

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 **not** in the public interest and restricted to purely private interests.

Manager Notes:

- By passing this Ordinance the street will **not be vacated** and if development occurs and the street is constructed the city will be required to maintain the street.
- The 60' right-of-way of Memorial Street will stay in place.

BILL NO. 2022-082

ORDINANCE NO. _____

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, FOLLOWING HEARING, DECLINING TO APPROVE THE APPLICATION FOR VACATION OF MEMORIAL STREET BETWEEN BLOCKS 2 AND 3 IN LAKEWOOD ADDITION.

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

Following public hearing, the city council declines to overrule the Planning Commission's recommendation that Memorial Street between Blocks 2 and 3 of Lakewood Addition not be vacated at this time.

Unresolved issues exist at present which have not been disposed of by declaratory judgment or waiver:

- a. Is vacation in the public interest – or restricted to purely private interests, and;
- b. Is the complaining landowner, an “abutting property owner” who will be denied access to said vacated street by reason of the proposed vacation, i.e. by survey, the complaining landowner may not be an ‘abutting’ owner according to the survey and description of applicant’s tract, less exceptions, and
- c. Does the complaining property owner, if not abutting, have a valid claim to an easement of some kind over a portion of applicant’s property which entitles said complaining owner to access to said street to be vacated (from the lots on the North), and;
- d. Is the city exposed to unacceptable expense by reason of a claim for damages by reason of inverse condemnation or other theory of damage by the complaining (allegedly abutting) landowner?

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