

CITY OF WARRENSBURG
COMMUNITY DEVELOPMENT DEPARTMENT

August 10, 2021

Honorable Mayor and
Members of the City Council
City of Warrensburg, Missouri

Dear Mayor and Council Members:

SUBJECT: An Ordinance Approving and Accepting the Final Plat of Dyer's Last Stand a Subdivision in the City of Warrensburg, Missouri, Located at 115 and 117 W. Oak Street

BACKGROUND:

The applicants, Brian and Kristin Dyer, have submitted the final plat of Dyer's Last Stand. The proposed plat combines two existing lots at 115 and 117 W. Oak Street into one large lot. The plat covers 41,612 sq. ft. of land and does not create any new rights-of-way or easements. The land is located in a GB: General Business District. Currently, there is a house on 115 W. Oak Street and a house on 117 W. Oak Street. The owners intend to demolish the house on 115 W. Oak Street prior to the plat being recorded. Once that is complete, there will only be one single-family dwelling on the one new lot.

ISSUE:

To approve an ordinance approving the Final Plat of Dyer's Last Stand.

STRATEGIC PLAN:

This item is not addressed in the City's Strategic Plan.

FISCAL IMPACT:

There is no impact on the budget.

ECONOMIC BENEFITS/IMPACT:

N/A

RECOMMENDATION:

The Planning & Zoning Commission considered the plat at their August 2, 2021, meeting and recommended approval of the plat with one condition which has been incorporated into the proposed ordinance. The findings and written recommendation is attached. Staff recommends approval of the ordinance.

Sincerely,



Barbara Carroll
Director of Community Development

- Attachments:
1. Ordinance
 2. Final Plat of Dyer's Last Stand
 3. Findings and Recommendation Form

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ACCEPTING THE FINAL PLAT OF DYER'S LAST STAND A SUBDIVISION IN THE CITY OF WARRENSBURG, MISSOURI, LOCATED AT 115 AND 117 W. OAK STREET

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WARRENSBURG, MISSOURI, AS FOLLOWS:

Section 1. That the Final Plat of Dyer's Last Stand a Subdivision in the City of Warrensburg, is hereby approved with the following condition:

1. One of the two existing houses must be demolished prior to the plat being recorded so that no new non-conforming situations are created by the plat. The survey will need to be revised to remove the demolished structure before the mylar is printed.

Section 2. This ordinance shall be in force and effect after passage by the City Council.

Read two times and passed by the City Council this _____ day of August, 2021.

Scott Holmberg, Mayor

ATTEST:

Cindy Gabel, City Clerk

A Final Plat of DYER'S LAST STAND

BEING A PART OF LOT 5, SOLOMON'S NORTH ADDITION,
AN ADDITION IN WARRENSBURG, JOHNSON COUNTY, MISSOURI
RECORDED IN PLAT BOOK 1 AT PAGE 23, LOCATED IN PART OF THE NORTHWEST QUARTER
OF SECTION 24, TOWNSHIP 46 NORTH, RANGE 26 WEST OF THE 5TH P.M.

RECORD DESCRIPTIONS, BOOK 3740 AT PAGE 97:

ALL THAT PART OF LOT 5 IN SOLOMON'S NORTH ADDITION, AS SHOWN BY THE PLAT FILED IN PLAT BOOK 1, AT PAGE 23, IN THE CITY OF WARRENSBURG, JOHNSON COUNTY, MISSOURI, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER THEREOF; THENCE NORTH 125 FEET; THENCE EAST 143 1/2 FEET; THENCE SOUTH 125 FEET; THENCE WEST 143 1/2 FEET TO BEGINNING, TOGETHER WITH ALL IMPROVEMENTS THEREON AND THE APPURTENANCES THEREUNTO BELONGING AND WARRANT THE TITLE TO THE SAME.

AS SHOWN IN WARRANTY DEED RECORDED IN JOHNSON COUNTY DEED BOOK 3740 AT PAGE 97.

BOOK 3806 AT PAGE 15:

A PART OF THE WEST HALF OF LOT 5 IN SOLOMON'S NORTH ADDITION, AS SHOWN BY THE PLAT FILED IN PLAT BOOK 1, AT PAGE(S) 23, IN THE CITY OF WARRENSBURG, JOHNSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 60 FEET WEST OF THE SOUTHEAST CORNER OF SAID WEST HALF OF SAID LOT; THENCE WEST 93 1/2 FEET ALONG THE SOUTH LINE OF SAID LOT; THENCE NORTH 200 FEET; THENCE WEST 25 FEET; THENCE NORTH 42 FEET; THENCE EAST 118 1/2 FEET; THENCE SOUTH 242 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND COVENANTS OF RECORD, IF ANY.

AS SHOWN IN WARRANTY DEED RECORDED IN JOHNSON COUNTY DEED BOOK 3806 AT PAGE 15.

DEDICATION:

THE UNDERSIGNED PROPRIETORS OF THE REAL ESTATE DESCRIBED HEREON HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THIS PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "DYER'S LAST STAND". IT SHALL BE SUFFICIENT DESCRIPTION OF EACH LOT PLATTED HEREON TO BE DESIGNATED BY THE NUMBER/LETTER WHICH APPEARS ON SAID LOT FOLLOWED BY THE WORDS "DYER'S LAST STAND" AN ADDITION TO THE CITY OF WARRENSBURG, MISSOURI.

AN EASEMENT IS HEREBY GRANTED TO THE CITY OF WARRENSBURG TO LOCATE, CONSTRUCT, AND MAINTAIN, OR TO AUTHORIZE THE LOCATION, CONSTRUCTION AND MAINTENANCE OF CONDUITS, GAS, WATER, SEWER, STORM DRAINAGE, ELECTRIC, OR OTHER PUBLIC UTILITY AND ASSOCIATED UTILITY INFRASTRUCTURE UPON, UNDER AND THROUGH THE LAND DESIGNATED AS "STORM DRAINAGE & UTILITY EASEMENT" (S.D. & U.E.) AS SHOWN ON THE PLAT.

THE STREETS OR ROADS SHOWN ON THIS PLAT NOT ALREADY DEDICATED TO THE PUBLIC ARE HEREBY SO DEDICATED.

THE USE OF ALL LOTS ON THIS PLAT SHALL BE SUBJECT TO ANY AND ALL RESTRICTIONS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN JOHNSON COUNTY, MISSOURI AND TO ALL RESTRICTIONS IMPOSED BY ORDINANCE BY THE CITY OF WARRENSBURG, MISSOURI.

AS OWNER I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THE PLAT TO BE SURVEYED, DIVIDED, MAPPED DEDICATED AND ACCESS RIGHTS RESERVED AS REPRESENTED ON THIS PLAT.

IN TESTIMONY WHEREOF THE UNDERSIGNED PROPRIETORS HAVE HEREUNTO SET THEIR HANDS THIS _____ DAY OF _____, 2021.

BRIAN COLBY DYER
KRISTIN J. DYER

ACKNOWLEDGMENT:

STATE OF MISSOURI)
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2021 BEFORE ME PERSONALLY APPEARED _____

BRIAN COLBY DYER AND KRISTIN J. DYER
HUSBAND AND WIFE, TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE COUNTY OF _____, STATE OF MISSOURI.

MY COMMISSION EXPIRES _____

(SEAL)

MORTGAGE HOLDERS
MORTGAGE HOLDERS

APPROVAL:

THIS CERTIFIES THAT THE WITHIN PLAT OF "DYER'S LAST STAND" WAS SUBMITTED TO AND DULY APPROVED BY THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL OF WARRENSBURG, MISSOURI, APPROVED BY ORDINANCE # - _____ ON _____ DAY OF _____

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

I HEREBY CERTIFY THAT ALL TAXES ON THE PROPERTY DESCRIBED HEREIN HAVE BEEN PAID AS OF DECEMBER 31, 2020.

BY: _____ DATE _____
COLLECTOR

DEVELOPER:
BRIAN AND KRISTIN DYER
117 W. OAK STREET
WARRENSBURG, MISSOURI 64093

GENERAL NOTES:

- BEARINGS BASED ON THE FINAL PLAT OF "EXECUTIVE POINTE LOTS 1 THRU 8", BY 1733, DATED 11/22/1999, RECORDED IN PLAT BOOK 11 AT PAGES 151-152.
- DEED DESCRIPTIONS PROVIDED BY CLIENT; ALSO RECORDED IN JOHNSON COUNTY DEED BOOK 3740 AT PAGE 97 AND BOOK 3806 AT PAGE 15.
- TYPE OF SURVEY: URBAN.
- APPARENT OWNERSHIPS ARE BASED ON INFORMATION PROVIDED BY THE CLIENT AND THE OTHER INFORMATION OBTAINED FROM JOHNSON COUNTY RECORDS. THIS SURVEY DOES NOT REPRESENT AN OPINION AS TO TITLE.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- THE SUBJECT TRACT, BY GRAPHIC PLOTTING ONLY, LIES IN ZONE X, "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S, NATIONAL FLOOD INSURANCE PROGRAM'S, FLOOD INSURANCE RATE MAP 29101C0240E, BEARING AN EFFECTIVE DATE OF 07/04/2011.
- THE SUBJECT SITE IS CURRENTLY ZONED: GB; GENERAL BUSINESS DISTRICT.

SURVEYORS NOTES:

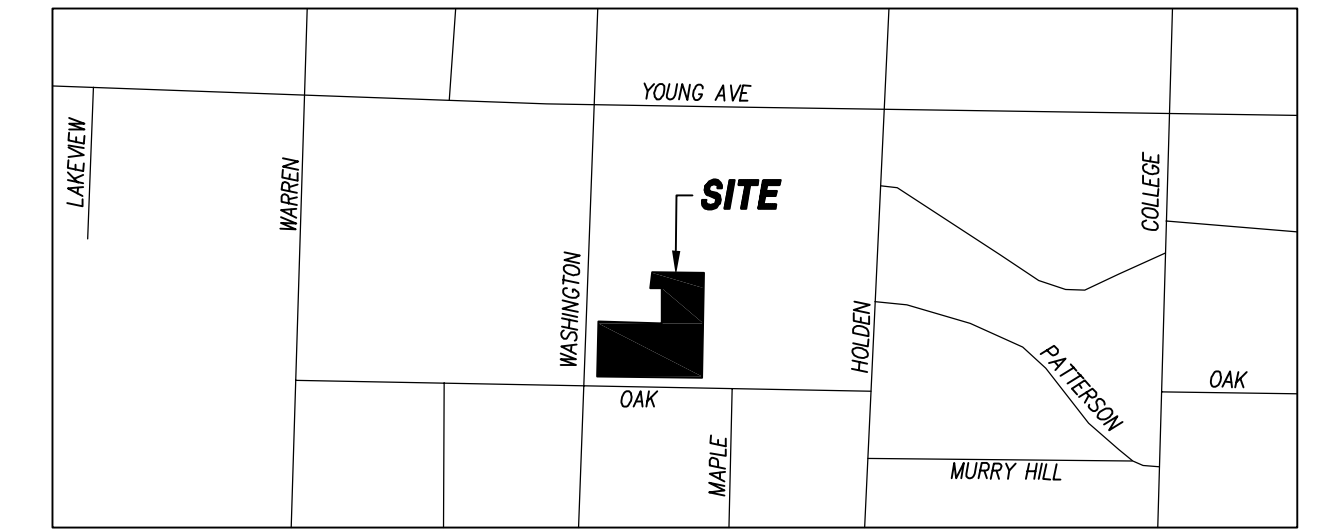
- NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. NO ABOVE GROUND OR BELOW GROUND UTILITIES ARE SHOWN EXCEPT AS NOTED.
 - DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 - SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR PRESENT ON IT.
- NOTE: NOTHING IN THIS SECTION IS ADOPTED OR APPROVED BY THE CITY IN THE ACCEPTANCE OF THE PLAT.

SURVEY REFERENCES:

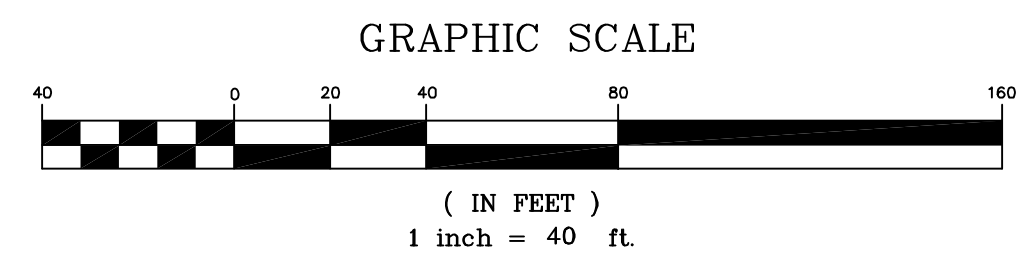
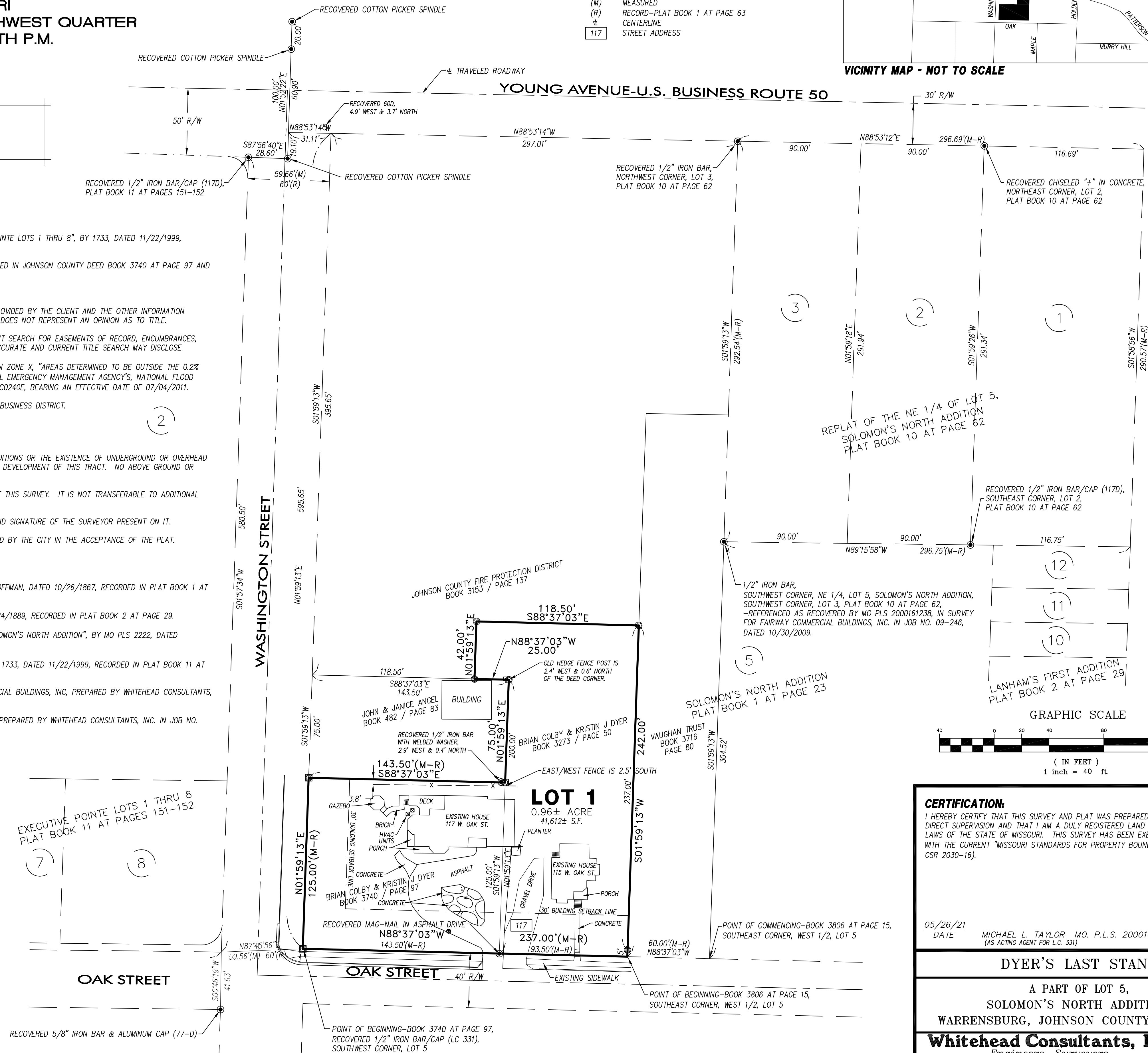
- FINAL PLAT OF "SOLOMON'S NORTH ADDITION" BY LOT COFFMAN, DATED 10/26/1867, RECORDED IN PLAT BOOK 1 AT PAGE 23.
- FINAL PLAT OF "LANHAM'S FIRST ADDITION", DATED 12/24/1889, RECORDED IN PLAT BOOK 2 AT PAGE 29.
- FINAL PLAT OF "REPLAT OF THE NE 1/4 OF LOT 5, SOLOMON'S NORTH ADDITION", BY MO PLS 2222, DATED 06/02/1989, RECORDED IN PLAT BOOK 10 AT PAGE 62.
- FINAL PLAT OF "EXECUTIVE POINTE LOTS 1 THRU 8", BY 1733, DATED 11/22/1999, RECORDED IN PLAT BOOK 11 AT PAGES 151-152.
- SURVEY BY MO PLS 2000161238, FOR FAIRWAY COMMERCIAL BUILDINGS, INC, PREPARED BY WHITEHEAD CONSULTANTS, INC. IN JOB NO. 09-246, DATED 10/30/2009.
- SURVEY BY MO PLS 2000161238, FOR KRISTIN J. DYER, PREPARED BY WHITEHEAD CONSULTANTS, INC. IN JOB NO. 20-405, DATED 10/29/2020.

LEGEND:

- SURVEY MONUMENT (AS NOTED)
- ⊙ EXISTING 1/2" IRON BAR / CAP (L.C. 331)
- ⊙ SET 1/2" IRON BAR / CAP (L.C. 331)
- R/W RIGHT-OF-WAY
- (M) MEASURED
- (R) RECORD-PLAT BOOK 1 AT PAGE 63
- ⊕ CENTERLINE
- 117 STREET ADDRESS



VICINITY MAP - NOT TO SCALE



CERTIFICATION:
I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MISSOURI. THIS SURVEY HAS BEEN EXECUTED IN ACCORDANCE WITH THE CURRENT "MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS" (20 CSR 2030-16).

05/26/21
DATE
MICHAEL L. TAYLOR MO. P.L.S. 2000161238
(AS ACTING AGENT FOR L.C. 331)

DYER'S LAST STAND
A PART OF LOT 5,
SOLOMON'S NORTH ADDITION,
WARRENSBURG, JOHNSON COUNTY, MISSOURI

Whitehead Consultants, Inc.
Engineers, Surveyors
114 NORTH MAIN STREET 312 WEST MAIN STREET
P.O. BOX 461 P.O. BOX 790
CLINTON, MISSOURI 64735 WARSAW, MISSOURI 65355
Phone: (660) 885-8311 Phone: (660) 438-9473
Fax: (660) 885-8447 Fax: (660) 438-9574



JOHNSON COUNTY RECORDER

NO.	DATE	DESCRIPTION	BY
1.	07/13/2021	CITY OF WARRENSBURG COMMENTS.	JEH
	05/26/21	DATE	JEH
		DRAWN BY	MLT
		CHECKED BY	MLT
		JOB NO.	21-109
		SCALE	1"=40'
		SHEET NO.	1 OF 1

PLANNING AND ZONING COMMISSION
FINDINGS AND RECOMMENDATION

Property owned by: Brian and Kristin Dyer

Request to Consider: Final Plat of Dyer's Last Stand

The Planning and Zoning Commission has considered the final plat at an open public meeting on 2^{1/2} day of AUG, 2021 and makes the following findings and recommendations based upon the information presented with respect to these matters:

1. The plat complies with the purpose of Chapter 21 and promotes the orderly development of the community.
2. The plat satisfies the design requirements of Chapter 21, Subdivision Regulations, and Chapter 27, Zoning, except as noted.

3. The following special physical conditions affect the property: NONE

4. The relationship of the proposed replat to the goals and objectives of the Comprehensive City Plan is such that applicable objectives of the plan X will be _____ will not be furthered.

Regarding the proposed Final Plat of Dyer's Last Stand, the Planning and Zoning Commission:

Recommends Approval

Recommends Approval with Conditions BY STAFF

Disapproves _____

Passed by the Planning & Zoning Commission this 24th day of AUG, 2021.

[Signature]
Chair