

BILL NO. 2906

ORDINANCE NO. _____

SPONSOR: _____

AN ORDINANCE AUTHORIZING A MINOR SUBDIVISION PLAT PURSUANT TO 410.030.D FOR ALT PLACE SUBDIVISION LOCATED ON INDUSTRIAL DRIVE, THEREBY CREATING LOT 1, 8.002 ACRES, AND LOT 2, 11.610 ACRES.

WHEREAS, Barbara A. Alt, Henry P. Alt, and Charlene K. Alt (“Applicants”) as owners of the tract of land, located on Industrial Drive in the City of Pacific, known as Alt Place subdivision, have applied to the City for approval for a minor subdivision plat to create two lots on such tract of land as more fully described and depicted on Exhibit 1 attached hereto and incorporated herein (“Minor Subdivision Final Plat”);

WHEREAS, the official zoning of the property is “NU” nonurban and the current and proposed use for the site is agriculture;

WHEREAS, the Applicants have sought, pursuant to Section 410.080 of the City Code, waiver of the requirements for subdivision improvements with such waiver request on file with the City Clerk;

WHEREAS, the City has held a public hearing before the Planning and Zoning Commission and such recommendations and reports have been forwarded to the Board of Aldermen, and the City has further held a public hearing before the Board of Aldermen and published notice as required for an amendment of zoning regulations pursuant to Chapter 89 RSMo.;

WHEREAS, the Board of Aldermen desires to approve the Minor Subdivision Final Plat and authorizes waiving the requirements to install public improvements pursuant to Section 410.075 of the Municipal Code until such time as a building permit is requested and that public improvements shall be required at that time for only the lot on which a building permit is being proposed as provided in Section Two herein; and

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

Section One. That the attached and incorporated Minor Subdivision Final Plat which divides Applicants’ tract of land into two (2) lots creating lot 1, consisting of 8.002 acres, and lot 2, consisting of 11.610 acres, as more fully depicted and described on the attached Exhibit 1, is hereby approved subject to the conditions herein.

Section Two. The plat approval is subject to the following condition which shall be clearly stated on the recorded plat: “As a condition of the variance granted to the requirement for immediate guarantee of improvements for this recorded plat as otherwise required by 410.050 and 410.075 of the City of Pacific Code of Ordinances, each owner of a lot within this subdivision agrees and covenants that such improvement obligations or guarantee relative to his/her/their lot shall be satisfied as: (1) a precondition of issuance of any building permit for a principal building for his/her/their lot within this Subdivision, and (2) as a condition of any

rezoning of his/her/their lot. This obligation shall run with the land and obligate jointly and severally all subsequent owners of any lot in this Subdivision. Each lot owner agrees that the City shall be entitled to enforce this covenant by an action at law or equity, among other available remedies, and shall be entitled to recover its costs of enforcement, including reasonable attorneys' fees."

Section Three. The plat approval hereby waives the public dedication requirement in part by delaying public possession as reflected on the plat as follows: The 50' wide access road labeled "50' Wide Easement" on lot 1 of Exhibit 1, as well as the approximate 50 x 50 foot easement to be recorded in the office of the Recorder of Deeds, shall remain private easements providing access to the Northwest quarter of the Southeast quarter of Section fourteen (14), Township forty-three (43) North, Range two (2) East of the 5th P.M., Franklin County, Missouri (hereinafter referred to as the "Adjacent Property"), and subject to maintenance generally by Barbara A. Alt and her heirs and assigns; provided that such easements shall be and are hereby immediately dedicated for public use to the City and the right of City possession shall be effective not later than the earlier of: (1) subdivision of the Adjacent Property into more than two (2) lots; or (2) issuance of any City primary building permit other than single family building permit for improvements on the Adjacent Property; or (3) the date twenty (20) years and eleven (11) months after the death of the last to die among the following persons: Barbara A. Alt (DOB 5/6/43); her son, John Timothy Alt (DOB 8/18/71); her daughter, Diana Kathleen Alt (DOB 12/12/74); her son, Philip Bradley Alt (DOB 11/17/79); her granddaughter, Kendra Joy Alt (DOB 2/9/03); her grandson, John Daniel Alt (DOB 11/9/05); and her grandson Micah Timothy Alt (DOB 3/15/11). No private easement or interest shall hereinafter be recorded or maintained granting any property interest limiting or burdening the 50' Wide Easement dedicated to the City. Such restriction must clearly be stated on the approved plat, Exhibit 1. Nothing herein shall preclude the City from vacating the 50' Wide Easement dedicated for public use in the event that alternate public access to the Adjacent Property is provided.

Section Four. Prior to recording, the City Attorney is hereby authorized to review and approve all easements and rights-of-way dedications, as they appear on the Record Plat, as attached hereto and made a part hereof, and as included in Section 3 herein, provided, however, that the City shall not be deemed to have accepted for purposes of maintenance or liability of any kind such dedications of easements or rights-of-way reflected on the Record Plat or as included in Section 3 herein until such acceptance is specifically approved by separate ordinance.

Section Five. The City Clerk is authorized to evidence the approval of this Record Plat by affixing his or her signature and the official seal of the City of Pacific to a Certificate of Approval upon this instrument. The Applicants shall record the approved Record Plat within sixty (60) days of its approval by the Board of Aldermen of the City of Pacific at the Office of the County Recorder of Deeds, with all costs paid by Applicants, provided that all conditions for recording herein are satisfied, and promptly provide the City a copy of the recorded Plat.

Section Six. This Ordinance shall be in full force and effect on and after its passage and approval.

This Bill was passed and approved this 18th day of February 2014, 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

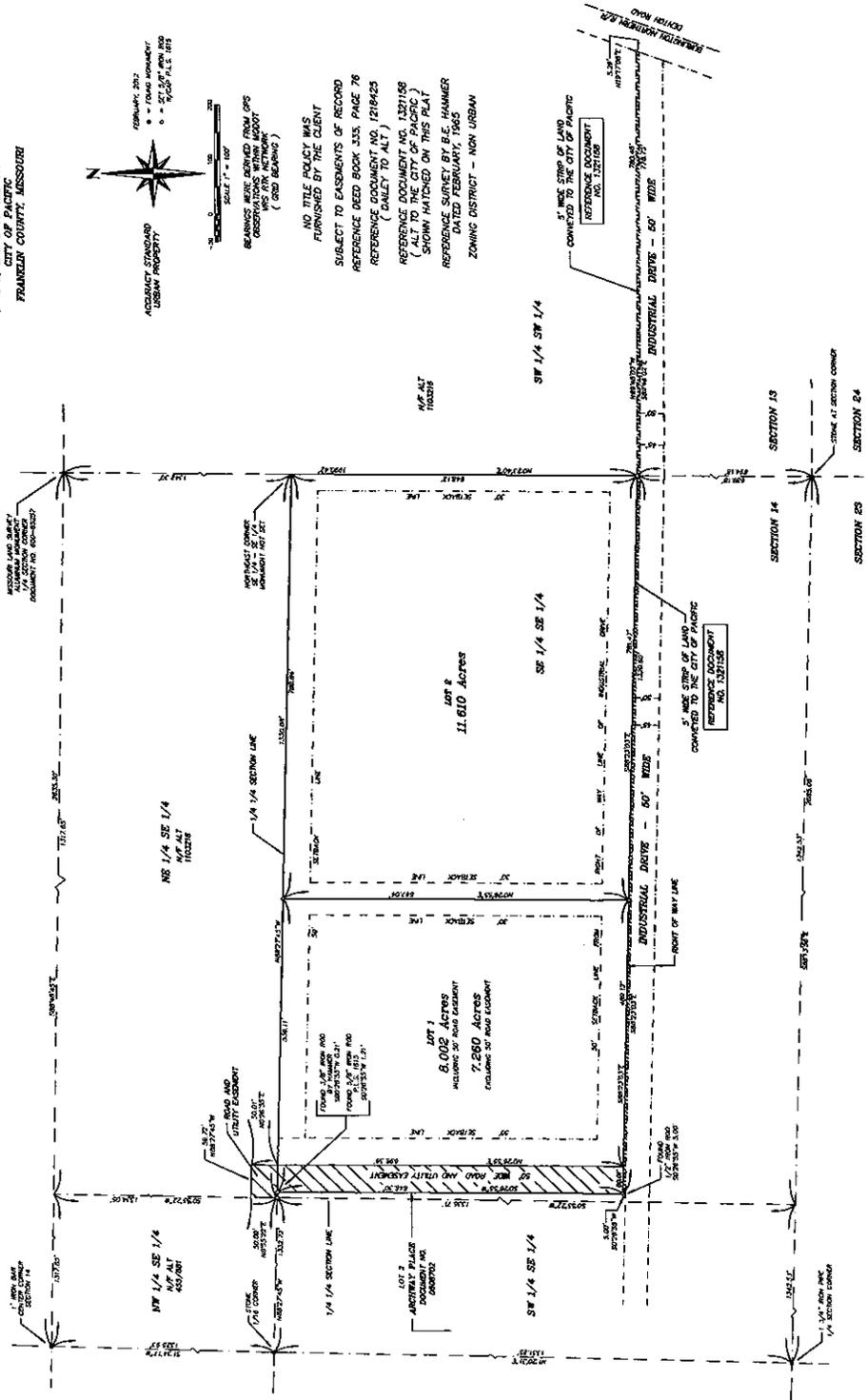
Herbert C. Adams, Mayor

ATTEST:

City Clerk

City Clerk

ALT PLACE
 PART OF THE SE 1/4 OF THE SE 1/4 IN SECTION 14
 T 43 N. R 2 E OF THE 5TH P.M.
 FRANKLIN COUNTY, MISSOURI



City of Pacific, Missouri, do hereby certify that this plat of "ALT PLACE" was approved by the Board of Aldermen of the City of Pacific, Missouri, on the 10th day of January, 2014. The City of Pacific, Missouri, is a duly organized and existing municipal corporation under the laws of the State of Missouri.

City Clerk, City of Pacific, Missouri

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Part of the Section 14 of the Township 43 North, Range 2 East of the City of Pacific, Franklin County, Missouri, and adjacent to the same.

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REvised JANUARY 28, 2014
 FILE NO. 88020000000014
BURKE AND ASSOCIATES, INC.
 LAND SURVEYORS
 1074 HIGHWAY A, SUITE 104
 WASHINGTON, MISSOURI 65680
 656-238-0172

SURVEYOR'S CERTIFICATE
 I, the undersigned, being duly sworn, depose and say that I am a duly licensed and qualified land surveyor under the laws of the State of Missouri, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original plat as the same was filed in my office, and that I am not aware of any fraud, collusion, or other illegal means used in the preparation of the same.

My commission expires _____ day of _____, 2014.

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OWNER'S CERTIFICATE
 I, the undersigned, being duly sworn, depose and say that I am the owner of the land described in the foregoing plat, and that I have read the same and know the contents thereof, and that I have executed the same voluntarily, and that I am not aware of any fraud, collusion, or other illegal means used in the preparation of the same.

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ADJACENT PROPERTY OWNER'S CERTIFICATE
 I, the undersigned, being duly sworn, depose and say that I am the owner of the land adjacent to the land described in the foregoing plat, and that I have read the same and know the contents thereof, and that I have executed the same voluntarily, and that I am not aware of any fraud, collusion, or other illegal means used in the preparation of the same.

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