



## **EXHIBIT B**

**ISSUE STATEMENT:** PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE PROPOSED MINOR SUBDIVISION ON 17.89 ACRES OF PROPERTY LOCATED AT THE NORTHEAST AND NORTHWEST CORNERS OF NORTH OLD CASTLE ROAD AND EAST STATE HIGHWAY CC

**DATE:** OCTOBER 2, 2023

**SUBMITTED BY:** JERRY J. MONTGOMERY

**PRESENTED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

---

### **Background**

The owners of a 17.89 acre unplatted parcel at the Northeast and Northwest corners of the intersection of North Old Castle Road and East State Highway CC have applied for a minor subdivision to split the property into two lots. The property was annexed into the City of Nixa on October 10<sup>th</sup>, 2006, and assigned General Commercial zoning at that time.

### **Analysis**

The applicant is requesting to create two lots. Lot 1 located on the West side of North Old Castle Road will be approximately 5.60 Acres (244,071 square feet) and Lot 2 located on the East side of North Old Castle Road will be approximately 12.29 acres (535,358 square feet). Both lots would retain their current General Commercial (GC) Zoning.

The resulting two lots will be served by Nixa municipal utilities for water, sanitary sewer, and electric. Nixa Water and Electric services are currently available on both lots, however sanitary sewer will have to be extended West from Lot 2 under North Old Castle Road to serve Lot 1. Both lots granted a 15' Utility Easement around the perimeter, and additional Right-Of-Way was granted along East State Highway CC and Carnegie Rd.

An existing 50'x60' MoDoT drainage easement containing culvert structures to facilitate stormwater flow under East State Highway CC will remain unchanged. A portion of Lot 2 lies in a F.E.M.A. identified flood plain.

### **Recommendation**

The proposed Minor Subdivision conforms with Nixa City Code Section 115– Minor Subdivision Approval, and Section 117 – Minimum Dimensional Standards. Staff recommends the approval of this minor subdivision.



# MINOR SUBDIVISION APPLICATION

715 W Mt. Vernon  
PO Box 395  
715 W Mt. Vernon  
Nixa, MO 65714  
417-725-5850  
planning@nixa.com

Application Date: 8-15-23  
File#: MSB23-001

## APPLICANT INFORMATION

Name: Jerry J. Montgomery Phone #: 678-576-3197  
Mailing Address: 711 S 3rd Street Ozark MO 65721  
Street address City State Zip  
Email: j.j.mattorney@gmail.com Contact Person for Project: Jerry Montgomery  
Contact Phone: 678-576-3197 Contact Email: j.j.mattorney@gmail.com

## PROPERTY INFORMATION

General Location of Property: 801 CC Highway  
General size of property: 17.8 (acres) Current Zoning of Property: General Commercial  
Desired action: Remove ~~the~~ Lot Split - 5 acres  
Remove Lot Line \_\_\_\_\_ Add Lot Line: X Total Number of Lots: 2

I/We, the undersigned applicant being either the owner of the subject property or a duly authorized representative of such owner(s), do attest to the truth and accuracy of the information provided with this application. I also hereby agree to reimburse the City for all costs associated with the provision of notice of public hearings necessitated by this application, including costs for certified mailing and publication in a local newspaper.

Applicant Signature: Jerry J. Montgomery Date: 08/15/2023

**REQUIRED DOCUMENTS TO BE SUBMITTED WITH APPLICATION**  
(all digital submittals sent to [planning@nixa.com](mailto:planning@nixa.com))

- Ownership report (certified by a title company) Identifying owner(s) of all fee interests of record.
- Legal description(s) for all areas to be rezoned (Microsoft Word Format)
- Payment of Application fee in the amount of \$150
- Plat for the Minor Subdivision

