

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI,
VACATING RIGHT-OF-WAY AT 1700 SOUTH EMPIRE AVENUE.**

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 Public Works Department has applied for a right-of-way vacation at 1700 South Empire Avenue; and

WHEREAS, the right-of-way has been deemed no longer needed by the City through the Director of Public Works; and

WHEREAS, the owners of the property subject the above right-of-way are in agreement to vacate it; and

WHEREAS, the Planning and Development Staff did, thereafter, submit said application to the Planning and Zoning Commission which did set August 10, 2020, as the date a Public Hearing would be held on such application and proposed vacation of the above right-of-way; and

WHEREAS, notice of the time and date of Public Hearing was given by publication on July 22, 2020, 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 to the record owners of all properties within the area of the proposed vacation of the right-of-way 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 August 10, 2020, after which the Commission rendered written findings of fact on the proposed vacation of the above right-of-way 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 right-of-way vacation; and

WHEREAS, the matter of the vacation of the right-of-way was presented to the City Council for action and vote on August 18, 2020, for the first reading and on August 25, 2020, 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 right-of-way and that said right-of-way should be vacated.

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

Section 1. The right-of-way hereinabove described and further described in “Exhibit A” and “Exhibit B” 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.

Section 2. The Council hereby determines that the owners who own all of the property which fronts or abuts the right-of-way being vacated will benefit from the vacation 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 _____ 2020.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2020.08.11 09:33:10
-05'00', Scott Ison, City Attorney

Final Passage and Vote: _____