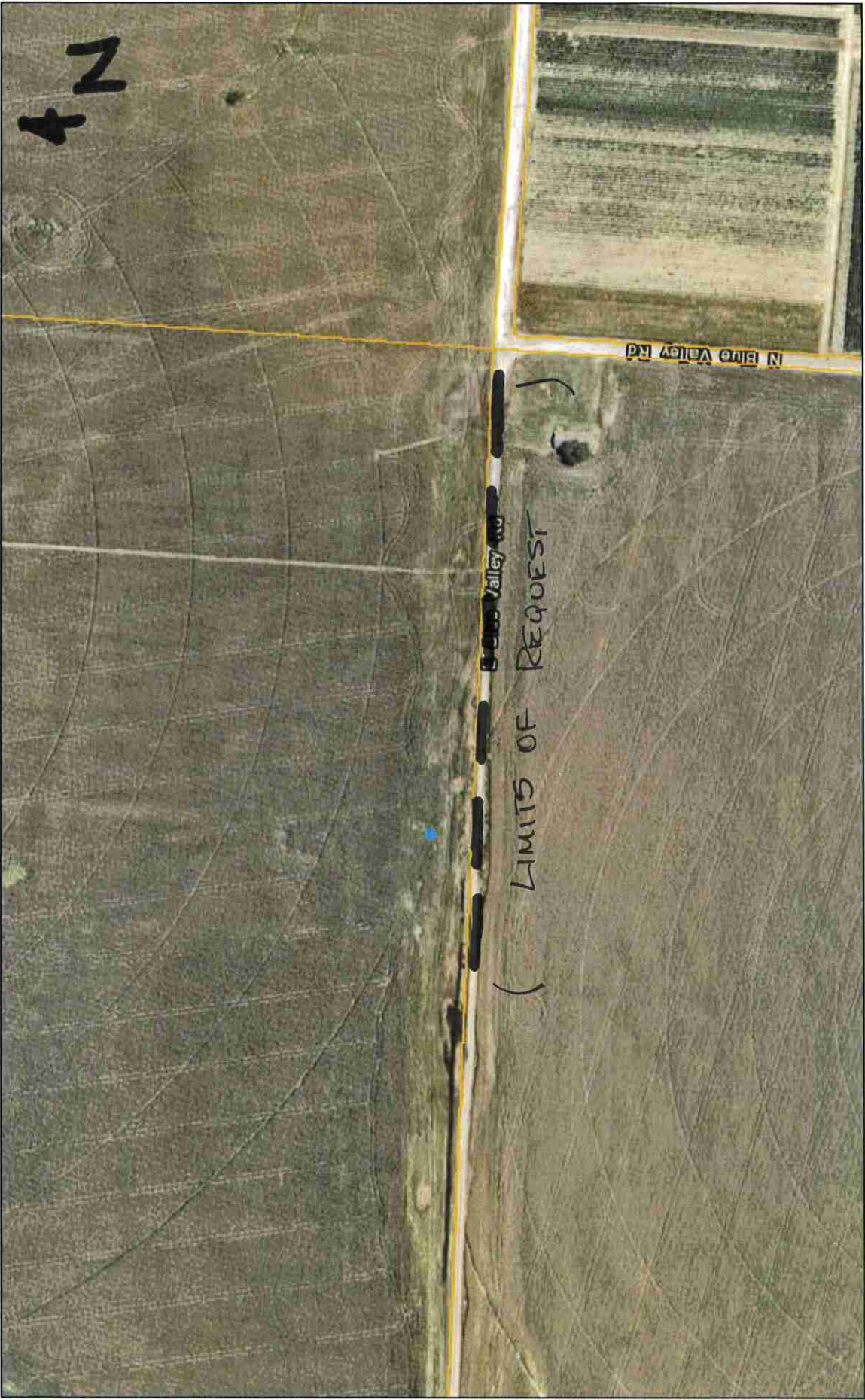
E BLUE VALLEY

← LIMITS OF REQUEST →

N. BLUE VALLEY ROAD

RD

C. 2012



C. 2021



↑ N

E Blue Valley Rd

N Blue Valley Rd

LIMITS OF REQUEST



END OF PUBLIC ROAD