RESOLUTION NO. 2016-021

A RESOLUTION OF THE CITY COUNCIL OF NIXA, MISSOURI, APPROVING THE STATUTORY COMPLIANCE FOR VOLUNTARY ANNEXATION OF 33.26 ACRES OF PROPERTY (KNOWN AS EAGLE PARK)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NIXA, MISSOURI, AS FOLLOWS:

Section 1: That there has been presented, on this date, to the City Council of the City of Nixa, a verified petition signed by the owners of all fee interests of record in all tracts of real property located within the area described in the petition, which area is proposed to be annexed to the City of Nixa, and which petition requests annexation of such area into the City Limits of the City of Nixa, Missouri; a copy of which petition is attached hereto and made a part hereof.

Section 2: That no part of the said real property is now included in any incorporated municipality.

Section 3: That the said real property is contiguous to the existing corporate limits of the City of Nixa, Missouri.

Section 4: That, in accordance with Section 71.012, RSMo, a public hearing was held concerning the matter, and this public hearing was held on the 16th day of February, 2016, at 7:00 p.m. at the City Hall in Nixa, Missouri.

Section 5: A notice of such hearing was published at least seven days prior to the date of said public hearing in a newspaper of general circulation in Christian County, Missouri, which is qualified to publish legal matters.

This Resolution shall be in force from and after the date of its passage.

Passed and approved this 16th day of February, 2016.

Mayor

ATTEST:

City Clerk

CITY COUNCIL COMMUNICATION

Meeting Date:	February 16, 2016		
Subject:	Eagle Park, 33.26 acres (City Park Land)		
Type of Item:	Resolution	Presented by:	Travis Cossey
Suggested Action:	Approval of a resolution of compliance for the annexation of 33.26 acres of property known as the Eagle Park Annexation.		

Annexation Review Schedule				
Public hearing and resolution on petition's compliance	2-16-16			
Planning and Zoning Commission hearing	2-1-16			
Second hearing of Annexation Petition	3-21-16			

BACKGROUND

The subject property is a 33.26 acre tract of land located on the Southwest corner of Gregg Rd. and Northview Rd. The property is currently vacant land lying adjacent to Gregg Rd. The property was purchased by the City of Nixa from the Nixa School District for the purpose of construction of a Nixa City Park. After two failed tax ballet issues aimed at funding improvement on the land the City Council has decided to offer the land for purchase. Mr. Stu Stenger of Stenger Development has made an offer that the City Council has accepted. The offer came with the understanding that the City of Nixa, as the owner, would annex and process a preliminary plat prior to closing. The annexation request is accompanied by a request for R1 (single family) zoning for 20.245 acres located on the west side of the property, and R3 (multi family) zoning for the eastern 13.015 acres.

STATUTORY COMPLIANCE

Staff has completed review of the petition and finds that it meets the requirements of the Missouri Revised Statutes for annexation eligibility as follows:

• The proposed territory for annexation is "contiguous and compact" to the existing boundaries of the City of Nixa.

- One hundred percent of the landowners of the property have petitioned the city for annexation.
- The annexation petition has been properly executed. The names and signatures of all landowners, a legal description of the property, and a boundary survey have been submitted.

RESOLUTION OF COMPLIANCE

A Resolution has been prepared finding the annexation petition in compliance with the Missouri Revised Statutes annexation procedures. Approval of the resolution is appropriate unless one or more of the above criteria are not met. Approval of the Resolution finds that the petition is in compliance with the Missouri Revised Statutes and that the property is eligible for annexation.

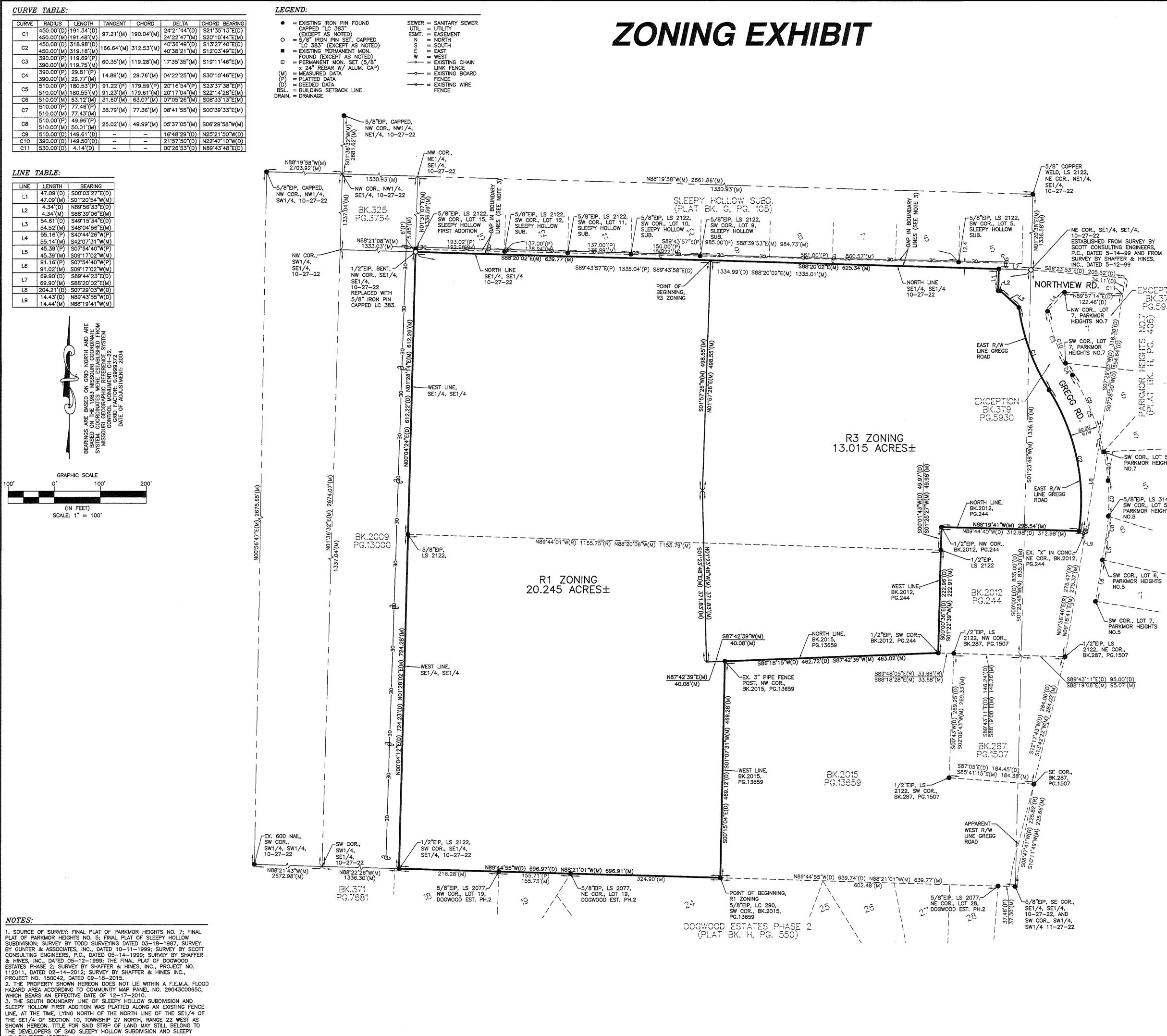
Approval of the Resolution does not annex the property or require the City Council to annex the property.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution finding the annexation petition in compliance with the Missouri Revised Statutes.

Attachments

1. Resolution



HOLLOW FIRST ADDITION.

DESCRIPTION:

SOURCE OF DESCRIPTION: BOOK 2012 AT PAGE 3965 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE

R1_ZONING_DESCRIPTION

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) IN SECTION 10, TOWNSHIP 27 NORTH, RANGE 22 WEST, IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIN AT THE SOUTHEAST CORNER OF SAID SE1/4 OF THE SE1/4; THENCE N88'21'01"W, ALONG THE SOUTH LINE OF SAID SE1/4 OF THE SE1/4, A DISTANCE OF 639.77 FEET TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2015 AT PAGE 13659 IN THE CHRISTIAN COUNTY RECORDER'S OFFICE FOR A POINT OF BEGINNING; THENCE CONTINUING N88"21'01"W, ALONG SAID SOUTH LINE, A DISTANCE OF 696.91 FEET TO AN EXISTING IRON PIN AT THE SOUTHWEST CORNER OF SAID SE1/4 OF THE SE1/4; THENCE NO1"28'02"E ALONG THE WEST LINE OF SAID SE1/4 OF THE SE1/4, A DISTANCE OF 724.28 FEET TO AN EXISTING IRON PIN; THENCE NO1'28'14"E, CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 612.26 FEET TO AN EXISTING IRON PIN AT THE NORTHWEST CORNER OF SAID SE1/4 OF THE SE1/4; THENCE S88"20'02"E, ALONG THE NORTH LINE OF SAID SE1/4 OF THE SE1/4, A DISTANCE OF 639.77 FEET; THENCE SO1'57'26"W. A DISTANCE OF 498.55 FEET; THENCE SO1'23'48"E, A DISTANCE OF 371.83 FEET; THENCE N87'42'39"E, A DISTANCE OF 40.08 FEET TO AN EXISTING 3 INCH PIPE FENCE POST AT THE NORTHWEST CORNER SAID TRACT OF LAND DESCRIBED IN BOOK 2015 AT PAGE 13659; THENCE S01'07'31"W, ALONG THE WEST LINE OF SAID TRACT OF LAND, A DISTANCE OF 469.28 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 20.245 ACRES (MORE OR LESS) AND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD.

R3 ZONING DESCRIPTION:

THAT CERTAIN PARCEL OR TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) IN SECTION 10, TOWNSHIP 27 NORTH, RANGE 22 WEST, AND A PAR' OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) IN SECTION 11, TOWNSHIP 27 NORTH, RANGE 22 WEST, ALL IN THE CITY OF NIXA, CHRISTIAN COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PG.5933 106) 500 SEC

