

Exhibits for the Petition to Vacate a Portion of Holder Road - Hearing

Exhibit 1

Highway N & 14 to Highway ZZ via Holder Road = 4 minutes

Highway N & 14 to Highway ZZ intersection with Highway 14 = 7 minutes

7 minutes – 4 minutes = 3 minutes

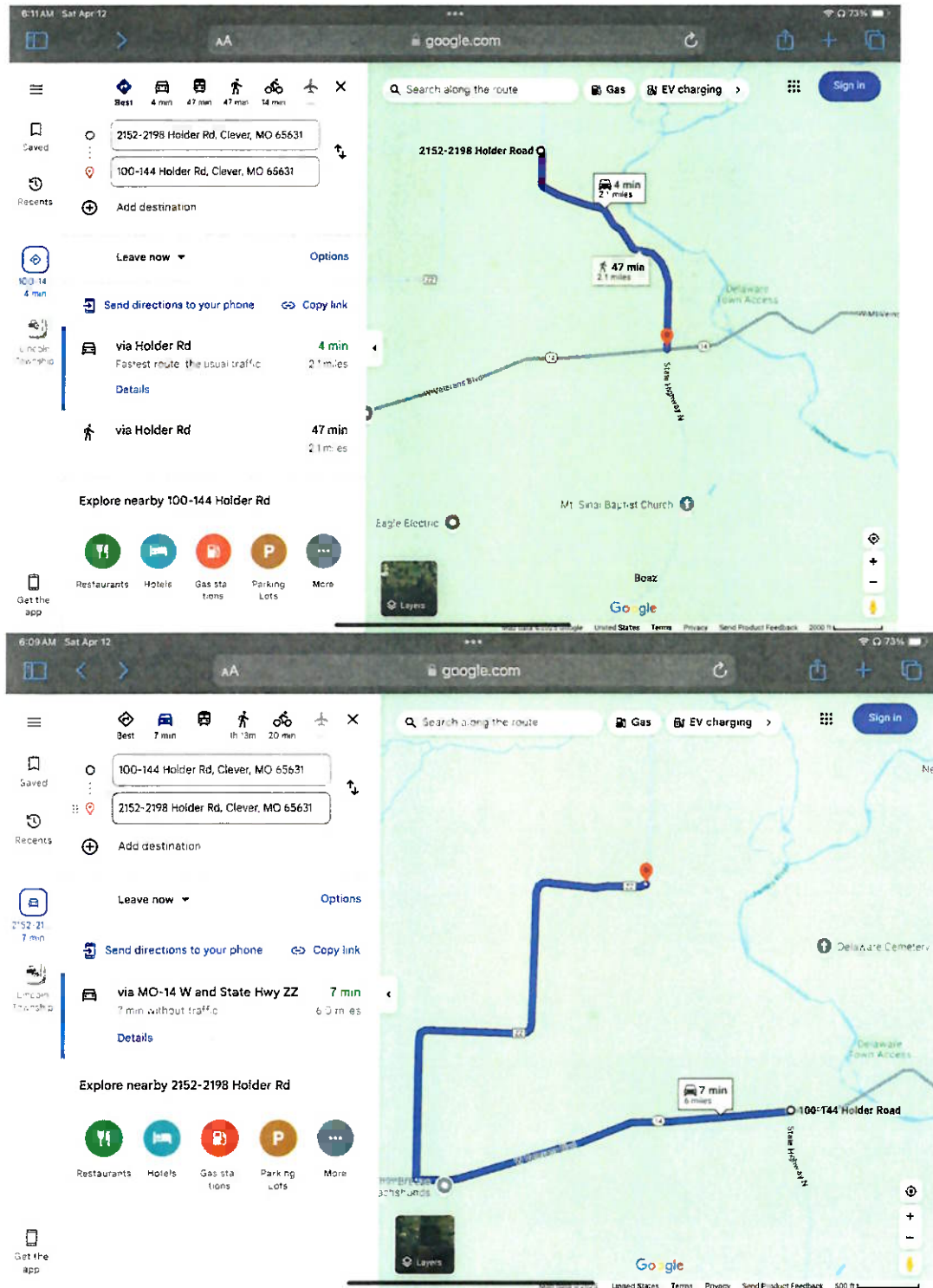


Exhibit 2

Road classifications for Christian County are given on the Christian County website.¹

2. **Primary Arterial**

Arterials are primarily intended to provide for movement of high volume, moderate to high speed traffic through a community and to major activity nodes. For most arterials, access to abutting property is subordinate to traffic movement. Direct access to abutting property should be allowed only if the traffic-carrying capacity of the arterial is not diminished. (Example: MO Highway 14)

3. **Secondary Arterial**

A major street in the street system that serves as an avenue for the circulation of traffic onto, out or around the County and carries high volumes of traffic. Secondary arterials compliment the primary arterial system and are intended to move moderate volume, moderate speed traffic. Access to abutting properties is a secondary function and access should be partially controlled. (Example: State lettered highways)

4. **Collector**

The Street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day. Collectors provide for both traffic movement and access to abutting properties. Collectors feed traffic from local residential, commercial and industrial areas into the arterial street system and are typically designed for low to moderate volume, lower speed traffic.

5. **Sub collector**

A Street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.

Holder Road, Woodland Park, and the eastern half of Kerr Road have about 37 dwelling units. Holder Road fits squarely into the sub collector category.

¹ <https://www.christiancountymo.gov/wp-content/uploads/CC-Road-and-Access-Standards-2018.pdf>

Exhibit 3

To better understand traveling speeds, Figure 3 illustrates the distribution of traffic speeds on Holder Road. It reveals that a significant portion of vehicles, accounting for 76%, exceed the PSL. Within this group, 35% of vehicles surpass the PSL by at least 5 mph, and about 7% exceed it by more than 10 mph.

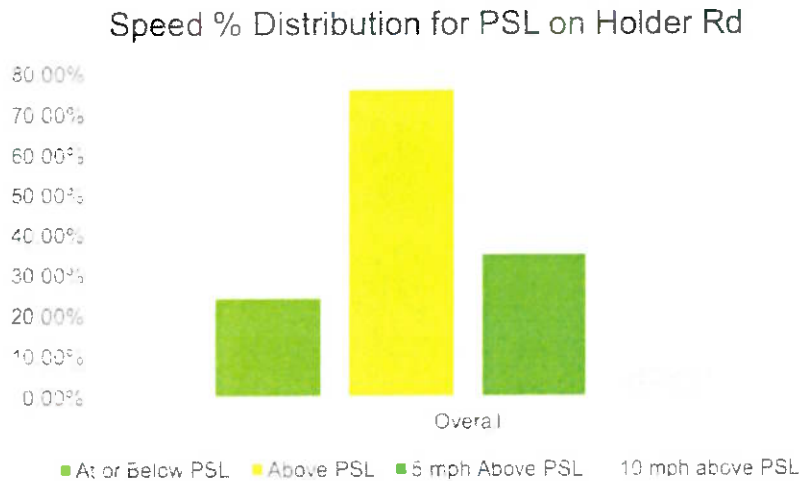
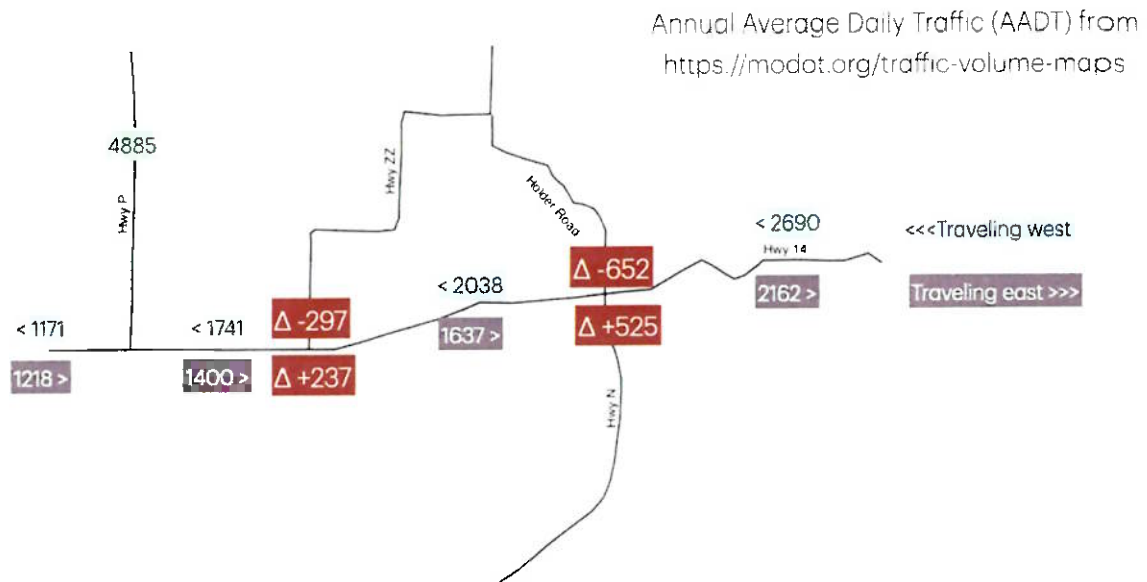


Figure 3: Bar chart illustrates the overall distribution of all the traffic speeds in regard to the PSL.

PSL = posted speed limit

Source: Peitz & Berry of Olsson, Holder Road – Road Safety Audit, 15 May 2024, p. 3.

Exhibit 4



The figures around the Highway 14, Highway N, and Holder Road intersection are lower than the statistics gathered by Olsson likely because they were compiled before the Olsson study. The counts for various locations are gathered as special projects dictate and not on any regular schedule (per phone conversation with MODOT representative).

The above map using MODOT numbers shows that westbound Highway 14 traffic decreases by 652 vehicles when crossing the intersection of Holder and Highway N. Eastbound Highway 14 traffic increases by 525 vehicles when crossing Holder and Highway N.

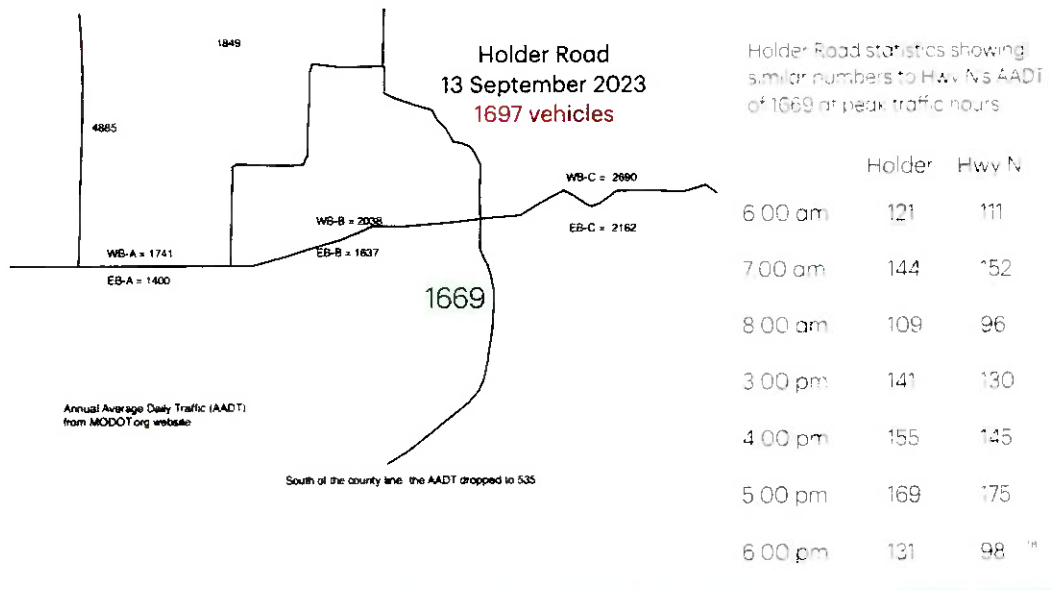
To compare with the figures given in the Olsson report.

The westbound Highway 14 traffic is 3459 when arriving at the Holder/Hwy N intersection. It drops to 2459 after the intersection. 508 have turned right onto Holder and 543 have turned left onto Hwy N with a net change (Δ) in 1051 vehicles.
(the map above combines the total leaving Highway 14 as 652.)

Overall, there is a net increase in traffic in general since MODOT statistics were generated, but the trends are highly likely to hold true. Notably, the change in traffic numbers exiting and entering Highway 14 at Hwy ZZ are only half of the traffic at the Holder/Hwy N intersection.

Exhibit 5

MODOT's Traffic Volume Map shows Highway N has an annual average daily traffic of 1669. This may be higher now as Hwy 14 figures are higher. But it is obviously very close to the traffic data for Holder Road which is NOT a highway. Comparing traffic for the two during peak hours shows very similar numbers.



Olsson reported that of traffic

Exiting Hwy N at Hwy 14	Entering Hwy N at Hwy 14
117 turned left (west) onto Hwy 14. 305 drove straight across to Holder Rd. 547 turned right (east) onto Hwy 14. (969 -total)	134 turned right from eastbound Hwy 14. 286 drove straight across from Holder Rd. 543 turned left from westbound Hwy 14. (963 – total)

This is a combined vehicle traffic count for the day of 1932. This is a 263 increase in total numbers of vehicles on Hwy N from the 1669 figure given on the MODOT Traffic Volume Map.

It can be said that the Holder Road traffic numbers are less than Hwy N, but not by much and they are comparable to Hwy N traffic within the last two or three years. Since the total number of vehicles traveling on Hwy N are similar to numbers on Holder Road, no one road that forks from Hwy N can possibly have as much traffic as Holder Road even though they are classified similarly to Holder Road — in other words, NOT highways. MODOT reports that vehicle number dropped on Hwy N to 535 by the time it crosses the county line. Therefore, there are actually fewer (1932-535 = 1397) total vehicle numbers than travel down Holder Road, and they are distributed on the several crossroads of Hwy N: Green Valley, Gerard, Mt. Sinai, Mt. Carmel, Willoughby, Jasmine, and Carob.

Exhibit 6

Note that many areas of subdivision and development south of Holder Road already exist. But there are also many more large tracts of land which are ripe for development from the southern end of Holder Road and southward. Since almost twice as much traffic traverses Holder Road between ZZ coming/going to/from westbound Highway 14, it is also almost certain that many of those are headed towards Republic. Because of Republic's more recent boom, not only subdivision of lands to the south, but also eastward towards Nixa would be expected.

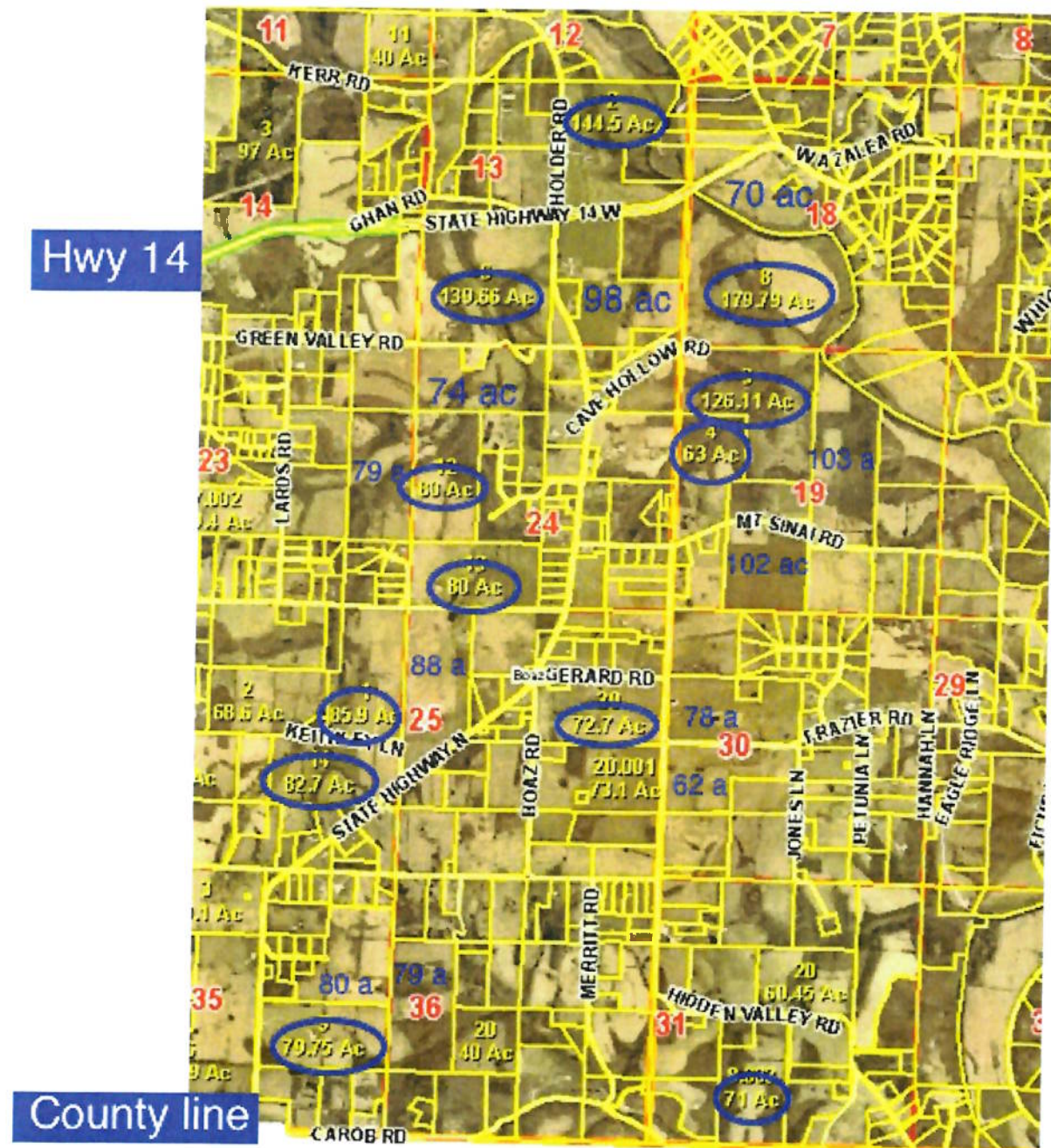


Exhibit 7

Curve #1 from ZZ leads into and is on the Spence property. Curves #2, #3, and #4 are on the Hobbs property. The other two problematic curves noted in the Olsson audit were at the curve near the Hwy ZZ intersection and the curve just north of Woodland Park Road.

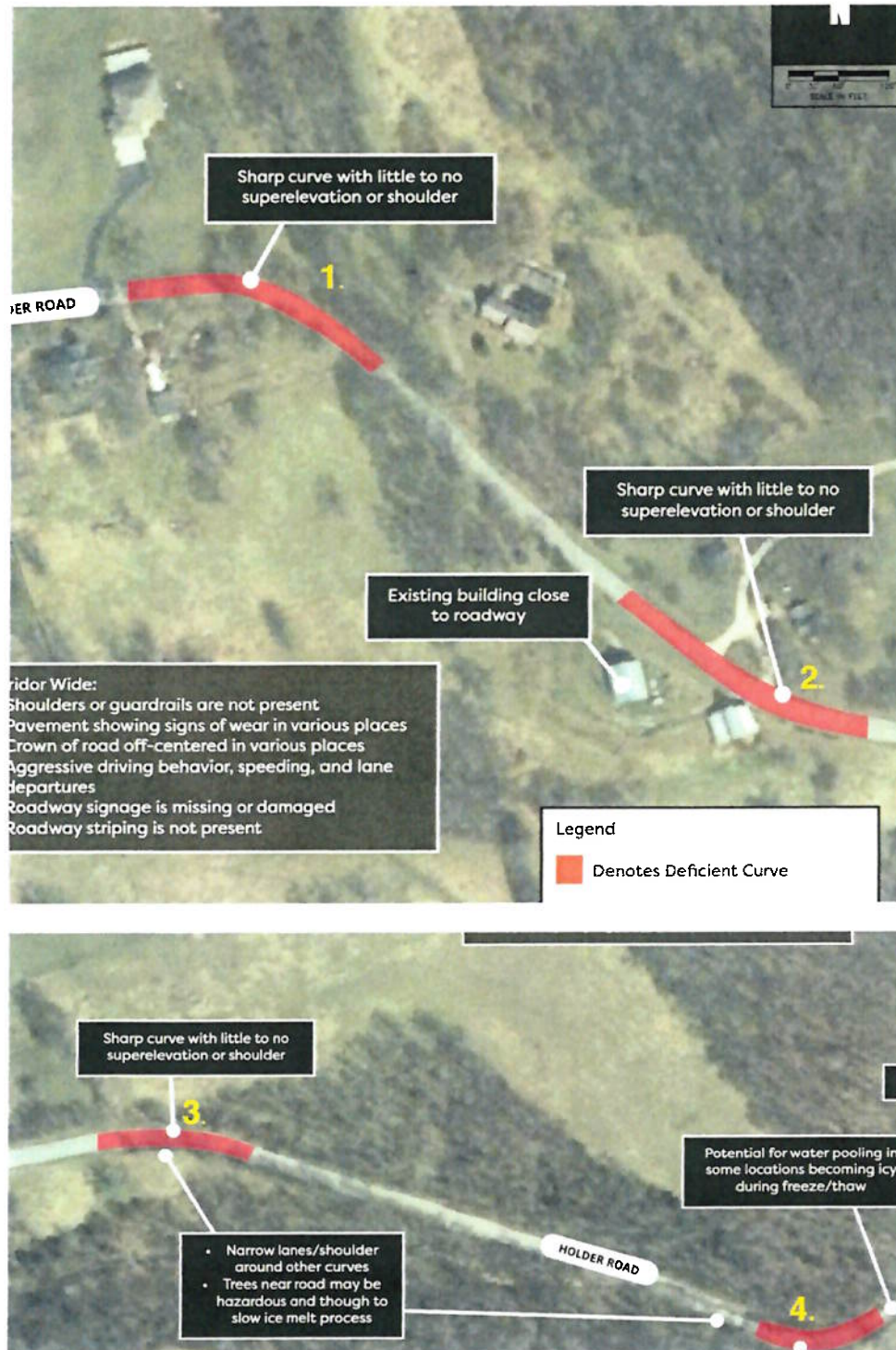


Exhibit 8



Vegetation obscures the depth of this ditch. The top of a fence does not even reach the road level.



Note that vehicles coming up the hill from the intersection at Kerr are not visible standing at the mailbox.

Exhibit 9

Hobbs property bisected by the county right-of-way. The Hobbses move cattle back and forth across the road. They make active use of both barns on the other side of the road. They are unable to cut down diseased trees or repair the fences along the road down to low-water bridge. The land on the westward side of the road is a steep hillside that does not allow easy access to vehicles and equipment needed for those tasks. The use of the Hobbs property has been infringed by the constant barrage of traffic down the road. In addition to these, they are ridiculed at the thought that they have the right to enjoy their own property by walking down the road.



Exhibit 10

Christian County, Missouri, Conveyance of Right of Way, #431, 26 July 1955; County Clerk's office, Ozark.

431

REPUBLICAN PRINT, OZARK, MO

CONVEYANCE OF RIGHT OF WAY

THIS INDENTURE, Made on the 26th day of July, A. D. One Thousand Nine Hundred and Fifty-five, by and between Harry Holder, et al., of the County of Christian and State of Missouri, parties of the First Part, and the County of Christian in the State of Missouri, party of the Second Part:

WITNESSETH, That the said parties of the First Part, in consideration of the sum of ONE DOLLAR DOLLARS to in hand paid by the said party of the Second Part, the receipt of which is hereby acknowledged, do by these presents, REMISE, RELEASE AND FOREVER QUIT-CLAIM, unto the said party of the Second Part, the following described Land, lying, being and situated in the County of Christian.

A strip of land forty feet wide for road purposes described as follows
Beginning at the SE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 12, Twp 27, Range 23. Thence in a NW easterly direction through the SW $\frac{1}{4}$ of Sec 12, to the NW corner of the SW $\frac{1}{4}$, thence in a NW easterly direction through the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 11, thence North $\frac{1}{2}$ mile on line between the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 11 ending and intersecting of Highway FF.

TO HAVE AND TO HOLD The same with all rights, immunities, privileges and appurtenances thereto belonging, unto said party of the Second Part, for the purpose of establishing and maintaining a Public Road on the said land herein conveyed, Forever.

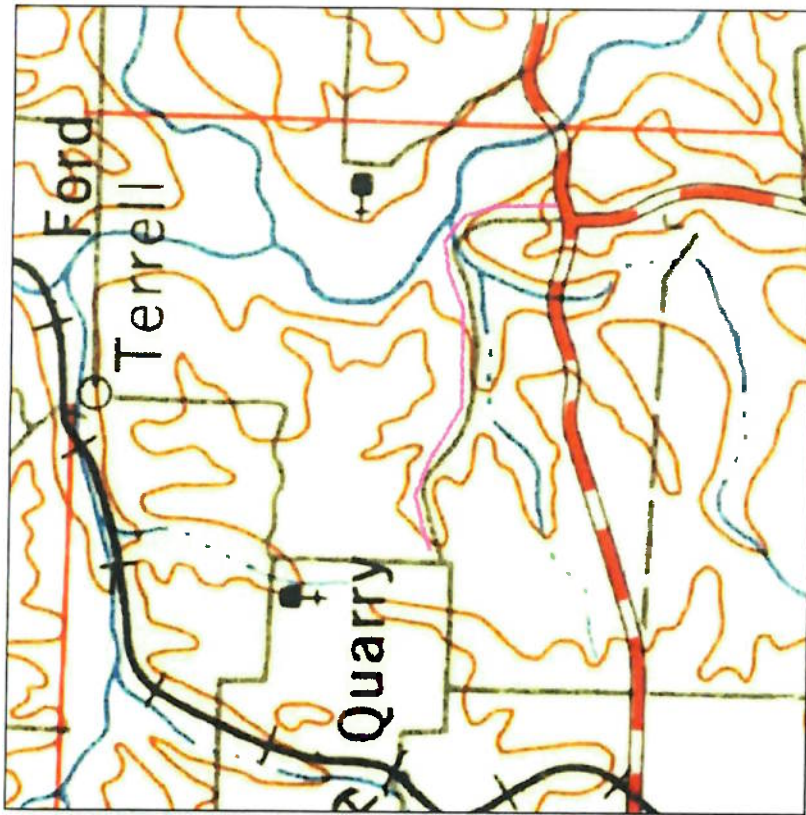
IN WITNESS WHEREOF, The said parties of the First Part have hereunto set their hand, s. the day and year first above written.

Witnessed by
Harry Holder
Commissioner
County

Lena Kern
H. J. Holder & B. Holder
W. J. Thayer
Lena Fessie
Russell Hicks
Fane Dick
M. E. Antone

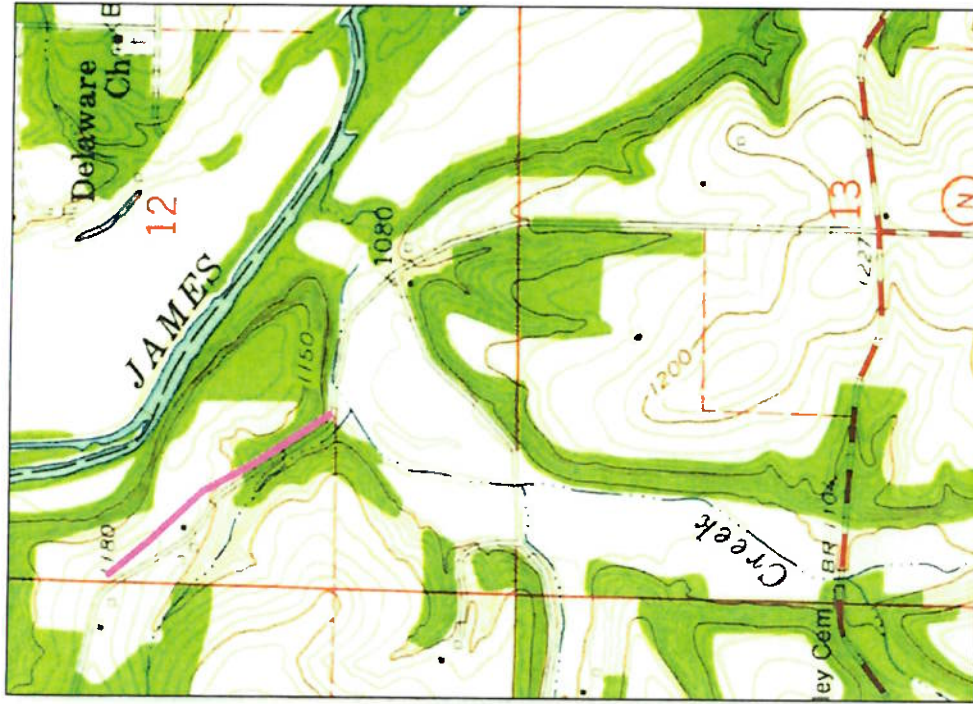
Nov 14, 1955

Exhibit 11



1959 USGS Topographical map

The pink line shows the existing road north of Hwy 14. The road goes north to approximately where the old bridge used to be and then curves west and follows along what is now Kerr Road.



1960 USGS Topographical map

The pink line shows the road north of Hwy 14 now extending through the property currently owned by the Hobbses and Spence.

Exhibit 12-A

A mapping utility shows that it is faster by 1 minute for the Republic Fire Department to use Hwy P to Clever, then turning onto Hwy 14 to reach the intersection with Holder Rd/Hwy N rather than using Holder Road. This is obvious when you consider that going directly from the fire station to Hwy ZZ most of which is residential. The Republic fire chief says they refill their water tanker trucks at Republic High School which adds an additional 2 miles (out and back). However, it would be closer for their tanker trucks to refill at Clever High School or the Clever fire station. Surely that would be allowed when serving as support for the Clever fire department.

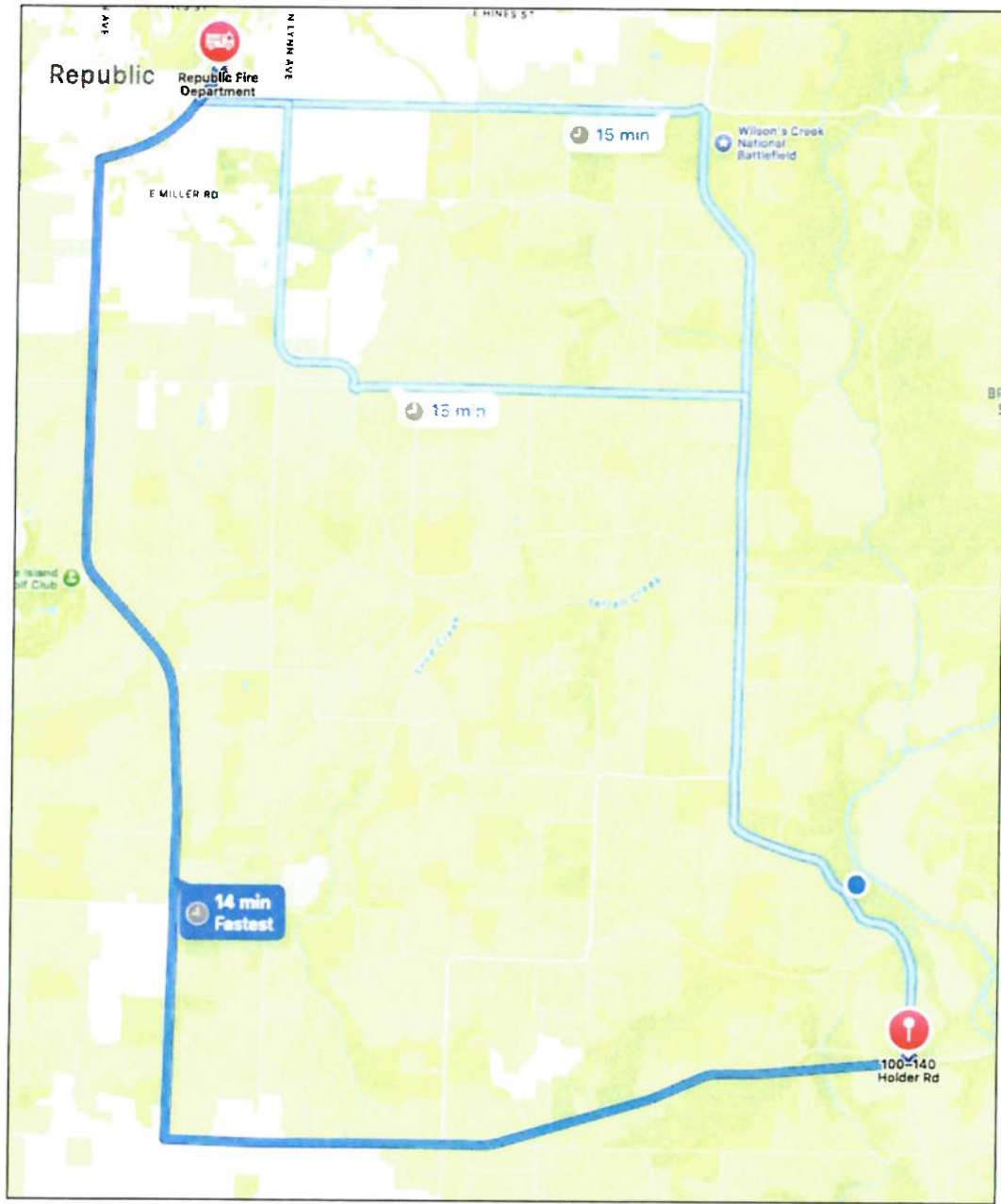
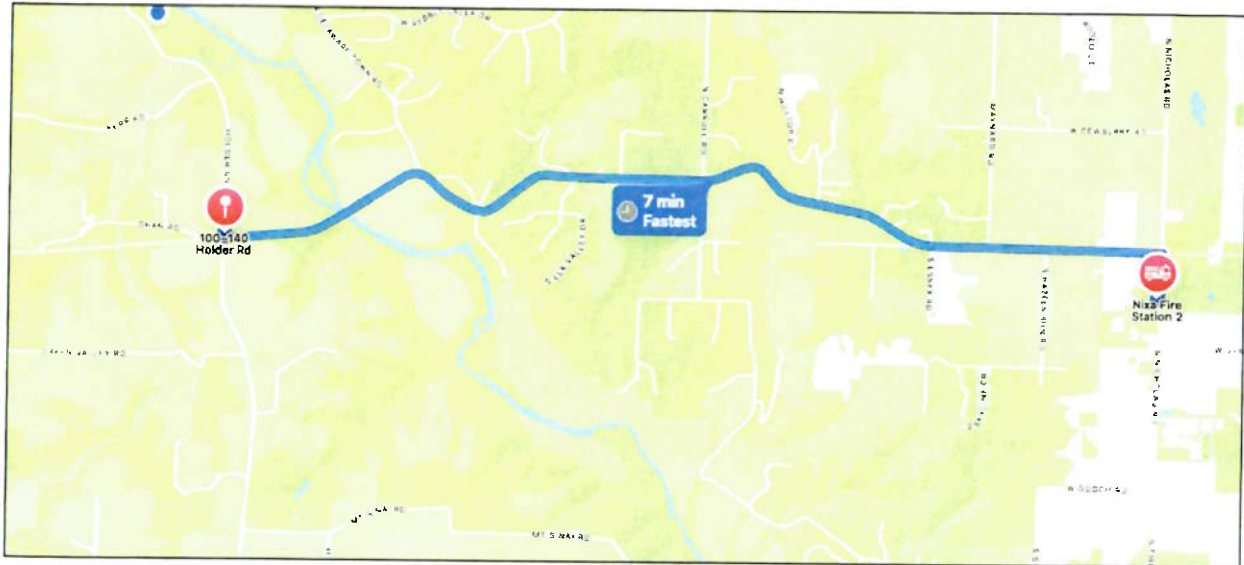


Exhibit 12-B

Nixa fire department assistance is faster to the same intersection. Mapping utilities show a time of 7 minutes.



To reach the northern end of Holder Road through Holder, it takes Nixa fire 11 minutes coming close to the travel time for Republic fire. It would take 4 minutes longer (about 15 minutes to go around on Hwy 14 & Hwy ZZ plus about 1 minute driving south on Holder).

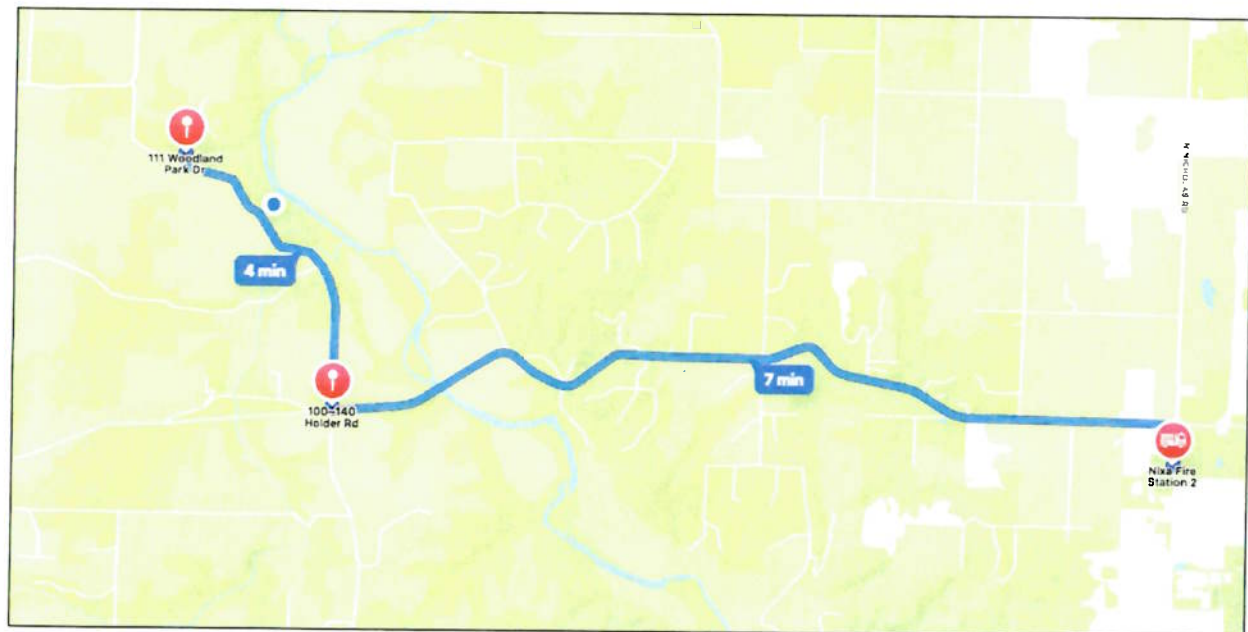


Exhibit 13

Gated apartment complexes and communities found in numerous places in both Springfield and Christian County have KnoxBox access systems. The following are some the petitioners visited.

These three are in southern Springfield:

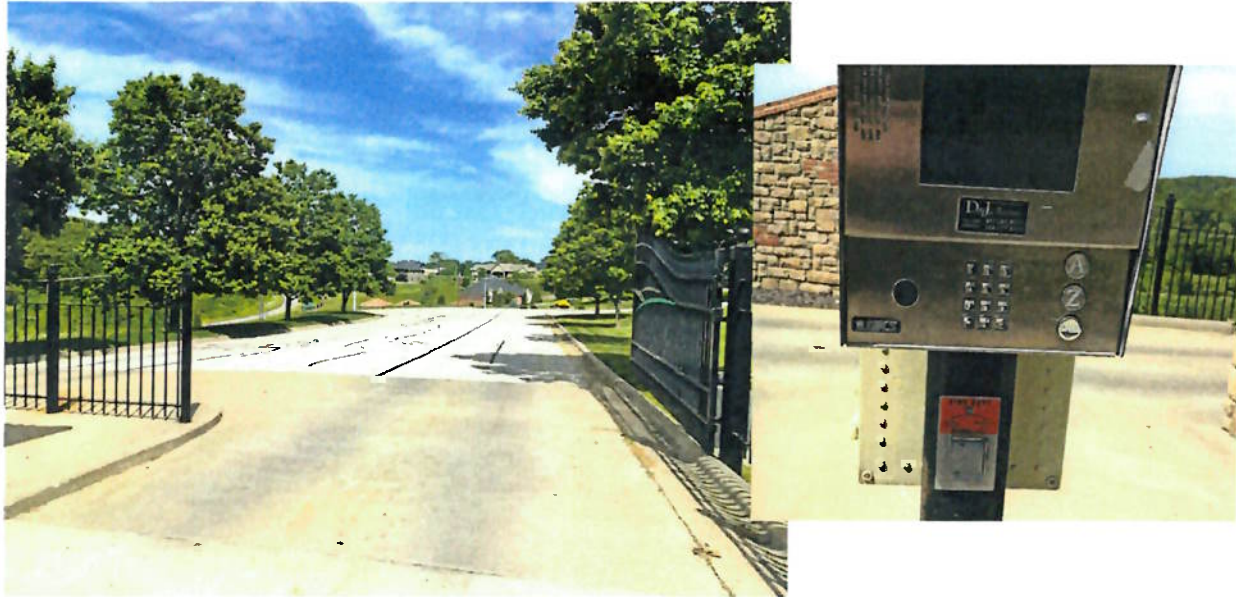


This is in a gated community in southern Springfield:



Exhibit 13 (continued)

This gated community is in Christian County.



The two following are on Delaware Landing Road just across the James River from the petitioners' properties:



Exhibit 14

This gate does not have a KnoxBox, but it has the same mechanism that will be used by the Hobbsses on their gate.



The gate can be disabled easily by removing the cotter pin and then removing the pin as shown by the yellow arrows.



Exhibit 15

The gate will be similar to the one currently leading into the barnyard on the Hobbs property. It is possible that the road gate will be of even lighter construction. The gate will NOT create a gated community. It is intended only to stop cut-through traffic and will be used only as needed for non-compliant traffic.



Exhibit 16

Clever Fire Department to random Hidden Valley Road address (6161) takes 16 minutes.

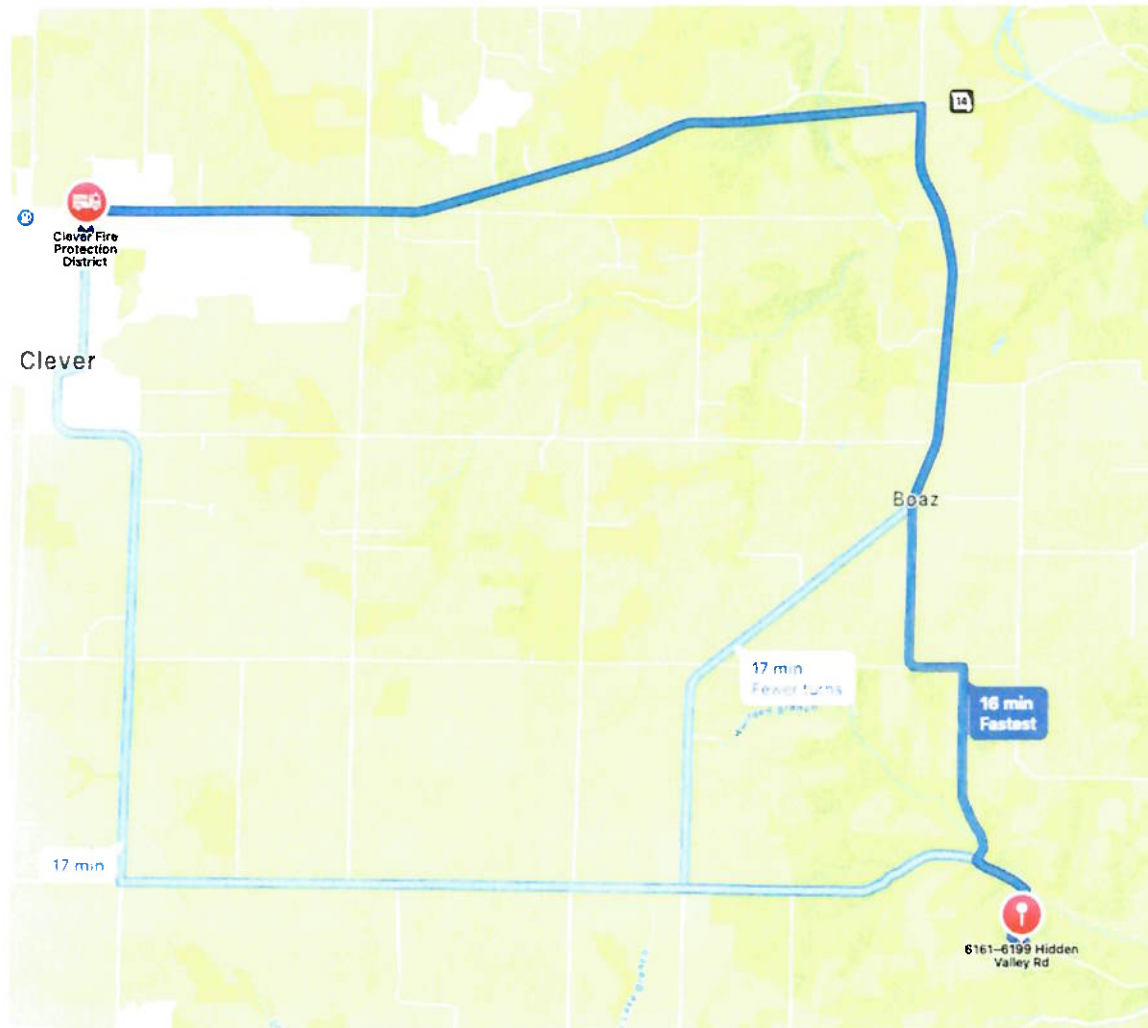


Exhibit 17

Nixa Fire Department to random Hidden Valley Road address (6161) takes 18 minutes.

