




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: October 3, 2024

SUBJECT: Request to Abandon a Sewer, Utility & Drainage Easement in
Trail Ridge III Subdivision

Attached please find correspondence and a location map relative to a request by Mr. Terry Young for the abandonment of a Sewer, Utility & Drainage Easement in Trail Ridge III Subdivision. The purpose of this memo is to relay the collective input received from supervisors to the elected officials on the issue of this request.

Location:

The easement is 10' wide and extends from the north right of way line of Smith Trail then in a southerly direction approximately 1,200' feet to the north right of way line of Old Cape Road, and there terminating. The width of the easement across this tract is 120 feet.

Public Utilities:

No public utilities or infrastructure currently exist, nor are any future public improvements currently planned at this location.

Adjacent Property Owners:

There is only one (1) lot owner (applicant) who will be impacted by the request.

Building Encroachment:

The property owner installed an unpermitted storage shed in his rear yard that encroaches into the easement. As a result, a setback variance from the Zoning Board of Adjustment will also be needed in addition to the easement abandonment. Should the variance request fail, then no action will be needed on the issue of the abandonment.

City Attorney:

Generally, streets, rights of way, alleys, and easements are abandoned because the City determines that the continued use of such 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 this easement has no use to the citizens and should be abandoned then it must either;

- determine that that tract of real estate has no marketable value greater than the benefit of abandonment, or
- sell the land for fair market value.

Value

The value of the easement has not been determined by a professional appraisal and has not been surveyed.

Staff Conclusion:

Following due consideration of all the information available, the City staff respectfully recommends the Board approve the applicant's request to abandon the easement. However, the recommendation is contingent upon approval from the ZBOA to vary the rear yard setback for the shed.

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.