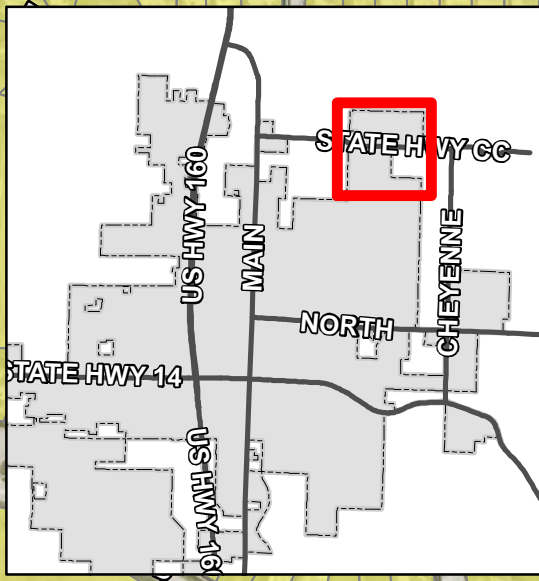
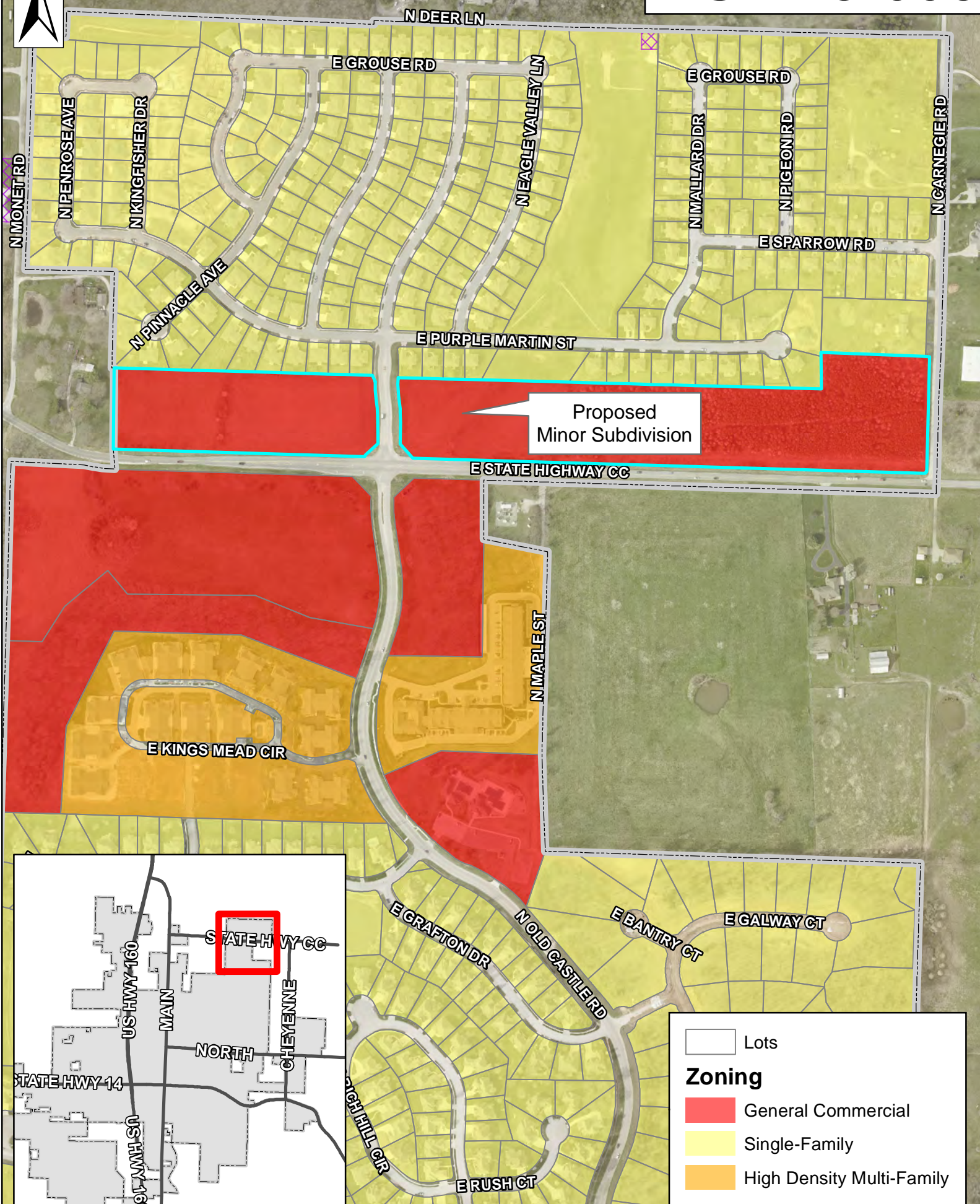
**TYPICAL PROCESS AND TIMELINE**

Preparation Phase	Application received for staff review and preparation for hearings	- 30 Days
	Provide notice of hearing for publication in a local newspaper at least 15 days prior to hearing date.	
	Provide notice of hearing to all owners of real estate within 185 feet of subject property	
	Posting of notice of public hearing sign on the subject property.	
Hearing Phase	Public hearing before Planning & Zoning Commission	-20 Days
	Planning & Zoning Commission votes to approve or deny request.	

For questions regarding this application or the process described above, please contact the City of Nixa Planning and Development Department at 417-725-5850

**NIXA.COM**

# MSB 23-006



	Lots
<b>Zoning</b>	
	General Commercial
	Single-Family
	High Density Multi-Family

# MONTGOMERY COMMERCIAL SUBDIVISION

PART OF THE SW¼ NW.FRAC.¼, SEC. 6, T27N, R21W  
NIXA, CHRISTIAN COUNTY, MISSOURI

**OWNER/DEVELOPER:**

PAUL LEE MONTGOMERY &  
JERRY JOE MONTGOMERY  
711. S. 3RD STREET  
OZARK, MO 65721

**VICINITY MAP**  
NW¼, SEC. 6, T27N, R21W  
SCALE: 1" = 2000'



0 100 200 300  
SCALE: 1" = 100'

**GRID NORTH**

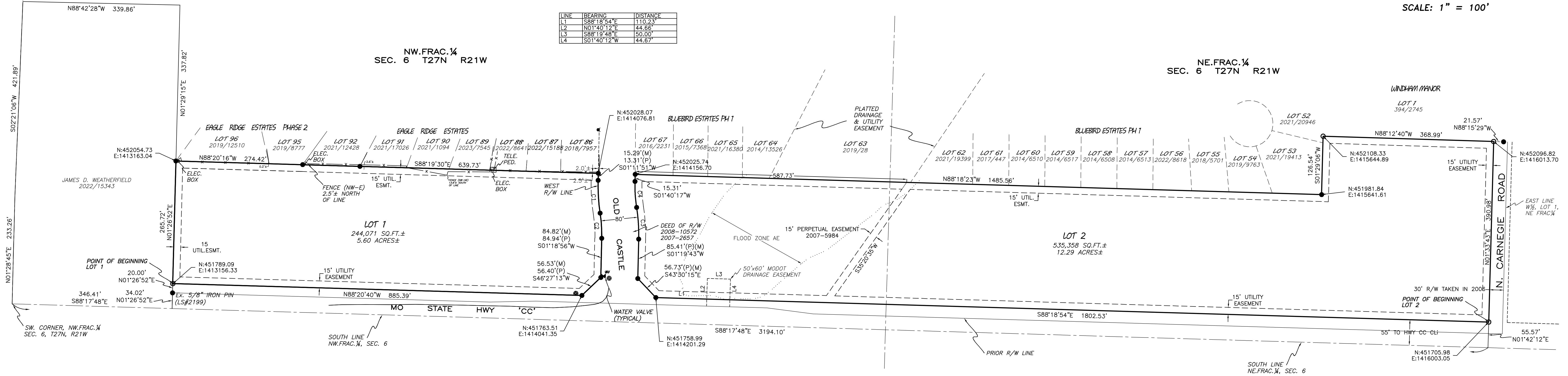
NOTE: ALL BEARINGS ARE BASED ON GPS OBSERVATIONS IN THIS PROJECT MO CENTRAL ZONE

LEGEND	
●	EXISTING IRON PIN (EXCEPT AS NOTED)
○	IRON PIN SET (PLS#2007017965 CAP)
□	TELEPHONE RISER
⊕	WATER VALVE
⊙	GAS MARKER
(M)	MEASURED
(P)	RECORD SOURCE PLAT
---	EXISTING FENCE
---	OVERHEAD ELECTRIC

