

AN ORDINANCE OF THE CITY COUNCIL VACATING APPROXIMATELY FOUR THOUSAND ONE HUNDRED NINETY-FIVE (4,195) SQUARE FEET OF SANITARY SEWER EASEMENT LOCATED IN LOT 6 OF BOYCE HILLS SUBDIVISION (VACA 26-001)

WHEREAS, the City of Republic, Missouri, (the “City”) 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 four thousand one hundred and ninety-five (4,195) square feet of sanitary sewer easement located on Lot 6A of the Administrative Replat of Boyce Hills Subdivision Lots 5 and 6 located at 3429 East Bristol Street (“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 May 11, 2026; and

WHEREAS, on April 22, 2026, 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 May 11, 2026, at which all interested parties were afforded the opportunity to present evidence or statements; and

WHEREAS, the P&Z Commission, by a vote of six (6) Ayes to zero (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 May 19, 2026, 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 COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: The approximately four thousand one hundred and ninety-five (4,195) square feet of sanitary sewer easement located on Lot 6A of the Administrative Replat of Boyce Hills Subdivision Lots 5 and 6 located at 3429 East Bristol Street, more fully described in the Legal Description contained herein below and attached hereto as Exhibit A, is hereby vacated, and the same shall revert to the affected owner(s) in the same proportion(s) as it was originally taken. Nothing herein shall impair or extinguish any separate easements, utility rights, or access rights not expressly vacated by this Ordinance.

The survey exhibit depicting the vacated easement area is attached hereto as Exhibit B and incorporated herein by reference.

A 15' WIDE SANITARY SEWER EASEMENT BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 28, RANGE 23 WEST OF THE 5TH PRINCIPAL MERIDIAN, GREENE COUNTY, MISSOURI, BEING A PART OF THAT PARCEL CONVEYED TO JEFFREY BOYCE ENTERPRISES LLC IN BOOK 2023, PAGE 010651-23, ALSO BEING PART OF LOT 6A OF THE ADMINISTRATIVE REPLAT OF BOYCE HILLS SUBDIVISION LOTS 5 AND 6 RECORDED IN BOOK 2026 AT PAGE 007064-26, ALL OF THE GREENE COUNTY RECORDER OF DEEDS OFFICE, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 6A, THENCE ALONG THE NORTH LINE THEREOF, S88°21'29"E 46.18 FEET; THENCE LEAVING SAID NORTH LINE AND CROSSING SAID LOT 6A ALONG THE WEST LINE OF AN EXISTING SANITARY SEWER EASEMENT PER THE PLAT OF BOYCE HILLS SUBDIVISION AS RECORDED IN PLAT BOOK BBB, PAGE 80, SLIDE 5616 OF SAID RECORDER OF DEEDS OFFICE, S49°13'33"E 195.61 FEET TO THE POINT OF BEGINNING.

THENCE LEAVING SAID WEST LINE, N08°06'12"E 17.82 FEET TO THE EAST LINE OF SAID EXISTING SANITARY EASEMENT; THENCE LEAVING SAID EAST LINE, S49°13'33"E 176.99 FEET; THENCE N57°57'10"E 96.38 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY M; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S32°58'25"E 12.75 FEET; THENCE S02°47'36"E 2.58 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND CROSSING SAID LOT 6A, S57°57'10"W 106.39 FEET; THENCE N49°13'33"W 178.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,195 SQUARE FEET, OR 0.10 ACRES, MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, COVENANTS OF RECORD.

- Section 2:** The City Clerk is hereby directed to record a certified copy of this Ordinance together with Exhibit A and Exhibit B with the Recorder of Deeds for Greene County, Missouri.
- Section 3:** The Whereas clauses set forth in the preamble of this Ordinance are hereby incorporated herein for background purposes only and shall not create enforceable provisions except as expressly set forth in the operative sections of this Ordinance.
- Section 4:** If any clause, word, paragraph, section, or other portion of this Ordinance is held unconstitutional, illegal, or invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
- Section 5:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED at a regular meeting of the Council of the City of Republic, Missouri,
this 2nd day of June, 2026.

Attest:

Eric Franklin, Mayor

Laura Burbridge, City Clerk

Approved as to Form:

 05/12/2026
Justin Rogers, City Attorney

Final Passage and Vote: