

AN ORDINANCE OF THE CITY COUNCIL VACATING APPROXIMATELY SEVEN HUNDRED THIRTY EIGHT SQUARE FEET OF DRAINAGE EASEMENT OWNED BY THE CITY OF REPUBLIC (VACA 24-001)

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, City staff have requested that Council vacate approximately 738.45 square feet of unoccupied drainage easement (“Proposed Vacated Area”) on property currently owned by the City located at 505 West Brookfield Street in the City of Republic; and

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 June 10, 2024; and

WHEREAS, on June 18, 2024, 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 July 8, 2024, at which all interested parties were afforded the opportunity to present evidence or statement; and

WHEREAS, the P&Z Commission, by a vote of 5 Ayes to Zero 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 July 16, 2024, 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 CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: The approximately 738.45 square feet of unoccupied drainage easement, more fully described in the Legal Description contained herein below, is hereby vacated, and the same shall revert to the affected owner(s) in the same proportion(s) as it was originally taken.

THAT CERTAIN AREA SHOWN AS THE PLATTED DRAINAGE EASEMENT OF LOT 9 OF WEST BROOK CENTRE, A RECORDED SUBDIVISION IN THE CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE PLATTED SOUTHWEST CORNER OF SAID LOT 9; THENCE, N01°54'47"E, ALONG THE PLATTED WEST LINE OF SAID LOT 9, A DISTANCE OF 5.11 FEET; THENCE, N35°08'20"E, A DISTANCE OF 48.56 FEET; THENCE, S54°51'40"E, A DISTANCE OF 15.00 FEET; THENCE, S35°08'20"W, A DISTANCE OF 45.15 FEET TO A POINT ON THE SOUTH LINE OF AFORESAID LOT 9; THENCE, ALONG SAID SOUTH LINE FOR THE FOLLOWING TOW (2) DESCRIBED COURSES: THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 180.00 FEET, AN ARC DISTANCE OF 9.35 FEET, A CENTRAL ANGLE OF 02°58'35", ALONG A CHORD BEARING N86°15'27"W, A CHORD DISTANCE OF 9.35 FEET; THENCE, N88°30'55"W, A DISTANCE OF 5.07 FEET TO THE POINT OF BEGINNING.

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 _____, 2024.

Attest:

Eric Franklin, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: