

AN ORDINANCE OF THE NIXA CITY COUNCIL TO VACATE RIGHT-OF-WAY ASSOCIATED WITH NORTH CYNTHIA DRIVE SOUTH OF WEST TRACKER ROAD

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:

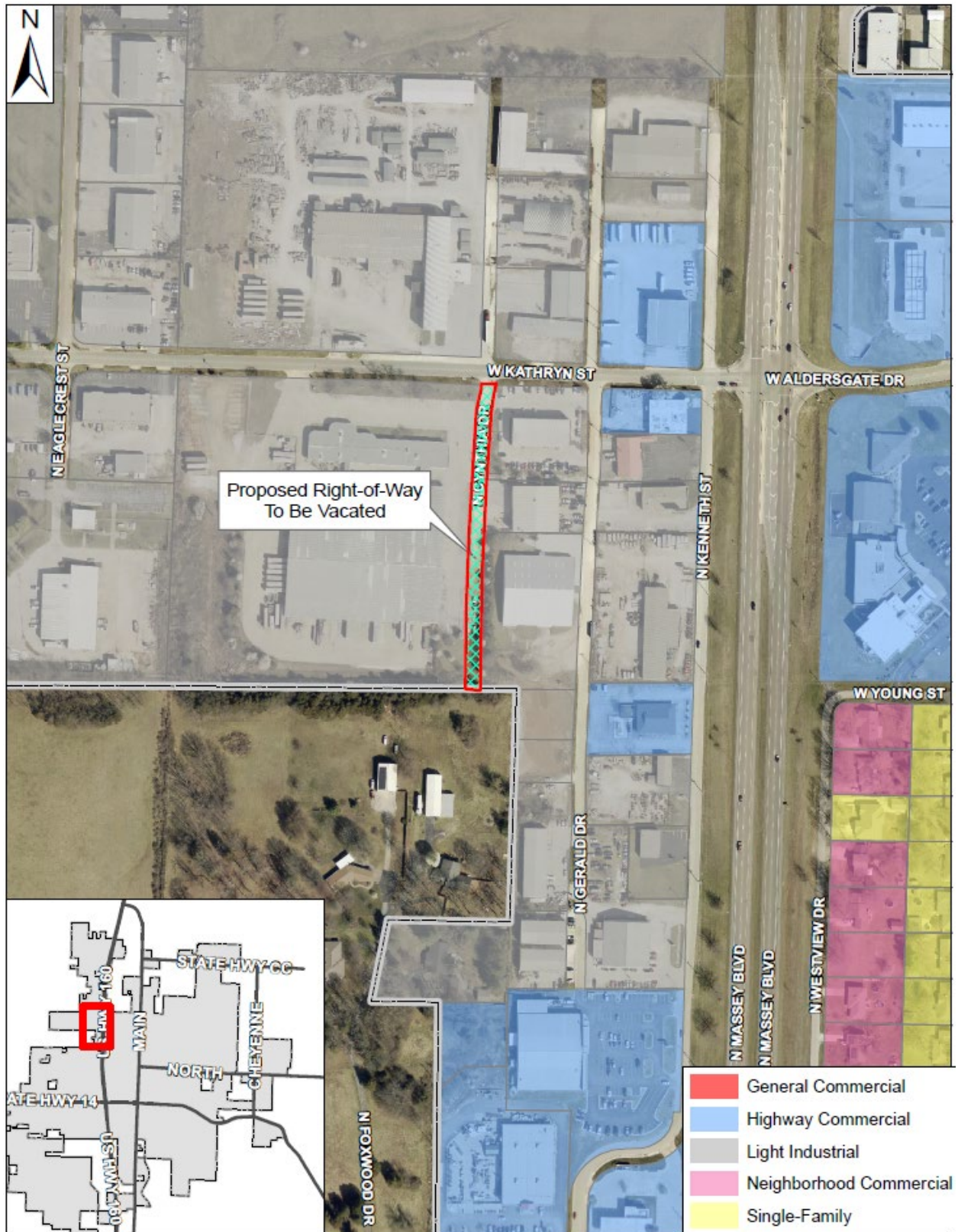
A public hearing for this item was held at the June 3rd Planning and Zoning Commission meeting. Nobody approached the commission to speak on this matter. The P&Z Commission voted unanimously (6-0) to recommend approval to City Council.

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 AND WEST TRACKER ROAD.

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 _____ DAY OF _____ 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.

REPLAT OF LOTS 1 AND 2 OF THE FINAL PLAT OF EOFF AND ASSOCIATES, PLAT BOOK H, PAGE 725
AND REPLAT OF LOTS 7, 8 AND 9 OF NORTHVIEW INDUSTRIAL PARK SECOND AMENDED PLAT
PLAT BOOK E, PAGE 26

BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST QUARTER 1/4 OF SECTION 11, TOWNSHIP 27 NORTH
RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI.

