

CITY OF WARRENSBURG
COMMUNITY DEVELOPMENT DEPARTMENT

February 28, 2022

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

Dear Mayor and Council Members:

SUBJECT: An Ordinance Nunc Pro Tunc to Correct an Error in Ordinance 5692 Concerning
Annexation of a Portion of 703 N. Devasher Road

BACKGROUND:

At the January 10, 2022 City Council meeting, Council approved Ordinance 5692 approving the annexation of a portion of the property located at 703 N. Devasher Road. The ordinance contained the wrong legal description. The legal description used was for the western portion of the lot that was being rezoned from R1 to LI instead of the eastern portion of the lot that was to be annexed into the City and zoned LI. Attached is an Ordinance Nunc Pro Tunc with the correct legal description.

ISSUE:

To approve an Ordinance Nunc Pro Tunc to correct the error in Ordinance 5692.

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:

Staff recommends Council approve the Ordinance Nunc Pro Tunc by making a motion "to correct ordinance number 5692 nunc pro tunc to correct an error in the legal description."

Sincerely,



Barbara Carroll
Director of Community Development

Attachments: 1. Ordinance Nunc Pro Tunc
2. Ordinance 5692

ORDINANCE NUNC PRO TUNC

BILL NO. 01-02-2022

ORDINANCE NO. 5692

AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY OF WARRENSBURG, MISSOURI, KNOWN AS A PORTION OF 703 N. DEVASHER ROAD

WHEREAS, on October 13, 2021, one verified petition signed by the owners of the real estate hereinafter described, requesting annexation of said territory into the City of Warrensburg, Missouri, was filed with the City of Warrensburg; and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of Warrensburg, Missouri; and

WHEREAS, a public hearing concerning said matter was held at the Municipal Center in Warrensburg, Missouri at the hour of 7:00 p.m. on December 13, 2021; and

WHEREAS, notice of said Public Hearing was given by publication of notice thereon on November 26, 2021, in the Daily Star Journal, a daily newspaper of general circulation in the City of Warrensburg, County of Johnson, State of Missouri; and

WHEREAS, at said Public Hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the City Council of the City of Warrensburg, Missouri, within fourteen (14) days after the public hearing; and

WHEREAS, the City Council has determined that the annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City Council has determined that the City is able to furnish normal municipal services to said area within a reasonable time after annexation.

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

Section 1. Pursuant to the provision of Section 71.012 RSMo Cum. Supp. 1999; the following prescribed real estate, also known as a portion of 703 N. Devasher Road, is annexed into the City of Warrensburg, Missouri, to-wit;

A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 46 NORTH, RANGE 25 WEST, JOHNSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S87°12'35"E, 25.00 FEET TO THE NORTHWEST CORNER OF LOT 1 OF RANCHERO ESTATES; THENCE S87°12'35"E ALONG THE NORTH LINE OF SAID LOT 1, 275.04 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING THE NORTH LINE OF SAID LOT 1, S1°47'25"W, 603.89 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1 AND THE NORTH RIGHT OF WAY LINE OF RIATA ROAD;
THENCE S84°25'55"E ALONG SAID SOUTH LINE AND SAID RIGHT OF WAY LINE, 71.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE N1°47'25"E ALONG THE WEST LINE OF SAID LOT 1, 600.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1
THENCE N87°12'35"W ALONG THE NORTH LINE OF SAID LOT 1, 275.04 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1.06 ACRES MORE OR LESS AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 1462, PAGE 208 OF THE JOHNSON COUNTY RECORDS. SUBJECT TO EASEMENTS OF RECORD OR NOT OF RECORD, IF ANY.

Section 2. The boundaries of the City of Warrensburg, Missouri, are hereby altered so as to encompass the above described tract of land lying adjacent and contiguous to the present corporate limits.

Section 3. The City Clerk of the City of Warrensburg is hereby ordered to cause three certified copies of the Ordinance to be filed with the Johnson County Clerk.

Section 4. This ordinance shall be in full force and effect from and after its passage by the City Council.

Read two times and passed by the City Council for the City of Warrensburg, Missouri, this _____ day of _____, 2022, to be effective and relate back to the original adoption date of January 10, 2022.

Scott Holmberg, Mayor

Attest:

Carey West, Deputy City Clerk

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WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of Warrensburg, Missouri; and

WHEREAS, a public hearing concerning said matter was held at the Municipal Center in Warrensburg, Missouri at the hour of 7:00 p.m. on December 13, 2021; and

WHEREAS, notice of said Public Hearing was given by publication of notice thereon on November 26, 2021, in the Daily Star Journal, a daily newspaper of general circulation in the City of Warrensburg, County of Johnson, State of Missouri; and

WHEREAS, at said Public Hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the City Council of the City of Warrensburg, Missouri, within fourteen (14) days after the public hearing; and

WHEREAS, the City Council has determined that the annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City Council has determined that the City is able to furnish normal municipal services to said area within a reasonable time after annexation.

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

Section 1. Pursuant to the provision of Section 71.012 RSMo Cum. Supp. 1999; the following prescribed real estate, also known as a portion of 703 N. Devasher Road, is annexed into the City of Warrensburg, Missouri, to-wit;

A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 20, TOWNSHIP 46 NORTH, RANGE 25 WEST, JOHNSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 20; THENCE S87°12'35"E, 25.00 FEET TO THE NORTHWEST CORNER OF LOT 1 OF RANCHERO ESTATES AND THE POINT OF BEGINNING:

THENCE S87°12'35"E ALONG THE NORTH LINE OF SAID LOT 1, 275.04 FEET;

THENCE LEAVING THE NORTH LINE OF SAID LOT 1, S1°47'25"W, 603.89 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1 AND THE NORTH RIGHT OF WAY LINE OF RIATA ROAD; THENCE N84°25'55"W ALONG SAID SOUTH LINE AND SAID RIGHT OF WAY LINE, 99.75 FEET; THENCE N87°31'40"W ALONG SAID SOUTH LINE AND SAID RIGHT OF WAY LINE, 175.48 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N1°47'25"E ALONG THE WEST LINE OF SAID LOT 1, 600.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 3.79 ACRES MORE OR LESS AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 1462, PAGE 208 OF THE JOHNSON COUNTY RECORDS. SUBJECT TO EASEMENTS OF RECORD OR NOT OF RECORD, IF ANY.

Section 2. The boundaries of the City of Warrensburg, Missouri, are hereby altered so as to encompass the above described tract of land lying adjacent and contiguous to the present corporate limits.

Section 3. The City Clerk of the City of Warrensburg is hereby ordered to cause three certified copies of the Ordinance to be filed with the Johnson County Clerk.

Section 4. This ordinance shall be in full force and effect from and after its passage by the City Council.

Passed by the City Council for the City of Warrensburg, Missouri, this 10th day of January, 2022.



Scott Holmberg, Mayor

Attest:



Carey West, Deputy City Clerk

