



CITY OF WEST PLAINS
1910 Holiday Lane
West Plains, Mo.
417.256.7176

April 17, 2024

To: Planning Commission

From: Dustin Harrison, Building Official/Zoning Administrator.

Re: Seiber, Johnson, Harris Vacate Request.

Executive Summary

Recommending an ordinance approving the vacation of a 10' alley between Broadway and 1st Street.

Discussion

This request has been submitted by Moira Seiber, Terry Johnson, and John Harris. This request is for vacating an alley between the three adjacent parcels to facilitate additional parking in the area.

The city will retain an easement for the maintenance of existing utilities.

Fiscal Impact

N/a

BILL NO. 4770

ORDINANCE NO. 4770

AN ORDINANCE VACATING AN ALLEY BETWEEN WEST BROADWAY AND WEST 1ST STREET UPON THE REQUEST OF ADJACENT PROPERTY OWNERS - JOHNSON, SEIBER, AND HARRIS AND FURTHER RETAINING A UTILITY EASEMENT WITHIN THE AREA TO BE VACATED.

WHEREAS, a petition has heretofore been filed by Terry Johnson, Moiria Seiber, and John Harris to vacate an alley generally located between West Broadway Avenue and West 1st Street. Petitioners state that said alley is not needed for use as such by the public, and that the property rights of others in the adjacent areas are not affected in the vacating of said alley further described as follows:

All that part of the alley within Block 6 of Foust's Addition, Section 21, Township 24, Range 8 as shown to the City of West Plains as recorded in the records of Howell County, Missouri; and

WHEREAS, the city will retain a utility easement for the sake of maintaining any and all utilities within the area described above; and

WHEREAS, a public hearing was held on May 2nd, 2024, and notice of said hearing was published in the West Plains Quill on April 10th, 2024; and

WHEREAS, the Planning Commission recommended in favor of the vacation and the City Council finds that it would be appropriate to vacate the alley described above provided that a utility easement is retained by the City.

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

Section 1: That the above-described alley is hereby vacated but reserving to the City of West Plains a utility easement within the area to be vacated for the purpose of installation, maintenance and reconstruction of utility lines, pipes and related facilities.

Section 2: That this Ordinance shall be in full force and effect ten days after its date of passage and approval as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 20__.

CITY OF WEST PLAINS, MISSOURI

MAYOR MICHAEL TOPLIFF

ATTEST:

CITY CLERK KELLIE MAYERS

Seiber Properties, LLC
5686 County Road 1820
West Plains, MO 65775
417-293-2668

West Plains City Council
1910 Holiday Lane
West Plains, MO 65775

RE: Petition to Vacate

Dear City Council Members:

We are writing to request consideration by the city to vacate the alley between Broadway and 1st Street which sits behind our recently purchased building at the intersection of Broadway and Washington Avenue, 107 & 109 Broadway, and 509 Washington Avenue, respectively. You will find completed petitions from all interested parties whose properties are adjacent to the indicated alleyway. I have also included an arial map of the area in question, for your convenience. We understand that, should this petition be approved by the Council, the City will maintain an easement on the property to maintain the sewer system lines that run through the property.

Our request stems from a need to maximize parking space for our future renters and a desire to foster food trucks within that space, to help build the food offerings within the City. We appreciate your willingness to consider our request. Please do not hesitate to contact us with any questions you may have regarding this project.

Sincerely,


Moira Seiber
Owner

PETITION TO VACATE
TO THE PLANNING COMMISSION OF AND CITY COUNCIL
OF WEST PLAINS, MISSOURI

I hereby petition to vacate certain portions of street located as follows (include street name and boundaries):

Address location of 107 & 109 Broadway and 509 Washington Ave.
The alley way between Broadway and 1st Street

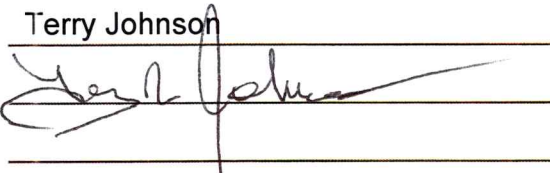
Petitioners state that they are the owners of all the property adjacent to the said portions of Broadway and 1st Street / Alley (Choose One) to be vacated; that said portions of the street are:

1. Not now and have never been used as such by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.
2. In our opinion they are not needed by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.

WHEREFORE, Petitioners pray that the City Council of West Plains by its Ordinance vacate and close the above-described portions of said street. We understand that we will be responsible for all legal costs involved in this vacation.

Name

Address

Terry Johnson


P.O. Box 556 West Plains, Mo

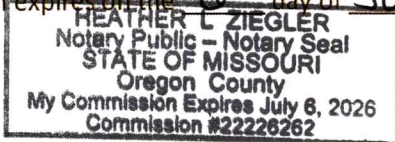
Dated: _____

On this 13 day of February, 2024, before me personally appeared

Terry Johnson

To me personally known who being by me first sworn, did say they are the owners of all adjacent property described herein. In witness whereof, I have hereunto set my hand and affixed my official seal on the date first above written.

My commission expires on the 6th day of July, 2026.



Heather L. Ziegler

Notary Public

PETITION TO VACATE
TO THE PLANNING COMMISSION OF AND CITY COUNCIL
OF WEST PLAINS, MISSOURI

I hereby petition to vacate certain portions of street located as follows (include street name and boundaries):

Address location of 107 & 109 Broadway and 509 Washington
The alley way between Broadway and 1st Street

Petitioners state that they are the owners of all the property adjacent to the said portions of Broadway and 1st Street / Alley (Choose One) to be vacated; that said portions of the street are:

1. Not now and have never been used as such by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.
2. In our opinion they are not needed by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.

WHEREFORE, Petitioners pray that the City Council of West Plains by its Ordinance vacate and close the above-described portions of said street. We understand that we will be responsible for all legal costs involved in this vacation.

Name	Address
<u>Moiria Seiber</u>	<u>5286 Co Rd. 1820</u>
<u>Seiber Properties, LLC</u>	<u>West Plains, MO 65775</u>
<u><i>Moiria Seiber</i></u>	<u></u>

Dated: 2/13/2024

On this 13 day of February, 2024, before me personally appeared

Moiria Seiber

To me personally known who being by me first sworn, did say they are the owners of all adjacent property described herein. In witness whereof, I have hereunto set my hand and affixed my official seal on the date first above written.

My commission expires on the 6th day of July, 2026.



Heather L. Ziegler

Notary Public

PETITION TO VACATE
TO THE PLANNING COMMISSION OF AND CITY COUNCIL
OF WEST PLAINS, MISSOURI

I hereby petition to vacate certain portions of street located as follows (include street name and boundaries):

Address location of 107 & 109 Broadway and 509 Washington
The alley way between Broadway and 1st Street

Petitioners state that they are the owners of all the property adjacent to the said portions of Broadway and 1st Street / Alley (Choose One) to be vacated; that said portions of the street are:

1. Not now and have never been used as such by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.
2. In our opinion they are not needed by the public, and that the property rights of others in the adjacent areas are not affected in the vacating and closing of said portions of the street.

WHEREFORE, Petitioners pray that the City Council of West Plains by its Ordinance vacate and close the above-described portions of said street. We understand that we will be responsible for all legal costs involved in this vacation.

Name

Address

John Harris
~~Type text here~~

808 Porter Highway Blvd
West Plains, MO 65725

Dated: 2-13-24

On this 13 day of February, 2024, before me personally appeared

John Harris

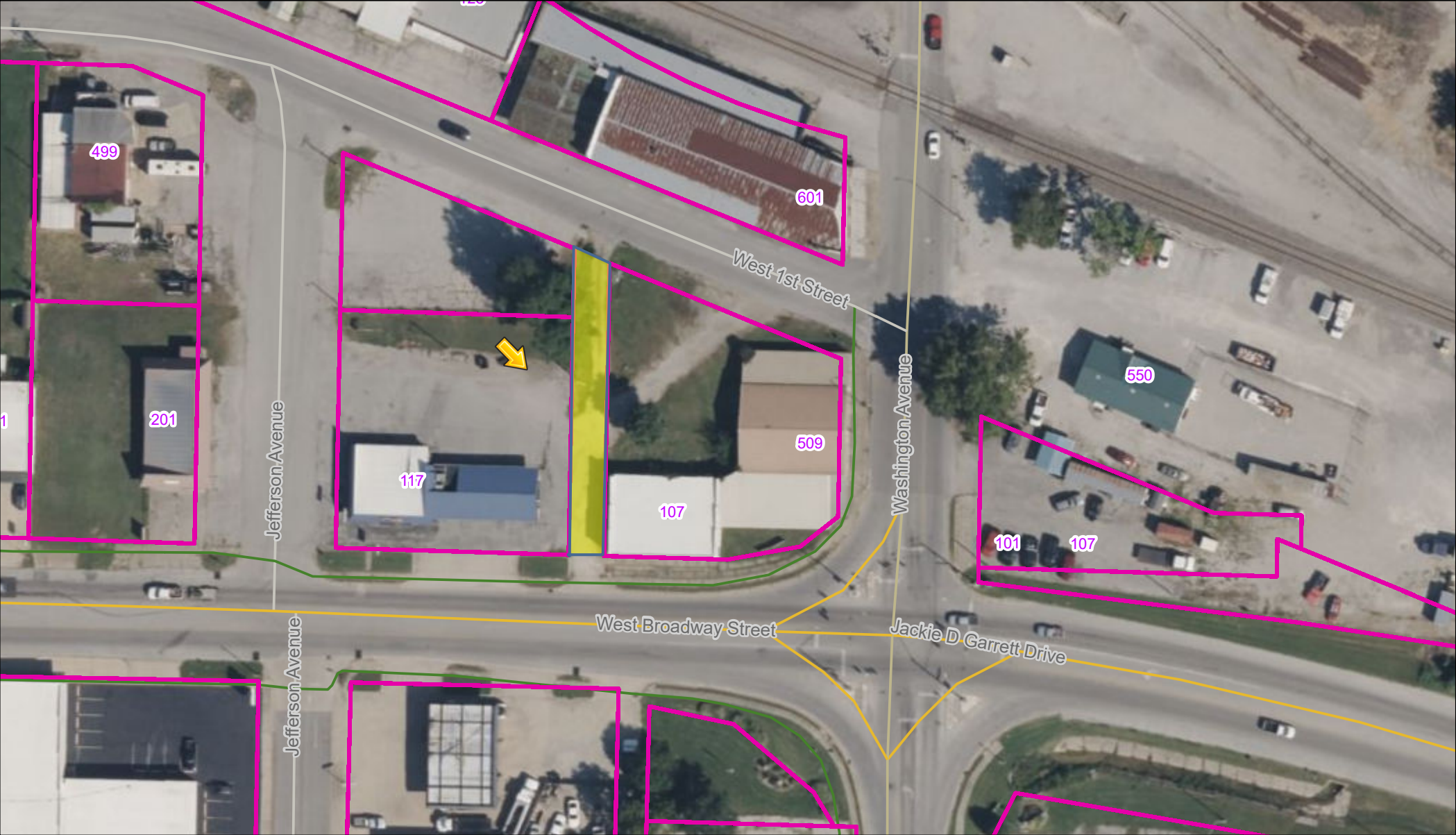
To me personally known who being by me first sworn, did say they are the owners of all adjacent property described herein. In witness whereof, I have hereunto set my hand and affixed my official seal on the date first above written.

My commission expires on the 6th day of July, 2026.



Heather L. Ziegler
Notary Public

Seiber Alley Vacate



4/17/2024, 9:53:31 AM

- Howell County Parcels
- City Address
- OpenStreetMap Highways for North America
- secondary

- secondary_link ↘ Override 1
- tertiary
- residential
- footway
- Override 1

