CITY OF JOPLIN CITY COUNCIL AGENDA ITEM

REQUESTED SPECIAL COUNCIL MEETING DATE: August 15, 2016
ITEM: Council Bill No. 2016-006 approving, affirming and ratifying the vacation of an alley originally vacated by Ordinance No. 21202 on March 6, 1951 by the City Council.

ORIGINATING DEPARTMENT: Legal
ATTACHMENTS: Council Bill No. 2016-006; Exhibit "A": Alley Vacation document.

DEPARTMENT HEAD: Peter C. Edwards
CITY MANAGER: Samuel L. Anselm
PLANNING & ZONING: Troy Bolander

INTRODUCTION:

This Council Bill approves, affirms and ratifies the vacation of an alley originally vacated by Ordinance No. 21202 back on March 6, 1951 by the City Council in anticipation of a contract between The Safeway Stores, Inc., and the City of Joplin.

DISCUSSION:

On or about the 6th day of March, 1951, the City of Joplin passed Ordinance No. 21202. The Ordinance vacated the alley running north and south between Main and Joplin Streets from 25th to 26th Street. The alley vacation was made in conjunction with Safeway Stores purchasing the property and constructing a building affecting by the alley. The Ordinance required Safeway Stores to meets certain conditions; (a) enter into an indemnification agreement with the city. The indemnification agreement was executed on April 2, 1951.

On the title commitment that was issued related to the proposed sale of the real estate from the JRC to Braum's, the question and exception was listed on the commitment about whether this condition (the indemnification agreement) was satisfied. In order to clear this exception from the title policy, the title company has requested that the current City Council pass an ordinance that makes the clarification that the condition was met by Safeway Stores, and as a result, the alley vacation was effectively made.

RECOMMENDATION:

Staff recommends that this Council Bill be placed on First Reading.

PCE
attachments

COUNCIL BILL NO. 2016-006 ORDINANCE NO.

AN ORDINANCE approving, affirming and ratifying the vacation of an alley that was originally vacated by Ordinance No. 21202 on March 6, 1951, by the City Council.

WHEREAS, on March 6, 1951, the Joplin City Council passed Ordinance No. 21202 that vacated, conveyed, and relinquished all of the North and South alley between Main and Joplin Streets, from 25th Street to 26th Street, in O'Keefe's Second Addition to the City of Joplin, Jasper County, Missouri, in anticipation of a certain contract between the Safeway Stores, Inc., and the City of Joplin; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That vacation, conveyance and relinquishment of the alley originally vacated by Ordinance No. 21202 passed by the City Council on March 6, 1951, be, and hereby is, approved, affirmed, and ratified.

Section 2. That the City Manager is hereby authorized to execute the Alley Vacation document, attached hereto, by and on behalf of the City of Joplin, Missouri, and to record same in the Office of the Jasper County Recorder of Deeds.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2016, by a vote of _____.

_____
Michael L. Seibert, Mayor

ATTEST:

_____
Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards, City Attorney

ALLEY VACATION

Whereas, Grantor, City of Joplin, Missouri, by a certain Ordinance No. 21202, dated on the 6th day of March, 1951 in consideration of the conditions contained in the instruments being satisfied, the City of Joplin hereby affirms the vacation of the alley in the following described property, to-wit:

(Re: vacated alley tract in Joplin, Jasper County, Missouri)

"Commencing at the Northeast corner of Lot numbered Eighteen (18) in O'Keefe's Second Addition to the City of Joplin Jasper County, Missouri, thence South along the East side of Lots Eighteen (18); Nineteen (19); Twenty (20), Twenty-One (21); Twenty-two (22) and Twenty-three (23) to the Southeast corner of Lot Twenty-three (23) in said O'Keefe's Second Addition to the City of Joplin, thence East to Southwest corner of Lot numbered One Hundred Sixty-two (162) in O'Keefe's Second Addition to the City of Joplin, Missouri, and thence North along the West side of Lots numbered One Hundred Sixty-two (162); One Hundred Sixty-three (163); One Hundred Sixty-four (164); One Hundred Sixty-five (165); One Hundred Sixty-Six (166) and One Hundred Sixty-seven (167) located in O'Keefe's Second Addition of Joplin, Missouri, to the Northwest corner of said lot numbered One Hundred Sixty-Seven (167) in said O'Keefe's Second Addition, and thence West to the point of beginning."

WHEREFORE, the conditions of Section 2 and 4 of Ordinance 21202 are deemed satisfied, and the City Council affirms and ratifies that this alley vacation described in Ordinance 21202 and the City's vacation, conveyance and relinquishment of the alley described therein, and above, is affirmed.

IN WITNESS WHEREOF, these presents are hereby duly executed this _____ day of _____, 2016.

ATTEST:

By: _____
Barbara Gollhofer,
Assistant City Clerk

CITY OF JOPLIN, MISSOURI (Grantor)

By: _____
Samuel L. Anselm,
City Manager

STATE OF MISSOURI)
) ss:
COUNTY OF JASPER)

On this _____ day of _____, 2016, before me personally appeared Samuel L. Anselm, to me personally known, who being by me duly sworn, did say that he is the City Manager of the City of Joplin, Missouri, a Missouri Municipal Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and said Samuel L. Anselm acknowledged said instrument to be the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _____, Missouri, the day and year first above written.

_____
Notary Public

My commission expires:

_____