

AN ORDINANCE OF THE NIXA CITY COUNCIL TO VACATE RIGHT-OF-WAY THAT IS GENERALLY LOCATED IN THE VILLAGE OF WOODENBRIDGE AT WICKLOW, WICKLOW SCHOOL (VILLAGE OF CLOVERHILL) AND OLD CASTLE ESTATES PHASE 7

Background:

In 1996 a right-of-Way was established for a North-South road through what would become several Wicklow neighborhoods. As the plans for the Wicklow development changed over time, Old Castle Road emerged as the primary North-South road through the development. However, the original right-of-way for the unnamed and unbuilt road was never vacated.

Analysis:

The vacation of this right-of-way will have no real effect on the properties through which the right-of-way currently exists. As it is now, the right-of-way could appear on title paperwork for transactions involving homes and properties which may cause confusion or delays. It is apparent this road will never be built, so the presence of this right-of-way is decidedly unnecessary.

Planning and Zoning Commission:

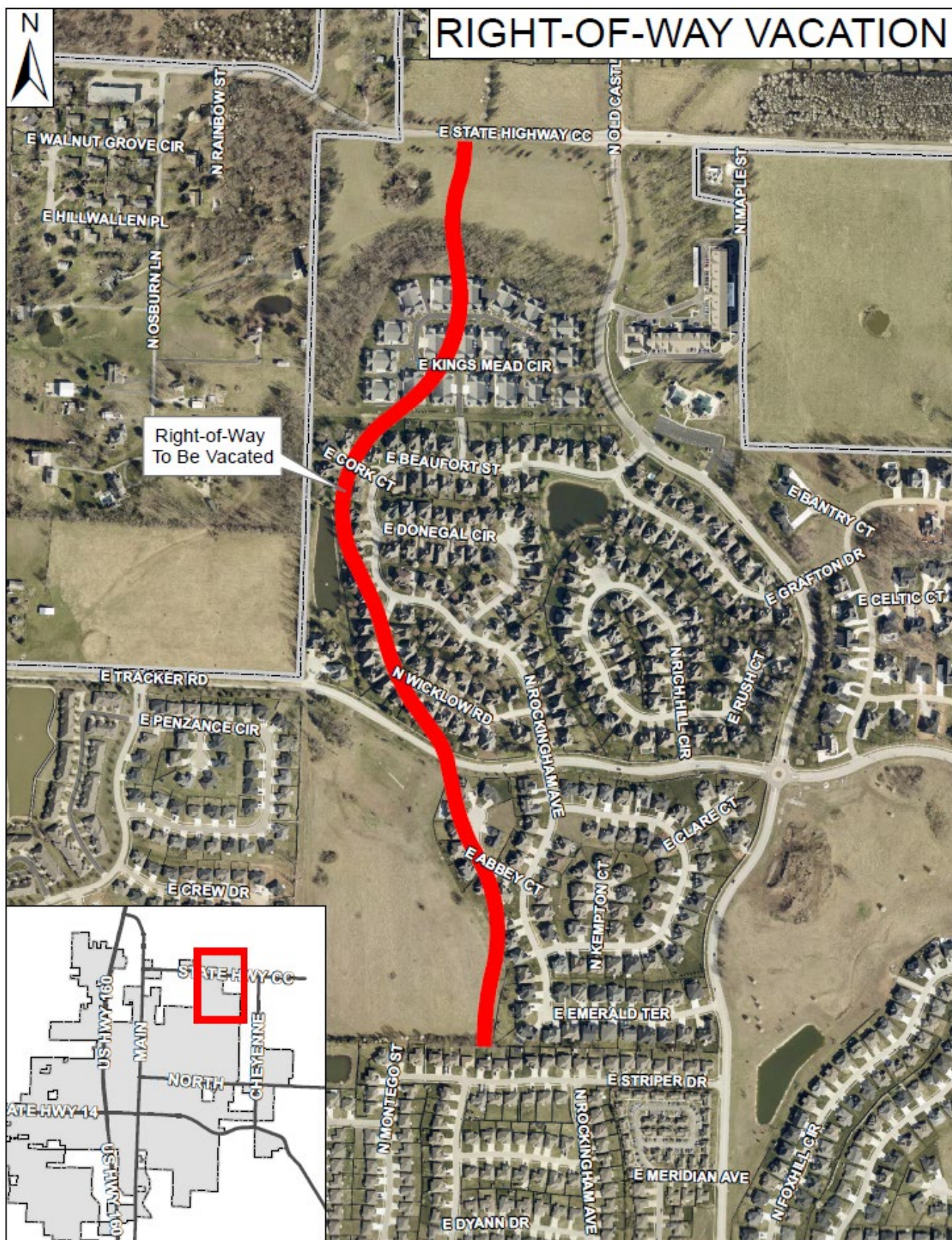
A public hearing for this item was held at the April 2nd Planning and Zoning Commission meeting. One individual approached the commission to inquire if there were other unknown recorded documents that he needed to be worried about. The P&Z Commission voted unanimously (6-0) to approve the agenda item. At the time of the vote, staff thought that P&Z was the final decision on the agenda item. Staff now prefer that the City Council make the final determination on vacating right-of-way.

Recommendation:

Planning staff is in support of vacating this right-of-way and recommends approval.

MEMO SUBMITTED BY:

Scott Godbey | Director of Planning and Development
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1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA VACATING CERTAIN**
2 **RIGHT-OF-WAY WITHIN THE SUBDIVISIONS OF THE VILLAGE OF**
3 **WOODENBRIDGE AT WICKLOW, WICKLOW SCHOOL (VILLAGE OF CLOVERHILL),**
4 **AND OLD CASTLE ESTATES PHASE 7.**

5
6 **WHEREAS** in 1996 a certain right-of-way with a legal description shown on
7 Council Bill Exhibit A, attached hereto, and shown on a map attached hereto as Council
8 Bill Exhibit B, was established for the City to build a North-South road through what would
9 become several Wicklow neighborhoods; and

10
11 **WHEREAS** over the course of time and as the Wicklow development plans
12 changed, that road was not built and will not be built as Old Castle Road has emerged as
13 the primary North-South road through the development; and

14
15 **WHEREAS** the City has taken no action to use the right-of-way for the unbuilt road,
16 but since several homes and improvements have been placed through the area over time,
17 the road will not now need to be built, but the original right-of-way was never vacated;
18 and

19
20 **WHEREAS** the possibility the right-of-way, recorded at Book 310, Page 8971 in
21 the records of the Recorder of Deeds of Christian County, Missouri, could appear in title
22 searches for transactions on properties in that area and cause confusion and delay has
23 led staff to recommend the City vacate this right-of-way; and

24
25 **WHEREAS** the Planning and Zoning Commission considered this matter at their
26 meeting of April 2, 2025, and, after considering the recommendation of staff, the proposal
27 to vacate, and public comment, voted 6-0 to approve vacating this right-of-way; and

28
29 **WHEREAS** the City Council desires to approve vacating the right-of-way as set
30 forth herein and authorize the City Administrator to execute all necessary documents.

31
32 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
33 **NIXA, AS FOLLOWS, THAT:**

34
35 **SECTION 1:** The City Council hereby vacates and relinquishes the right-of-way
36 described on "Council Bill Exhibit A," which is attached hereto and incorporated herein by
37 this reference, and which is located within the subdivisions of the Village of Woodenbridge
38 at Wicklow, Wicklow School (Village of Cloverhill), and Old Castle Estates Phase 7.

39
40 **SECTION 2:** The City Administrator and the officers of the City are hereby
41 authorized to do all things necessary or convenient to carry out the terms and intent of
42 this Ordinance.

43
44 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to
45 affect any suit or proceeding now pending in any court or any rights acquired, or liability

incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby.

SECTION 4: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS 13th DAY OF May 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

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PROPOSED FUTURE ROAD EASEMENT

Commencing at an Existing Bolt, said bolt being the West Quarter Corner of Section 6, T-27 N, R 21 W, in Christian County, Missouri;

Thence S 86°47'08" E a distance of 817.36' to the true Point of Beginning, said point of beginning being on the South R.O.W. line of Missouri State Highway "CC";

Thence S 88°42'37" E a distance of 60.02' along said R.O.W. to a point;

Thence around a curve to the right through a central angle of 12°13'27" an arc distance of 180.33' a chord bearing of S 05°52'50" W a distance of 180.02' to a point;

Thence around a curve to the left through a central angle of 32°42'26" an arc distance of 325.11' a chord bearing of S 03°15'55" W a distance of 320.72' to a point;

Thence S 07°13'17" E a distance of 131.64' to a point;

