

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
VACATING A WATER LINE AND DRAINAGE EASEMENT ON THE 60 WEST
SUBDIVISION**

WHEREAS, the City of Republic, Missouri, (herein called the “City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City’s BUILDS Department has applied for a water line and drainage easement vacation on 60 West Subdivision (herein called the “Vacation”); and

WHEREAS, the Vacation has been deemed no longer needed by the City through the Director of the BUILDS Department; and

WHEREAS, the owners of the property subject to the Vacation are in agreement to vacate it; and

WHEREAS, the City’s Builds Department did, thereafter, submit said application for the Vacation to the Planning and Zoning Commission, which did set May 10, 2021, as the date a public hearing would be held on such application and proposed Vacation; and

WHEREAS, notice of the date and time of the public hearing on the Vacation was given by publication on April 21, 2021, in *The Greene County Commonwealth*, a newspaper of general circulation in the City of Republic, such notice being at least 15 days before the date set for the public hearing; and

WHEREAS, the City gave notice of such public hearing on the Vacation to the record owners of all properties within the area of the proposed Vacation and within 185 feet of the property proposed to be vacated; and

WHEREAS, a public hearing was conducted by the Planning and Zoning Commission on May 10, 2021, after which the Commission rendered written findings of fact on the proposed Vacation and thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the Planning and Zoning Commission, by a vote of 5 ayes to 0 nays, did recommend approving such application for the Vacation; and

WHEREAS, the matter of the Vacation was presented to the City Council for action and vote on May 18, 2021, for the first reading, and on June 1, 2021, for a second reading, at which time the City Council assessed and determined that no damages would be sustained by the owner of any property which fronts or abuts said Vacation and that said Vacation should be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1. The Vacation herein described and further described in Attachment 1, attached and incorporated herein, is hereby vacated, and the same shall

revert to the owners of the adjacent lots in the same proportion as it was originally taken. Such Vacation being more fully described as follows:

EXISTING WATER LINE EASEMENT TO BE VACATED SITUATED IN LOTS 2, 3, AND 4 OF OLD STONE DEVELOPMENT A TRACT OF LAND, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AND BEING ALL OF LOTS 2, 3, AND 4 OF OLD STONE DEVELOPMENT, A SUBDIVISION RECORDED IN PLAT BOOK ZZ PAGE 158, GREENE COUNTY RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE NORTH 88°27'12" WEST A DISTANCE OF 14.20 FEET TO A POINT FOR CORNER; THENCE SOUTH 02°03'15" WEST A DISTANCE OF 180.14 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A DELTA OF 89°29'32", AN ARC LENGTH OF 23.43 FEET, AND A CHORD WHICH BEARS SOUTH 46°48'02" WEST HAVING A CHORD DISTANCE OF 21.12 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°27'12" WEST A DISTANCE OF 103.53 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 335.00 FEET, A DELTA OF 31°19'03", AN ARC LENGTH OF 183.11 FEET, AND A CHORD WHICH BEARS SOUTH 75°53'16" WEST HAVING A CHORD DISTANCE OF 180.84 FEET; THENCE NORTH 31°03'53" WEST A DISTANCE OF 93.10 FEET; THENCE SOUTH 57°29'40" WEST A DISTANCE OF 32.55 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 32°30'20" EAST A DISTANCE OF 15.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 57°29'40" WEST A DISTANCE OF 341.92 FEET TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 408.50 FEET, A DELTA OF 31°57'22", AN ARC LENGTH OF 227.84 FEET, AND A CHORD WHICH BEARS SOUTH 42°05'31" WEST HAVING A CHORD DISTANCE OF 224.90 FEET TO A POINT ON A LINE; THENCE NORTH 63°53'10" WEST A DISTANCE OF 15.00 FEET TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 423.50 FEET, A DELTA OF 31°57'22", AN ARC LENGTH OF 236.20 FEET, AND A CHORD WHICH BEARS NORTH 42°05'31" EAST HAVING A CHORD DISTANCE OF 233.15 FEET TO A POINT ON A LINE; THENCE NORTH 57°29'40" EAST A DISTANCE OF 341.77 FEET TO THE POINT OF BEGINNING, AND CONTAINING 8,607.91 SQUARE FEET OR 0.1976 ACRE(S) OF LAND, MORE OR LESS. A TRACT OF LAND, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AND BEING ALL OF LOTS 2, 3, AND 4 OF OLD STONE DEVELOPMENT, A SUBDIVISION RECORDED IN PLAT BOOK ZZ PAGE 158, GREENE COUNTY RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE NORTH 88°27'12" WEST A DISTANCE OF 14.20 FEET TO A POINT FOR CORNER; THENCE

SOUTH 02°03'15" WEST A DISTANCE OF 180.14 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A DELTA OF 89°29'32", AN ARC LENGTH OF 23.43 FEET, AND A CHORD WHICH BEARS SOUTH 46°48'02" WEST HAVING A CHORD DISTANCE OF 21.12 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°27'12" WEST A DISTANCE OF 103.53 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 335.00 FEET, A DELTA OF 31°19'03", AN ARC LENGTH OF 183.11 FEET, AND A CHORD WHICH BEARS SOUTH 75°53'16" WEST HAVING A CHORD DISTANCE OF 180.84 FEET; THENCE NORTH 31°03'53" WEST A DISTANCE OF 93.10 FEET; THENCE SOUTH 57°29'40" WEST A DISTANCE OF 32.55 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 32°30'20" EAST A DISTANCE OF 15.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 57°29'40" WEST A DISTANCE OF 341.92 FEET TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 408.50 FEET, A DELTA OF 31°57'22", AN ARC LENGTH OF 227.84 FEET, AND A CHORD WHICH BEARS SOUTH 42°05'31" WEST HAVING A CHORD DISTANCE OF 224.90 FEET TO A POINT ON A LINE; THENCE NORTH 63°53'10" WEST A DISTANCE OF 15.00 FEET TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 423.50 FEET, A DELTA OF 31°57'22", AN ARC LENGTH OF 236.20 FEET, AND A CHORD WHICH BEARS NORTH 42°05'31" EAST HAVING A CHORD DISTANCE OF 233.15 FEET TO A POINT ON A LINE; THENCE NORTH 57°29'40" EAST A DISTANCE OF 341.77 FEET TO THE POINT OF BEGINNING, AND CONTAINING 8,607.91 SQUARE FEET OR 0.1976 ACRE(S) OF LAND, MORE OR LESS. EXISTING DRAINAGE EASEMENT TO BE VACATED SITUATED IN LOT 5 OF OLD STONE DEVELOPMENT A TRACT OF LAND, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AND BEING A PART OF LOT 5 OF OLD STONE DEVELOPMENT, A SUBDIVISION RECORDED IN PLAT BOOK ZZ PAGE 158, GREENE COUNTY RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE NORTH 88°27'12" WEST A DISTANCE OF 14.20 FEET TO A POINT FOR CORNER; THENCE SOUTH 02°03'15" WEST A DISTANCE OF 180.14 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A DELTA OF 89°29'32", AN ARC LENGTH OF 23.43 FEET, AND A CHORD WHICH BEARS SOUTH 46°48'02" WEST HAVING A CHORD DISTANCE OF 21.12 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°27'12" WEST A DISTANCE OF 19.66 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°27'12" WEST A DISTANCE OF 16.82 FEET TO A POINT FOR CORNER; THENCE NORTH 25°22'12" WEST A DISTANCE OF 22.10 FEET TO A POINT FOR CORNER; THENCE NORTH 01°32'48" EAST A DISTANCE OF 13.79 FEET TO A POINT FOR CORNER; THENCE SOUTH 88°27'12" EAST A DISTANCE OF 15.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 01°32'48" WEST A DISTANCE OF

10.21 FEET TO A POINT FOR CORNER; THENCE SOUTH 25°22'12" EAST A DISTANCE OF 26.13 FEET TO THE POINT OF BEGINNING, AND CONTAINING 541.68 SQUARE FEET OR 0.0124 ACRE(S) OF LAND, MORE OR LESS. EXISTING DRAINAGE EASEMENT TO BE VACATED SITUATED IN LOTS 3 AND 4 OF OLD STONE DEVELOPMENT A TRACT OF LAND, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 28 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AND BEING ALL OF LOTS 3 AND 4 OF OLD STONE DEVELOPMENT, A SUBDIVISION RECORDED IN PLAT BOOK ZZ PAGE 158, GREENE COUNTY RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE NORTH 88°27'12" WEST A DISTANCE OF 421.63 FEET TO A POINT FOR CORNER; THENCE SOUTH 57°30'00" WEST A DISTANCE OF 280.26 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 62°22'42" EAST A DISTANCE OF 5.77 FEET TO A POINT FOR CORNER; THENCE NORTH 57°30'10" EAST A DISTANCE OF 64.10 FEET TO A POINT FOR CORNER; THENCE SOUTH 32°30'01" EAST A DISTANCE OF 105.96 FEET TO A POINT FOR CORNER; THENCE SOUTH 15°55'20" EAST A DISTANCE OF 127.94 FEET TO A POINT FOR CORNER; THENCE SOUTH 57°15'40" WEST A DISTANCE OF 15.67 FEET TO A POINT FOR CORNER; THENCE NORTH 15°55'20" WEST A DISTANCE OF 130.29 FEET TO A POINT FOR CORNER; THENCE NORTH 32°30'01" WEST A DISTANCE OF 88.77 FEET TO A POINT FOR CORNER; THENCE SOUTH 57°30'10" WEST A DISTANCE OF 57.78 FEET TO A POINT FOR CORNER; THENCE NORTH 62°22'42" WEST A DISTANCE OF 23.07 FEET TO A POINT FOR CORNER; THENCE NORTH 57°30'00" EAST A DISTANCE OF 17.30 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4,527.60 SQUARE FEET OR 0.1039 ACRE(S) OF LAND, MORE OR LESS.


- Section 2. The Council hereby determines that the owners who own all of the property which fronts or abuts the Vacation will benefit from the vacation of such easement and, therefore, the owners will sustain zero damages as a result of said vacation.
- Section 3. The City Clerk is hereby directed to record a certified copy of this Ordinance with the Recorder of Deeds for Greene County, Missouri.
- Section 4. The whereas clauses are hereby specifically incorporated herein by reference.
- Section 5. The provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 6. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2021.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2021.05.12 10:19:36
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____