

**AGENDA ITEM**  
November 1, 2022

Subject: Vacation of Memorial Street in Lakewood Addition

Department: Administration

After the Public Hearing held on October 18, 2022, the Council finds the street vacation request is in the public interest and not restricted to purely private interests.

**Manager Notes:**

- By passing this Ordinance the street will be vacated and no longer be maintained by the city in the future.
- The 60' right-of-way of Memorial Street will be transferred to the abutting property owner.

**BILL NO. 2022-081**

**ORDINANCE NO. \_\_\_\_\_**

**A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, FOLLOWING HEARING, VACATING OF MEMORIAL STREET BETWEEN BLOCKS 2 AND 3 IN LAKEWOOD ADDITION, ADJACENT LOTS 1-4 OF BLOCK 2 AND LOTS 1-4 OF BLOCK 3.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:**

1. Following the public hearing, the city council finds that the requested vacation of the street between Blocks 2 and 3 of Lakewood Addition:
  - a. Is in the public interest – and not restricted to purely private interests, and;
  - b. That no abutting property owner will be denied access to said vacated street by reason of the proposed vacation, i.e. by survey, the complaining landowner is not an ‘abutting’ owner according to the survey and description of applicant’s tract, less exceptions, and
  - c. That no nonabutting property owner has a valid easement of any kind over a portion of the applicant’s property which entitles said complaining owner to access to said street to be vacated, and;
  - d. That no unacceptable expense to the city by reason of a claim for damages by reason of inverse condemnation or other theory of damage by the complaining (allegedly abutting) landowner exists.
2. Now, therefore, the application for street vacation is hereby granted and the negative recommendation of the planning commission is overruled. A copy of this ordinance to which the legal description of the vacated tract is to be attached and is to be recorded in the office of the Recorder for Vernon County, Missouri.

**PASSED, APPROVED, AND ADOPTED**, by the City Council of the City of Nevada, Missouri, this \_\_\_\_\_ day of November 2022.

\_\_\_\_\_  
GEORGE C. KNOX, MAYOR

(seal)

ATTEST:

\_\_\_\_\_  
CYNTHIA DYE, INTERIM CITY CLERK