

BILL NO. \_\_\_\_\_

ORDINANCE NO. 709

AN ORDINANCE VACATING ALL THAT PORTION OF KANE STREET LYING WEST OF THE WESTERN RIGHT-OF-WAY OF CASS STREET AND ALL THAT PORTION OF CASS STREET LYING SOUTH OF THE SOUTHERN RIGHT-OF-WAY OF KANE STREET IN THE CITY OF KING CITY, GENTRY COUNTY, MISSOURI

WHEREAS, the City has been petitioned by certain landowners to vacate Kane Street lying West of the Western right-of-way of Cass Street and all that portion of Cass Street lying South of the Southern right-of-way of Kane Street, which lies adjacent to Trotter's Addition to the City of King City, Gentry County, Missouri, being legally described as follows:

All that portion of Cass Street lying South of the Southern right-of-way of Kane Street, specifically, beginning at the Northwest corner of Lot One (1), Block Three (3) of Trotter's Addition, thence South along the Western boundary of said Block Three (3) to the Southwest corner of Block Five (5), thence West to the Western right-of-way of Cass Street, thence North along the Western right-of-way of Cass Street to the Southern right-of-way of Kane Street, thence East to the place of beginning and all that portion of Kane Street lying West of the Western right-of-way of Cass Street.

WHEREAS, upon due investigation, it is apparent that Petitioners constitute all of the adjoining landowners to said street, and that though platted, no portion of either street sought to be vacated has ever been constructed or used for street purposes; and

WHEREAS, said Petitioners have waived all notice of public hearing, claim for damages and procedure for assessment of damages, all as provided by Section 88.673, RSMo; and

WHEREAS, Petitioners have agreed to execute an easement for utility purposes in favor of the City of King City, Missouri, if same is desired by the City, over and across those portions of Second Street to be vacated; and

NOW, THEREFORE, UPON DUE CONSIDERATION, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF KING CITY, MISSOURI, AS FOLLOWS:

Section 1: That it is deemed necessary and expedient to vacate those portions of Second Street as described above.

Section 2: That the land shall revert proportionately to the adjacent land owners as provided by statute.


Section 3: That the portions of Kane Street and Cass Street as described above are hereby vacated, and the Mayor and City Clerk are hereby authorized to execute such deeds and instruments as may be necessary to effect the vacation of the same, with proportionate reversion to adjacent land owners. In the event there are public utilities situated in or under those portions of Second Street to be vacated, the City hereby retains an easement therefore.

Section 4: The petition filed by the private landowners to the City of King City, Gentry County, Missouri is ordered attached to the original of this Ordinance, to be kept on file in City Hall.

Section 5: A certified copy of this Ordinance with attachments, is ordered recorded in the real estate records of Gentry County, Missouri.

Section 6: This Ordinance shall be in full force and effect from and after its passage and approval.

This Ordinance was passed by the Board of Aldermen of the City of King City, Missouri, this 14th day of September, 2015.

  
Everett Rhoad, Mayor

ATTEST:

  
Janet Smith, City Clerk

**PETITION TO VACATE PORTION OF STREET**

We, the undersigned, do hereby state that we are the owners of all real estate adjoining that portion of Kane Street West of the Western right-of-way of Cass Street and Cass Street South of the Southern right-of-way of Kane Street, both situated West of Trotter's Addition to the City of King City, Gentry County, Missouri, and specifically described as follows:

All that portion of Cass Street lying South of the Southern right-of-way of Kane Street, specifically, beginning at the Northwest corner of Lot One (1), Block Three (3) of Trotter's Addition, thence South along the Western boundary of said Block Three (3) to the Southwest corner of Block Five (5), thence West to the Western right-of-way of Cass Street, thence North along the Western right-of-way of Cass Street to the Southern right-of-way of Kane Street, thence East to the place of beginning and all that portion of Kane Street lying West of the Western right-of-way of Cass Street.

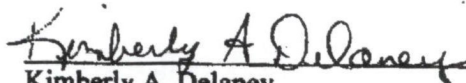
The undersigned request that the above described portions of Kane Street and Cass Street be vacated by the Board of Aldermen.

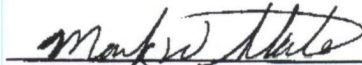
The undersigned waive notice of any public hearing in regard to vacation of this portion of the street, waive claim for any damages as a result of the vacating of this portion of the street, and further, waive the carrying out of any procedure for the assessment of damages as may be provided by Missouri Statute.

The undersigned understand that if said street is vacated, it will cease to be a public right-of-way; it may never be open for public access and the City of King City will be released from any requirement now or in the future to open the same and bring the same to grade for use as a public right-of-way. Upon the vacating of the same, the ownership of said street will revert to the adjoining landowners to the center of said right-of-way.

The undersigned further agree that in the event the Board of Aldermen require the execution of a Public Utility Easement as a condition of vacating said street, that they will execute a Public Utility Easement in favor of the City of King City, Missouri. Even if not required, all existing sewers, waterlines, utility poles, gas lines and the like shall remain in place subject to whatever rights may exist in the City or in any private individual for the use and maintenance thereof.

  
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Douglas L. Delaney

  
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Kimberly A. Delaney

  
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Mark W. States

  
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Ruth G. States

  
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Linda Lee Waugh

  
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Harrison Waugh