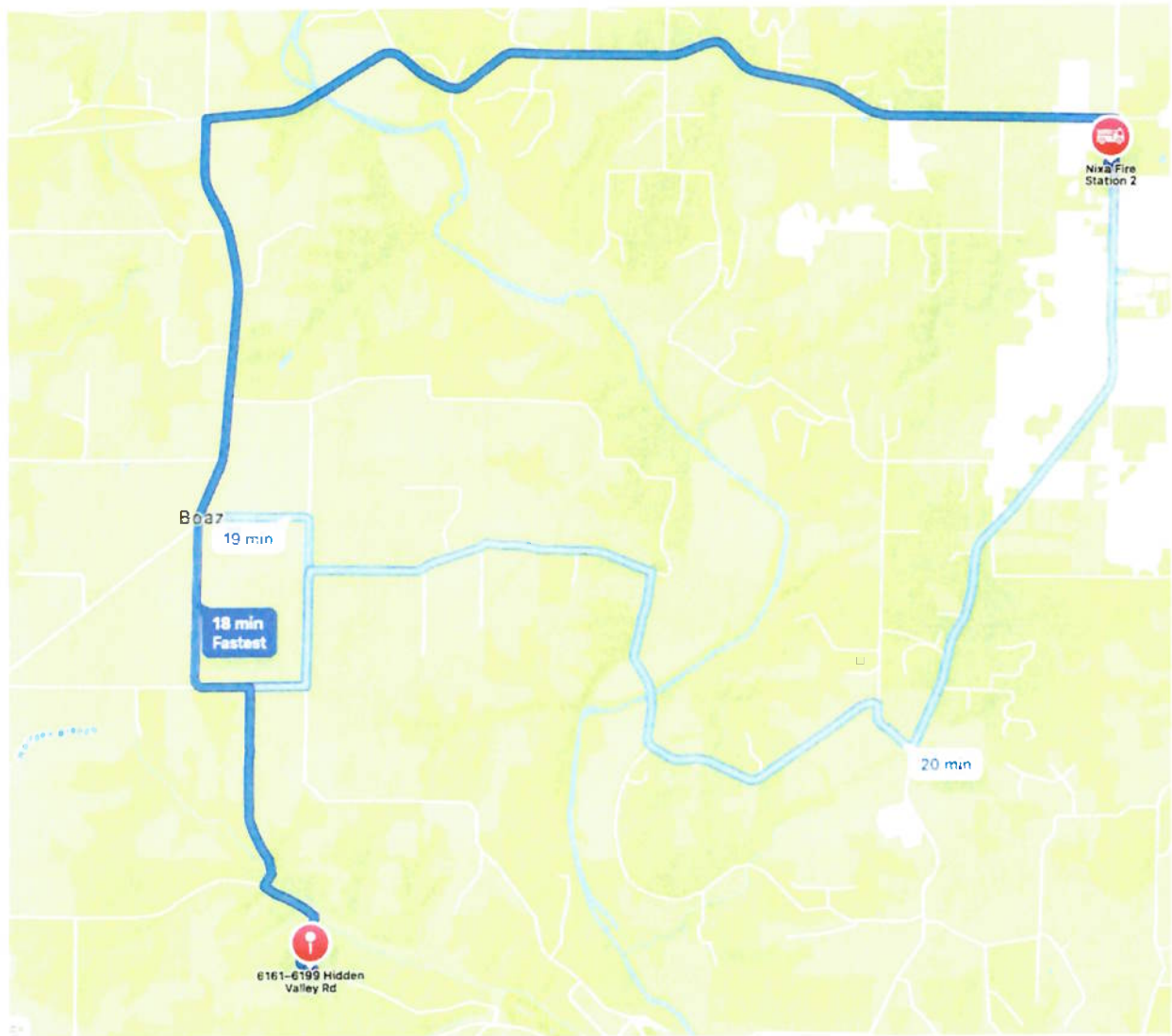


Exhibit 18

The proposed gate location takes advantage of strategic turn-around points and routes that minimize distance traveled.



These are logical routes that might be taken. Travel on entire section of Holder Road would be unnecessary

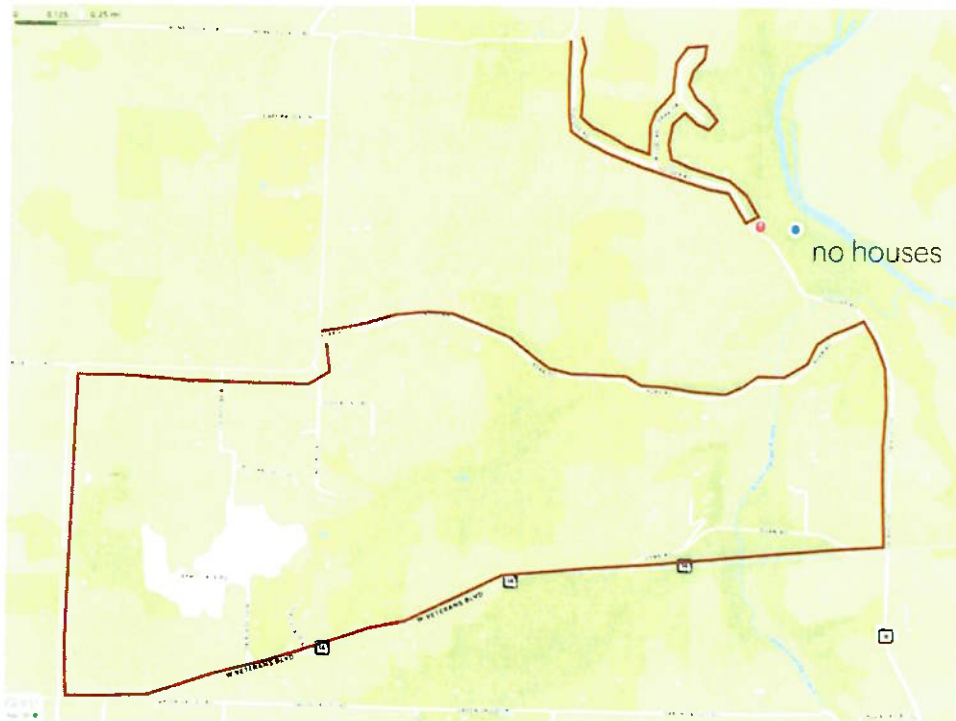
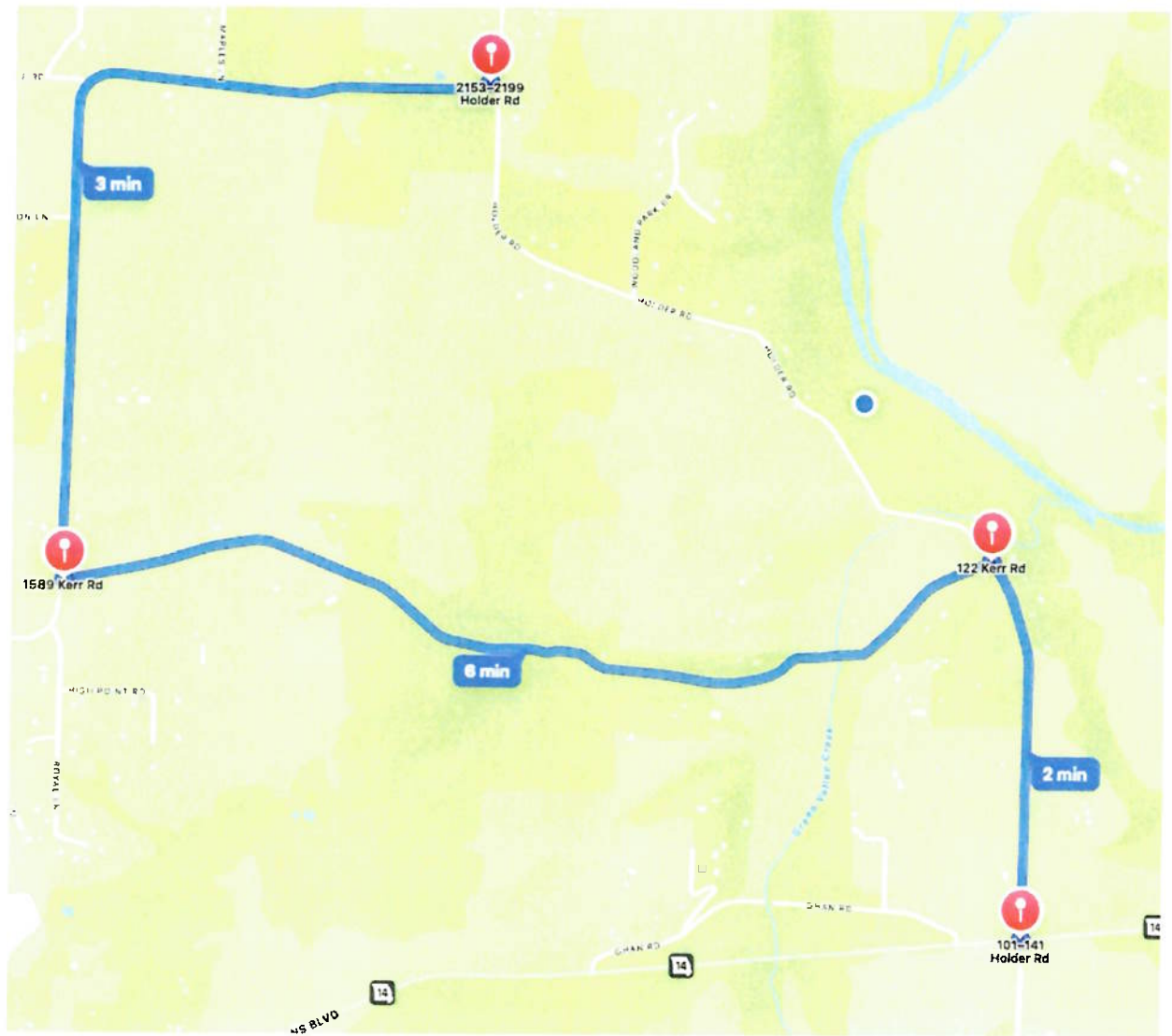


Exhibit 19

It takes 11 minutes to get to the Hwy ZZ & Holder Road intersection via Kerr Road.



Petition to Vacate a Portion of Holder Road - Hearing

The petition requests that Christian County Commission vacate a portion of Holder Road, located in Lincoln Township, which is currently held by the county as rights of way through the private properties of Susan F. Spence (SW $\frac{1}{4}$, NW $\frac{1}{4}$) and Stephen J. and Patricia A. Hobbs (NW $\frac{1}{4}$, SW $\frac{1}{4}$) in section 12, township 27 N, range 23 W.

The petitioners request the vacation based on the following Missouri statute:

RSMo. Section 228.110.1 states that "any 12 residents of the township or townships through which a road runs may make application of any such road or part of the same as useless, and the repairing of the same an unreasonable burden upon the district or districts."

Statutory considerations

References are given below the statute particularly dealing with the issue of the definition of "useless." The case cited is *Burrows v. County Court Carter Co.* (308 S.W.2d 299). In that case, the court uses the opinion of J. Spencer in the "Matter of Trask."

The question to be determined by the commissioners is whether the highway described, or any distinct part thereof, is useless; and in determining this question it is necessary that they should consider the entire situation, including, not only the entire cross-road, with its branches, but the avenues as well; and if the **public service will be as well conserved by the use of one branch as with both, then one or the other may be regarded as useless. Thus if two highways are parallel, though both may be used by the public as accident or convenience may occasion, nevertheless, if one will subserve the public use substantially as well as both, then the maintenance and support of two highways in place of one may be regarded as a waste of public funds and one of them may be regarded as devoted to a useless purpose.**

Spencer references another case

I note also what contestant says in respect to the use of the expression "useless," and have examined the authority to which he refers. *Matter of Coe*, 19 Misc. 549. It is the duty of the court to so construe the words of a statute that it will accomplish and not defeat the purpose for which it was clearly intended. The term **"useless" is seldom employed in its absolute sense.** So to do in this instance would reduce the statute to an absurdity and make highways, like the laws of the Medes and Persians, forever irrevocable. That the term should be regarded as employed in its qualified meaning is made evident, I think, by the use of the expression **"practically useless" by the learned judge in the decision cited by the contestant, and is, I think, an authority that the uselessness of the highway must be a practical uselessness and not an absolute one. Hence the test is not whether any use is in fact made of the part of the highway sought to be discontinued, but whether the part remaining after the discontinuance will or will not subserve every practical public purpose that is now subserved by both.**

Applying a “practical uselessness” is warranted in the Holder Road case when “the entire situation” is considered despite “both” being “used by the public as accident or convenience.” Alternatives exist and therefore “the part remaining after the discontinuance” will “subserve every practical public purpose that is now subserved by both.”

See Exhibit 1. In this case, the two options are not equal. The alternative to using Holder Road is superior. The main objection to using the alternative is that it takes longer. It does. **Three minutes longer.** This is easily seen using mapping utilities. The length of Holder Road takes 4 minutes. The distance between the ends of Holder Road traveling along highways 14 and ZZ takes 7 minutes. The difference = 3 minutes. This distance is seen as untenable by the opposition despite the fact that people spend much more than 3 minutes in a day scrolling through social media or watching streaming videos.

Bypassing Holder Road by driving on Hwy ZZ and Hwy 14 is also safer. The highways are designed to carry greater numbers and sizes of vehicles as well as permitting higher speeds because they are safer than roads with lower speed limits. Complaints about the curves on Hwy ZZ are offset by the fact that Holder Road has even more curves with more limited visibility. State highway right-of-way widths are 60 feet rather than the 40 feet on the collector and sub-collector roads such as Holder Road.

Unreasonable burden to the county

Holder Road was scheduled for paving this year. As such bids had been received for the various component parts. The following figures are only for the Hobbs and Spence portions of the road for the scheduled work:

Paving: \$28,000
Cutting down and trimming trees: \$25,000
Striping: \$5,700
Signs: \$3,000

Total = \$61,700

This poses an unreasonable financial burden to the county tax payers given that the road is “practically useless.” This is only the current project. Of course, continued maintenance in the future will add to the burden. The remaining public portions of Holder Road will require less maintenance because of the greatly decreased traffic. Closing off this portion of the road also will make unnecessary the planned installation of the box culvert at the low-water bridge. Complaints to the county about the road will diminish. Any trash dumping would be the responsibility of the property owners and not the county tax payers.

See Exhibit 2.

Residents of Holder Road have stated that their road is being used like a highway. Using the county's definitions, Holder Road is classified as a "sub-collector road." Note the road definitions from the county's website. Collector and sub-collector roads are intended to move traffic from neighborhoods to arterial roads. Arterial roads are meant for through traffic with controlled, limited access to "abutting properties." Highway 14 is a primary arterial road and highways N and ZZ are secondary arterial roads. Holder Road is being used like a highway because it is serving almost entirely traffic moving from highways to highways (cut-through traffic)—and only in very small part aiding neighborhood traffic to the arterials. The distinction between a collector road and a sub-collector road is the number of dwellings served by the road. The Holder Road area including Woodland Park and the eastern half of Kerr have only 37 dwellings, falling fall short of the 100-dwelling designation for a collector road.

That Holder Road is being used like a highway can be seen by comparing some road statistics. Traffic has been evaluated for two one-day periods by the county.¹

Traffic volume and speed on selected days				
Date	Total	% 35 or less	% 35-40	% > 40
13 September 2023	1697	21%	41%	35%
5 February 2025* *delineators in place near counting area	1363	82%	15%	2.3%

Each of the days were evaluated for one 24-hour day by the county. The small sample size may temper conclusions since a variety of factors may have influenced the results on any given day. It seems likely that the 2025 figures were influenced by the delineators. Based on the comparison of speed on the two days evaluated, the delineators would appear to have had the desired effect of reducing speed although that may hold true for only the delineator area. It is also clear that 76% of the cars were driving above the 35-mph speed limit despite the numerous assertions by the opposition that individually they all claim to be driving the speed limit. See **Exhibit 3**.

The 2023 figures were part of the "Holder Road – Road Safety Audit" by Olsson, a Springfield engineering firm.

Although speed has been a problem, volume of traffic is an even greater issue and stronger parallels to indicate highway-type use are evident.

The traffic was counted at three Holder Road locations on 13 September 2023.²

¹ Statistics are available from Miranda Beadles, Highway Administrator for Christian County.

² Peitz & Berry of Olsson, Holder Road – Road Safety Audit, 15 May 2024, p. 3.

Intersection	# Vehicles
Holder at Hwy ZZ	1697
Holder at Hwy 14	1671
Holder at Woodland Park Road	1663

Since most Holder Road and Woodland Park neighbors would affect traffic at only one end of Holder or the other, but not usually both; the difference in numbers of 16 to 34 vehicles probably represents the Holder Road neighborhood traffic. **Holder Road by a huge margin is serving as a cut through between highways.**

The traffic count data appears in the following charts.

Summary of detailed data	
At Highway 14	
- About 1,150 vehicles a day are turning between Highway 14 and Holder Road. About 1000 of those are going to and from the Nixa direction. - About 600 vehicles a day are crossing Highway 14 between Highway N and Holder Road.	
At Highway ZZ	
About 1650 vehicles are turning between Holder Road and northbound Highway ZZ.	
Comparable numbers at each end indicate that Holder Road is serving almost entirely cut-through traffic between one highway and another.	

ZZ and Holder Road detailed data³

Traffic Counts - Motorized Vehicles																
Interval Start Time	STATE HIGHWAY ZZ Eastbound				STATE HIGHWAY ZZ Westbound				HOLDER RD Northbound				Southbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
Count Total	0	0	970	23	0	797	892	0	1	20	0	855			3658	
Peak Hour	0	0	66	5	0	66	165	0	0	5	0	81			411	

These data indicate that on this day

- 855 vehicles turned right from Holder Road to Hwy ZZ.
- 797 vehicles turned left from Hwy ZZ to Holder Road.
- Only 20 turned left from Holder Road to Hwy ZZ.
- Only 23 turned right from Hwy ZZ to Holder Rd.

³ "29416 – Christian County, MO-PM-Minute Summary.pdf" used by Olsson for the Holder Road – Road Safety Audit, 15 May 2024; available from Miranda Beadles, Christian County Highway Administrator. Count totals are on p. 3 (for the intersection of Holder and Hwy ZZ) and p. 6 (for the intersection of Holder and Hwy 14) of the pdf.

Hwy 14 and Holder Road detailed data

Traffic Counts - Motorized Vehicles																
Interval Start Time	RT 14 Eastbound				RT 14 Westbound				HOLDER RD Northbound				HOLDER RD Southbound			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right
Count Total	0	42	2042	134	4	543	2459	508	1	117	305	547	0	489	286	41
Peak Hour	0	3	204	19	0	67	354	62	0	15	27	35	0	44	31	3

These data indicate that on this day
 489 vehicles turned left from Holder Road to Hwy 14.
 286 vehicles went straight across to Hwy N.
 41 vehicles turned right from Holder to Hwy 14.
 508 vehicles turned right from Hwy 14 to Holder Road.
 305 vehicles traveled straight across Hwy 14 from Hwy N.
 134 vehicles turned left from Hwy 14 to Holder Road.

As can be seen the 855 vehicles turning right onto ZZ from Holder originate primarily from the 508 + 305 + 134 (=947) vehicles driving through Holder Road from Hwy N and Hwy 14.

In addition, Missouri Department of Transportation (MODOT) keeps traffic volume statistics on a website map.⁴ A MODOT representative explained that very few locations maintain traffic counts 24/7 365 days a year. These figures are for a point in time which almost certainly does not coincide with the figures collected for the Olsson analysis. However, they come close enough to see trends.

Highway N traffic comparison

See Exhibit 4. MODOT's map shows segments of a highway only when interrupted by another highway that intersects. Therefore we can see figures showing the change in Highway 14 traffic as it crosses Highway N and Highway ZZ. Notice as Hwy 14 traffic moves from east to west, it diminishes at each intersection as vehicles turn off. Correspondingly, the traffic numbers increase as it moves from west to east. Notice particularly as designated by the red boxes, the change in traffic volume at the two intersections of interest. The change in traffic volume at the intersection of Hwy N/Holder Road and Highway 14 is twice the change in vehicle numbers at the intersection of Hwy 14 and Hwy ZZ.

Twice as much movement of traffic occurs at the Holder Road/Highway N intersection with Hwy 14 than at the ZZ intersection.

⁴ "Traffic Volume Maps," Missouri Department of Transportation (<https://www.modot.org/traffic-volume-maps>).

See Exhibit 5. MODOT's Traffic Volume Map shows that 1669 vehicles travel daily on Hwy N which is less than the daily traffic on Holder Road. However, the Olsson figures at that intersection update numbers for Hwy N. Combining movement to and from Holder and Highway 14 in both directions shows an increase in daily traffic of 263 from MODOT figures to 1932 daily on Hwy N. Holder Road's almost 1700 vehicles are fewer, of course, but it is comparable to traffic on Hwy N perhaps 2-3 years ago. In addition note the very similar traffic numbers during the heaviest traffic hours for both Hwy N and Holder Road.

But Holder Road does not have qualities of a highway even though similar vehicle numbers are being crammed onto it.

Some residents from south of Holder Road have claimed increased traffic on their roads, too, implying that Holder Road residents are only experiencing what everyone is experiencing. But this cannot be true to the same degree. South of the county line on Hwy N, the MODOT 1669 traffic figure drops to 535. If we subtract the 535 (probably more now) from the 1932 number of vehicles, 1397 vehicles are traveling on Hwy N in say the 4 mile stretch that includes Green Valley Road, Gerard Road, Mt. Sinai, Mt. Carmel, Willoughby, Jasmine, Carob, and Hidden Valley roads area. But **each is receiving only a fraction of the traffic that is being distributed to all the roads crossing Hwy N. Therefore, those individual roads cannot be experiencing the same traffic, by a long shot, that Holder Road is experiencing.** It defies logic to believe that roads that lead only to neighborhoods (or one golf course) can possibly be experiencing the vehicle numbers of Holder Road which is connecting traffic of three highways.

Highway ZZ traffic comparison

Referring to the data given above for the intersection of Holder Road and Highway ZZ, it can be seen that

970 vehicles moved from the west to "east" (actually north) on Hwy ZZ.

992 vehicles moved from the "east" (north) to the west on Hwy ZZ.

1962 vehicles pass Holder Road on ZZ.

The Holder Road daily vehicle number of nearly 1700 daily rivals even the traffic on Hwy ZZ. Yet, it is not a highway.

The problem will only get worse

See Exhibit 6.

Holder Road, as a sub-collector road defined to carry a maximum of 800 vehicles daily, is experiencing highway-like numbers of vehicle traffic. This will only get worse. Exhibit 6 shows that many areas of subdivision and development south of Holder Road already exist. But there are also many more large tracts of land which are ripe for development from the southern end of Holder Road and southward (circled in blue and others designated by acreage in blue font).

Note the remonstrance item from the opposition stating that property values will decrease and development opportunities diminish. This supports the petitioners' contention that development

directly from the south as well as across the James River coming to/from the Nixa area will increase causing even more traffic problems on Holder Road.

In addition to the potential for development, it is well known that Republic is experiencing a business and population boom, attracting even more people to the surrounding areas.

Wouldn't it be better to do something about this problem now rather than later?

Safety issues

As noted, the alternate route of Highway 14 and Highway ZZ is superior. The inability of Holder Road to handle comparable traffic is compounded by many factors. The following extracts pertinent points from the Olsson report. Note that these are objective safety issues based on safety standards adopted by Christian County.

- Issues noted for the entire road included
 - No shoulders present.
 - Roadside ditches/drop-offs are present.
 - Superelevations to aid curve navigation are absent.
 - Lane widths considered appropriate for the typical desired traffic conditions, although some drivers exceed the safe speeds and trucks may have difficulty maintaining lanes around curves.
 - Some crashes were attributed to improper passing as well as tires being caught by the edge of the pavement/ditch areas.
 - The road is known to serve heavy construction traffic, at times encroaching out of their lane and potentially leading to roadway surface deformations. The neighborhood has observed the heavy damage the road has incurred along its entirety.
- In areas where there are curves, the Olsson report includes (See **Exhibit 7.**)
 - limited sight distance, especially on curves.
 - Over 40% of all crashes reviewed **occurred in the curved “middle” section of Holder Road.**
 - Fast/aggressive driving in icy conditions were noted in several of the crashes.
 - Trees contribute to both lessening visibility as well as shading of the road retarding ice melting.

Other crashes part of the review included the intersections of Holder and the highways and therefore were not directly attributable to characteristics of the Holder Road.

Vacating the portion of Holder Road owned by the Hobbsses and Spence will eliminate 4 out of 6 problem curves and the tree-lined area inhibiting ice melting.

It is the experience of the Holder Road neighbors that many accidents are not reported by those driving under the influence. Every day, bottles and cans from alcoholic drinks are found among the

roadside trash. Most drivers will call a tow truck or a friend and not the law. Thus crashes are under-reported.

One person attending the Clever Library meeting, addressing what she perceived to be a problem in fire departments reaching areas south of Hwy 14, said that no matter how remote the chance, even if one life were saved, it would be worth it. With more dangerous conditions existing on Holder Road on a daily basis than on highway routes especially with the large traffic volume, shouldn't the same standard apply?

If safety is a concern, then diverting Holder Road traffic to the highways should be encouraged. See **Exhibit 8**. Another curve not identified in the Olsson survey is also dangerous because of other compounding conditions. Traffic coming up the hill from the Kerr Road intersection do not have visibility of the mailbox around the curve. This mailbox is across the road from the residence and involves darting across the road to avoid traffic and standing in front of the mailbox. The road drops off into a ditch **next to and behind** the mailbox. There is a fence in that ditch and the top of the (probably) 4-foot high fence is lower than the road next to the mailbox. The post office has denied the resident's request to move the mailbox to the other side of the road. Although this part of the road is not part of the petition vacation, stopping cut-through traffic would greatly decrease the numbers of vehicles (which is pretty constant) to avoid as they traverse the road back and forth and retrieve their mail. Another mailbox near the curve north of Woodland Park has been hit numerous times because of inattentive drivers.

In recent years, two households have moved soon after purchasing their properties because of the traffic and safety issues. One had children. They personally experienced cars careening onto their property in two instances. The other household did not realize the traffic issues before purchasing.

At least four of the other neighbors have personally seen vehicles losing control as they crashed onto private property. Before the age of cell phones, several people who lost control at the curve on the southern end of the Hobbs property would walk up to the house to call friends or a tow truck. One even begged Steve Hobbs to pull his vehicle out of the ditch with his tractor. One person losing control around the curve in front of the semi-circle drive crashed through the fence and rolled down the hill until a tree stopped him.

Individual property rights

Exhibit 9. Many people do not understand that Steve and Patti Hobbs and Susan Spence actually own the land below and around the part of Holder Road that runs through their properties. The county does not own the land and has only a right of way through their properties. The road runs diagonally across the Hobbs square 40-acre parcel, bisecting it, and comprising nearly 1/3 of a mile of the road.

- The Hobbses use both sides of their property. They move cattle back and forth across the road to the two available pastures. Although they try to do this during low-traffic hours, it always requires extra help to manage the traffic.
- They make active use of both barns on the opposite side of the road.

- They are unable to cut down diseased trees or repair the fences along the road down to the low-water bridge. A cross fence had to be constructed to prevent cattle from getting to the area where the fence needs repair. Some problems with the fence along the road have been caused by cars going off the road. The land on the westward side of the road is a steep hillside that does not allow easy access to vehicles and equipment needed for those tasks.
- The property rights of the Hobbses and Spence are being infringed by the constant barrage of the traffic on the road limiting and controlling what they can do with their property adjacent to the county's right-of-way. In addition to these, they are ridiculed at the thought that they have the right to enjoy their property by walking down the road. Instead, they are expected to drive elsewhere to walk (such as the battlefield) or walk on the rougher terrain of their properties which would require regular maintenance. It seems ironic that the opposition does not want to spend an extra three minutes driving around to the superior alternative route, but they expect the property owners to drive the longer route of about 7 minutes to the battlefield to walk or to maintain walkable paths on their property while protecting themselves against ticks, snakes, gopher holes, and other critters on a regular basis.

Private property rights should be a concern and respected by all.

- **Exhibit 10.** The road going through the Spence and Hobbs properties is predicated on rights of way granted to the county in 1955 for \$1.00.
- **Exhibit 11.** The road does not appear on the United States Geological Topographical Map until 1960.
- The ground under and around the road belongs to Spence and Hobbs.
- The 1955 conditions and circumstances are very different from those now in existence.
- The road was dirt/gravel when Spence moved to her property in 1970 and when the Hobbses moved to their property in 1990. There was very little traffic when the properties were purchased by the current owners.
- The road was paved in 1995-6 without the consent of these property owners. After a neighborhood meeting with then-western district commissioner Bill Barnett, other property owners on the road agree to pay half toward paving their sections of Holder Road. Spence and Hobbs refused to do so because they foresaw the consequences of increased traffic. Non-road dwellers were not involved in this discussion. Originally the pavement stopped the northernmost of the property to be vacated and resumed at the southernmost edge, precisely the area under consideration for vacation.

Circumstances have changed since 1955.

In 1950 Lincoln Township was divided into two enumeration districts for the federal census.

- North of Highway 14, the population was 264 with 91 dwellings.
- South of Highway 14, the population was 510 with 158 dwellings.

total population of Lincoln Township = 774
total dwellings of Lincoln Township = 249

- Of the 774 men, women, and children living in Lincoln Township; 285 listed occupations.
- 213 were farmers or farm helpers.
- Only 72 had other occupations.

There was virtually no commuter traffic.

If Harry Holder were making the decision today to give the county the right of way through the middle of his property for \$1.00, would he agree knowing that

- rather than two or three people driving through the middle of his property in a day, there would be 1700?
- he would be expected not to walk down his own road.
- he couldn't safely move his cattle and his hogs across a HIGHWAY.
- he would be thought entitled if he believed that the use of his own property was more important than people driving through that property, who not only do not live on the road, but could go another way that would add only 3 minutes to their travel time?

Concerns about property rights and property values for the opponents are hypothetical. They are real for the Holder Road residents.

Remediations discussed and attempted

Widening the road

It has been said that the residents of Holder Road were offered a solution of widening the road and providing walkways and they rejected it.

- The petitioners never heard about this.
- Miranda Beadles, at the meeting at the Clever Library, said that residents are not asked whether or not they want to do something that the county has decided to do.
- Widening the road and adding walkways would require a very large amount of taxpayer dollars. Studies show that widening roads does not make them safer; rather it makes drivers more careless and they drive faster. It is not an option that the neighbors would have supported.

Holder Road resident Drew Hilpert, Attorney at law, previous city attorney and local government attorney for the past 20 years states that widening the road is not a viable option.

To the extent the Commission believes that widening Holder Road is either

(1) a positive alternative to closing a portion of Holder Road or

(2) a good idea regardless of such closure,

I write to express my strong opposition to the proposed widening of Holder Road. Holder Road has become a cut-through route between Republic and Nixa, and speeding is already a serious and ongoing issue for residents. While closing a portion of the road would solve that problem, widening the road will only encourage faster traffic and more dangerous driving behavior. In addition, it is highly unlikely that the County will have the funding necessary to address the most challenging portion of the road—the steep drop down to the low-water bridge, which sits in a valley of mostly solid rock. Any widening there would require extensive blasting and fill work, all while disrupting an important natural stormwater path that lies at the bottom of the valley. As a taxpayer in Christian County, I believe this would be an inappropriate use of taxpayer dollars. There are a lot of needs in the County, and going to the expense of blasting and widening Holder in order to make Holder Road into an arterial freeway where people can now go 65 instead of 50 is not one of them. If you don't widen that stretch of road, then the likely result is a wider, faster road that suddenly narrows after a sharp curve to a small bridge, creating an even more hazardous situation than currently exists.

Mr. Hilpert brings up a very important point about the watershed that exists in the narrow portion of Holder Road. A creek runs alongside the the west side of the Hobbs portion of Holder Road. It joins in with Green Valley Creek as it crosses Holder Road to join with the James River. Doing blasting and filling in an attempt to widen the road at this point could cause irreparable damage to the riparian corridor and its wildlife. There are always unintended consequences to such monumental actions as was more recently seen with the topsoil mining on the adjoining property to the south.

Not only that, but these waters were unquestionably used by the Delaware Indians who lived in the surrounding area. It would be a travesty to make such major changes in an area so rich in history.

County attempts to mitigate speed

- Conversations were ongoing with the county for several years about ideas to slow the increasing and speeding traffic. These included prohibiting large vehicle traffic by weight or number of axles, adding signage, stop sign, roundabout, and speed bumps or other traffic calming devices.

- None of these solutions were possible. Those in opposition have continued to bring these up even though some were present at the Clever Library meeting when Highway Supervisor Miranda Beadles explained why those solutions were untenable.
- As a result of the Olsson road safety audit, the one viable recommendation was to add delineators which— if successful—would be replaced by a landscaped cement, median strips. This solution did slow the traffic, although the traffic counter had been placed nearby and these speeds recorded may not be representative of those on entire road. The cut-through driving public was outraged and have stated publicly what a stupid solution it was despite the fact that the recommendations came from traffic engineers. Drivers deliberately circumvented what they saw as obstacles to their unfettered movement by passing on the wrong side and, further, deliberately running over the delineators. Large vehicles which might otherwise have used the larger highways (highways 14 and ZZ) still attempted to use the road, damaging the edges of the pavement and tearing up lawns.

Concerns addressed

Emergency services access

We do not wish to put up a gate when the petition to vacate the right of way is granted. But we see no alternative at this time. We hope it would be temporary as new traffic patterns are learned, but suspect people will still try to get through—much as they do now when they ignore the road closed signs when the creek is flooded—so the gate may need to be closed occasionally. Whether or not the gate is needed at all is completely dependent on the compliance of the cut-through traffic.

Ryan Verch, the Central Region Manager for CoxHealth Emergency Medical Services has said that it would be no problem to have a gate on our property. Ambulances from Republic are stationed at various locations in western Christian County and are supposed to vary their locations in the western part of the county.

Fire services need to be considered because of mutual aid agreements among departments. Clever Fire Department would be able to access Holder Road from either end with no time difference in responding. Secondary assistance from Nixa might have a slight delay getting to the northern end of Holder Road. Secondary assistance from Republic does not need to be delayed to respond at either end.

Exhibit 12-A. A mapping utility shows that it is faster by 1 minute for the Republic Fire Department to use Hwy P to Clever, then turning onto Hwy 14 to reach the intersection with Holder Rd/Hwy N rather than using Holder Road. This is obvious when you consider that going directly from the fire station to Hwy ZZ most is through a residential area. The Republic fire chief says they refill their water tanker trucks at Republic High School which adds an additional 2 miles (out and back) of travel time. However, it would be closer for their tanker trucks to refill at Clever High School or the Clever fire station. Surely that would be allowed when supporting the Clever fire department.

Exhibit 12-B. Response from the Nixa fire department would be faster than Republic's. To the same intersection at N/Holder and Hwy 14, requires only 7 minutes. To go through on Holder to one random designated address, travel time is 11 minutes. To go around to the northern part of Holder, an additional 4 minutes would be required (The additional 3 minutes plus the approximately 1 minute down Holder). The Clever fire department's time to the middle of Holder Road takes 9 minutes through either end of Holder Road.

It is only the northern end of Holder Road, primarily served by the Clever fire department, that might be affected by slower arrival time of Nixa Fire Department if an inaccessible gate were in place.

Provision for emergency access

Although we believe that the ability for fire departments to respond is negligibly affected, Spence and the Hobbses are incorporating other measures to reassure the public. The Republic fire chief said that we would need to install a special lock for access. He did not name the lock, but both Republic and Nixa fire departments use KnoxBox products.

<https://www.knoxbox.com/Products/Gate-Key-Switches-and-Padlocks>



Gate & Key Switches

Exhibit 13 (2 pages). Many properties in Springfield and Christian County use these.

Firefighter Casey Perryman with ten years of experience states that to open a gate using the key in a Knoxbox product adds a maximum of 20 seconds. The gate remains disabled so return trips or additional vehicles do not require re-opening the gate. If there is a gate failure, the Springfield department carries a Sawzall and bolt cutters. If all else fails, they can plow through a gate with their trucks. **See Appendix 1 - affidavit.**

Exhibit 14. The mechanism for opening and closing the gate to be used on the Hobbs property will be the same as found in the River Bend Estates on Delaware Landing Road. It is easily disabled without a special key or special tools. A cotter pin is removed and then the pin holding the gate mechanism in place is removed.

Exhibit 15. The gate will not be as robust as those shown in exhibit photos. The gate will be similar to the one currently leading into the barnyard on the Hobbs property. It is possible that the road gate will be of even lighter construction. The gate will NOT create a gated community. It is intended only to stop cut-through traffic.

- We realize that although we have promised access through the gate for emergency services, people are concerned about what happens when the property is sold. Hopefully some of the concern has been alleviated by understanding how little emergency services are affected.
- We promise to stipulate the gate access for emergency services in any transfer of the property. Nathaniel Hobbs, who is the successor trustee for the trust that holds the Holder Road property agrees “to honor and effectuate any access granted through that property following Christian County’s vacating its right of way.” See **Appendix 2 – affidavit.**
- The petitioners are willing to execute a recorded document to that effect.

In summary:

County-adopted road safety standards assert that portions of Holder Road are dangerous. These are due to the innate characteristics of the road. The alternate roads are superior. Holder Road is carrying a much greater traffic load than it should. Greater numbers of vehicles using the road compound the safety issues.

The less safe conditions existing on Holder Road on a daily basis supersedes the remote possibility of a slight delay fire access by Nixa fire department (when Clever and Republic can also respond) on the northern end of Holder. Highways 14 and ZZ are objectively safer than Holder Road.

If safety is a primary concern, then the three extra minutes of travel time on the superior route are well spent to ensure the safety of both the commuters and the Holder Road residents.

Perspective

Let’s hypothesize a worst-case scenario for fire department response. With the random address of 6161 Hidden Valley Road selected, what is the response time?

- For Clever fire department, it would take 16 minutes. See **Exhibit 16.**
- For Nixa fire department, it would take 18 minutes. See **Exhibit 17.**

Did any of the people who have bought property out in that direction consider the extra time for fire response? Do they realize that they are certainly several minutes farther from fire departments than properties closer to Hwy 14? Was that a concern? Does anyone consider this granular level of analyzing fire-department response time when purchasing or renting property?

- Did anyone consider moving when the Boaz fire station was shut down when (presumably) the new fire station was built in Clever?
 - Does even the three minutes extra to go around on Hwy 14 and Hwy ZZ matter when people rarely or never consider a three-minute difference to the nearest fire station when purchasing a house?
-

Delivery vehicles, school bus, postal service, etc.

Routes change daily for delivery vehicles; school bus and postal service routes change, but less frequently, because of changing student population (age or changing residences) or new residential development. High water level at the low-water bridge causes route changes routinely. This will never be the case using the highways (ZZ & 14).

The proposed gate location is shown in **Exhibit 18**. The proposed gate location takes advantage of strategic turn-around points and routes that minimize distance traveled.

Diverted traffic concerns

Some are concerned that cut-through traffic on Holder diverted to the intersection of highways ZZ and 14 will cause congestion. These are both highways intended to carry heavier traffic. With lessening traffic on Highway 14 as it moves westward from Nixa, the cross traffic is currently less at Highway ZZ than at Holder Road. There should be less concern about traffic issues at the intersection of two highways than traffic issues at the intersection with the residential Holder Road which is narrower and has no shoulders. Another Olsson-recognized dangerous curve is near the corner of Holder as it approaches Highway ZZ. Diverting traffic to highways 14 & ZZ would greatly diminish the risks of navigating that corner since there would be far fewer vehicles.

Some are concerned that traffic from Holder will be diverted to Kerr Road. We do not see that this is likely. **Exhibit 19**

- It is true that when the low water bridge is impassable that people will sometimes turn around and travel down Kerr Road rather than going back to Highway 14. It takes 11 minutes to drive from Highway 14 down Holder Road to Kerr to get to Hwy ZZ and the other end of Holder as compared to the 7 minutes driving Highway 14 to Highway ZZ to Holder (**Exhibit 1**). This would not be a reasonable choice, although it may happen when the road is first closed. Water over the bridge is unpredictable. Once Holder is closed to through traffic, it will be permanent and thus people will know that they can't get through. It will take a while for the GPS utilities to update. No one will choose to travel from Hwy 14 down Holder to Kerr just to cut across to ZZ unless they're just looking for a scenic drive.

Precedent

- A concern was expressed about this action causing a precedent and that many people would start attempting the same.

- Drew Hilpert, Attorney at law, our Holder Road neighbor, responded at the Clever meeting that, for a precedent to be set, the conditions would have to be almost identical. This is almost never the case.
- According to Miranda Beadles, the road that comes closest to having similar traffic conditions to Holder Road is Nicholas Road which is fed by Highway M from the south. Yet, none of it is a right of way through private property; it is wide and straight and does not suffer from the same road characteristics that make Holder Road problematic: multiple curves, some of them blind, shoulders lacking, regularly flooding creeks, etc.

“Selfish” and “entitled”

It is said that we are selfish toward our neighbors and we are acting “entitled.”

- Which neighbors? We may not be doing what the neighbors in opposition south of Highway 14 want, but our petition serves to benefit our immediate neighbors — the neighborhood of Holder Road, the vast majority of whom signed the petition to vacate.
- The hundreds of thousands of cars travelling through the middle of our property inhibiting our use of it has been a hardship.
- The road is on our private property. It would seem that it is the opposition who are behaving in an “entitled” fashion—they want to preserve their 3-minute shortcut at our expense.
- Using **Holder Road is a necessity for its residents**. It is merely **a convenience for the cut-through traffic**. No one is entitled to a convenience.

Holder Road neighbor opinions

- Neighbors will be granted access through the gate. There will be a formalized agreement with them.
- However, four of those households—with no prompting—have stated that they would not care whether they were granted access through the gate or not. They would just go around. They recognize the problems discussed here and are willing to travel the extra time to alleviate the road problems by closing it to through traffic.

The decision whether or not to vacate a portion of Holder Road cannot depend on numbers of people for or against. It must be made on the objective facts of the matter. The vacation of Holder Road meets the statutory requirements and provides the best long-term solution for the safety of everyone.

To the Christian County, Missouri, Commissioners:

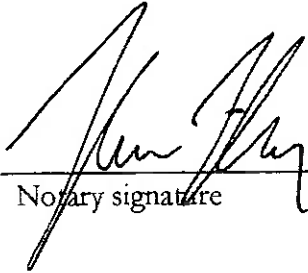
I, Casey Perryman, work currently as a firefighter in Springfield. I have ten years' experience and have dealt with Knoxbox products on many gated properties. Using a key to disengage a gate with a Knoxbox adds no more than 20 seconds to response time.



Casey Perryman

7/1/25

Date



Notary signature

7/1/25

Date



To the Christian County, Missouri, Commissioners:

I, Nathaniel J. Hobbs, am the successor trustee of the trust of my parents Stephen J. and Patricia A. Hobbs. The Holder Road property is titled in the name of the trust. I agree to honor and effectuate any access granted through that property following Christian County's vacating its right of way to said property.

Nath J Hobbs

Nathaniel J. Hobbs

07/05/25

Date

Julissa Del Val

Notary signature

7/05/2025

Date

