




City of Jackson

MEMO TO: The Honorable Mayor Dwain Hahs and
Members of the Board of Aldermen

FROM: Rodney Bollinger, Director of Administrative Services 

DATE: September 28, 2023

SUBJECT: Request to abandon a portion of Royal Drive
Forest Acres Subdivision

Attached please find a letter and location map relative to the above referenced request for the abandonment of a portion of Royal Drive. The purpose of this memo is to relay the collective input received from City supervisors on the issue of this proposed abandonment.

Location:

The right of way is 40' wide and extends from the southern right of way line of Shady Ln. then in a southeasterly direction approximately 250' feet to the rear property line of 1145 Shady Ln., and there terminating.

Adjacent Property Owners:

There are five adjacent lot owners who will be impacted by the request. Their names and addresses are identified on the attached list.

Paper Street:

Royal Dr. is platted but undeveloped. This is an unimproved (paper) street in Forest Acres Subdivision which may or may not require the construction of roadway in the future.

Public Utilities:

No City-owned public utilities or infrastructure currently exist in this right of way, nor are any future public improvements planned at this time. If the Board decides to abandon, the City will need to retain actual described easements. If the City doesn't get actual easement locations

documented, it will be very difficult to track where property owners can and can't build when issuing building permits in the future.

City Attorney:

Generally, streets and rights of way are abandoned because the City determines that the continued use of the street is no longer needed. Article VI Section 25 of the Missouri Constitution reads;

“No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation...”

If the Board determines that Royal Dr. has no use to the citizens and should be abandoned then it must either;

- determine that that tract of real estate has no monetary value or
- sell the land for fair market value.

Public Hearing:

The Board of Aldermen should first set a public hearing of the proposed abandonment and staff will send letters of notification to all adjacent property owners, along with the posting of a public notice in the local newspaper. This hearing should be set for Monday, November 6, at 6:00 p.m.

Summary:

Following due consideration of this information, staff supports the abandonment of the 40' wide right of way in question, but only after receiving public input at the upcoming public hearing. However, this support is conditional upon the City granting itself permanent utility easements in the same corridor to allow for future development of the vacant land to the south. If opposition is expressed at the hearing, the Board would need to take those public comments into consideration before rendering a final decision.

Thanks for your time and consideration of this information. As always, please feel welcome to contact me should you have any questions regarding this matter.

September 18, 2023

Dear City of Jackson Mayor and Board of Aldermen:

We are writing to express our views about the paper street located at the corner of Royal Drive and Shady Lane as an extension of Royal Drive. As you may know, a paper street is a street that appears on City maps but does not actually exist on the ground. In this case, the paper street is located between our properties at 1145 Shady Lane and 1203 Shady Lane. We are requesting that the city abandon this paper street.

The paper street has caused a number of concerns for us. The property cannot be fully treated as personal property by either of us because it technically belongs to the City. Despite this, each of us has invested thousands of dollars in upkeep and erosion control on the paper street, as it serves as the only driveway entrance to both homes. This maintenance will be an ongoing problem as watershed from the paved road erodes the gravel paper street, requiring regrading to fill in the ruts. Improvements to rectify this problem are not feasible since we do not own the property, therefore constant maintenance is required. Additionally, many people have driven down the paper street which dead ends at our driveways because it appears as a public, existing street. Recently, a very large recreational vehicle was nearly stuck in our driveway, and had to carefully navigate around our trees and vehicles to get back on the public roadway.

The paper street has no practical use or value to the community, and the rough terrain of the land behind our properties makes any future roadway quite impractical. It is heavily wooded, has steep hills, and has two ditches/gullies that flood during hard rains. It serves no purpose since the development of Warren Place has taken place. A much more feasible route is available by use of Easton Drive. If the City were to abandon this paper street, it would provide relief to us and would allow us to better utilize and maintain our properties. Any utility easements or access to existing easements could easily remain or be added. We would simply appreciate the ability to improve our properties' access and have quiet enjoyment of the property that provides access to our homes.

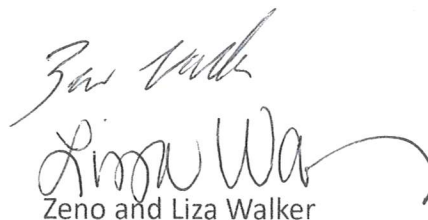
We are respectfully requesting that the City abandon this paper street. We believe this would be in the best interests of both us and the City, and it would help to alleviate the problems that we have been experiencing.

Thank you for your consideration of this matter.

Sincerely,



Chris and Kelly Kasten



Zeno and Liza Walker

Christopher and Kelly Kasten

1145 Shady Ln.

Jackson, Missouri 63755

Zeno and Liza Walker

1203 Shady Ln.

Jackson, Missouri 63755

Warren Place, LC

276 S. Mt. Auburn Rd.

Cape Girardeau, Missouri 63703

Lewis and Janice Ticer

1311 Apache Ave.

Jackson, Missouri 63755

Amy Phillips

1313 Apache Ave.

Jackson, Missouri 63755



