

## **AN ORDINANCE OF THE NIXA CITY COUNCIL TO VACATE RIGHT-OF-WAY ASSOCIATED WITH NORTH CYNTHIA DRIVE SOUTH OF WEST KATHRYN STREET**

### **Background:**

The subject Right-of-Way was established in Christian County in March of 1973 and annexed into the City of Nixa along with the surrounding properties in August of 1985.

### **Analysis:**

Cynthia Drive is a dead-end road that serves as rear and side access to several properties. The current center line of Cynthia Drive would become the property boundary line effecting 4 properties gaining the approximate acreage below from the vacated ROW:

1094 W Kathryn adds .27 Acres

1010 N Cynthia adds .08 Acres

1005 N Gerald adds .06 Acres

1003 N Gerald adds .13 Acres

While public road access would be abandoned, a shared access easement for the effected properties will be required off Kathryn Street to allow for continued access to parking areas. Utility easements for existing utilities will be retained or corrected by the new plat. All property owners affected by abandoning the row will be required to sign the plat prior to recording. Current building setbacks would apply to the new property line.

### **Planning and Zoning Commission:**

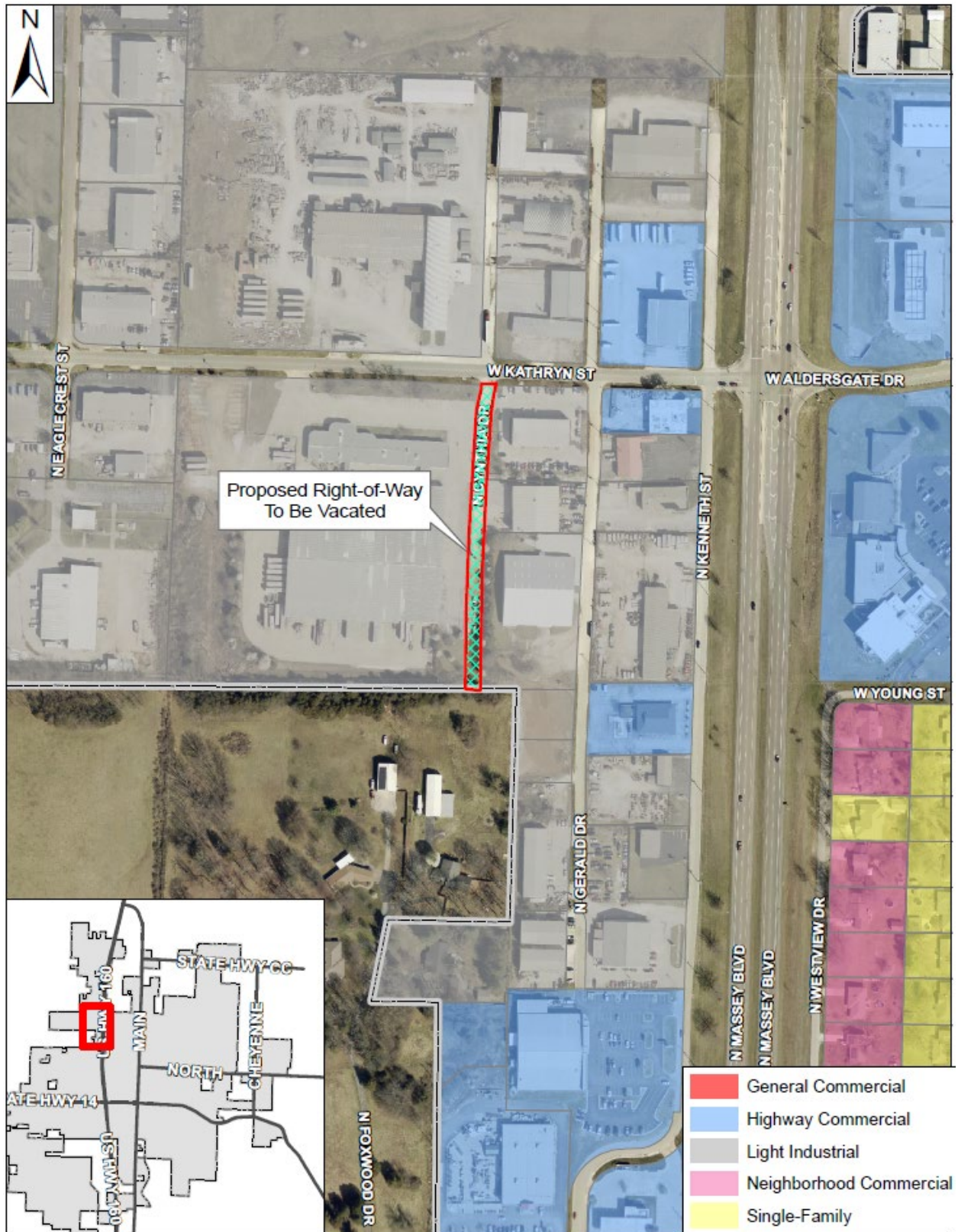
A public hearing for this item was held at the June 3<sup>rd</sup> Planning and Zoning Commission meeting. Nobody approached the commission to speak on this matter. The P&Z Commission voted unanimously (6-0) to recommend approval to City Council.