FOR RECORDER'S USE ONLY

DEED BOOK 158, PAGE 702

DESCRIPTION OF TRACT 1

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
NORTHEAST QUARTER OF SECTION 11; THENCE SOUTH 89°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°37'57" EAST ALONG THE WEST LINE OF NORTH
CYNTHIA DRIVE A DISTANCE OF 658.50 FEET; THENCE NORTH 89°54'39" EAST
ALONG THE SOUTH LINE OF WEST KATHRYN STREET A DISTANCE OF 15.01 FEET;
THENCE SOUTH 1°37'57" WEST ALONG THE CENTERLINE OF NORTH CYNTHIA
DRIVE A DISTANCE OF 658.56 FEET; THENCE NORTH 89°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.

EXECUTION OF PLAT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE HAVE CAUSED THIS PLAT
TO BE SURVEYED, DIVIDED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED
AS PRESENTED ON THIS PLAT.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS
____ DAY OF _____, 2025.

CARNAHAN INVESTMENTS ENTERPRISE INC.

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

ON THIS _____ DAY OF _____, 2025 BEFORE ME
APPEARED _____ TO ME KNOWN TO BE THE
PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED THAT THEY HAVE EXECUTED THE SAME AS THEIR FREE ACT AND
WILL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT MY OFFICE IN _____ COUNTY, MISSOURI, THE DAY AND YEAR FIRST
WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

DEED BOOK 2010, PAGE 6307

DESCRIPTION

ALL OF LOT 1 OF THE FINAL PLAT OF EOFF AND ASSOCIATES BEING A REPLAT OF
LOTS 10, 11 AND 12 OF NORTHVIEW INDUSTRIAL PARK SECOND AMENDED PLAT
ACCORDING TO THE PLAT FILED FOR RECORD IN BOOK H, PAGE 725 CHRISTIAN
COUNTY RECORDER'S OFFICE.

EXECUTION OF PLAT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE
SURVEYED, DIVIDED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED AS
PRESENTED ON THIS PLAT.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS
____ DAY OF _____, 2025.

STEVEN LEE FORSON

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

ON THIS _____ DAY OF _____, 2025 BEFORE ME
APPEARED STEVEN LEE FORSON TO ME KNOWN TO BE THE PERSON DESCRIBED IN
AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT
THEY HAVE EXECUTED THE SAME AS THEIR FREE ACT AND WILL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT MY OFFICE IN _____ COUNTY, MISSOURI, THE DAY AND YEAR FIRST
WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

DEED BOOK 2015, PAGE 3415

DESCRIPTION

ALL OF LOT 2 OF THE FINAL PLAT OF EOFF AND ASSOCIATES BEING A REPLAT OF
LOTS 10, 11 AND 12 OF NORTHVIEW INDUSTRIAL PARK SECOND AMENDED PLAT
ACCORDING TO THE PLAT FILED FOR RECORD IN BOOK H, PAGE 725 CHRISTIAN
COUNTY RECORDER'S OFFICE.

EXECUTION OF PLAT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE
SURVEYED, DIVIDED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED AS
PRESENTED ON THIS PLAT.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS
____ DAY OF _____, 2025.

MO CLC PROPERTIES LLC

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

ON THIS _____ DAY OF _____, 2025 BEFORE ME
APPEARED _____ TO ME KNOWN TO BE THE
PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED THAT THEY HAVE EXECUTED THE SAME AS THEIR FREE ACT AND
WILL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT MY OFFICE IN _____ COUNTY, MISSOURI, THE DAY AND YEAR FIRST
WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

DEED BOOK 177, PAGE 851

DESCRIPTION

ALL OF LOTS 7, 8 AND 9 OF NORTHVIEW INDUSTRIAL PARK SECOND AMENDED
PLAT ACCORDING TO THE PLAT FILED FOR RECORD IN BOOK E, PAGE 26
CHRISTIAN COUNTY RECORDER'S OFFICE.

EXECUTION OF PLAT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE
SURVEYED, DIVIDED, MAPPED, DEDICATED AND ACCESS RIGHTS RESERVED AS
PRESENTED ON THIS PLAT.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS
____ DAY OF _____, 2025.

WALTER FORESTER

CHRISTINE FORESTER

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CHRISTIAN)

ON THIS _____ DAY OF _____, 2025 BEFORE ME
APPEARED WALTER & CHRISTINE FORESTER TO ME KNOWN TO BE THE PERSONS
DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED THAT THEY HAVE EXECUTED THE SAME AS THEIR FREE ACT AND
WILL.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT MY OFFICE IN _____ COUNTY, MISSOURI, THE DAY AND YEAR FIRST
WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

COLLECTOR'S STATEMENT

I, TED NICHOLS, COLLECTOR OF REVENUE FOR CHRISTIAN COUNTY
MISSOURI, DO HEREBY CERTIFY THAT ALL TAXES HAVE BEEN PAID
FOR THE TAX YEAR 2022 ON THE PARCEL IDENTIFIED IN THE
ASSESSOR'S OFFICE OF CHRISTIAN COUNTY, MISSOURI AND
IDENTIFIED AS PARCEL NO. 10-0-1-11-000-000-01.000.
NO. 10-0-1-11-000-000-015.000, NO. 10-0-1-11-000-000-014.000
AND NO. 10-0-1-11-000-000-013.000.

