



February 10, 2025

To: City Council

From: Dustin Harrison, Building Official/Zoning Administrator.

Re: Jackson St. R/W Vacate

Executive Summary

Recommend approving a vacate of right of way along Jackson Street.

Discussion

Petition Overview

Richard and Carol Silvey have submitted a petition requesting the vacation of a portion of the right of way along Jackson Street. This request is under consideration by the Planning Commission.

Review by Transportation Director

The Transportation Director has thoroughly reviewed Silvey's petition and has recommended that the right of way be vacated. However, the recommendation includes a stipulation to retain a **20-foot easement**. This easement is likely intended to preserve access for utilities or future infrastructure needs.

Recommendation

- **Approval:** The Transportation Director supports vacating the requested portion of the right of way.
- **Condition:** A 20-foot easement should be retained to ensure continued access and utility management.

Considerations

- **Impact on Community:** Consider potential impacts on local traffic, pedestrian access, and community planning.
- **Easement Use:** Understand the specific purposes the easement will serve and its importance to future developments or maintenance.
- The planning commission met on February 6, 2025, and held a public hearing at 5:30 P.M. to take up the matter. There was no public opposition to the request and Planners recommended it for approval during regular session.

Fiscal Impact N/A

BILL NO. 4790

ORDINANCE NO. _____

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

WHEREAS, a petition has heretofore been filed by Richard Silvey to vacate a right-of-way area generally located near Jackson Street and between Olden Street and East Third Street and is further described as follows:

A part of Jackson Street right-of-way, adjoining the east side of Block 2 of Olden's Addition to West Plains, the plat of which is recorded in Howell County Plat Book A at Page 24 and being more particularly described as follows; BEGINNING at an existing 3/4" rebar at the southeast corner of said Block 2; thence northerly, along the east line of said Block 2, North 00°44'23" East, 268.56 feet to the northeast corner of said Block 2; thence easterly, along a projection easterly of the north line of said Block 2, South 88°44'25" East, 30.00 feet to a 1/2" rebar set; thence South 02°52'20" West, 268.74 feet to a cross cut in concrete sidewalk on the easterly projection of the south line of said Block 2; thence westerly, along said easterly projection of the south line of Block 2, North 88°30'33" West, 20.00 feet to the point of beginning, containing 6715 square feet, reserving 15.00 feet of even width, along the eastern side of above described tract for a utility easement. This description was prepared by Ray L. Riggs, PLS2003000966 and is referenced to Riggs Brothers Surveying, LLC, Job No. R24063.

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 January 18th and January 22nd, 2025; 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 20-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.

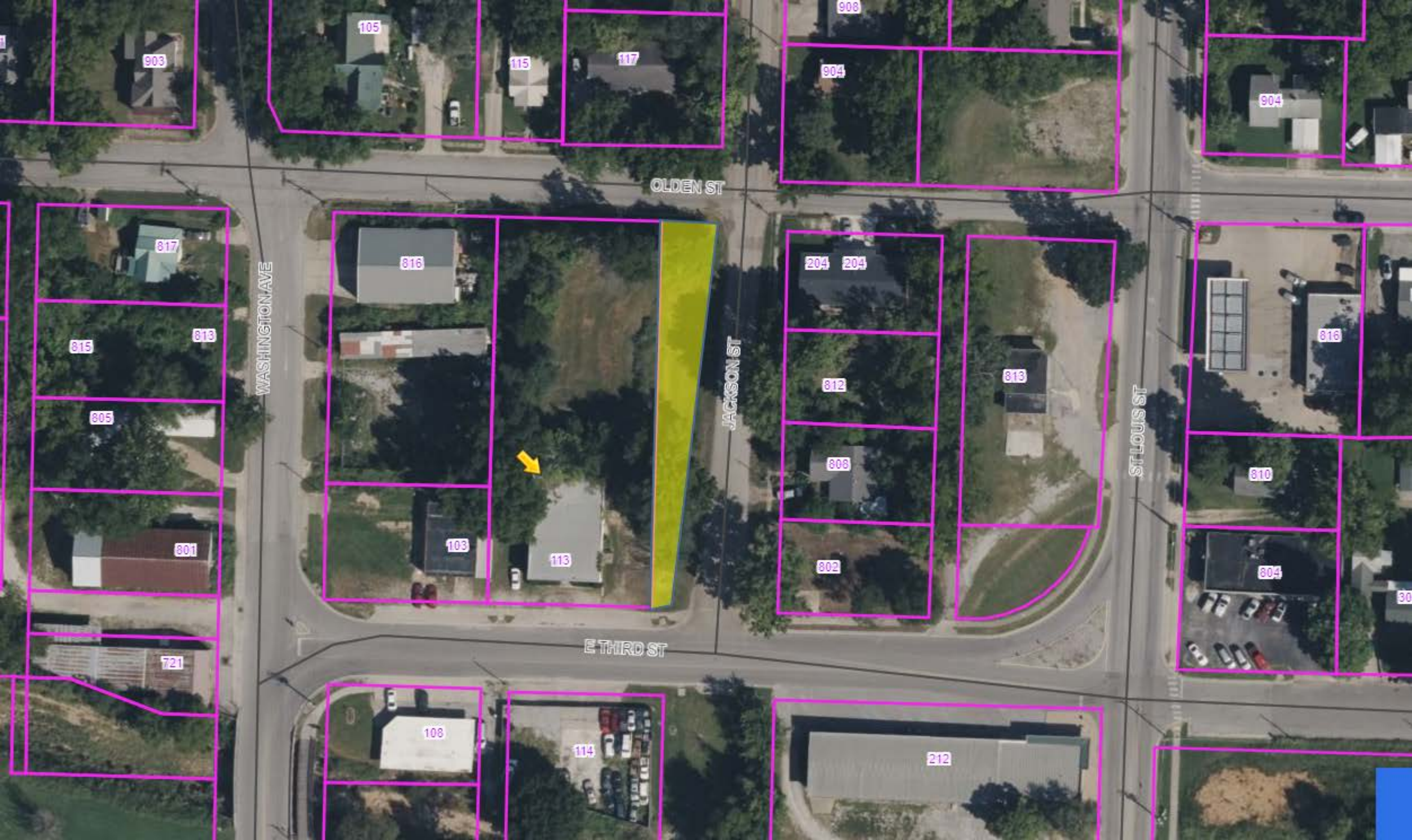
PASSED AND APPROVED THIS ____ DAY OF _____, 20__.

CITY OF WEST PLAINS, MISSOURI

MAYOR MICHAEL TOPLIFF

ATTEST:

CITY CLERK KELLIE MAYERS



903

105

115

117

904

908

904

OLDEN ST

WASHINGTON AVE

817

815

818

805

801

721

816

103

113

JACKSON ST

204 204

812

808

802

813

ST LOUIS ST

816

810

804

30

E THIRD ST

108

114

212

**Lots 1-4 in Block 2; the E1/2 of the vacated 20' alley in Block 2;
And part of Jackson Street R/W on the east side of Block 2;
All in Olden's Addition to West Plains (PBA/24)
In the NE1/4 of the SW1/4 of Section 21, T24N, R8W of the 5th P.M.,
In the City of West Plains, Howell County, Missouri.**

Survey Description

SD1

A part of Jackson Street right-of-way, adjoining the east side of Block 2 of Olden's Addition to West Plains, the plat of which is recorded in Howell County Plat Book A at Page 24 and being more particularly described as follows; BEGINNING at an existing 3/4" rebar at the southeast corner of said Block 2; thence northerly, along the east line of said Block 2, North 00°44'23" East, 268.56 feet to the northeast corner of said Block 2; thence easterly, along a projection easterly of the north line of said Block 2, South 88°44'25" East, 30.00 feet to a 1/2" rebar set; thence South 02°52'20" West, 268.74 feet to a cross cut in concrete sidewalk, on the line between the southeast corner of said Block 2 and the southwest corner of Block 1 of said Olden's Addition; thence North 88°30'33" West, 20.00 feet to the point of beginning, containing 6715 square feet, reserving 15.00 feet of even width, along the eastern side of above described tract for a utility easement. This description was prepared by Ray L. Riggs, PLS2003000966 and is referenced to Riggs Brothers Surveying, LLC, Job No. R24063.

Survey and Deed References

- SR1.** Plat of "Olden's Addition to West Plains", by County Surveyor, James Middleton, filed for record on December 9th, 1884 in Howell County Plat Book A at Page 24.
- SR2.** Survey by County Surveyor Ralph L. Riggs, PLS2175 for the City of West Plains, dated February 13th, 2008 and recorded in Howell County Surveyor's Record Book O at Pages 115-116.
- SR3.** Survey by Allen Duane Burgess, PLS2655 for City of West Plains, Missouri, dated August 14th, 2007 and shown as Job No. 07026.
- SR4.** Survey by Ray L. Riggs, PLS2003000966 for Corey Stephens, dated 6/23/2020 and shown as FGS Surveyors, LLC, Job No. 200070.
- SR5.** Survey by Howell County Surveyor, Ray L. Riggs, PLS2003000966 for Richard Silvey, dated filed 12/27/2023 in Howell County Surveyor's Record Book R at Page 87.

- DR1.** General Warranty Deed by a Corporation recorded as Howell County Deed Document #2024R4478. Grantee: Richard and Carol Silvey
- DR2.** City of West Plains Ordinance #4056 recorded as Howell County Deed Document #2008R1042

Surveyor's Notes

- SN1.** Plat represents a boundary survey of a parcel described in Howell County Deed Document No. 2024R4478. It also represents a survey of a portion of Jackson Street which is proposed to be vacated.
- SN2.** Survey is valid only if print has original seal and signature of surveyor present on it or exhibits a digital signature.
- SN3.** Subject property lies within the city limits of the City of West Plains, Missouri, and is subject to the West Plains "Code of Ordinances". Subject property lies within the C-2 General Commercial District.
- SN4.** Survey was completed using a Carlson BRX7 GPS system and meets the current "Missouri Standards for Property Boundary Surveys".
- SN5.** Fieldwork for this survey was completed in December 2024.

Certification

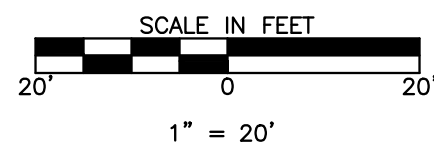
I, Ray L. Riggs, Howell County Surveyor, certify that this survey was made under my supervision and in accordance with the Missouri Standards for Property Boundary Surveys.

Ray L. Riggs
Missouri PLS No. 2003000966
Riggs Brothers Surveying, LLC
MO Certificate of Authority #2022002091

Riggs Brothers Surveying, LLC
www.riggs-surveying.com
Land Surveyor Corp. #2022002091
1598 Imperial Ctr Ste 2007 (417) 293-0711
West Plains, Missouri 65775 ray@riggs-surveying.com

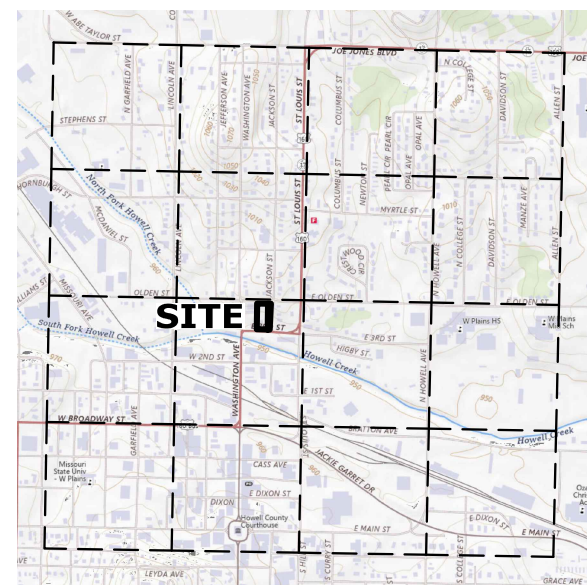
	Boundary Survey for: Richard Silvey Olden's Addition in Pt. NE1/4 SW1/4 Sec. 21 T24N R8W 5th P.M., City of West Plains, Howell County, MO	
	Drawn by: MCW Checked by: RAR Field Book: D/C	Sheet 1 of 1 Job No: R24063
Date: 12/18/2024		

GRID NORTH
MISSOURI CENTRAL ZONE
FROM GPS OBSERVATION
NAD83-2011 (EPOCH 2010.0000)
DISTANCES - GROUND
ACCURACY STANDARD - URBAN

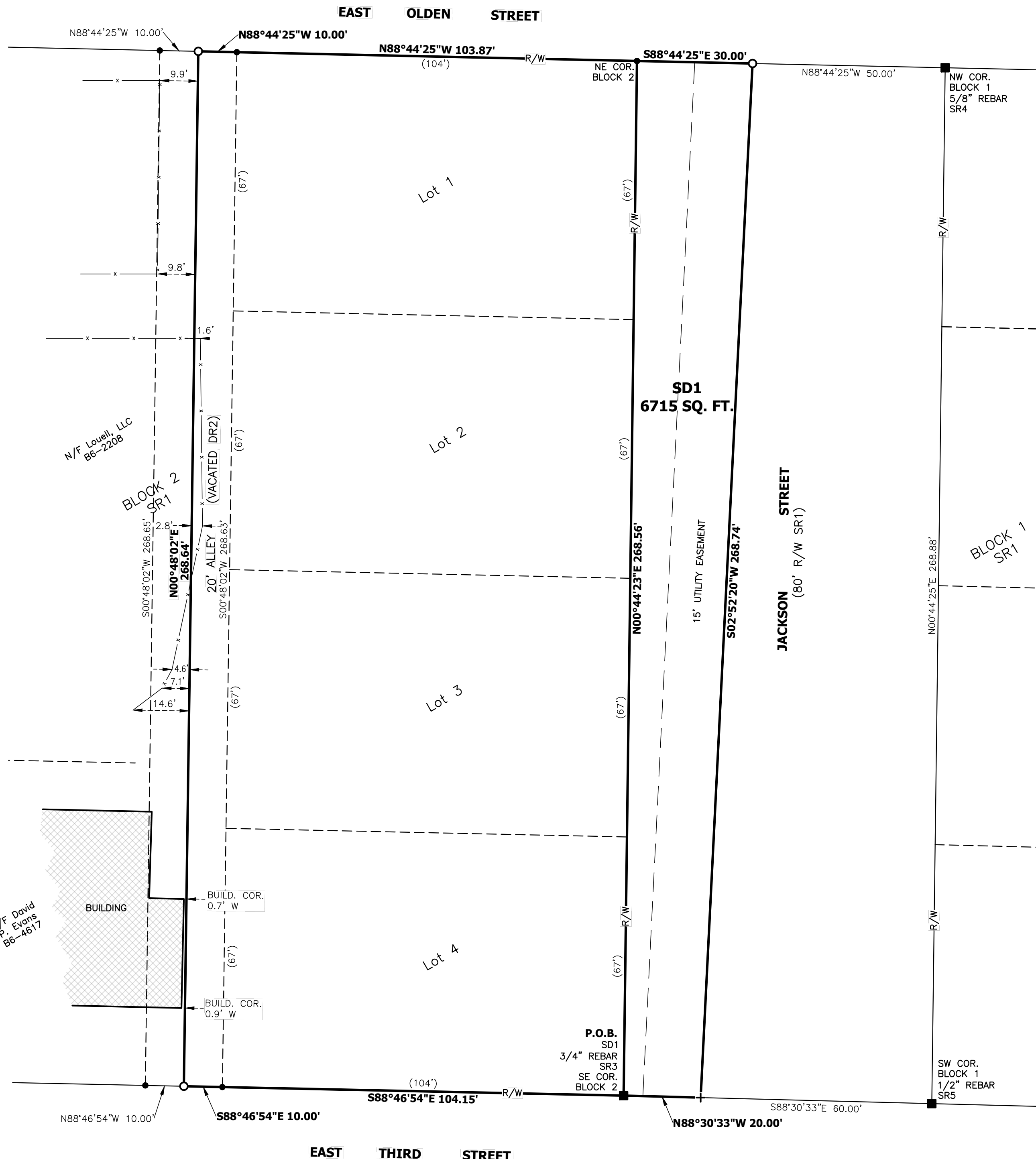


LEGEND

- FOUND MARKER AS NOTED
- SET 1/2" x 18" REBAR WITH PLASTIC I.D. CAP
- SET CROSS CUT IN CONCRETE SIDEWALK
- CALCULATED CORNER POSITION FROM SR3 AND SR4
- SURVEYED BOUNDARY
- - - EASEMENT LINE
- () RECORD INFORMATION
- N/F NOW OR FORMERLY
- R/W RIGHT-OF-WAY



Sec. 21, T24N, R08W, 5th P.M.
City of West Plains
Howell County, Missouri



R:\Ray\2024 Projects\R24063 Silvey Oldens Add HOCCO\CADD Files\Draw\Projects\R24063 Silvey\GRID PLAT 18x24.dwg 12/18/2024 10:39 AM R:\Ray\2023 Projects\R23074 Silvey\Carlson-Prop\R23074 from 01517 GRID.DWG