

AN ORDINANCE OF THE CITY COUNCIL VACATING APPROXIMATELY SIX THOUSAND NINE HUNDRED AND TWELVE (6,912) SQUARE FEET OF UNOCCUPIED UTILITY EASEMENTS IN THE REPUBLIC STORAGE LLC SUBDIVISION

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 six thousand nine hundred and twelve (6,912) square feet of unoccupied Utility Easements in the Republic Storage LLC Subdivision (“Proposed Vacated Area”); and

WHEREAS, the Proposed Vacated Area, which runs contiguously across two parcels of real property located adjacent to one another within City limits, is more fully identified in the legal descriptions as follows:

Description #1:

VACATING A PART OF THE EXISTING 10-FOOT WIDE UTILITY EASEMENTS AS SHOWN ON THE MINOR SUBDIVISION FOR ROBERT MARK TROUT AND JULIE A. TROUT RECORDED IN PLAT BOOK ZZ, AT PAGE 291 WHERE THEY CROSS LOT 2 OF THE MINOR SUBDIVISION OF REPUBLIC STORAGE, LLC, RECORDED IN PLAT BOOK AAA, AT PAGE 856, BEING A PART OF THE PROPERTY DESCRIBED IN BOOK 2021, AT PAGE 047578-21 AND BOOK 2022, AT PAGE 033829-22 AND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 23 WEST, REPUBLIC, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING 5/8” IRON BAR (LS 1911), AT THE SOUTHEAST CORNER OF SAID NW1/4, SW1/4; ALSO BEING THE MOST SOUTHEAST CORNER OF LOT 1 IN SAID MINOR SUBDIVISION OF REPUBLIC STORAGE, LLC AND THE SOUTHEAST CORNER OF TRACT 2 OF SAID TROUT MINOR SUBDIVISION; THENCE N88°33’15”W, ALONG THE SOUTH LINE OF SAID NW1/4, SW1/4, AND THE SOUTH LINE OF SAID LOT 1 AND SAID TRACT 2, A DISTANCE OF 1,105.44 FEET, TO THE SOUTHEAST CORNER OF TRACT 1 OF SAID TROUT MINOR SUBDIVISION; THENCE N02°24’30”E, ALONG THE EAST LINE OF SAID TRACT 1, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING; THENCE N88°33’15”W, LEAVING SAID EAST LINE, A DISTANCE OF 10.00 FEET; THENCE N02°24’30”E, A DISTANCE OF 101.96 FEET, TO A POINT ON THE NORTH LINE OF SAID TRACT 1; THENCE S88°32’07”E, ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 10.00 FEET, TO THE NORTHEAST CORNER OF SAID TRACT 1; THENCE S02°24’30”W, LEAVING SAID NORTH LINE, AND ALONG SAID EAST LINE OF TRACT 1, A DISTANCE OF 101.96 FEET, TO THE POINT OF BEGINNING, CONTAINING 1,020 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

ALSO

COMMENCING AT AN EXISTING 5/8” IRON BAR (LS 1911), AT THE SOUTHEAST CORNER OF SAID NW1/4, SW1/4; ALSO BEING THE MOST SOUTHEAST CORNER OF LOT 1 IN SAID MINOR SUBDIVISION OF REPUBLIC STORAGE, LLC AND THE

SOUTHEAST CORNER OF TRACT 2 OF SAID TROUT MINOR SUBDIVISION; THENCE N88°33'15"W, ALONG THE SOUTH LINE OF SAID NW1/4, SW1/4, AND THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 1,278.97 FEET; THENCE N02°51'12"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 35.01 FEET, TO THE POINT OF BEGINNING; THENCE N88°33'15"W, A DISTANCE OF 10.00 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MAIN STREET, AS SHOWN ON SAID TROUT MINOR SUBDIVISION; THENCE N02°51'12"E, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 152.07 FEET, TO A POINT ON THE NORTH LINE OF SAID TRACT 2 OF SAID TROUT MINOR SUBDIVISION; THENCE S88°33'15"E, LEAVING SAID EAST RIGHT-OF-WAY LINE, AND ALONG SAID NORTH LINE OF TRACT 2, A DISTANCE OF 10.00 FEET; THENCE S02°51'12"W, LEAVING SAID NORTH LINE, A DISTANCE OF 152.07 FEET, TO THE POINT OF BEGINNING, CONTAINING 1,521 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

Description #2:

