

AN ORDINANCE OF THE CITY COUNCIL VACATING APPROXIMATELY 10,550 SQUARE FEET OF RIGHT-OF-WAY ALONG NORTH TURNER AVENUE

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 Ten Thousand Five Hundred and Fifty Feet (10,550 feet) of right-of-way along North Turner Avenue, the legal description for which is as follows:

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 88°30'11" EAST, WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 549.17 FEET; THENCE SOUTH 01°58'53" WEST, 462.95 FEET TO THE NORTHEAST CORNER OF LOT 2 OF OAKWOOD HEIGHTS 1ST ADDITION, A SUBDIVISION RECORDED IN PLAT BOOK AAA PAGE 824, GREENE COUNTY RECORDER’S OFFICE; THENCE CONTINUING SOUTH 01°58'53" WEST ALONG THE EAST LINE OF SAID OAKWOOD HEIGHTS 1ST ADDITION 844.79 FEET; THENCE NORTH 88°33'57" WEST 178.72 FEET; THENCE NORTH 00°40'00" EAST 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°40'00" EAST 321.31 FEET; THENCE SOUTH 88°56'51" EAST 36.66 FEET; THENCE SOUTH 01°58'53" WEST 306.68 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A DELTA OF 89°27'10", AN ARC LENGTH OF 23.42 FEET, AND A CHORD WHICH BEARS SOUTH 46°42'28" WEST HAVING A CHORD DISTANCE OF 21.11 FEET; THENCE NORTH 88°33'57" WEST 14.43 FEET TO THE POINT OF BEGINNING, AND CONTAINING 10,550 SQUARE FEET OR 0.2422 ACRE(S) OF LAND.

the same being public property located within the city limits of Republic, Missouri (the “Parcel”); and

WHEREAS, the City previously submitted its application to vacate the Parcel to the Planning and Zoning Commission (“P&Z Commission”), which then set a public hearing on the application for February 13, 2023; and

WHEREAS, a notice of the time and date of the public hearing was given by publication on January 25, 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 adjacent to the Parcel and to all record owners within 185 feet of the Parcel; and

WHEREAS, on February 13, 2023, the P&Z Commission conducted the public hearing on the City’s application; and after which the P&Z Commission rendered written findings and submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the P&Z Commission submitted written findings to the City Council recommending approval of the application to vacate by a vote of six (6) Ayes to zero (0) Nays; and

WHEREAS, the request to vacate was first presented to the City Council at its regular meeting on February 21, 2023, and was again presented for its final read to the City Council at its regular meeting on March 7, 2023, at which time the Council approved the vacation of the Parcel, 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 portion of right-of-way along North Turner Avenue, fully described in the Legal Description herein above, is hereby vacated, and the same shall revert to the owner(s) of the adjacent lot(s) in the same proportion 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:



Megan McCullough, City Attorney

Final Passage and Vote: