

BILL NO. 4715

ORDINANCE NO. 4715

AN ORDINANCE BY THE CITY OF WEST PLAINS, MISSOURI, ACCEPTING OWNERSHIP AND MAINTENANCE OF THE COURT SQUARE PUBLIC RIGHT-OF-WAY (ROW).

WHEREAS, this ordinance accepts the public ROW of the court square outside the county courthouse parcel, clarifying ownership and responsibility of the sidewalks around the square.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: That the City Council of the City of West Plains, Missouri, does hereby accept ownership and maintenance of the Court Square public right-of-way (ROW).

Section 2: That this Ordinance shall be in full force and effect after its date of passage and approval.

PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF Aug. 2022.

CITY OF WEST PLAINS, MISSOURI

BY: Michael Topliff  
MICHAEL TOPLIFF, MAYOR

ATTEST:

Allison Skinner  
ALLISON SKINNER, CITY CLERK



July 6, 2022

To: Sam Anselm, City Administrator  
Allison Skinner, City Clerk

From: Michael McMahon, Project/Grant Specialist

Re: Acceptance of the Court Square Public Right-of-Way

**Executive Summary**

The purpose of this ordinance is to accept ownership and maintenance of the Court Square public right-of-way (ROW).

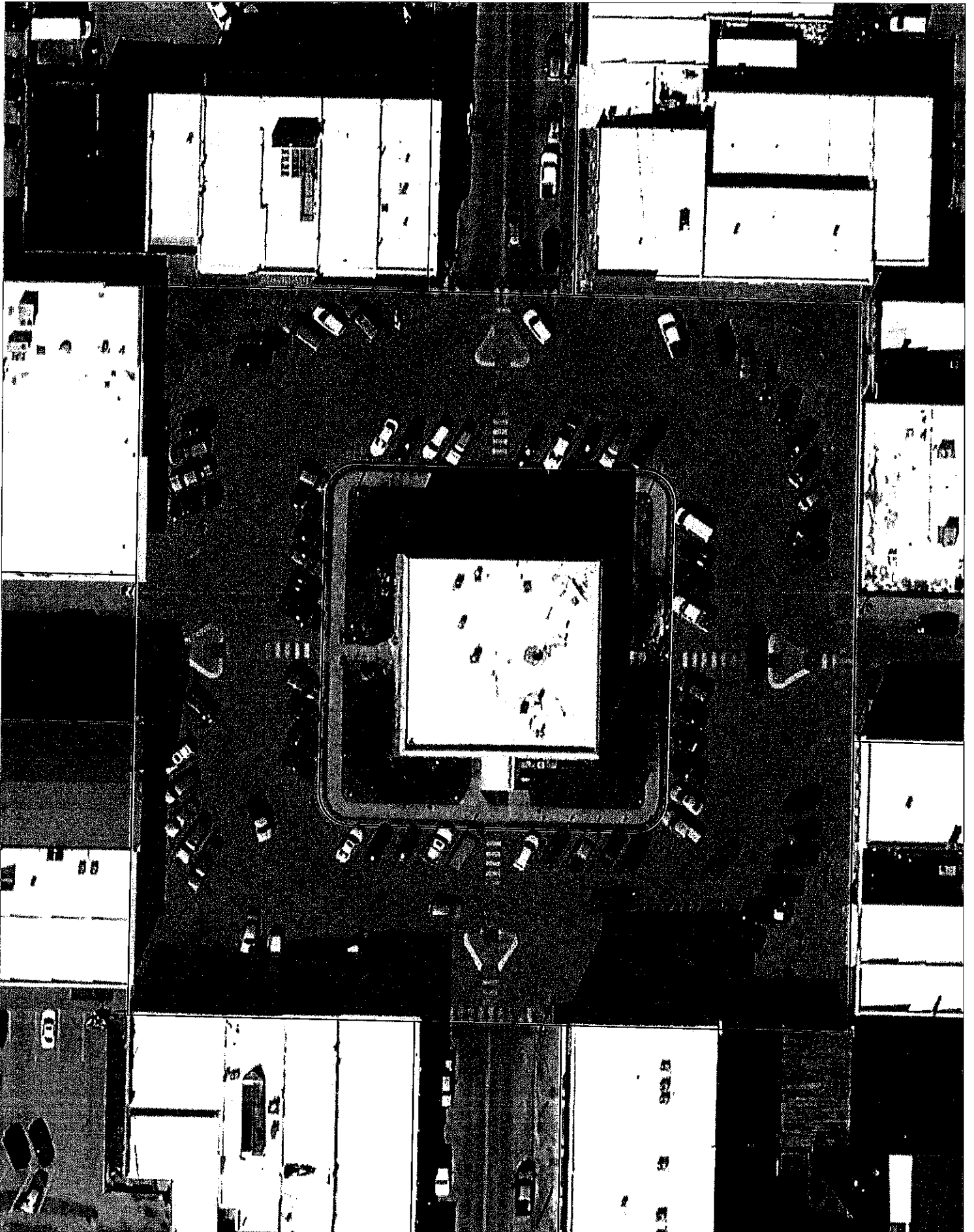
**Discussion**

This ordinance accepts the public ROW of the court square outside the county courthouse parcel, clarifying ownership and responsibility of the sidewalks around the square. Historically the city has maintained them, there has been uncertainty of ownership at times.

**Fiscal Impact**

There will not be any additional fiscal impact at this time, maintenance will be the city's responsibility.

(Attach Map)



Project: Old Howell Valley Road  
Parcel: County

### WARRANTY DEED

THIS INDENTURE MADE ON THE 11TH day of JULY, 2022, by and between the **County of Howell in the State of Missouri, GRANTOR**, and the City of West Plains, Missouri, a municipal corporation whose mailing address is 1910 Holiday Lane, West Plains MO 65775, **GRANTOR**.

WITNESSETH, that GRANTOR, in consideration of the sum of Ten Dollars and other valuable consideration to it paid by GRANTEE, the receipt of which is acknowledged, does by these presents, GRANT, BARGAIN, and SELL, CONVEY AND CONFIRM, unto GRANTEE, its successors and assigns, the following real estate (the Real Estate) in Howell County Missouri:

A part of the S1/2 of Section 22, and a part of the N1/2 of Section 27, Township 24 North, Range 08 West of the 5<sup>th</sup> Principal Meridian, Howell County, Missouri, being more particularly described as follows: Commencing at a 3/4" rebar found at the southeast corner of said Section 22; thence along the south line of said Section 22, North 88°40'19", 1463.64 feet; thence North 01°19'41" east, 4.84 feet to the POINT OF BEGINNING; thence South 88°01'32" West, 263.28 feet; thence South 88°29'57" West, 484.73 feet; thence along the arc of a curve to the left 194.45 feet, said curve having a radius of 1230.00 feet and a chord bearing of South 83°58'13" West, 194.25 feet; thence South 79°26'28" West, 440.65 feet; thence along the arc of a curve to the right 203.89 feet, said curve having a radius of 1620.00 feet, and a chord bearing of South 83°02'48" West, 203.76 feet; thence South 86°39'08" West, 893.25 feet to the north right-of-way line of Burlington Northern Santa Fe Railroad; thence along said north railroad right-of-way, North 58°13'25" West, 34.76 feet to a cotton picker spindle set; thence continuing along said north railroad right-of-way line, North 58°13'25" West, 34.76 feet; thence North 86°39'08" East, 950.11 feet; thence along the arc of a curve to the left 198.85 feet, said curve having a radius of 1580.00 feet, and a chord bearing of North 83°02'48" East, 198.72 feet; thence North 79°26'28" East, 440.65 feet; thence along the arc of a curve to the right 200.78 feet, said curve having a radius of 1270.00 feet, and a chord bearing of North 83°58'13" East, 200.57 feet; Thence North 88°29'57" East, 484.56 feet; thence North 88°01'32" East, 263.12 feet; thence South 01°58'28" East, 20.00 feet to a cotton picker spindle set; thence continuing South 01°58'28" East, 20.00 feet to the point of beginning, containing 2.30 acres more or less as shown by Survey No. 18180, dated 11/15/2018 by Riggs and Associates, Inc.

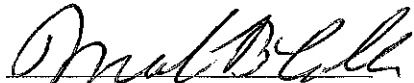
TO HAVE AND TO HOLD the Real Estate with all and singular the rights, privileges, appurtenance and immunities thereto belonging or in anywise appertaining unto GRANTEE, and its successors and assigns forever; GRANTOR covenanting that it is lawfully seized of an indefeasible estate in fee in the Real Estate; that it has good right to convey the same; that the Real Estate is free and clear of any encumbrances done or suffered by it or


those under whom it claims, and that it will warrant and defend the title to the Real Estate unto GRANTEE, and its successors and assigns forever, against the lawful claims and demands of all others.

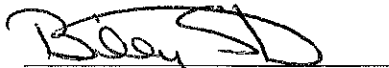
IN WITNESS WHEREOF, Grantor and Grantee have caused this Deed to be executed by their respective elected and authorized representatives.

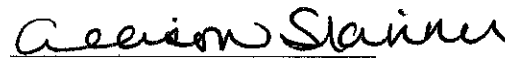
Grantor:

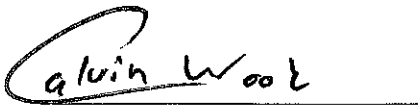
Grantee:

  
Mark Collins  
Presiding Commissioner  
Howell County

  
Michael Topliff  
Mayor  
City of West Plains

  
Billy Sexton  
Associate Commissioner  
District S  
Howell County

  
Allison Skinner  
City Clerk  
City of West Plains

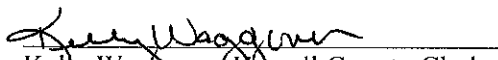
  
Calvin Wood  
Associate Commissioner  
District N  
Howell County

STATE OF MISSOURI        )  
  )ss.  
COUNTY OF HOWELL        )

On this 11TH day of JULY 2022, before me appeared Mark Collins, Presiding Commissioner of Howell County and Calvin Wood, Associate Commissioner of District N of Howell County and Billy Section Associate Commission of District S, of Howell County of the State of Missouri, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

ATTEST:

  
Kelly Waggoner, Howell County Clerk

STATE OF MISSOURI        )  
                                      )ss.  
COUNTY OF HOWELL        )

On this 15<sup>th</sup> day of July 2022, before me appeared Michael Topliff, Mayor of the City of West Plains and Allison Skinner, City Clerk of the City of West Plains a municipal corporation of the State of Missouri, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

Stephanie Hawkins  
Notary Public

My Commission Expires: 1-16-2026