Thence around a curve to the right through a central angle of 58°40'22" an arc distance of 627.84' a chord bearing of S 22°36'24" W a distance of 600.57' to a point;

Thence S 50°34'38" W a distance of 128.32' to a point;

Thence around a curve to the left through a central angle of 78°14'26" an arc distance of 640.21' a chord bearing of S 12°10'10" W a distance of 591.61' to a point;

Thence S 25°51'00" E a distance of 146.69' to a point;

Thence around a curve to the right through a central angle of 12°17'36" an arc distance of 190.01' a chord bearing of S 19°56'26" E a distance of 189.64' to a point;

Thence around a curve to the left through a central angle of 18°57'58" an arc distance of 324.54' a chord bearing of S 22°27'25" E a distance of 323.06' to a point;

Thence S 36°02'45" E a distance of 170.16' to a point;

Thence around a curve to the right through a central angle of 21°01'48" an arc distance of 148.22' a chord bearing of S 25°08'37" E a distance of 147.39' to a point;

Thence S 11°56'28" E a distance of 185.04' to a point;

Thence around a curve to the left through a central angle of 14°33'52" an arc distance of 200.52' a chord bearing of S 20°59'16" E a distance of 199.98' to a point;

Thence around a curve to the right through a central angle of 46°38'00" an arc distance of 583.49' a chord bearing of S 09°31'35" E a distance of 567.52' to a point;

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Thence around a curve to the left through a central angle of $13^{\circ}43'54''$ on arc distance of 322.58' a chord bearing of $S 06^{\circ}08'17'' W$ a distance of 321.81' to a point, said point being on the North Line of the proposed Park Subdivision;

Thence $N 88^{\circ}42'35'' W$ a distance of 60.04' along North Line of Proposed Park Subdivision to a point;

Thence around a curve to the right through a central angle of $13^{\circ}39'44''$ on arc distance of 335.20' a chord bearing of $N 08^{\circ}09'27'' E$ distance of 334.46' to a point;

Thence around a curve to the left through a central angle of $46^{\circ}52'13''$ on arc distance of 537.37' a chord bearing of $N 08^{\circ}36'31'' W$ a distance of 522.52' to a point;

Thence around a curve to the right through a central angle of $14^{\circ}47'46''$ on arc distance of 219.20' a chord bearing of $N 21^{\circ}02'24'' W$ a distance of 218.60' to a point;

Thence $N 11^{\circ}56'28'' W$ a distance of 184.48' to a point;

Thence around a curve to the left through a central angle of $20^{\circ}46'21''$ on arc distance of 124.65' a chord bearing of $N 25^{\circ}44'24'' W$ a distance of 123.97' to a point;

Thence $N 36^{\circ}02'45'' W$ a distance of 172.07' to a point;

Thence around a curve to the right through a central angle of $19^{\circ}03'43''$ on arc distance of 348.14' a chord bearing of $N 22^{\circ}31'45'' W$ a distance of 344.59' to a point;

Thence around a curve to the left through a central angle of $12^{\circ}16'23''$ on arc distance of 178.84' a chord bearing of $N 19^{\circ}57'33'' W$ a distance of 176.50' to a point;

Thence $N 25^{\circ}51'00'' W$ a distance of 146.24' to a point;

Thence around a curve to the right through a central angle of $76^{\circ}08'05''$ on arc distance of 721.16' a chord bearing of $N 12^{\circ}12'51'' E$ a distance of 586.57' to a point;

Thence $N 50^{\circ}34'38'' E$ a distance of 128.59' to a point;

Thence around a curve to the left through a central angle of $55^{\circ}43'08''$ on arc distance of 566.64' a chord bearing of $N 22^{\circ}38'21'' E$ a distance of 542.17' to a point;

Thence $N 07^{\circ}13'17'' W$ a distance of 128.37' to a point;

Thence around a curve to the right through a central angle of $32^{\circ}02'23''$ on arc distance of 392.03' a chord bearing of $N 03^{\circ}13'07'' S E$ a distance of 347.46' to a point;

Thence around a curve to the left through a central angle of $12^{\circ}02'24''$ on arc distance of 145.31' a chord bearing of $N 05^{\circ}39'23'' E$ a distance of 145.04' to the True Point of Beginning, containing 250,383.3 sq. ft. of 5.9 acres more or less.



RIGHT-OF-WAY VACATION

COUNCIL BILL EXHIBIT A

Right-of-Way
To Be Vacated

