



## GENERAL INFORMATION

**To:** City Council  
**From:** City Staff  
**Date:** June 8, 2020  
**Re:** **Case #20008 1211 Dunvegan Lane - Utility Easement Vacation**

**Applicant/  
Property Owner:** Al Howze  
1211 Dunvegan Lane  
Raymore, MO 64083

**Requested Action:** To vacate fifteen feet (15') of an existing twenty-five foot (25') utility easement in the rear yard of the property.

**Property Location:** The northeast corner of Dunvegan Lane and Metfield Lane.



**Property Photographs:**



View looking north from the southern property line showing the location of the existing Evergy lines.



View looking northwest from the southern property line showing the location of the existing utility box in the front yard



Diagram showing the extents of the requested vacation.

**Existing Zoning:** “PUD” Planned Unit Development

**Growth Management Plan:** The Future Land Use Plan Map contained in the Growth Management Plan identifies this property as appropriate for Low-Density Residential development.

**Major Street Plan:** The Major Thoroughfare Plan Map contained in the Growth Management Plan classifies Creekmoor Drive as a Local Road.

**Legal Description:** Wesbrook at Creekmoor 10th Plat: Lot 299

**Advertisement:** May 26, 2020 **Journal** newspaper

**Public Hearing:** June 8, 2020 City Council

**Items of Record:** **Exhibit 1. Notice of Publication**  
**Exhibit 2. Unified Development Code**  
**Exhibit 3. Application**  
**Exhibit 4. Growth Management Plan**

**Exhibit 5. Staff Report**  
**Exhibit 6. 311 Locate Response Ticket**

**Additional exhibits as presented during hearing**

## **REQUEST**

Applicant is requesting to vacate fifteen feet (15') of an existing twenty-five foot (25') utility easement in the rear yard of the property at 1211 Dunvegan Lane to accommodate the construction of a pool.

## **EASEMENT VACATION REQUIREMENTS**

The following sections of the Unified Development Code are applicable to this application:

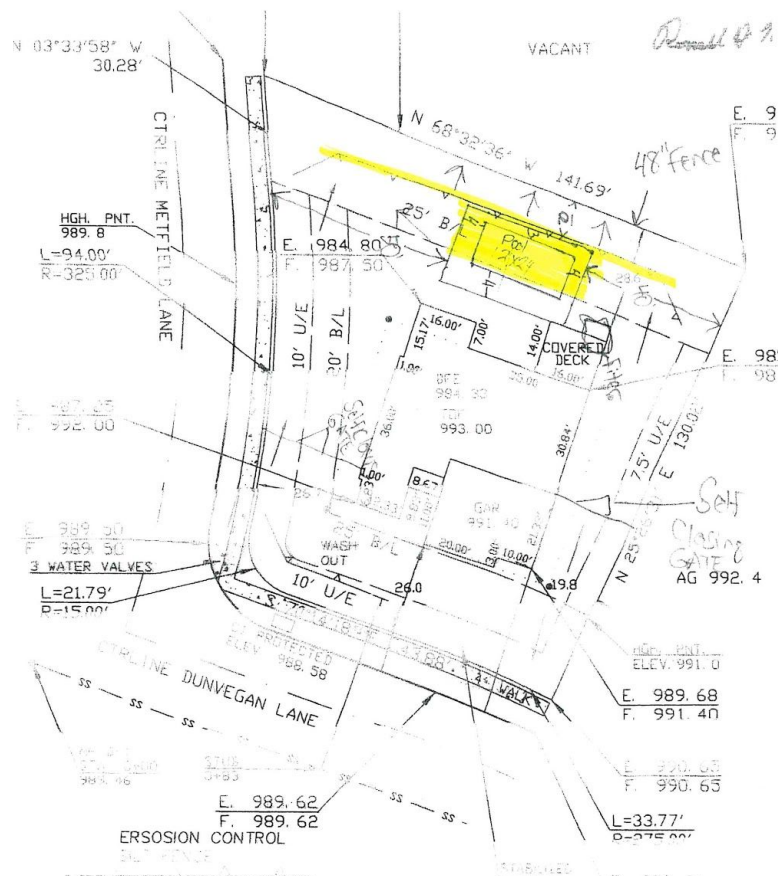
1. Section 470.170: Vacation of Streets, Easements or Plats
2. Section 470.170 (A) states:  
“No vacation may take place unless the consent of the persons owning two-thirds of the property immediately adjoining thereto is obtained in writing.”
3. The Unified Development Code authorizes the Community Development Director to determine if it would be advisable to obtain the recommendation of the Planning and Zoning Commission concerning a vacation application prior to the required public hearing before the City Council.
4. The City Council may approve the application if it determines from the evidence that:
  - a. due and legal notice has been given by publication as required herein;
  - b. no private rights will be injured or endangered by the vacation;
  - c. the proposed vacation is not contrary to the Growth Management Plan or any other transportation plans for the City; and
  - d. the public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

## **PREVIOUS PLANNING ACTIONS ON OR NEAR THE PROPERTY**

- The Westbrook at Creekmoor 10th Plat, which created the subject property was approved by the City of Raymore on December 17, 2014.
- A Certificate of Occupancy for the home was issued on May 30, 2017.

## STAFF COMMENTS

- Staff notified all utility companies that may have facilities in the easement. Both Evergy and AT&T responded to the request.
- The locate ticket indicated that the request would not impact existing utilities.
- Below is a preliminary plot plan/pool layout for the property:



- The standard dimension for a utility easement in the rear yard is generally 7.5 to 10 feet.
- If the vacation request is approved, the existing utility easement would be reduced to 10 feet.

## **ENGINEERING DIVISION COMMENTS**

The Engineering Department has reviewed the application, and has recommended approval of the request.

## **STAFF PROPOSED FINDINGS OF FACT**

Under Section 470.170 of the Unified Development Code, the City Council is directed concerning its actions in dealing with a request to vacate a portion of a utility easement. Under 470.170 (C) (3) the City Council may approve the application if it determines from the evidence that:

- 1. due and legal notice has been given by publication as required herein;**

Legal notice of the request was published in *The Journal* Newspaper on May 26th, 2020

- 2. no private rights will be injured or endangered by the vacation;**

The proposed vacation will not injure or endanger any private rights.

- 3. the proposed vacation is not contrary to the Growth Management Plan or any other transportation plans for the City; and**

The proposed vacation is not contrary to the Growth Management Plan or any other transportation plans for the City.

- 4. the public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.**

The public will not suffer any loss or inconvenience by the reduction in the easement.

## **REVIEW OF INFORMATION AND SCHEDULE**

<u>Action</u>	<u>City Council 1<sup>st</sup></u>	<u>City Council 2<sup>nd</sup></u>
Public Hearing	June 8, 2020	Emergency Read - June 8, 2020

## **STAFF RECOMMENDATION**

Staff recommends that the City Council approve Case #20008 - 1211 Dunvegan Lane Utility Easement Vacation.

## **CITY COUNCIL ACTION 1ST READING - 06/08/2020**

The City Council, at its June 8, 2020 meeting, voted 8-0 to accept the staff proposed findings of fact and approved Case #20008 Westbrook at Creekmoor Tenth Final Plat; Lot 299 Utility Easement Vacation.

## **CITY COUNCIL ACTION 2ND READING - 06/08/2020**

The City Council, at its June 8, 2020 meeting, during an emergency read, voted 8-0, to accept the staff proposed findings of fact and approved Case #20008 Westbrook at Creekmoor Tenth Final Plat; Lot 299 Utility Easement Vacation.