

BILL NO. 2868

ORDINANCE NO. _____

Sponsor: _____

AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT PLAT PURSUANT TO SECTION 410.030.B OF THE CITY CODE FOR 117 W. SAND AND DIRECTING THAT THE SAME BE RECORDED WITH THE FRANKLIN COUNTY RECORDER OF DEEDS.

WHEREAS, Kirk D. Presley and Lisa M. Presley (“Applicant”), as property owners of 117 West Sand, have submitted an application for approval of a certain boundary adjustment plat pursuant to Section 410.030.B of the City Code seeking to combine four separate lots on 117 W. Sand (Lots 15, 16, 17, and 18 of Block 175 of T.M. Aults Subdivision comprising of two Parcels, with Parcel ID 19-1-12.0-1-004-108.000 and Parcel ID 19-1-12.0-1-004-109.000) into 1 Lot as described and depicted on Exhibit 1 attached hereto and incorporated herein (the “Boundary Adjustment Plat”); and

WHEREAS, pursuant to Code Section 410.030.B, the Zoning Officer has reviewed the Boundary Adjustment Plat for Code compliance and the effects on surrounding properties and has recommended that the Boundary Adjustment Plat be approved subject to certain conditions; and

WHEREAS, Franklin County has or is working with the Applicant to combine the two taxing parcels, with Parcel ID 19-1-12.0-1-004-108.000 and Parcel ID 19-1-12.0-1-004-109.000, into one parcel; and

WHEREAS, the Applicant has sought, pursuant to Section 410.080 of the City Code, waiver of the requirement of installing sidewalks, curb and gutters, street lights and street trees, which such waiver request is on file with the City Clerk (“Waiver Request”); and

WHEREAS, the Board of Aldermen has considered the proposed Boundary Adjustment Plat, Waiver Request, and recommendation of the Zoning Officer, and has determined that the Applicant has shown good cause to waive the requirements for street lights and street trees; and

WHEREAS, the Board of Aldermen has determined that the Boundary Adjustment Plat meets all criteria for approval of a boundary adjustment plat under City Code subject to certain waivers; and

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

SECTION ONE: The attached and incorporated Boundary Adjustment Plat, which combines Lots 15, 16, 17, and 18 into a single lot labeled as Lot 15“A” on the Boundary Adjustment Plat, is approved by the Board of Aldermen of the City of Pacific subject to compliance with all obligations and improvements required by the City Code, except that (1) the requirements to install street lighting and street trees is hereby waived based on good cause

shown, (1) and the requirement to install sidewalks and curbs and gutters in compliance with City Code may be satisfied by subdivider payment prior to plat recording of corresponding escrow amount to be held and used by the City for such installation if delay in improvement installation is determined by the City Engineer to be in the public interest.

SECTION TWO: As a requirement for issuance of a Building Permit, in addition to all other applicable requirements, the Applicant shall record this Ordinance and the approved Boundary Adjustment Plat with the Recorder of Deeds of Franklin County.

SECTION THREE: The approval of the Boundary Adjustment Plat shall be effective from and after its date of passage and approval, provided all required fees are paid to the City, and further subject to compliance with all conditions specified above as well as applicable provisions of the Subdivision and Zoning regulations, Building Code, and all other applicable City Code requirements. All filing fees shall be paid by the Applicant. An occupancy permit shall not be issued unless all requirements of this Ordinance and all applicable City Code requirements are complied with.

SECTION FOUR: This Ordinance shall take effect and be in full force from and after its passage by the Board of Alderman and approval by the Mayor.

This Bill was passed and approved this 6th day of November, 2012 by the Board of Aldermen of the City of Pacific, Missouri, after having been read by title or in full two times prior to passage.

Presiding Officer

Herbert C. Adams, Mayor

Attest:

City Clerk

City Clerk