



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

August 2, 2024

To: City Council, Sam Anselm

From: Dustin Harrison, Building Official/Zoning Administrator

Re: Excess right-of-way vacate request

Executive Summary

Recommend an ordinance approving the vacation of excess right of way along Mitchell Road.

Discussion

This request has been submitted by the City of West Plains to clear up additional right away along Mitchell Road. This section of road has been in existence for years. During the construction of the roadway two pieces of original right of way from the old alignment was not vacated. This vacation is to facilitate future development in the general area.

The city will retain a 15' utility easement for the maintenance of existing utilities.

The West Plains Planning Commission met on August 1, 2024 and unanimously voted to approve the vacate.

Fiscal Impact

N/a

AN ORDINANCE VACATING AN EXCESS RIGHT-OF-WAY SECTION ALONG MITCHELL ROAD AND FURTHER RESERVING A UTILITY EASEMENT WITHIN THE AREA TO BE VACATED.

WHEREAS, a petition has heretofore been filed by the City of West Plains to vacate a right-of-way area generally located between Mitchell Road and Chuck Lane. Petitioners state that said area is two pieces of the original right-of-way from the old alignment and is further described as follows:

Description 1 (Travis Court south of Mitchell Road)

A part of Travis Court, a dedicated street in Southern Hills Subdivision, the plat of which is recorded in Howell County Plat Book E at Page 48, said Southern Hills Subdivision being in the SW1/4 of the SW1/4 of Section 29 and in the NW1/4 of the NW1/4 of Section 32 in Township 24 North, Range 8 West of the Fifth Principal Meridian in the City of West Plains, Howell County, Missouri, being more particularly described as follows; Commencing at an existing 1" pipe at the intersection of the east right-of-way line of said Travis Court and the south right-of-way line of Chuck Lane, a dedicated street in said Southern Hills Subdivision; thence southerly, along said east right-of-way line, South 00°53'48" West, 272.49 feet to an existing 1/2" rebar at the northeast corner of a tract described in City of West Plains Ordinance #3503, being recorded as Howell County Deed Document #1996R3715, said rebar being the POINT OF BEGINNING; thence northwesterly, along the north line of said Ordinance #3503 tract, North 70°27'54" West, 53.13 feet to the northwest corner of said Ordinance #3503 tract, being on the west right-of-way line of said Travis Court; thence northerly, along said west right-of-way line, North 01°00'20, 48.44 feet to the easterly right-of-way line of Mitchell Road; thence northerly, along said easterly right-of-way line, the following two courses; 1) Along the arc of a non-tangent curve to the right, 48.31 feet, said curve having a radius of 220.02 feet, and a chord bearing of North 46°05'57" East, 48.21 feet; 2) North 52°19'25" East, 20.52 feet to said east right-of-way line of Travis Court; thence southerly, along said east right-of-way line of Travis Court, South 00°53'48" West, 112.18 feet to the point of beginning, containing 0.09 acres. This description was prepared by Ray L. Riggs, PLS2003000966 and is referenced to Riggs Brothers Surveying, LLC, Job No. R24025.

Description 2 (Travis Court north of Mitchell Road)

A part of Travis Court, a dedicated street in Southern Hills Subdivision, the plat of which is recorded in Howell County Plat Book E at Page 48, said Southern Hills Subdivision being in the SW1/4 of the SW1/4 of Section 29 and in the NW1/4 of the NW1/4 of Section 32 in Township 24 North, Range 8 West of the Fifth Principal Meridian in the City of West Plains, Howell County, Missouri, being more particularly described as follows; BEGINNING at an existing 1" pipe at the intersection of the east right-of-way line of said Travis Court and the south right-of-way line of Chuck Lane, a dedicated street in said Southern Hills Subdivision; thence southerly, along said east right-of-way line, South 00°53'48" West, 83.55 feet to the westerly right-of-way line of Mitchell Road; thence southwesterly, along said westerly right-of-way line, South 52°19'25" West, 64.07 feet to the west right-of-way line of said Travis Court; thence northerly,

along said west right-of-way line, North 01°00'55" East, 124.46 feet to an existing 1” pipe at the intersection of said west right-of-way line and said south right-of-way line of Chuck Lane; thence easterly, along said south right-of-way line, South 88°00'09" East, 49.85 feet to the point of beginning, containing 0.12 acres. This description was prepared by Ray L. Riggs, PLS2003000966 and is referenced to Riggs Brothers Surveying, LLC, Job No. R24025.
; and

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

WHEREAS, notice of hearing was published in the West Plains Quill on June 29th and July 6th, 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 property described above provided that a utility easement is retained for the City’s utility purposes.

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

Section 1: That the above-described property is hereby vacated but reserving to the City of West Plains a 15-foot 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

CHUCK LN

CHUCK LANE

50

190

85

ZACKORY SETH RECTOR
HC DOC. #2021R3356

125

50

DESCRIPTION 2

95.98(D)

83.02

STEWART & STEWART
RENTALS, LLC
HC DOC. #2006R7595

185

8

MITCHELL ROAD

2

STEWART & STEWART
RENTALS, LLC
HC DOC. #2006R7595

228.4

3

83.01

STEWART & STEWART
RENTALS, LLC
HC DOC. #2006R7595

DESCRIPTION 1

146.8

83.0

84

STEWART & STEWART
RENTALS, LLC
HC DOC. #2006R7595

