



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 18, 2024

Re: Mataora Subdivision Plat 4 – Easement Vacation (Case # 85-2024)

Executive Summary

Approval of this request will authorize the vacation of three utility easements on a 3.01-acre property that is to be redeveloped into a 12-lot subdivision north of Ria Street and west of Ballenger Lane that will be known as Mataora Subdivision Plat 4. In November 2023 the preliminary plat for this development was approved. Concurrent with this request, the applicant submitted a final plat and construction plan are being reviewed by staff. The requested vacations will eliminate unnecessary encumbrances on the acreage and ensure future lots within the development are unimpeded by unnecessary easements. The final plat provides new easements, where necessary, to accommodate the future infrastructure needed to support the acreage's future development. The new easements will be dedicated to the city at the time of final plat approval and recording.

Of the three easements proposed for vacation, two are to be vacated in their entirety and the remaining one will constitute a partial vacation of an existing easement. The easements to be vacated were acquired by the city for utility purposes through two prior final plats - Mataora Subdivision Plat #2 (1998) and Columbia Fire Station No. 5 (2004).

Discussion

Brush & Associates, Inc. (agent), on behalf of Ahmad Zafar (owner), is requesting the vacation of three utility easements. The requested vacations are sought in advance of the final platting of a 3.01-acre parcel located north of Ria Street and west of Ballenger Lane that is proposed to be developed with 11 residential homesites and a common lot. The future development also includes the extension of Nick Court to Ballenger Lane providing an additional public roadway connection to McKee Street. The eastern portion of the acreage was previously owned by the City of Columbia as part of Fire Station #5; however, was sold to Mr. Zafar pursuant to a land sale contract.

As noted, three existing easements are sought to be vacated by this request. The first easement was dedicated along the former Ballenger Lane roadway frontage of Lot 1 as shown on the final plat of Columbia Fire Station No. 5 in 2004. The 10-foot easement to be vacated was located in the northeast corner of the lot. The right of way for Ballenger Lane has been relocated eastward since 2004 and the former Ballenger Lane right of way was deeded to the City from MoDOT; however, the easement created in 2004 remained in place.

In 2023, a new 2-lot final plat known as Columbia Fire Station No. 5 Plat 2 was approved as a prerequisite to the land sales contract between the City and Mr. Zafar. As a part of this platting action, the right of way for Ria Street between the former Ballenger Lane right of



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way (renamed Hector Place) and relocated Ballenger Lane was formerly dedicated as a public street and Lots 1A and 2A of Columbia Fire Station No. 5 Plat 2 were created. Mr. Zafar was sold Lot 2A which contains the subject easement sought to be vacated. This easement is no longer necessary given it does not adjoin a public right of way; therefore, it is sought to be fully vacated. If retained the easement will significantly impede the development of future lot 8 as shown on the final plat of Mataora Subdivision Plat 4. The easement contains 1,793 square feet. It should be noted that at southern end of the easement there is a city stormwater pipe outlet from a pipe crossing under Ria Street. The pipe outlet is to remain following the vacation will be located within the standard 10-foot utility easement along the front of future lot 8 shown on the final plat.

The second easement to be vacated is a portion of a the standard 10-foot utility easement that was shown along the eastern frontage of Lot 18 of Mataora Subdivision Plat #2 where it adjoined the former Ballenger Lane right of way. The area to be vacated is triangular in shape, contains 664 square feet, and extends approximately 130-feet southward from the northeast corner of Lot 18. The easement has no existing public infrastructure within it. The remainder of easement along Lot 18 would be merged with a new 16-foot utility easement intended to accommodate future public infrastructure serving the new development.

The third easement to be vacated is located at the convergence of Lots 19, 20, and 21 of Mataora Subdivision Plat #2. The easement is 16-feet wide and approximately 89-feet in length and contains 1,389 square feet. The easement was established to provide public sewer access to Lots 19, 20, and 21; however, no public infrastructure was ever installed within it. The easement is sought to be fully vacated and replaced with a new 16-foot easement to the north that will provide public sewer access to proposed Lots 4-11 of the new development.

There are no known capacity issues associated with the infrastructure serving the site. The vacation of the requested easements will not negatively affect public utility service provision to surrounding development. The proposed easement vacations have been reviewed by all applicable departments and are supported.

Locator maps, vacation legal descriptions & exhibits, and submitted final plat for Mataora Subdivision Plat 4 (under review) are attached.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None



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Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable and Sustainable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
11/20/23	Approved preliminary plat – Mataora Subdivision Plat 4 (R173-23)
08/21/23	Approved final plat – Columbia Fire Station # 5, Plat 2 (Ord. 025427)
02/22/22	Approved sale contract between City & Ahmad Zafar (B42-22)
02/04/98	Approved final plat – Mataora Subdivision Plat #2 (Ord. 015496)

Suggested Council Action

Approve the requested easement vacations.