

**AN ORDINANCE AMENDING THE ZONING CODE AND OFFICIAL MAP BY
CHANGING THE CLASSIFICATION OF APPROXIMATELY .80 ACRES, OWNED BY
GARY & LINDA SOMMER, LOCATED AT 980 EAST HIGHWAY 60 FROM C-1 TO C-2**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

WHEREAS, an application for amendment of the Zoning Code to rezone real estate located at 980 East Highway 60 in the City of Republic, Missouri, by changing the zoning classification from C-1 to C-2 was submitted to the Planning and Development Staff by Gary and Linda Sommer (hereinafter "Applicants"); and

WHEREAS, the Planning and Development Staff did, thereafter, submit said application to the Planning and Zoning Commission which did set the 20th day of February 2007, as the date a Public Hearing would be held on such application and proposed amendment; and

WHEREAS, notice of the time and date of Public Hearing was given by publication on Wednesday January 31, 2007, in *The Republic Monitor*, a newspaper of general circulation in the City of Republic, such notice being at least 15 days before the date set for the Public Hearing; and

WHEREAS, a Public Hearing was conducted by the Planning and Zoning Commission on the 20th of February 2007, after which the Commission rendered written findings of fact on the proposed amendment and rezoning and, thereafter, submitted the same, together with its recommendations, to the Board of Aldermen; and

WHEREAS, the Planning and Zoning Commission, by a vote of 4 to 0, did recommend to approve such application for rezoning; and

WHEREAS, notice of the time and date of the Public Hearing at which the application for rezoning and to amend the Zoning Code would be submitted to the Board of Aldermen was given by publication on Wednesday January 31, 2007, in *The Republic Monitor*, a newspaper of general circulation in the City of Republic; such notice being at least 15 days before the date set for Public Hearing; and

WHEREAS, a Public Hearing was conducted, and the application for rezoning and to amend the Zoning Code was submitted to the Board of Aldermen at its regular meeting held on the 26th day of February 2007, after which the Board did proceed to vote to rezone such property and amend the zoning code accordingly; and

WHEREAS, the City gave notice of such Public Hearing to the record owners of all properties within the area proposed to be rezoned and within 185 feet of the property proposed to be rezoned by certified mailings

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF REPUBLIC AS DESCRIBED, AS FOLLOWS:

SECTION 1: That the Zoning Code and Official Zoning Map are hereby amended insofar as the same relate to a certain tract of realty located at 980 East Highway 60 from C-1 to C-2, such tract being more fully described as follows:

Commencing at the Southwest corner of Lot Sixteen (16), in Sifferman Subdivision; thence East 492 feet to the Southeast corner of Lot Sixteen (16); thence North and along the line between Lots Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), a distance of 246.1 feet to a point of beginning; thence continuing North along the aforesaid line and said line extended, a distance of 288.6 feet to a point 30 feet South of the East right-of-way line of Highway No. "60"; thence Northeasterly to a point on the North line of said Lot Sixteen (16), said point being 33.5 feet West of the Northeast corner of said Lot Sixteen (16); thence West along the North line of Lot Sixteen (16), a distance of 30 feet to the Easterly right-of-way line of Highway No. "60"; thence Southwesterly and making an angle of 39°08' to the left from the North line of Lot Sixteen (16) and along the Easterly line of said Highway No. "60" and West line of Lot Sixteen (16), a distance of 306 feet; thence making an angle of 14°07' to the left from the last described course, a distance of 51.5 feet; thence Southeasterly and making an angle of 85°36' to the left from the aforesaid highway and lot line, a distance of 235.5 feet to the point of beginning, being a part of Lot Sixteen (16), in Sifferman Subdivision, in the City of Republic, Greene County, Missouri, except any part taken, deeded or used for road, street or highway purposes.

Together with and subject to an easement for ingress and egress across the existing entrance, driveway and parking area located on the following described tract of land, so as to provide free and unrestricted access from Highway "60" to the tract described above and recorded in Book 1883, Page 1912 and Book 2003, Page 44700-03: Commencing at the Southwest corner of Lot Sixteen (16), in Sifferman Subdivision; thence East, a distance of 462 feet for a point of beginning; thence North on an interior angle of 90°31', a distance of 101.3 feet to the Northeasterly corner of the Floyd B. Neill tract as described in Deed Book 1551, Page 1100, in the Office of the Greene County Recorder of Deeds; thence Northwesterly on an interior angle of 130°00' and along the Northerly line of said Neill tract, a distance of 297.4 feet to the Easterly right-of-way line of U.S. Highway No. "60", said point being the Northwesterly corner of the aforesaid Neill tract; thence Northeasterly along said highway right-of-way line and the West line of said Lot 16, a distance of 130.7 feet; thence Southeasterly on an interior angle of 85°36', a distance of 235.5 feet to the East line of said Lot 16; thence South along the East line of said Lot 16, a distance of 246.1 feet to the Southeast corner of Lot 16; thence West 30 feet to the point of beginning, all being a part of Lot Sixteen (16), in Sifferman Subdivision, in the City of Republic, Greene County, Missouri.

SECTION 2: In all other respects other than those herein amended, modified or changed, the Zoning Code and Official Zoning Map shall remain the same and continue in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its date of passage.

Passed and approved at a regular meeting of the Board of Aldermen of the City of Republic, Missouri, this _____ day of _____, 2007.

ATTEST:

Brenda Jackson, City Clerk _____ James H. Collins, Mayor _____

Approved for Board Action: _____, City Administrator

Approved as to Form: _____, City Attorney