



Planning and Zoning Memorandum

TO: Planning and Zoning Commission

FROM: Matt Chesmore, Building Official

DATE OF MEETING: August 5, 2025

ITEM TITLE: Vacation of Utility Easement

BACKGROUND:

Indee Storage LLC has asked the City of Independence to vacate a utility easement (publicly held property) that lies on a common line between Lot 3 and 4 of the Green View Commercial Addition. The easement varies in width from 30' to 20'. Notably, Lots 3 and 4 were recently combined therefore although the lots are whole as one parcel, the utility easement still exists.

The City of Independence researched the original plat of survey and confirmed the existence of this utility easement (Exhibit A). Indee Storage engaged Crawford Engineering, a civil engineering firm, to conduct a survey of the subject parcels and create a Plat of Survey for Boundary Line Adjustment Exhibit B, that displays the vacation of the easement. Indee Storage also engaged Brian Eddy of Eddy and Roberts law firm to prepare a Vacation of Easement document and shown in Exhibit C.

DISCUSSION:

On March 13, 2025, the primary "holder", Independence Light Power and Telecommunications of the easement, signed a Vacation of the Easement document created by Roberts and Eddy as they anticipate no future use of the easement.

According to Chapter 137 of the Code of Ordinance of the City of Independence, The Planning and Zoning Commission must first review the application documents and approve or deny the application. If the Planning and Zoning Commission approves the easement vacation, then it also must make a recommendation to the City Council to also consider the approval of the same. If the Council agrees to approve the vacation, then the City Council will need to set a public hearing date, hear any public comments. Hearing no objections, the Council may waive the second and third public hearings and then decide to pass or reject a resolution to officially vacate public property.

RESULTS:

The City has established priorities during strategic planning sessions. This item supports the Vision from that session of Developing and Reviving Independence.

FINANCIAL CONSIDERATION:

There is no significant financial consideration for this matter other than the staff's time in preparing the resolution.

RECOMMENDATION:

After careful consideration staff recommends that the Planning and Zoning Commission make a motion to vacate the utility easement currently located on Lot 3 and Lot 4 of the Green View Commercial Addition. Furthermore, staff recommends that the Planning and Zoning Commission make a recommendation to the City Council to carefully consider and approve a resolution to vacate the same.