**REFERENCE SURVEY:**

PLAT OF BLUEBIRD HILLS PHASE 1 BY RODDY G. NEFF (PLS#2671) OF SHAFFER & HINES, FILED FOR RECORD ON JULY 23, 2008 IN PLAT BOOK 'H', PAGE 663.  
SURVEY BY RODDY G. NEFF (PLS#2671) OF SHAFFER & HINES DATED 10/24/2006 (DRAWING No#060009)

LINE	BEARING	DISTANCE
L1	S88°18'54"E	110.23
L2	N01°40'12"E	44.66
L3	S88°19'48"E	50.00
L4	S01°40'12"W	44.67



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	390.00	71.23	71.13	N03°28'18"W	10°27'54.19"
C2	310.00	54.71	54.64	S03°38'44"E	10°08'45.25"
C3	390.01	68.80	68.71	N03°43'30"W	10°08'26.00"
C4	309.99	56.54	56.46	N03°33'13"W	10°27'00.00"

- NOTES :**
- ZONING: GC
  - GC BUILDING SETBACKS, UNLESS NOTED OTHERWISE, ARE AS FOLLOWS:  
FRONT SETBACK: 20'  
SIDE SETBACK: 10'  
REAR SETBACK: 20'  
SIDE SETBACK WITH STREET FRONTAGE: 15'
  - OWNER/DEVELOPER: PAUL LEE MONTGOMERY & JERRY JOE MONTGOMERY
  - TOTAL ACREAGE: 779,429 SQ.FT. (17.89 ACRES±)
  - A PORTION OF THIS PROPERTY LIES IN A F.E.M.A. IDENTIFIED FLOOD PLAIN ACCORDING TO COMMUNITY PANEL NO.: 29043C0060C, EFFECTIVE 12-17-2010.
  - RECORD SOURCE DEED: BK 2012, PG 17006
  - SMALLEST TRACT: TRACT 1: 5.60 AC± (244,071 SQ.FT)
  - LARGEST TRACT: TRACT 2: 12.29 AC± (535,358 SQ.FT.)
  - TRACTS 1 AND 2 ARE SUBJECT TO AN ELECTRIC LINE RIGHT-OF-WAY EASEMENT IN BOOK 313 PAGE 5497.

**DESCRIPTIONS:**

LOT 1: A PARCEL OF LAND BEING A PART OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHWEST QUARTER (NW.FRAC.¼) OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 21 WEST OF THE 5TH P.M. IN CHRISTIAN COUNTY, MISSOURI, THE BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING FROM AN IRON PIN AT THE SOUTHWEST CORNER OF SAID SW¼ OF THE NW¼ OF SECTION 6; THENCE S88°17'48"E, ALONG THE SOUTH LINE OF SAID SW¼ OF THE NW¼, 346.41 FEET; THENCE N01°26'52"E, 54.02 FEET TO AN IRON PIN ON THE NORTH RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY "CC" (AS IT NOW EXISTS) FOR THE POINT OF BEGINNING; THENCE CONTINUING N01°26'52"E, 265.72 FEET TO AN IRON PIN TO THE SOUTHWEST CORNER OF LOT 96 OF EAGLE RIDGE ESTATES PHASE 2, A SUBDIVISION IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI; THENCE S88°20'16"E, ALONG THE SOUTH LINE OF SAID SUBDIVISION, 274.42 FEET TO AN IRON PIN AT THE SOUTHWEST CORNER OF LOT 92 OF EAGLE RIDGE ESTATES, A RECORDED SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI; THENCE S88°19'30"E, ALONG THE SOUTH LINE OF SAID SUBDIVISION, 639.73 FEET TO AN IRON PIN ON THE WESTERLY RIGHT OF WAY LINE OF OLD CASTLE ROAD (AS IT NOW EXISTS); THENCE S01°11'51"W, ALONG SAID WESTERLY RIGHT OF WAY LINE, 15.29 FEET TO AN IRON PIN; THENCE SOUTHERLY, ALONG SAID RIGHT OF WAY LINE, WITH A CURVE TO THE LEFT, AN ARC LENGTH OF 71.23 FEET, WITH A RADIUS OF 390.00 FEET, AND A CHORD BEARING AND DISTANCE OF S03°28'18"E, 71.13 FEET TO AN IRON PIN; THENCE SOUTHERLY, CONTINUING ALONG SAID RIGHT OF WAY LINE, ON A REVERSE CURVE TO THE RIGHT, AN ARC LENGTH OF 54.71 FEET, WITH A RADIUS OF 310.00 FEET, AND A CHORD BEARING AND DISTANCE OF S03°38'44"E, 54.64 FEET TO AN IRON PIN; THENCE S01°18'56"W, ALONG SAID RIGHT OF WAY LINE, 84.82 FEET TO AN IRON PIN; THENCE S46°27'13"W, ALONG SAID RIGHT OF WAY LINE, 56.53 FEET TO AN IRON PIN ON THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED HIGHWAY "CC"; THENCE N88°20'40"W, ALONG SAID NORTH RIGHT OF WAY LINE, 885.39 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD. BEARINGS ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

