

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
VACATING A SEDIMENT AND DETENTION BASIN EASEMENT ON LOT 6 OF THE
AKHTAR PARK 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 sediment and detention basin easement vacation on lot 6 of the Akhtar Park 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 4 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:

A temporary sediment and detention easement being part of the NE1/4 of the NW1/4 of Section 19, Township 28 North, Range 23 West, City of Republic, Greene County, Missouri, described as follows: Beginning at the Southeast corner of said NE1/4 of the NW1/4; Thence North 01 degrees 54 minutes 43 seconds East, with the East line of said NE1/4 of the NW1/4, 125.90 feet; Thence North 87 degrees 41 minutes 33 seconds West, 164.00 feet; Thence South 01 degrees 54 minutes 43 seconds West, 32.15 feet; Thence Southerly, through a curve to the right having a radius of 50.00 feet, a delta of 110 degrees 14 minutes 38 seconds, an arc length of 96.21 feet and a chord which bears South 01 degrees 11 minutes 24 seconds East, a chord length of 82.04 feet; Thence continuing southerly, through a curve to the left having a radius of 15.00 feet, a delta of 52 degrees 01 minutes 12 seconds, an arc length of 13.62 feet and a chord which bears South 27 degrees 55 minutes 19 seconds West, a chord length of 13.16 feet to the South line of said NE1/4 of the NW1/4; Thence South 87 degrees 41 minutes 33 seconds East, with said South line, 165.33 feet to the point of beginning. Containing 19,229 square feet being subject to all easements, rights-of-way, and restrictions of record. Said easement to be eliminated at the time that West Brook Centre Development has been sold & build out and that ground cover has been established.


- 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 10:28:01
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____