**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  
sgodbey@nixa.com | 417-725-5850



**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA VACATING CERTAIN  
RIGHT-OF-WAY ASSOCIATED WITH NORTH CYNTHIA DRIVE.**

**WHEREAS** in 1985 the City annexed certain right-of-way with a legal description shown on Council Bill Exhibit A; and

**WHEREAS** the subject right-of-way, known as Cynthia Drive, is a dead road that serves as rear and side access to several properties; and

**WHEREAS** the Planning and Zoning Commission considered this matter at their meeting of June 3, 2025, and, after considering the recommendation of staff, the proposal to vacate, and public comment, voted 6-0 to approve vacating this right-of-way; and

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

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

**SECTION 1:** The City Council hereby vacates and relinquishes the right-of-way described on "Council Bill Exhibit A," which is attached hereto and incorporated herein by this reference.

**SECTION 2:** The City Administrator and the officers of the City are hereby authorized to do all things necessary or convenient to carry out the terms and intent of this Ordinance. However, this vacation shall not be effective, and this Ordinance shall not be recorded until adequate replacement easements have been secured to establish City improvements and infrastructure in the vacated area, to the satisfaction of the City Administrator.

**SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to 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 24th DAY OF June 2025.

ATTEST:

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**Cynthia Drive Vacation Legal Description**

ALL OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 27 NORTH, RANGE 22 WEST,  
CHRISTIAN COUNTY, MISSOURI, AND A PORTION OF THE SOUTHWEST  
QUARTER OF

THE NORTHEAST QUARTER, OF SECTION 11, TOWNSHIP 27 NORTH, RANGE 22  
WEST, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY  
DESCRIBED

AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER  
OF THE

NORTHWEST QUARTER OF SECTION 11; THENCE SOUTH  $89^{\circ}52'49''$  EAST ALONG  
THE EAST-WEST QUARTER SECTION LINE SAID SECTION 11 A DISTANCE OF  
3328.45 FEET TO THE POINT OF BEGINNING OF THE PORTION HEREIN BEING  
DESCRIBED; THENCE NORTH  $1^{\circ}37'57''$  EAST ALONG THE WEST LINE OF NORTH  
CYNTHIA DRIVE A DISTANCE OF 658.50 FEET; THENCE NORTH  $89^{\circ}54'39''$  EAST  
ALONG THE SOUTH LINE OF WEST KATHRYN STREET A DISTANCE OF 15.01  
FEET;

THENCE SOUTH  $1^{\circ}37'57''$  WEST ALONG THE CENTERLINE OF NORTH CYNTHIA  
DRIVE A DISTANCE OF 658.56 FEET; THENCE NORTH  $89^{\circ}52'49''$  WEST ALONG  
SAID

EAST-WEST QUARTER SECTION LINE A DISTANCE OF 15.01 FEET TO THE POINT  
OF

BEGINNING OF THE PORTION HEREIN DESCRIBED.