# MEMORANDUM

## **Missouri Department of Transportation**

 **Right of Way**

 **Southwest District**

**TO:** Mendy Sundermeyer

 Right of Way Liaison

**FROM:** Steve Shelton

 SW District Right of Way Manager

**DATE:**

**SUBJECT:** ADA sidewalk improvements - Project J7S3147

 Newton County, Route J – Diamond, MO

This memo is intended to summarize the current ownership findings for a segment of public street right of way for **Route J aka Market Street between Route 59 aka Washington Street and Bobbie Smith Street in Diamond, MO**. A search of known MoDOT records was done and there was no documentation found indicating any conveyances to MoDOT or MHTC for this location. There was no record of right of way plans found in our files for this specific area. A maintenance agreement between MoDOT and City of Diamond was not found but it is apparent though that MoDOT has maintained the driving surface for several decades. A letter dated March 23, 1977 was found in our files from the Southwest District Engineer, Joseph Mickes, inferring MoDOT has 50 feet of ROW for the section of Route J between the old railroad tracks and at that time Route 71 (now known as Route 59). It appears the purpose of this letter was to clarify how much ROW would be maintained for this portion of Route J going through Diamond. Per this letter MoDOT was maintaining 22 feet of ROW and would now maintain 50 feet of ROW. No other evidence of ownership for this ROW has been uncovered that would support this letter’s implication of MoDOT owning the ROW for this section of Route J.

A search of the Newton County Records at the courthouse did not reveal any transfers of ownership to MoDOT from either the City of Diamond or private property owners. The streets at this location were platted in May of 1906 as part of McCrakens Addition, as part of Klumps Addition in April of 1892, as part of Caraways Addition in March of 1902 and as part of Diamond Original Town, with date not confirmed. These streets have continued to maintain the same rights of way until present. MoDOT did not come into existence until March of 1913.

Based on the research done, it is our determination that this segment of Route J right of way was platted as Market Street to the City of Diamond, MO and that there has not been any transfer of ownership of said street/route since that time. **Based on these findings, the ownership of this section of right of way would be The City of Diamond.** However, it is acknowledged that MoDOT at some date in the past has taken on the responsibility of maintaining the driving surface of roadway.

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Steve Shelton - Southwest District ROW Manager