



Board of Aldermen Request for Action

MEETING DATE: 7/21/2026

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3122-26, Vacating a street Right-of-Way - 1st Reading

REQUESTED BOARD ACTION

A motion to approve Bill No. 3122-26 vacating and discontinuing a portion of a public street. 1st reading by title only.

SUMMARY

The ordinance would vacate an undeveloped street right-of way located through the middle of a parcel north of 132nd Street.

BACKGROUND

The applicant has petitioned to vacate an undeveloped street right of way contained in a deed from the 1950's. The right-of-way was never developed, but it is still a cloud on the title of the land and is not intended for use. In fact, the city was completely unaware of the existence of the right-of-way and has no plans that would ever need the right of way. Notices were sent to the property owners to the north and south prior to a public hearing at the July 14, 2026, Planning Commission hearing. Following no comments, the Commission recommended vacating the right-of-way.

PREVIOUS ACTION

The right-of way was contained in a deed to Clay County Highways from the 1950's but never used.

POLICY ISSUE

Allows full use and development of land and removes the cloud on title.

FINANCIAL CONSIDERATIONS

None

ATTACHMENTS

- | | |
|---|-----------------------------------|
| ☒ Ordinance | ☐ Contract |
| ☐ Resolution | ☐ Plans |
| ☒ Staff Report | ☐ Minutes |
| ☐ Other: Planning and Zoning meeting is available for viewing online | |

BILL NO. 3122-26

ORDINANCE NO. 331X-26

**AN ORDINANCE OF THE CITY OF SMITHVILLE, MISSOURI, VACATING
AND DISCONTINUING A PORTION OF A PUBLIC STREET**

WHEREAS, a request to vacate an undeveloped street right-of-way, dedicated by a deed was submitted by the property owner of the property involved; and

WHEREAS, Public Notice of a Public Hearing concerning the petition to vacate the undeveloped street was published and the Planning and Zoning Commission conducted the hearing at its July 14, 2026 meeting; and,

WHEREAS, with no public comment or objection, the Commission voted to recommend the Board of Aldermen vacate the undeveloped right-of way;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF SMITHVILLE, MISSOURI, AS FOLLOWS:**

Section 1. The Board of Aldermen of the City of Smithville, hereby declares it necessary, reasonable and proper to discontinue as a right-of-way for a public street and forever vacate the street located within the following legal description in said City:

North line of the Southwest Quarter of the Northwest Quarter of Section 11,
T52N, R33W, 3251.98 feet West of the East line of said Section, thence
West along said North line 30 feet; thence South 1139.00 feet thence
East 30 feet: thence North 1139.00 feet to the point of Beginning, said
tract containing 0.78 acres

Section 2. The statutory right of reversion in the owners of the abutting property is hereby confirmed, as is provided by the laws of the State of Missouri.

Section 4. This ordinance shall take effect and be in full force from and after the approval.

PASSED THIS 4TH DAY OF AUGUST, 2026

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 07/21/2026

Second Reading: 08/04/2026

Date:	July 15, 2026
Prepared By:	Jack Hendrix, Development Director
Subject:	Street Vacation near 132 nd St.

The property owner submitted an application to vacate an undeveloped street right-of-way that cut through its' property. There were no objections to such vacation. At the Planning Commission meeting, the original owner of the property stated that he recalls the creation of the right-of-way by Clay County years ago and that it was created in error at the time, but nothing was done to remove it from the title of the property. The location of the right-of-way and property are shown below:

