



# 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:** April 14, 2022

**SUBJECT:** Request to Abandon a Sewer & Utility Easement in  
Nine Oaks Third Subdivision

Attached please find correspondence and a location map relative to the above referenced request for the abandonment of a Sewer & Utility Easement in Nine Oaks Third 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 northern right of way line of E. Deerwood Dr. then in a northerly direction a distance of approximately 800' feet to the north property line of Lot 21, and there terminating.

**Public Utilities:**

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

**Adjacent Property Owners:**

There are five total lot owners who will be impacted by the request.

**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 of the information available, the City staff respectfully recommends the Board deny the applicant's request to abandon the easement. Any abandonment would relinquish the City's interest in all or a portion of this dedicated public easement, thereby reducing the number of available routes upon which the public utility infrastructure could be extended to serve existing and undeveloped land to the north of this subdivision.

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.

Dear Mr. Mayor and Alderman,

My name is Travis Smith, I am a resident of Jackson MO, my address is 2131 Ripken Way. I have lived in Jackson for nearly 4 years at the Ripken Way address. About 6 months ago I started the process of getting plans and designs ready to put in a pool at my residence. I have gone through the process of getting a contractor, a design, the permits for pool and fence, and have already spent over \$10,000.00 in preparation for the pool. Recently it was brought to my attention that there is a 10-foot easement that runs through the back of my yard (not to mention the easements on my side yard and front yard as well). I was unaware that the easement in the back existed until the planning department reached out to let me know. I had my property marked and flagged for all utilities, and there is nothing running through the back easement, and I don't believe that there is a plan to run anything through that area in the near future.

I am proposing 3 different potential options to either remove or reduce the easement in the back part of my property. 1) the best case scenario would be to remove the entire 10 feet of easement all together. 2) if complete removal is not an option, just reducing the easement down to 5 feet, instead of 10 feet, this would give us enough space to do what we need to do to install the pool. 3) lastly, if the easement needs to remain at 10 feet, can we split the easement with the neighboring property so that we both have 5 feet of easement. The property of my neighbors is unusable and would be an ideal area for the extra 5 feet.

Any of these options will work for us and allow for the project that we have already invested money in to proceed. I am very appreciative of your consideration with this matter and hope that we can come up with a solution that will work for everyone. Thank you so much for your time!

Best,

N. Travis Smith

Received  
04/12/2020  
Ripken Way  
City Clerk/Treasurer

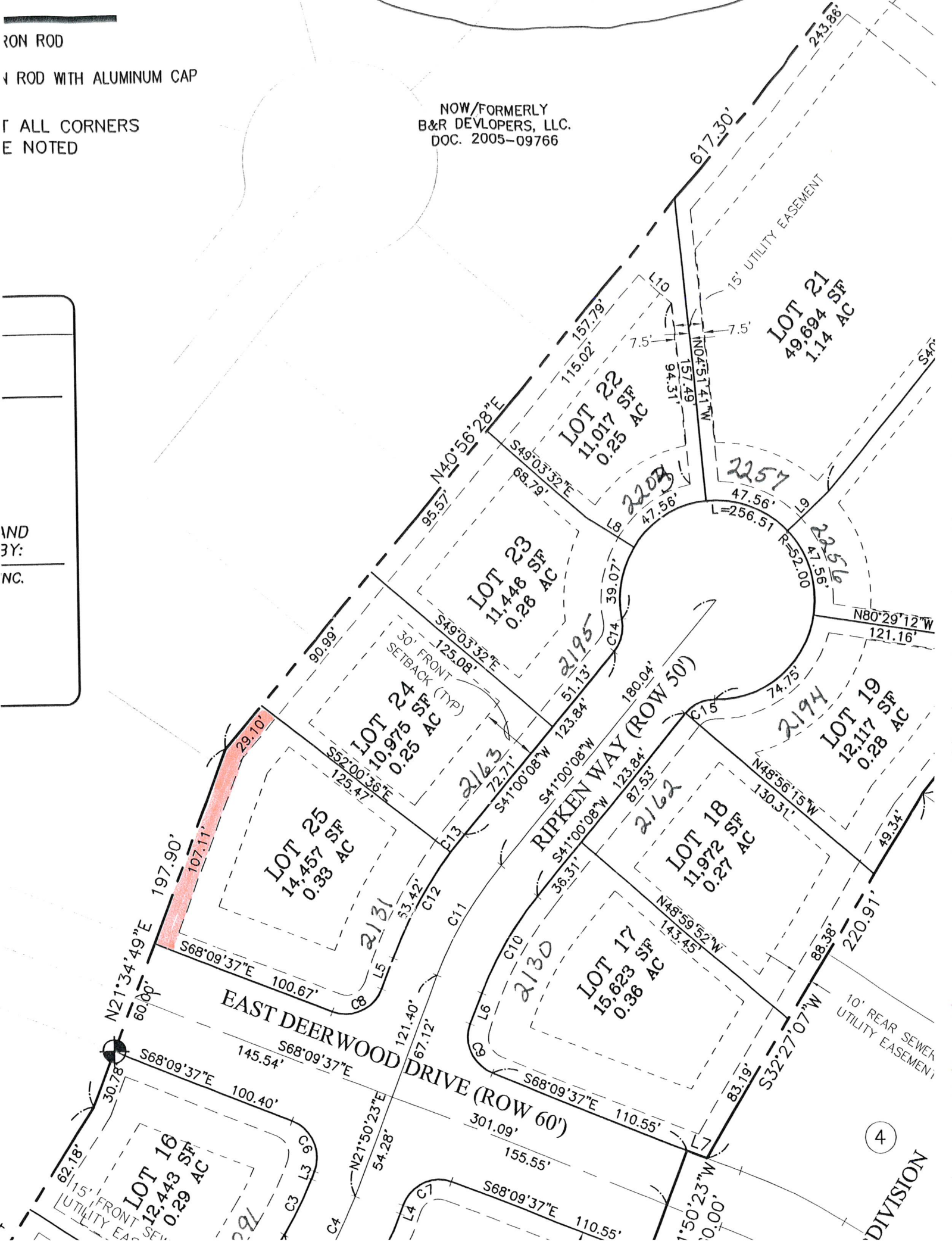
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## Legend

 location\_2131\_Ripken\_Rear\_Easement

 Manholes

 Buried Electric

 Parcels

 WaterMains

 SanSewer\_Mains

 Easements

10' Easement Location