



Board of Aldermen Request for Action

MEETING DATE: 5/16/2022

DEPARTMENT: Development

AGENDA ITEM: Resolution 1226, vacating a utility easement between lots in Fairview Crossing North

REQUESTED BOARD ACTION:

A motion to approve Resolution 1226, to vacate a utility easement between lots in Fairview Crossing North.

SUMMARY:

Approving vacation of this easement will allow the merger of Lots 5 and 6 in Fairview Crossing North subdivision in order to accommodate one large building instead of two separate buildings.

BACKGROUND:

The Board recently approved the Single-Phase Final Plat for Fairview Crossing North subdivision, which included 6 commercial lots. The conceptual plan called for one 7,200 ft² building and one 6,000 ft² building on lots 5 and 6. The developer has plans to construct one 12,000 ft² building on a combined lot. To complete the lot line adjustment necessary to merge the two lots, an easement located along the boundary line of lots 5 and 6 must be vacated. With the lots merged, there is no need for an easement. Approving vacation of this easement will allow the surveyor to amend the approved plat to both eliminate the easement and merge the two lots. To the extent that merging the lots and building a building that is smaller than the combined sizes of the two approved buildings reduces the impact on parking and stormwater that the development would have. There is no plan to reduce stormwater detention as a result of this reduction, thereby improving the built conditions on stormwater runoff.

The planning commission held a public hearing on vacating the easement and recommended approval of vacating the easement on the plat.

PREVIOUS ACTION:

The Board approved Fairview Crossing North Conceptual Plan (Ord. 2977-23) and the Final Plat (Resolution 1194) at its' March 7, 2023 meeting.

POLICY ISSUE:

Complies with the Comprehensive Plan

FINANCIAL CONSIDERATIONS:

n/a

ATTACHMENTS:

- | | |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Plans |
| <input checked="" type="checkbox"/> Staff Report | <input type="checkbox"/> Minutes |
| <input checked="" type="checkbox"/> Other: Planning Commission Meeting may be viewed online | |

RESOLUTION 1226

**A RESOLUTION VACATING AN EASEMENT ON FAIRVIEW CROSSING
NORTH FINAL PLAT**

WHEREAS, the Board of Aldermen approved a conceptual plan and Final Plat for Fairview Crossing North on March 7, 2023; and

WHEREAS, the Final Plat included six commercial lots, with easements located along the property lines of the lots, including between lots 5 and 6 in the event utilities needed access to the sides of the lots; and

WHEREAS, the developer has submitted a site plan request for a new shopping center building to be constructed on both Lots 5 and 6; and

WHEREAS, the proposed shopping center needs to remove the lot line between the two lots and vacate the easement along that line in order to construct the shopping center; and

WHEREAS, by authorizing vacating the easement between Lots 5 and 6, the developer will be able to amend the Final Plat prior to recording said final plat.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF
THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

**THAT THE HE FAIRVIEW CROSSING NORTH FINAL PLAT APPROVED BY
RESOLUTION 1194 IS HEREBY AMENDED TO REFLECT THE EASEMENT
LOCATED ON THE PROPERTY LINE BETWEEN LOTS 5 AND 6 IS HEREBY
VACATED AND THE LOT LINE SHALL BE REMOVED.**

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 16th day of May 2023.

Damien Boley, Mayor

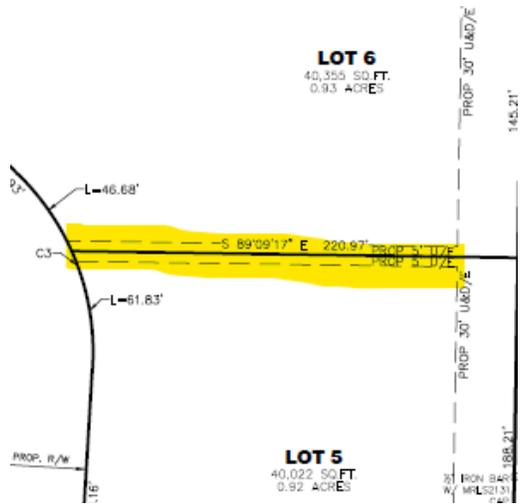
ATTEST:

