

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A CERTAIN PORTION OF ROYAL DRIVE LOCATED IN THE CITY OF JACKSON, MISSOURI; SPECIFICALLY DESCRIBING SAID STREET; TRANSFERRING TITLE OF SAID AREA TO OWNERS OF RECORD; AUTHORIZING TRANSFER OF SAID AREA; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, Christopher Kasten, Kelly Kasten, Zeno Walker and Liza Walker, have requested vacation of the following described area in the City of Jackson, Missouri, to-wit:

THAT PART OF ROYAL DRIVE IN FOREST ACRES SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 38 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 4 OF SAID FOREST ACRES SUBDIVISION, BEING A POINT ON THE WEST RIGHT OF WAY LINE OF SAID ROYAL DRIVE; THENCE NORTH 06°55'00" EAST ALONG SAID WEST RIGHT OF WAY LINE, ALSO BEING THE EAST LINE OF SAID LOT 1, 18.46 FEET; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, NORTH 35°08'33" WEST 245.49 FEET TO THE INTERSECTION OF SAID WEST RIGHT OF WAY LINE, AND THE SOUTH RIGHT OF WAY LINE OF SHADY LANE; THENCE LEAVING SAID WEST RIGHT OF WAY LINE, SOUTH 85°37'46" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 51.85 FEET TO THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE, AND THE EAST RIGHT OF WAY LINE OF SAID ROYAL DRIVE, ALSO BEING THE SOUTHWEST LINE OF LOT 3, BLOCK 2, OF SAID FOREST ACRES SUBDIVISION; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, SOUTH 35°08'33" EAST ALONG SAID EAST RIGHT OF WAY LINE, 227.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, SOUTH 06°55'00" WEST 32.18 FEET TO A POINT ON THE SOUTH LINE OF SAID FOREST ACRES SUBDIVISION; THENCE LEAVING SAID EAST RIGHT OF WAY LINE, NORTH 85°27'48" WEST ALONG SAID SOUTH LINE OF SAID FOREST ACRES SUBDIVISION, 40.03 FEET TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED RIGHT OF WAY ABANDONMENT CONTAINS 10,481 SQUARE FEET, MORE OR LESS.

and,

WHEREAS, the Board of Aldermen of the City of Jackson, Missouri, deems it in the best interest of the City of Jackson, Missouri, that said areas be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOWS:

Section 1. That the Mayor and Board of Aldermen have determined that the portion of the street right-of-way more particularly described above and known as Royal Drive should be vacated in accordance with the provisions hereof.

Section 2. That the Mayor and Board of Aldermen have determined that the following named individuals and/or entities may be affected by the vacation: Christopher Kasten; Kelly Kasten; Zeno Walker; Liza Walker; Warren Place, LLC; Lewis Tice; Janice Ticer; and Amy Phillips.

Section 3. That the Mayor and Board of Aldermen have determined that no actual damages shall accrue to any individual, firm or corporation as a result of said vacation.

Section 4. That notice has been given to the adjacent property owners indicating the City's intent to vacate a portion of Royal Drive in the City of Jackson, Missouri, as described above.

Section 5. That notice was given that the City of Jackson, Missouri, would consider a request to vacate a portion of Royal Drive in the City of Jackson, Missouri, as described above by publication in the Cash-Book Journal, a weekly newspaper of general circulation in the County of Cape Girardeau, Missouri, on Wednesday, October 18, 2023. That said notice announced a public hearing for 6:00 p.m. on Monday, November 6, 2023.

Section 6. That a public hearing was held as scheduled before the Board of Aldermen on Monday, November 6, 2023, at 6:00 p.m.

Section 7. That with due consideration the Mayor and Board of Aldermen do hereby vacate that portion of the street right-of-way known as Royal Drive and more particularly described above in accordance with the provisions hereof.

Section 8. That the City of Jackson, Missouri, retains the right through its properly granted and accepted Utility Easement Deed to construct, maintain, repair, replace and operate general utilities and services of whatsoever kind and necessary appurtenances thereto, over, upon, across, under, in and through the area vacated.

Section 9. That in accordance with the laws of the State of Missouri, upon vacation of the street set forth herein, title to the land herein vacated shall pass to the abutting property owners.

Section 10. That the City Clerk of the City of Jackson, Missouri, is hereby ordered to record a copy of this ordinance on effective date hereof with the Recorder of Deeds of Cape Girardeau County, Missouri.

Section 11. That this ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: _____.

SECOND READING: _____.

PASSED AND APPROVED this _____ day of _____, 2023, by a vote of _____ ayes, _____ nays, _____ abstentions and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk