



Issue: **AN ORDINANCE OF THE NIXA CITY COUNCIL OF THE CITY OF NIXA ACCEPTING THE DEDICATION OF CERTAIN RIGHTS-OF-WAY OF THE MINOR SUBDIVISION OF APPROXIMATELY 0.56 ACRES LOCATED ALONG THE 700 BLOCK OF EAST CRYSTAL AVENUE FROM 3 LOTS TO 2 AND ACCEPTING THE DEDICATION OF RIGHT-OF-WAY**

Date: June 13, 2022

Submitted By: Planning and Development Department

Background

Brendan Justin and Gina Hammersmith are the owners of Lots 17A, 17B, and 17C of the Tiffany Highlands 2nd Addition subdivision. As the owners of the real property, Mr. Justin and Ms. Hammersmith have applied to replat these three lots into two lots to render them more suitable for residential development.

Analysis

The lots subject to this plat were originally platted as part of the Tiffany Highlands 2nd Addition subdivision and are currently within the R-3 multi-family residential zoning district. This arrangement has proven to be very problematic, as the lots are not conducive to development within the R-3 zone. The replating of these lots, along with a rezone request, render the site readily available for development.

This replat will also dedicate a small portion of street right-of-way. On approved construction plans, E Crystal Avenue was shown to be ending as a stubbed road for future connect to the west. A cul-de-sac was constructed and erroneously located on private property. The applicant is wanting to dedicate the necessary right-of-way for the portion of the cul-de-sac that extends onto their property, to the City for proper maintenance and upkeep.

Planning and Zoning Hearing

A public hearing was held 6/6/2022 at the June regular meeting of the Planning and Zoning Commission. Staff presented the minor subdivision request. During the public hearing, no one approached the Commission. The request was unanimously approved by the Commission.

Recommendation

Staff recommends the approval of this bill.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA ACCEPTING THE DEDICATION OF CERTAIN RIGHTS-OF-WAY OF THE MINOR SUBDIVISION GENERALLY LOCATED ALONG THE 700 BLOCK OF EAST CRYSTAL AVENUE.

WHEREAS an application has been filed with the City to combine lots 17A, 17B, and 17C of the Tiffany Highlands 2nd Addition Subdivision into two lots; and

WHEREAS the Planning and Zoning Commission considered the application at their meeting on June 6, 2022; and

WHEREAS the Commission, after considering the application, staff's recommendation regarding the Application, and after holding a public hearing on the Application, approved the application; and

WHEREAS the City Council, now desires to accept, on behalf of the City, the dedication of rights of way contained on re-plat which is attached hereto as "Council Bill Exhibit A."

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

SECTION 1: The City Council on behalf of the City of Nixa, hereby accepts the dedication of land, easements, and rights-of-way dedicated to the City, as shown on the Plat attached hereto, and incorporated herein by this reference, as "Council Bill Exhibit A."

SECTION 2: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL THIS ____ DAY OF _____, 2022.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2022.

ATTEST:

MAYOR

CITY CLERK

47

48 APPROVED AS TO FORM:

49

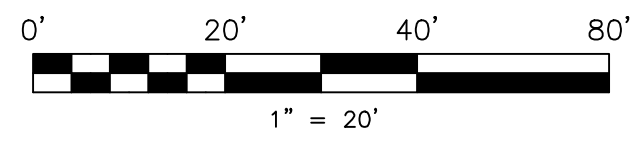
50 _____

51 CITY ATTORNEY

FINAL PLAT
THIRD REPLAT OF TIFFANY HIGHLANDS SECOND ADDITION
BEING A REPLAT OF LOTS 17A, 17B AND 17C IN
TIFFANY HIGHLANDS SECOND ADDITION
LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 18,
T27N, R21W OF THE 5th. P.M. IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI

(RECORDER)

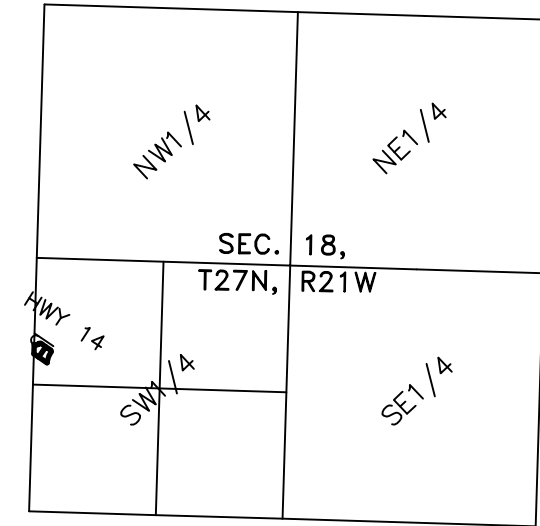
ALL BEARINGS ARE BASED GRID NORTH, 1983 MISSOURI COORDINATE SYSTEM, CENTRAL ZONE. ALL COORDINATES SHOWN HEREON ARE GIVEN IN FEET AND ARE BASED ON THE 1983 MISSOURI COORDINATE SYSTEM. COORDINATES WERE ESTABLISHED FROM MISSOURI GEOGRAPHIC REFERENCE SYSTEM CONTROL MONUMENT: CH-22 GRID FACTOR: 0.9999372 DATE OF ADJUSTMENT: 2004



LEGEND table with symbols for Calculated Point, Found Existing Monument, Set Iron Pin, Measured, Plat, Building Setback Line.

Table with columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Rows C1, C2, C3, C4.

LOCATION SKETCH 1" = 2000'



PROPOSED BOUNDARY OF CUL-DE-SAC SUBJECT TO FUTURE DEDICATION OF RIGHT-OF-WAY BY APPLICABLE FEE SIMPLE TITLE HOLDERS.

AREA OF RIGHT-OF-WAY TO BE DEDICATED TO THE PUBLIC PER THIS REPLAT. 2128 Sq. Feet 0.05 Acres

HIGHWAY 14 DEVELOPMENT, LLC; Ref. DEED IN BOOK 327 AT PAGE 6053.

N:440312.7997 E:1412455.4717

N:440409.1427 E:1412458.3875

CRYSTAL AVENUE (50'R/W)

TIFFANY BOULEVARD (80'R/W)

NE CORNER, SE1/4, SE1/4, SEC. 13, T27N, R22W, FOUND IRON PIN BY LS-164D

LOT 1, TIFFANY HIGHLANDS; CHRISTIAN R. AND BRIDGET HALL, HUSBAND AND WIFE; Ref. DEED IN BOOK 2020 AT PAGE 6673.

N:440219.9516 E:1412593.4147

RECORD SOURCE DESCRIPTION:

ALL OF LOTS SEVENTEEN A (17A), SEVENTEEN B (17B), AND SEVENTEEN C (17C), FINAL PLAT TIFFANY HIGHLANDS SECOND ADDITION, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI ACCORDING TO THE RECORDED PLAT THEREOF IN PLAT BOOK G AT PAGE 655.

NOTES:

RECORD SOURCE PLAT: FINAL PLAT TIFFANY HIGHLANDS SECOND ADDITION, PLAT BOOK G, PAGE 655 BY LS-2260.

REFERENCE PLAT: FINAL PLAT SECOND REPLAT OF TIFFANY HIGHLANDS SECOND ADDITION, PLAT BOOK H, PAGE 965, SLIDE #2015L05183 BY PLS-2005019223.

RECORD SOURCE DEED: BRENDAN L. JUSTIN AND GINA HAMMERSMITH, HUSBAND AND WIFE; WARRANTY DEED BY CORPORATION IN BOOK 2022 AT PAGE 3266.

BUILDING SETBACKS: 25' FRONT YARD, 7' SIDE YARD, 20' REAR YARD, 12' SIDE YARD ADJACENT TO STREET

CURRENT ZONING: R-1

PROPERTY SHOWN HEREON DOES NOT LIE IN A F.E.M.A. IDENTIFIED FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL MAP No. 29043C0070C, EFFECTIVE DECEMBER 17, 2010.

OWNER/DEVELOPER: BRENDAN L. JUSTIN AND GINA HAMMERSMITH, HUSBAND AND WIFE.

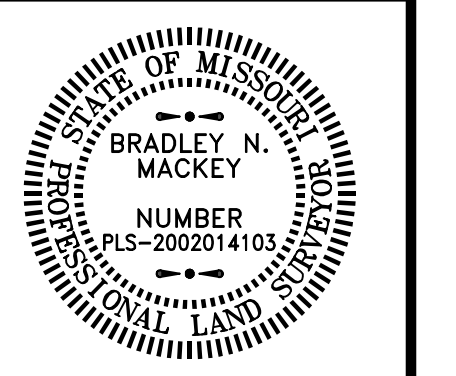
DECLARATION NOTES:

MONUMENTS AND IRON PINS SHOWN AS SET WERE PLACED UNDER THE PERSONAL SUPERVISION OF BRADLEY N. MACKEY, PLS-2002014103. LOCATION OF IMPROVEMENTS AS SHOWN HEREON WAS TAKEN FROM VISUAL INSPECTION OF PHYSICAL EVIDENCE ON THE PREMISES AND EASEMENTS, IF ANY ARE SHOWN, ARE THOSE WRITTEN, PROVIDED, OR DISCOVERED, AND THESE ITEMS MAY NOT BE ALL INCLUSIVE. PROPERTY BOUNDARIES AS SHOWN ARE GENERALLY BASED ON DEEDS OF RECORD. VARIATIONS FOUND OUT OF HARMONY AGREEMENT WITH RECORD TITLE LINES ARE AS SHOWN. THIS SURVEY IS CLASSIFIED AS URBAN.

DECLARATION: I, BRADLEY N. MACKEY, PROFESSIONAL LAND SURVEYOR #2002014103, HEREBY CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY UNDER MY SUPERVISION AND THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS PLAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. I DID ATTEMPT TO MEET THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS OF THE MISSOURI DEPARTMENT OF AGRICULTURE, AND THE STANDARDS ADOPTED BY THE BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL LANDSCAPE ARCHITECTS. WITNESS BY MY SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 10th DAY OF JUNE, 2022.

Professional seal and contact information for Mackey Surveying, including address, phone, and registration details.

PROFESSIONAL LAND SURVEYOR REG. NUMBER: PLS-2002014103



CERTIFICATE OF SURVEY AND ACCURACY: I, BRADLEY N. MACKEY, PLS-2002014103, HEREBY STATE THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREON WERE PLACED UNDER PERSONAL SUPERVISION OF BRADLEY N. MACKEY, PLS-2002014103, IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

Signature of Bradley N. Mackey, dated 06/10/2022, with registration number PLS-2002014103.

CITY COUNCIL CERTIFICATE: I, REBEKA COFFEY, CITY CLERK OF NIXA, CHRISTIAN COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE FINAL PLAT OF THIRD REPLAT OF TIFFANY HIGHLANDS SECOND ADDITION BEING A REPLAT OF LOTS 17A, 17B AND 17C IN TIFFANY HIGHLANDS SECOND ADDITION WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE COUNCIL OF SAID CITY OF NIXA ON THE ____ DAY OF ____ 20__.

REBEKA COFFEY - CITY CLERK DATE

COLLECTOR'S STATEMENT: I HEREBY CERTIFY ON THIS ____ DAY OF ____, 20__, THAT ALL TAXES OWED ON PARCEL No. 11-04-18-3-8-20, PARCEL No. 11-04-18-3-8-21 AND PARCEL No. 11-04-18-3-8-22 HAVE BEEN PAID.

TED NICHOLS - COUNTY COLLECTOR

CERTIFICATE OF APPROVAL BY THE CITY PLANNER OF THE CITY OF NIXA: APPROVED THIS ____ DAY OF ____, 20__, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI.

MUNICIPAL PLANNER DATE

CERTIFICATE OF OWNERSHIP AND DEDICATION: WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF NIXA, THAT WE HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT WE WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH OTHER USE IS APPROVED BY THE NIXA BOARD OF ALDERMEN IN THE PUBLIC INTEREST.

BRENDAN L. JUSTIN DATE

GINA HAMMERSMITH DATE

ACKNOWLEDGEMENT: STATE OF MISSOURI COUNTY OF CHRISTIAN s.s. ON THE ____ DAY OF ____, OF 20__, BEFORE ME PERSONALLY APPEARED BRENDAN L. JUSTIN AND GINA HAMMERSMITH, HUSBAND AND WIFE, KNOWN TO BE THE PERSONS WHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED. IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN NIXA, CHRISTIAN COUNTY, MISSOURI, THE DAY AND THE YEAR FIRST WRITTEN ABOVE.

NOTARY PUBLIC SEAL and My Commission Expires