TED NICHOLS,
COLLECTOR OF REVENUE

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT
DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY
CHANGE IN EXISTING PUBLIC STREETS, THAT THE SUBDIVISION SHOWN IS
IN ALL RESPECTS IN COMPLIANCE WITH SUBPART B OF THE NIXA CITY CODE,
AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE CITY OF NIXA
PLANNING AND ZONING COMMISSION, SUBJECT TO IT BEING RECORDED IN THE
CHRISTIAN COUNTY REGISTRY WITHIN 60 DAYS OF THE DATE BELOW.

DATE

MUNICIPAL PLANNER

GUNTER AND ASSOCIATES, INC.
LAND SURVEYORS

P.O. BOX #1218 NIXA, MISSOURI 65714 PH. (417)725-2229 email: guntersurveying@gmail.com

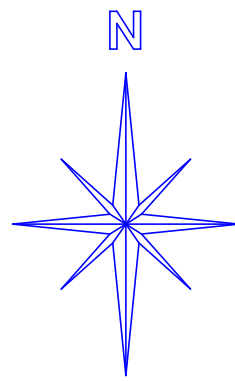
SCALE: 1" = 40' CLASS OF SURVEY ACCURACY (URBAN) DRAWN BY: M.E.G.

DATE: 05/20/25 F.BK. DC @ PG. 5685

PREPARED FOR: CARNAHAN INVESTMENTS ENTERPRISE INC. JOB #

STEVEN LEE FORSON, MO CLC PROPERTIES LLC 5685

WALTER & CHRISTINE FORESTER

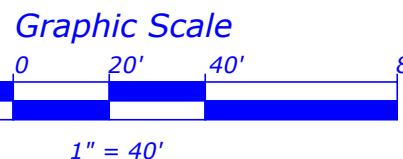


BASIS FOR BEARINGS ARE
GRID NORTH MISSOURI
COORDINATE SYSTEM OF 1983
CENTRAL ZONE, DETERMINED
BY GPS OBSERVATION.

CARNAHAN INVESTMENTS
ENTERPRISES INC
D.B. 158, PG. 702
SW 1/4 - SW 1/4 - NE 1/4
SECTION 11, TOWNSHIP 27 NORTH
RANGE 22 WEST

COMMERCIAL
BUILDING

COMMERCIAL
BUILDING

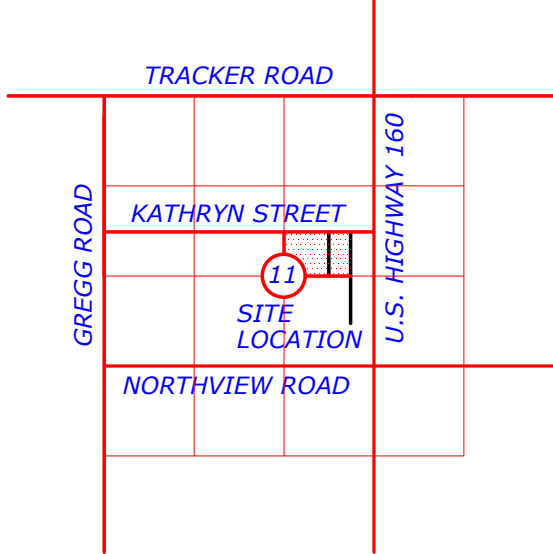


POINT OF COMMENCEMENT
SOUTHWEST CORNER - NW QUARTER
SEC. 11, TWP. 27N, RNG. 22W

POINT OF BEGINNING
TRACT 1

LEGEND

- = PROPERTY BOUNDARY LINE
- - - = WIRE FENCE LINE
- - - GAS = GAS LINE
- - - EE = UNDERGROUND ELECTRIC LINE
- - - H2O = WATER LINE
- - - SS = SANITARY SEWER LINE
- - - ATT = COMMUNICATION
- ⊙ = SANITARY MANHOLE
- ▲ = WATER VALVE
- ◆ = FOUND COPPERWELD
- = FOUND 5/8" REBAR (UNLESS NOTED)
- = SET 1/2" X 18" REBAR
- x = CROSS CUT IN CONCRETE
- (M) = DENOTES MEASURED DIMENSION
- (P) = DENOTES RECORD PLAT DIMENSION



SECTION 11, TWP. 27N, RNG. 22W
SITE LOCATION MAP
(NOT TO SCALE)

MARK E. GUNTER
MISSOURI PLS NO. 2427
CORP. NO. 2006035379

DATE