LOT 2: A PARCEL OF LAND BEING A PART OF THE NORTH HALF (N½) OF SECTION 6, TOWNSHIP 27 NORTH, RANGE 21 WEST OF THE 5TH P.M. IN CHRISTIAN COUNTY, MISSOURI, THE BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING FROM AN IRON PIN AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHWEST QUARTER (NW¼) OF SAID SECTION 6; THENCE S88°17'48"E, ALONG THE SOUTH LINE OF THE N½ OF SAID SECTION 6, 3194.10 FEET; THENCE N01°42'12"E, 55.57 FEET TO AN IRON PIN AT THE NORTHWEST INTERSECTION OF MISSOURI STATE HIGHWAY "CC" AND N. CARNEGIE ROAD (AS THEY NOW EXISTS) FOR THE POINT OF BEGINNING; THENCE N01°33'43"E, ALONG THE WEST RIGHT OF WAY LINE OF SAID N. CARNEGIE ROAD, 390.98 FEET TO AN IRON PIN; THENCE N88°12'40"W, 368.99 FEET TO AN IRON PIN; THENCE S01°29'06"W, 126.54 FEET TO AN IRON PIN; THENCE N88°18'23"W, 1485.56 FEET TO AN IRON PIN ON THE EAST RIGHT OF WAY LINE OF OLD CASTLE ROAD (AS IT NOW EXISTS); THENCE S01°40'17"W, ALONG SAID RIGHT OF WAY LINE, 15.31 FEET TO AN IRON PIN; THENCE SOUTHERLY, ALONG SAID RIGHT OF WAY LINE, ALONG A CURVE TO THE LEFT, AN ARC LENGTH OF 56.54 FEET, WITH A RADIUS OF 309.99 FEET, AND A CHORD BEARING AND DISTANCE OF S03°33'13"E, 56.46 FEET TO AN IRON PIN; THENCE WITH A REVERSE CURVE TO THE RIGHT, CONTINUING ALONG SAID RIGHT OF WAY LINE, AN ARC LENGTH OF 68.80 FEET, WITH A RADIUS OF 390.01 FEET, AND A CHORD BEARING AND DISTANCE OF S03°43'30"E, 68.71 FEET TO AN IRON PIN; THENCE S01°19'43"W, ALONG SAID RIGHT OF WAY LINE, 85.41 FEET TO AN IRON PIN; THENCE S43°30'15"E, ALONG SAID RIGHT OF WAY LINE, 56.73 FEET TO AN IRON PIN ON THE NORTH RIGHT OF WAY LINE OF SAID STATE HIGHWAY "CC"; THENCE S88°18'54"E, ALONG SAID RIGHT OF WAY LINE, 1802.53 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD. BEARINGS ARE BASED ON THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

**CERTIFICATE OF COMPLIANCE WITH CODES:**  
I HEREBY STATE THAT ALL IMPROVEMENTS HAVE BEEN COMPLIED WITH IN ACCORDANCE TO THE LAND DEVELOPMENT CODE OF THE CITY OF NIXA, MISSOURI.

BARRY D. MACKY - PRINCIPAL DESIGNER DATE

**CERTIFICATE OF OWNERSHIP:**

WE, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY, AND THAT WE FREELY ADOPT THIS PLAN OF SUBDIVISION.

DATE: _____	OWNER: PAUL LEE MONTGOMERY	DATE: _____	OWNER: LINDA MONTGOMERY
DATE: _____	OWNER: TED MONTGOMERY	DATE: _____	OWNER: SUE MONTGOMERY
DATE: _____	OWNER: JERRY JOE MONTGOMERY		

**ACKNOWLEDGMENT**

STATE OF MISSOURI )  
                                  ) SS  
COUNTY OF CHRISTIAN )

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED PAUL LEE MONTGOMERY, LINDA MONTGOMERY, TED MONTGOMERY, SUE MONTGOMERY AND JERRY JOE MONTGOMERY, TO ME PERSONALLY KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.  
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN SAID COUNTY AND STATE AND DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**NOTE:**

ADJOINING LAND OWNERS AND THEIR DEED BOOK AND PAGES WERE BASED ON INFORMATION OBTAINED FROM THE CHRISTIAN COUNTY ON-LINE WEBSITE SERVICES. (PROVIDED BY OTHERS)

**DECLARATION BY SURVEYOR**

I HEREBY DECLARE TO PAUL LEE MONTGOMERY AND JERRY JOE MONTGOMERY, THAT THE INFORMATION CONTAINED HEREIN IS BASED UPON AN ACTUAL SURVEY OF THE LAND DESCRIBED HEREIN, WHICH WAS PERFORMED TO THE BEST OF MY KNOWLEDGE AND BELIEF, IN ACCORDANCE WITH THE JOINT STANDARDS FOR PROPERTY SURVEYS AS PUBLISHED BY THE MISSOURI DEPARTMENT OF AGRICULTURE AND THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS DATED JUNE 30, 2017 AND BASED ON INFORMATION PROVIDED BY LARRY SNYDER. MONUMENTS AND PINS SHOWN AS SET WERE PLACED UNDER MY REVIEW AND SUPERVISION.  
PHYSICAL EVIDENCE OF IMPROVEMENTS IS SHOWN FROM INFORMATION TAKEN BY VISUAL INSPECTION OF THE PREMISES. EASEMENTS SHOWN ARE THOSE WRITTEN, PROVIDED, OR DISCOVERED AND MAY NOT BE ALL INCLUSIVE. APPARENT OWNERSHIPS AS SHOWN ARE BASED UPON INFORMATION PROVIDED BY OTHERS AND DO NOT REPRESENT AN OPINION AS TO TITLE. THIS PLAT OF SURVEY IS AN INSTRUMENT OF SERVICE AND IS NOT TO BE USED BY ANYONE OTHER THAN THOSE TO WHOM IT HAS BEEN CERTIFIED UNLESS IT HAS BEEN UPDATED AND RE-CERTIFIED BY THE UNDERSIGNED.

**CERTIFICATE OF APPROVAL:**

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH SUBPART 'B' OF THE NIXA CITY CODE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE CITY OF NIXA PLANNING AND ZONING COMMISSION, SUBJECT TO IT BEING RECORDED IN THE CHRISTIAN COUNTY REGISTRY WITHIN 60 DAYS OF THE DATE BELOW.

SCOTT GODBEE - DIRECTOR OF PLANNING AND DEVELOPMENT

**CERTIFICATE BY COLLECTOR'S OFFICE**

I HEREBY CERTIFY THAT ALL COUNTY TAXES ASSESSED AGAINST THE PROPERTY DESCRIBED HEREON HAVE BEEN PAID.  
DESCRIBED HEREON HAVE BEEN PAID.  
PARCEL No. 99-11-03-06-000-000-011

(COUNTY COLLECTOR)

 O & M SURVEYING (417) 832-1405 (417) 830-1171	LAND SURVEYORS, PLANNERS, & CONSTRUCTION STAKING	PROFESSIONAL LAND SURVEYOR REG. NUMBER: PLS-2007017965 CORPORATION# 2022004477
	472 TROUT ROAD OZARK, MISSOURI 65721	JOB No.: 230706 DATE: 07-26-2023 SCALE: 1" = 100' DRAWN BY: JES CHECKED BY: BDM DWG. No.: 230706-2
CLIENTS: PAUL LEE MONTGOMERY JERRY JOE MONTGOMERY	DESCRIPTION: SUBDIVISION SURVEY	ORDERED BY: LARRY SNYDER