

**Council Bill No. 2024-40**

**Ordinance No. 3700**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI VACATING A 15'-WIDE ALLEY RIGHT-OF-WAY RUNNING NORTH AND SOUTH BETWEEN BLOCKS 155 AND 160, ORIGINAL TOWN OF HARRISONVILLE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, John Caswell, of H & J Custom Home Builders, LLC, submitted an application (Appl. #VAC-24-001) to vacate a 15'-wide alley right-of-way running north and south between Blocks 155 and 160, Original Town of Harrisonville; and

**WHEREAS**, in accordance with the provisions of Chapter 89 RSMo., and Section 515.020 of the Code of Ordinances of the City of Harrisonville, Missouri, thirty (30) days' notice of said application for vacation has been provided in three (3) of the most prominent and public places in the district, twenty (20) days' notice has been given by certified mail to all persons who own land on the same block as the portion of the alley to be vacated, and notice has been given to the Chairman of the Planning & Zoning Commission; and

**WHEREAS**, the City has received two objections from property owners who either touch the alley to be vacated or own land within the same block; and

**WHEREAS**, RSMo. Section 88.673 states that vacated right-of-way reverts to adjoining property owners, in proportion as it was taken from them; and

**WHEREAS**, the Board of Aldermen, after careful and due deliberation, find that vacating the alley is in the best interest of the City of Harrisonville and its residents, and that they vacated property be deeded to the adjoining property owners. The legal description

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:**

**Section 1:** The Board of Aldermen of Harrisonville, Missouri, hereby declares it necessary, reasonable, proper, and in the best interest of the City of Harrisonville and its residents to discontinue as right-of-way and forever vacate the 15'-wide alley right-of-way running north and south between Blocks 155 and 160, Original Town of Harrisonville as depicted in Exhibit I and described herein.

Legal Description:

A 15.00 FEET ALLEY BETWEEN BLOCKS 155 AND 160, ORIGINAL TOWN OF HARRISONVILLE, IN CASS COUNTY, MISSOURI, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 160; THENCE EAST, 15.00 FEET TO THE NORTHWEST CORNER OF BLOCK 155; THENCE SOUTH ALONG THE WEST LINE OF BLOCK 155, 198.00 FEET TO THE SOUTHWEST CORNER OF BLOCK 155; THENCE WEST, 15.00 FEET TO THE SOUTHEAST CORNER OF BLOCK 160; THENCE NORTH ALONG THE EAST LINE OF BLOCK 160, 198.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,970 SQUARE FEET, MORE OR LESS.

**Section 2:** The statutory right of reversion in the owners of the abutting property is hereby confirmed, as is provided by the laws of the State of Missouri, the Mayor and the City Clerk are hereby authorized to execute all necessary instruments required to confirm the reversionary rights of the owners of property abutting the area vacated, as described in this ordinance.

**Section 3:** Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 4:** Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

**Section 5:** Effective Date. That ordinances shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 15TH OF JULY 2024 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 5TH OF AUGUST 2024 AND PASSED BY THE BOARD OF ALDERMEN THIS 5TH OF AUGUST 2024.

**VOTE TAKEN AS FOLLOWS:**


**AYES:** Chaney, Davidson, Doerhoff, Franklin, Mills, Milner, Pfautsch, Turner

**NAYS:**

**ABSENT:**

**ABSTAIN:**

**EXCUSED:**

  
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Mike Zaring, Mayor Ex-Officio  
Chairman of the Board of Aldermen

ATTEST:

  
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Daniel Barnett, City Clerk

**WITNESS** my hand and seal this 5<sup>th</sup> day of August 2024.