

AN ORDINANCE OF THE CITY COUNCIL VACATING APPROXIMATELY FIVE THOUSAND NINE HUNDRED AND TWENTY-EIGHT (5,928) SQUARE FEET OF SANITARY SEWER EASEMENT LOCATED ON LOTS 1 AND 2 OF THE TOWN EAST MINOR SUBDIVISION (VACA 25-001)

WHEREAS, the City of Republic, Missouri, (“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 is requesting the vacation of five thousand nine hundred and twenty-eight and thirteen one-hundredths (5,928.13) square feet of sanitary sewer easement located on lots 1 and 2 of the Town East Minor Subdivision located at 1644 East US Highway 60 (“Proposed Vacated Area”); and

WHEREAS, the City submitted an application to vacate the Proposed Vacated Area (“Application”) to the Planning and Zoning Commission (“P&Z Commission”), which then set a public hearing on the Application for January 13, 2025; and

WHEREAS, on December 23, 2024, at least fifteen (15) days before the public hearing, the City published notice of the time and date of the public hearing in the *Greene County Commonwealth*, a newspaper of general circulation in the City; and

WHEREAS, the City gave notice of the public hearing to the record owners of all properties within 185 feet of the Proposed Vacated Area, including all properties adjacent to the Proposed Vacated Area; and

WHEREAS, the P&Z Commission conducted the public hearing on January 13, 2025, at which all interested parties were afforded the opportunity to present evidence or statement; and

WHEREAS, the P&Z Commission, by a vote of 6 Ayes to 0 Nays, recommended approval of the Application, and provided such recommendation along with its rendered written findings of fact to the Council; and

WHEREAS, having now reviewed the Application upon first and second read at its regular meeting on January 21, 2025 in accord with the provisions of City Charter Section 3.10(f), the Council finds all requirements for the Application are met and approves vacation of the Proposed Vacated Area as requested in the Application.

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

Section 1: The approximately five thousand nine hundred twenty-eight and thirteen one-hundredths (5,928.13) square feet of sanitary sewer easement located on lots 1 and 2 of the Town East Minor Subdivision located at 1644 East US Highway 60, more fully described in the Legal Description contained herein below, is hereby vacated, and the same shall revert to the affected owner(s) in the same proportion(s) as it was originally taken.

A PERPETUAL EASEMENT FOR SANITARY SEWER PURPOSES, DESCRIBED AS FOLLOWS:

AN EASEMENT FOR SANITARY SEWER BEING SEVEN AND ONE-HALF (7.5') FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SE CORNER OF THE SE 1/4 OF THE NW 1/4 OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 23 WEST, THENCE N 01 02'25"W ALONG THE EAST LINE OF SAID SE 1/4 OF THE NW 1/4 18.00 FEET; THENCE S 88 29'46" W 20.00' TO THE WEST RIGHT OF WAY LINE OF FARM ROAD 93: THENCE N 01 02'25" W 525.99'; THENCE S 88 14'04" W 10.00'; THENCE S 88 14'04" W 365.98' TO THE POINT OF BEGINNING; THENCE N 29 32'33"W 120.00 FEET; THENCE N 49 55'13" E 275.00' TO THE POINT OF TERMINUS, ALL IN REPUBLIC, GREENE COUNTY MISSOURI.

Section 2: The City Clerk is hereby directed to record a certified copy of this Ordinance with the Recorder of Deeds for Greene County, Missouri.

Section 3: The whereas clauses are hereby specifically incorporated herein by reference.

Section 4: 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 5: 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 _____, 2025.

Attest:

Eric Franklin, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: