

AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT OF THE ZONING CLASSIFICATION OF APPROXIMATELY SEVENTEEN POINT ONE-NINE (17.19) ACRES OF REAL PROPERTY LOCATED AT 3020 NORTH YORK AVENUE, FROM AGRICULTURAL (AG) TO HEAVY INDUSTRIAL (M-2)

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City’s BUILDS Department received an Application for an amendment to the Zoning Code and Official Zoning Map by rezoning certain real property consisting of approximately 17.19 acres, located at 3020 North York Avenue in Republic, Missouri (“the Property”), from Agricultural (AG) to Heavy Industrial (M-2); and

WHEREAS, the City submitted the Application to the Planning and Zoning Commission (“Commission”) and set a public hearing before the Commission for June 12, 2023; and

WHEREAS, the City published notice of the time and date of the public hearing at least fifteen (15) days in advance, on May 24, 2023, in the *Greene County Commonwealth*, a newspaper of general circulation in the City; and

WHEREAS, the City gave notice of the Application and public hearing to the record owners of all real properties within 185 feet of the Property; and

WHEREAS, the Commission conducted the public hearing on June 12, 2023, at which all interested persons and entities were afforded the opportunity to present evidence or statement, and after which the Commission rendered written findings of fact and submitted those along with its recommendations to the Council; and

WHEREAS, the Commission, by a vote of 0 Ayes to 5 Nays, did not recommend the approval of the Application; and

WHEREAS, the Application was submitted to the Council for first read at its regular meeting on June 20, 2023, and submitted for second read at its regular meeting on July 18, 2023, after which the Council voted to approve the Application and amend the Zoning Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: The Zoning Code and Official Zoning Map are hereby amended to reflect the rezoning of the real property consisting of approximately 17.19 acres located at 3020 North York Avenue in Republic, Missouri, more fully identified in the legal description below, from Agricultural (AG) to Heavy Industrial (M-2):

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION TWO (2), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NE¼ OF THE NW¼; THENCE N0207'36"E, WITH THE WEST LINE OF SAID NE¼ OF THE NW¼, A DISTANCE OF 628.06 FEET TO A POINT FOR CORNER; THENCE S8752'24"E, A DISTANCE OF 466.69 FEET TO A POINT FOR CORNER; THENCE N0207'36"E, A DISTANCE OF 466.75 FEET TO A POINT FOR CORNER; THENCE N8752'24"W, A DISTANCE OF 466.69 FEET TO A POINT ON SAID WEST LINE FOR CORNER; THENCE N0207'36"E, WITH SAID WEST LINE, A DISTANCE OF 319.21 FEET TO A POINT ON THE NORTH LINE OF SAID NE¼ OF THE NW¼ FOR CORNER; THENCE S8807'10"E, WITH SAID NORTH LINE, A DISTANCE OF 459.76 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF MISSOURI STATE HIGHWAY 360 FOR CORNER; THENCE S0152'50"W, WITH SAID HIGHWAY RIGHT-OF-WAY LINE, A DISTANCE OF 24.47 FEET TO AN EXISTING 100-D NAIL FOR CORNER; THENCE S7353'39"E, A DISTANCE OF 67.59 FEET TO AN EXISTING 100-D NAIL FOR CORNER; THENCE S8553'19"E, A DISTANCE OF 212.55 FEET TO AN EXISTING RIGHT-OF-WAY MARKER FOR CORNER; THENCE S4314'07"E, A DISTANCE OF 130.11 FEET TO AN EXISTING RIGHT-OF-WAY MARKER FOR CORNER, SAID MARKER BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S2253'05"W, WITH SAID RAILWAY RIGHT-OF-WAY, A DISTANCE OF 1,361.00 FEET TO A POINT ON THE SOUTH LINE OF SAID NE¼ OF THE NW¼ FOR CORNER; THENCE N8829'44"W, A DISTANCE OF 348.10 FEET TO THE POINT OF BEGINNING, AND CONTAINING 14.42 ACRES OF LAND, MORE OR LESS, SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

AND ALSO,

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER (NE¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION TWO (2), TOWNSHIP TWENTY-EIGHT (28) NORTH, RANGE TWENTY-THREE (23) WEST, GREENE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NE¼ OF THE NW¼; THENCE N0207'35"E, ALONG THE WEST LINE OF SAID NE¼ OF THE NW¼, A DISTANCE OF 628.06 FEET TO A CORNER FOR A POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE S8752'24"E, A DISTANCE OF 466.69 FEET TO A POINT FOR CORNER; THENCE N0207'36"E, A DISTANCE OF 466.75 FEET TO A POINT FOR CORNER; THENCE N8752'24"W, A DISTANCE OF 466.69 FEET TO A POINT FOR CORNER, SAID POINT BEING ON SAID WEST LINE; THENCE S0207'36"W, ALONG SAID WEST LINE, A DISTANCE OF 466.75 FEET TO THE POINT OF BEGINNING, CONTAINING 5.00 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

- Section 2:** In all other aspects other than those herein amended, modified, or changed, the Zoning Code and Official Zoning Map shall remain the same and continue in full force and effect.
- Section 3:** The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.
- Section 4:** The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.
- Section 5:** The WHEREAS clauses above are specifically incorporated herein by reference.
- Section 6:** This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2023.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: