

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC,  
MISSOURI, VACATING A GENERAL UTILITY EASEMENT LOCATED ON  
PROPERTY OWNED BY MM HIGHWAY, LLC, ALSO KNOWN AS HEART  
OF AMERICA PARK, IN THE CITY OF REPUBLIC, MISSOURI

*WHEREAS*, the City of Republic, Missouri, (herein called 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*, an application for the vacation of a general utility easement containing municipally owned and operated water and sanitary sewer infrastructure has been received by the Community Development Department; and

*WHEREAS*, a notice of the date and time of all public hearings relating to the application of vacation of the general utility easement was published in the Springfield News Leader, a newspaper of general circulation in the City of Republic, Missouri, on Friday, December 16, 2016, at least fifteen days prior to said hearings; and

*WHEREAS*, the Planning and Zoning Commission of the City of Republic, Missouri, held a public hearing concerning the application of vacation of the general utility easement on Monday, January 9, 2017, after which the Commission rendered findings of facts and voted by a count of 7 Aye and 0 Nay to recommend the approval of the vacation to the City Council of the City of Republic, Missouri; and

*WHEREAS*, the City Council of the City of Republic, Missouri, held a public hearing concerning the application of vacation of the general utility easement on Tuesday, January 17, 2017; and

*WHEREAS*, the City Council did approve the vacation of the general utility easement conditioned upon the Heart of Americas provide acceptable financial security in an amount sufficient to secure the minimum required public improvements to replace the infrastructure being relocated for Heart of America Park; and

*WHEREAS*, such terms and conditions of this ordinance and Ordinance No. 17-04, as well as the application to vacate easement as are needed to from the contract between the parties shall be incorporated into the financial security instrument as the "contract" and is to be held by the Department of Public Works securing said public improvements; and

*WHEREAS*, upon the completion of said public improvements, the infrastructure located within the general utility easement subject to this application to vacate will be rendered inactive and unnecessary and will be decommissioned within the vacated general utility easement; and

*WHEREAS*, the general utility easement being vacated will no longer contain publicly owned or operated facilities.

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

Section 1. That the general utility easement described herein is hereby vacated and all interests of the public appurtenant to that easement are hereby relinquished upon the certification of the Public Works Director of the satisfactory completion of the replacement of municipal water and sanitary sewer infrastructure for Heart of America Park. (See attached Exhibit A incorporated herein for the description.)

Section 2. That upon the certification of the Public Works Director of the completion of said work, the City Clerk of the City of Republic, Missouri, is directed to record a certified copy of this ordinance with the Greene County Recorder ' s office.

Section 3. The City Council hereby finds and declares this ordinance constitutes an emergency for the reason that it necessarily relates to approval of Ordinance No. 17-04 and the terms thereof, therefore, this ordinance shall be in full force and effect from its date of passage.

\_\_\_\_\_  
Matt Russell, Mayor

Attest:

\_\_\_\_\_  
Laura Burbridge, City Clerk

DocuSigned by:  
*Damon Phillips*  
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Approved as to Form: \_\_\_\_\_, 8/11/2021, Damon Phillips, City Attorney

Final Passage and Vote: \_\_\_\_\_

## EXHIBIT A

A PERPETUAL GENERAL UTILITY EASEMENT, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 29 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 27; THENCE SOUTH 02°19'46" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 1608.55 FEET; THENCE NORTH 88°00'32" WEST, 1,207.79 FEET; THENCE SOUTH 01°52'58" WEST, 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 °52'58" WEST, 447.40 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA OF 89°28'28", AN ARC LENGTH OF 39.04 FEET, AND A CHORD WHICH BEARS SOUTH 42°51'16" EAST HAVING A CHORD DISTANCE OF 35.19 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°35'30" EAST, 13.86 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET, A DELTA OF 30°09'59" AN ARC LENGTH OF 176.38 FEET, AND A CHORD WHICH BEARS SOUTH 72°30'31" EAST HAVING A CHORD DISTANCE OF 174.35 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 265.00 FEET, A DELTA OF 30°11'54", AN ARC LENGTH OF 139,67 FEET, AND A CHORD WHICH BEARS SOUTH 72°31'29" EAST HAVING A CHORD DISTANCE OF 13 8.06 FEET TO A POINT ON A LINE; THENCE SOUTH 02°22'34" WEST, 70.00 FEET TO A POINT ON A CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET, A DELTA OF 30°11 '54", AN ARC LENGTH OF 176.57 FEET, AND A CHORD WHICH BEARS NORTH 72°31'29" WEST HAVING A CHORD DISTANCE OF 174.53 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 265.00 FEET, A DELTA OF 30°09'59", AN ARC LENGTH OF 139.52 FEET, AND A CHORD WHICH BEARS NORTH 72°30'31" WEST HAVING A CHORD DISTANCE OF 137.92 FEET TO A POINT OF TANGENCY; THENCE NORTH 87°35'30" WEST, 835.83 FEET; THENCE NORTH 02°24'30" EAST, 70.00 FEET; THENCE SOUTH 87°35'30" EAST, 701.96 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A DELTA OF 90°31'32", AN ARC LENGTH OF 39.50 FEET, AND A CHORD WHICH BEARS NORTH 47°08'44" EAST HAVING A CHORD DISTANCE OF 35.52 FEET TO A POINT OF TANGENCY; THENCE NORTH 01°52'58" EAST, 446.50 FEET; THENCE SOUTH 87°57'16" EAST, 70.00 FEET TO THE POINT OF BEGINNING, AND Containing 2.6156 ACRES OF LAND, MORE OR LESS.