Linda Drummond, City Clerk

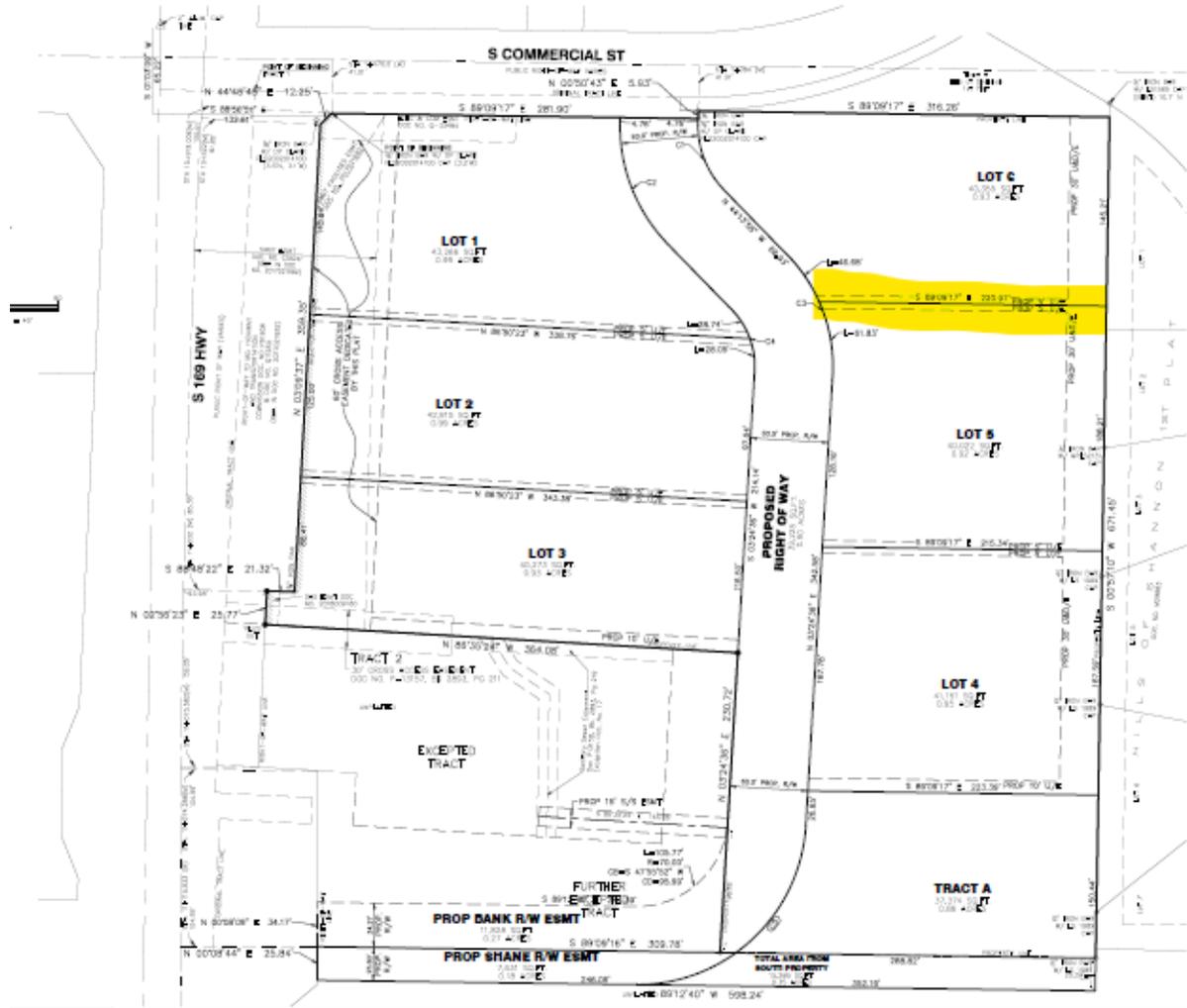
Date:	May 4, 2023
Prepared By:	Jack Hendrix, Development Director
Subject:	Vacating a Utility Easement – Fairview Crossing North

The Board of Aldermen recently approved a final plat for a new commercial subdivision named Fairview Crossing North. That subdivision plat includes 6 lots zoned for commercial use at the southeast corner of Commercial and 169 Highway. This approved plat has not yet been recorded. Prior to construction, the developer proposes to construct a new shopping center building on what is identified as Lots 5 and 6 in the development. Those lots have approval for up to 13,200 ft² of buildings in accordance with the approved conceptual plan. That plan sets the maximum size of buildings that may be constructed. The developer seeks to construct one 12,000 ft² building over both lot 5 and lot 6. To do this, the lot line between the two lots must be removed. That process ordinarily occurs after the plat has been filed and it is an administrative process that is approved at the Development Department level. This process cannot, however, vacate a platted easement. To expedite the overall process for both the developer and the city, making an amendment to the plat prior to recording that vacates the easement is the best procedure.

To the extent that this easement is unused (since it has not yet been created), and there will be no need for this easement by the city or any other utility in the future, there is no negative impact on the properties involved. If approved, vacating this easement on the plat will occur by simply adjusting the plat prior to recording to both remove the boundary line (usually a staff action) and removing the easement (a Planning Commission recommendation to the Board for its' action) will prepare the land for a future Shopping Center. The shopping center proposal is also on the agenda..



Proposed easement vacation and lot line adjustment location for Fairview Crossing North:



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