

AN ORDINANCE OF THE CITY COUNCIL VACATING APPROXIMATELY EIGHT THOUSAND FOUR HUNDRED AND FORTY-THREE (8,443) SQUARE FEET OF UNOCCUPIED UTILITY EASEMENTS AT THE 3000 BLOCK OF EAST SAWYER ROAD (VACA-003)

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 has requested that Council vacate approximately eight thousand four hundred and forty-three point seven three (8,443.73) square feet of utility easements on property currently owned by the City of Republic (“Proposed Vacated Area”); and

WHEREAS, the City is in the process of decommissioning the Brookline South Lift Station and removing sewer main located within the Proposed Vacated Area; and

WHEREAS, the Proposed Vacated Area is more fully identified in the legal description as follows:

VACATING A PORTION OF A UTILITY EASEMENT RECORDED IN BOOK 2051, PAGE 1801. PORTION BEING VACATED DESCRIBED AS FOLLOWS: LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER SECTION 34, TOWNSHIP 29 NORTH, RANGE 23 WEST GREENE COUNTY, MISSOURI; COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34, TOWNSHIP 29 NORTH, RANGE 23 WEST SITUATED IN THE CITY OF REPUBLIC, GREENE COUNTY, MISSOURI; THENCE N88°13'40"W ALONG THE SOUTH LINE OF QUARTER SECTION 34, A DISTANCE OF 1230.43 FEET; THENCE N01°37'31"E A DISTANCE OF 16.70 FEET TO A POINT ON THE APPEARANT NORTH RIGHT-OF-WAY LINE OF FARM ROAD NO 156; FOR A POINT OF BEGINNING; THENCE N87°53'37"W ALONG SAID LINE A DISTANCE OF 25.00 FEET; THENCE N01°37'31"E A DISTANCE OF 181.36 FEET; THENCE N90°00'00"E A DISTANCE OF 18.00 FEET; THENCE N00°00'00"W A DISTANCE OF 48.87 FEET; THENCE S79°19'31"W A DISTANCE OF 25.59 FEET TO A POINT ON GRANTORS WEST LINE; THENCE ALONG SAID WEST LINE N01°45'58"E A DISTANCE OF 15.36 FEET; THENCE LEAVING SAID WEST LINE N79°19'31"E A DISTANCE OF 40.37 FEET; THENCE S00°00'00"E A DISTANCE OF 66.96 FEET; THENCE N90°00'00"E A DISTANCE OF 42.00 FEET; THENCE S00°00'00"E A DISTANCE OF 50.00 FEET; THENCE N90°00'00"W A DISTANCE OF 51.41 FEET; THENCE S01°37'31"W A DISTANCE OF 132.26 FEET; TO THE POINT OF BEGINNING.

WHEREAS, the City previously submitted its application (“Application”) to vacate the Proposed Vacated Area to the Planning and Zoning Commission (“P&Z Commission”), which then set a public hearing on the Application for April 10, 2023; and

WHEREAS, a notice of the time and date of the public hearing was given by publication on March 22, 2023 in the *Greene County Commonwealth*, a newspaper of general circulation in the City, at least fifteen (15) days in advance of the public hearing; 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 April 10, 2023 and subsequently recommended approval of the Application by a vote of 7 Ayes to 0 Nays; and

WHEREAS, the P&Z submitted written findings of fact and its recommendation on the Application to the Council; and

WHEREAS, the request to vacate was first presented to the City Council at its regular meeting on April 11, 2023, and was again presented for its final read to the City Council at its regular meeting on May 2, 2023, at which time the Council approved the vacation of the Proposed Vacated Area, as requested in the initial application and as recommended by the P&Z Commission.

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

Section 1: The approximately eight thousand four hundred and forty-three point seven three (8,443.73) square feet of unoccupied utility easement, more fully described in the Legal Description contained herein above, is hereby vacated, and the same shall revert to the affected owner(s) in the same proportion(s) as it was originally taken.

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 _____, 2023.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:

A handwritten signature in blue ink, appearing to read 'Megan McCullough', is written over a horizontal line.

Megan McCullough, City Attorney

Final Passage and Vote: