

**AN ORDINANCE VACATING THE WEST END OF THE RIGHT-OF-WAY
OF MILLER ROAD IN THE CITY OF REPUBLIC, MISSOURI**

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

WHEREAS, a Petition was filed with the City Council of the City of Republic, Missouri, to vacate the following:

Legal Description:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30 AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 28 NORTH, RANGE 23 WEST IN THE CITY OF REPUBLIC, GREENE COUNTY, MISSOURI DESCRIBED AS FOLLOWS: COMMENCING AT A 5/8 - INCH IRON PIN AT THE NORHTEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 28 NORTH, RANGE 23 WEST; THENCE S01° 16' 58"W ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER 25.00 FEET TO THE EXISTING SOUTH RIGHT-OF-WAY LINE OF MILLER ROAD, THENCE N88° 00' 05" W ALONG SAID SOUTH RIGHT-OF-WAY LINE, 608.99 FEET FOR THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE CONTINUING N88° 00' 05"W ALONG THE EXISTING SOUTH RIGHT-OF-WAY LINE OF MILLER ROAD, 125.77 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 60; THENCE N76° 32' 18"E ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 60, A DISTANCE OF 35.16 FEET; THENCE N60° 10' 12"E ALONG SAID RIGHT-OF-WAY LINE, 29.84 FEET TO THE EXISTING NORTH RIGHT-OF-WAY OF MILLER ROAD; THENCE S87° 59' 31"E ALONG THE EXISTING NORTH RIGHT-OF-WAY LINE OF MILLER ROAD, 120.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 10° 16' 11", A RADIUS OF 330.00 FEET AND A CHORD BEARING OF S66° 51' 39"W, AN ARC DISTANCE OF 59.15 FEET TO THE POINT OF BEGINNING. (BEARINGS ARE BASE ON TRUE NORTH DETERMINED BY SOLAR OBSERVATION, AS SHOWN ON THE FINAL PLAT OF FRISCO SQUARE PHASE ONE COMMERCIAL SUBDIVISION.

the same being public property located within the city limits of Republic; and

WHEREAS, such Petition was signed by all persons owning property abutting the public property sought to be vacated; and

WHEREAS, the Planning and Development Staff did, thereafter, submit said application to the Planning and Zoning Commission which did set the 20th day of August 2007, as the date a Public Hearing would be held on such application and proposed vacation; and

WHEREAS, notice of the time and date of Public Hearing was given by publication on Wednesday August 1, 2007, in *The Republic Monitor*, a newspaper of general circulation in the City of Republic, such notice being at least 15 days before the date set for the Public Hearing; and

WHEREAS, a Public Hearing was conducted by the Planning and Zoning Commission on the 20th of August, 2007, after which the Commission rendered written findings of fact on the proposed vacation and, thereafter, submitted the same, together with its recommendations, to the City Council; and

WHEREAS, the Planning and Zoning Commission, by a vote of 5 to 2, did recommend to approve such application for vacation of right-of-way; and

WHEREAS, notice of the time and date of the Public Hearing at which the application for vacation of right-of-way would be submitted to the City Council was given by publication on Wednesday August 1, 2007, in *The Republic Monitor*, a newspaper of general circulation in the City of Republic; such notice being at least 15 days before the date set for Public Hearing; and

WHEREAS, the matter of the Petition for vacation of public property would be presented to the City Council for possible action and vote on the 27th day of August, 2007, at 7:00 p.m. at which time the City Council would determine if said public property above described should be vacated and would assess and determine the damages, if any, which would be sustained by the owner of any property which fronts or abuts said public property.

WHEREAS, a Public Hearing was conducted, the matter of the Petition for vacation of public property was presented to the City Council for action and vote on the 27th day of August 2007, at 7:00 p.m. at which time the City Council assessed and determined that no damages would be sustained by the owner of any property which fronts or abuts said public property and that said public property above described should be vacated; and

WHEREAS, the City gave notice of such Public Hearing to the record owners of all properties within the area proposed to be rezoned and within 185 feet of the property proposed to be rezoned by certified mailings

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

Section 1. That the public property hereinabove described is hereby vacated and the same shall revert to the owners of the adjacent lots in the same proportion as it was originally taken.

Section 2. That the petitioners own all of the property which fronts or abuts the public property being vacated, and the City Council hereby determines that the petitioners will benefit from the vacation of such public property and, therefore, petitioners, will sustain zero damages as a result of said vacation of public property.

Section 3. That the petitioners are hereby directed to record a certified copy of this ordinance with the Recorder of Deeds for Greene County, Missouri.

Section 4. This ordinance shall be in full force and effect from and after June 1, 2010; however, if the alternate route to Miller Road as set forth in the plat for Frisco Square Phase III Subdivision has not been constructed and opened to the public by that date, this ordinance vacating a portion of Miller Road shall be null and void and of no effect. Should the construction of the alternate route to Miller Road as set forth in the plat for Frisco Square Phase III Subdivision be completed prior to June 1, 2010, the Director of Public Works may certify that fact in writing to the City Clerk and upon such certification this ordinance shall be in full force and effect from the date of certification.

Passed and approved at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2007.

ATTEST:

Brenda Jackson, City Clerk

James H. Collins, Mayor

Approved for Council Action: _____, City Administrator

Approved as to Form: _____, City Attorney