VACATING A PART OF THE EXISTING 10-FOOT WIDE UTILITY EASEMENTS AS SHOWN ON THE MINOR SUBDIVISION FOR ROBERT MARK TROUT AND JULIE A. TROUT RECORDED IN PLAT BOOK ZZ, AT PAGE 291 WHERE THEY CROSS LOT 1 OF THE MINOR SUBDIVISION OF REPUBLIC STORAGE, LLC, RECORDED IN PLAT BOOK AAA, AT PAGE 856, ALSO BEING DESCRIBED IN BOOK 2022, AT PAGE 051904-22 AND BEING A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 17, TOWNSHIP 28 NORTH, RANGE 23 WEST, REPUBLIC, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING 5/8" IRON BAR (LS 1911), AT THE SOUTHEAST CORNER OF SAID NW1/4, SW1/4; ALSO BEING THE MOST SOUTHEAST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF TRACT 2 IN SAID TROUT MINOR SUBDIVISION; THENCE N88°33'15"W, ALONG THE SOUTH LINE OF SAID NW1/4, SW1/4, AND THE SOUTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF TRACT 2, A DISTANCE OF 10.00 FEET; THENCE N02°29'36"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 332.09 FEET TO THE NORTH LINE OF SAID LOT 1, THE NORTH LINE OF SAID TRACT 2 AND THE NORTH LINE OF THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF SAID NW1/4, SW1/4; THENCE S88°33'21"E, ALONG SAID NORTH LINE, A DISTANCE OF 10.00 FEET TO AN EXISTING 5/8" IRON BAR (LS 2153) MARKING THE MOST NORTHEAST CORNER OF SAID LOT 1, AND THE NORTHEAST CORNER OF SAID TRACT 2, ALSO BEING A POINT ON THE EAST LINE OF SAID NW1/4, SW1/4; THENCE S02°29'36"W, LEAVING SAID NORTH LINE AND ALONG SAID EAST LINE, A DISTANCE OF 332.09 FEET, TO THE POINT OF BEGINNING, CONTAINING 3,321 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

ALSO

COMMENCING AT AN EXISTING 5/8" IRON BAR (LS 1911), AT THE SOUTHEAST CORNER OF SAID NW 1/4, SW 1/4; ALSO BEING THE MOST SOUTHEAST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF TRACT 2 IN SAID TROUT MINOR SUBDIVISION; THENCE N88°33'15"W, ALONG THE SOUTH LINE OF SAID NW 1/4, SW 1/4, AND THE SOUTH LINE OF SAID LOT 1 AND TRACT 2, A DISTANCE OF 1,105.44 FEET, TO THE SOUTHEAST CORNER OF TRACT 1 IN SAID TROUT MINOR

SUBDIVISION, FOR THE POINT OF BEGINNING; THENCE N88°33'15"W, CONTINUING ALONG SAID SOUTH LINE, AND THE SOUTH LINE OF SAID LOT 1 AND TRACT 1, A DISTANCE OF 10.00 FEET; THENCE N02°24'30"E, LEAVING SAID SOUTH LINE, A DISTANCE OF 35.00 FEET; THENCE S88°33'15"E, A DISTANCE OF 10.00 FEET, TO A POINT ON THE EAST LINE OF SAID TRACT 1; THENCE S02°24'30"W, ALONG THE EAST LINE OF SAID TRACT 1, A DISTANCE OF 35.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 350 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

ALSO

COMMENCING AT AN EXISTING 5/8" IRON BAR (LS 1911), AT THE SOUTHEAST CORNER OF SAID NW 1/4, SW 1/4; ALSO BEING THE MOST SOUTHEAST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF TRACT 2 IN SAID TROUT MINOR SUBDIVISION; THENCE N88°33'15"W, ALONG THE SOUTH LINE OF SAID NW1/4, SW1/4, AND THE SOUTH LINE OF SAID LOT 1 AND SAID TRACT 2 AND TRACT 1 IN SAID TROUT MINOR SUBDIVISION, A DISTANCE OF 1,278.97 FEET, TO THE POINT OF BEGINNING; THENCE N88°33'15"W, CONTINUING ALONG SAID SOUTH LINE OF SAID LOT 1 AND TRACT 1, A DISTANCE OF 10.00 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF MAIN STREET, AS SHOWN ON SAID TROUT MINOR SUBDIVISION; THENCE N02°51'12"E, LEAVING SAID SOUTH LINE, AND ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 35.01 FEET; THENCE S88°33'15"E, LEAVING SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET; THENCE S02°51'12"W, A DISTANCE OF 35.01 FEET, TO THE POINT OF BEGINNING, CONTAINING 350 SQUARE FEET, MORE OR LESS, SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS OF RECORD.

WHEREAS, the City previously submitted its 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 March 13, 2023; and

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

WHEREAS, on March 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 five (5) Ayes to zero (0) Nays; and

WHEREAS, the request to vacate was first presented to the City Council at its regular meeting on March 21, 2023, and was again presented for its final read to the City Council at its regular meeting on April 4, 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 six thousand nine hundred and twelve (6,912) square feet of unoccupied Utility Easements in the Republic Storage LLC Subdivision, fully described in the Legal Descriptions 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:



Megan McCullough, City Attorney

Final Passage and Vote: