

Exhibit I

AGENDA ITEM ANALYSIS

Project/Issue Name: Bill #17-04 An Ordinance of the City Council of the City of Republic, Missouri, Approving the Final Plat of the Heart of America Park Subdivision Located in the City of Republic, Missouri.

Submitted By: Community Development Department

Date: January 3, 2017

Issue Statement

The final plat for the Heart of America Park subdivision has been reviewed by staff for conformity to the City's regulations and is ready to be considered by the City Council for approval.

Discussion and/or Analysis

The final plat of the Heart of America Park subdivision will create a single 25 (+/-) acre lot which will become the site of the Heart of America distribution center.

The preliminary plat for this subdivision was approved in September 2016 and the final plat presented now is substantially conforming to the approved preliminary layout and design. The final plat has also been determined by City staff to be substantially conforming to the pertinent land use and development regulations of the City. This particular subdivision is also subject to a development agreement between the City and the developer and staff has determined the final plat satisfies the applicable terms of that agreement with regard to the emergency access requirements.

This particular development project is complicated by several factors, including the existence of active public utilities which are being relocated, as well as the fact that this plat creates only a single lot for development for a single user. Additionally, City staff and the developer have been cooperating on a plan to expedite development of the site. The details of the plan are described below:

- In order to expedite the approval of the final plat, the City is accepting a performance bond as a financial security for the minimum public improvements required for this subdivision. Normally, final plats are not approved until all minimum public improvements are completed; however, statutory provisions exist which allow staff to financially secure the value of those improvements in order to expedite the approval of a final plat. The amount of the security has been estimated by the project's engineer of record and has been accepted by the City's Public Works Director.

- Because the final plat contains elements applicable to a small portion of land for which the applicant/developer only has a contractual interest, City staff is recommending the inclusion of a condition to the approving ordinance which will authorize staff to withhold the recording of the plat until the sale of that portion of land to the applicant/developer has been completed and verified.
- Because this final plat makes some assumptions as to the location of certain utility easements that will be dedicated to the public, staff is also requesting authorization to withhold the recording of the plat until as-built drawings of those utilities are received and also for authorization to accept minor adjustments to the location of those easements in order to ensure the utilities are appropriately contained within the easement boundaries.
- Normally, a building permit cannot be issued until a final plat for the subject lot has been approved by the City Council and the plat has been recorded with the Greene County Recorder of Deeds. Because the recording of this final is going to be withheld until certain conditions are satisfied, this would cause a delay in the issuance of the building permit. Staff is prepared to issue a building permit prior to the actual recording of the document and is requesting authority to do so.
- Because this site contains active utilities that need to be relocated, the easements containing those utilities will need to be vacated by City Council. Staff is bringing forward a request to vacate those easements on January 17, 2017, and will be requesting an emergency double-reading of that bill so the final plat and easement vacation will be approved simultaneously. The easement vacation will not be recorded with the Recorder of Deeds unless and until the new utility lines are complete and in-service.

Recommended Action

Staff is recommending the approval of this bill with the conditions contained therein.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI
APPROVING THE FINAL PLAT OF THE HEART OF AMERICA PARK SUBDIVISION
LOCATED IN THE CITY OF REPUBLIC, MISSOURI**

WHEREAS, the City of Republic, Missouri, (herein called the "City") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized and existing under the laws of the State of Missouri; and

WHEREAS, the preliminary plat of the Heart of America Park Subdivision was approved by the City Council by Resolution No. 16-R-74 on September 26, 2016; and

WHEREAS, City staff has reviewed and approved construction drawings for all required public infrastructure as well as building plans for the proposed development; and

WHEREAS, pursuant to Section 410.250 of the Republic Municipal Code, in lieu of the final completion of said improvements before the plat is recorded, the owner or developer or other person who agrees with the City to make the public improvements, on behalf of the owner or developer, may post a surety bond with one (1) or more corporate sureties engaged in the business of signing surety bonds in the State of Missouri, an escrow agreement, letter of credit or other appropriate security agreement for certain improvements with the approval of the City Attorney and the City Administrator of the City of Republic, which surety, escrow agreement or other appropriate security agreement will insure to the City that the improvements will be completed by the owner or developer.

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

- Section 1. The final plat of the Heart of America Park is hereby approved in all respects.
- Section 2. The final plat of Heart of America Park will not be filed with the Greene County Recorder unless and until:
1. the sale of the portion of land presently owned by Drury Properties, Inc., and shown as being a part of Heart of America Park on the final plat document enclosed herewith and incorporated hereto by reference is completed and
 2. the minimum required public improvements secured by the performance bond and accepted by the Director of Public Works are completed and accepted by the Public Works Department and as-built drawings of those facilities provided to City staff.
- Section 3. The Public Works Director is authorized to approve minor adjustments to the easements contained on the final plat of Heart of America Park in order to ensure the easements adequately contain the actual location of the facilities covered by the easement.

Section 4. The Community Development Director is authorized to issue a building permit for the construction of the Heart of America planned building project prior to the recording of the final plat of Heart of America Park with the Greene County Recorder.

Section 5. No occupancy permit shall be issued by the City until the conditions described herein have been completed and approved by the City.

Section 6. Upon a determination being made by the City, the conditions described herein have been satisfied, the Community Development Director is authorized to release the Final Plat with minor adjustments as to easement location for filing in the Greene County Recorder office.

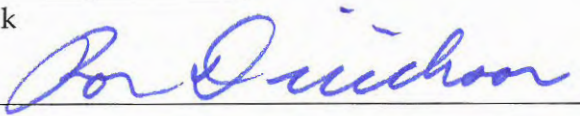
Section 7. The ordinance shall be in full force and effect from and after its date of passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2017.

Daniel Harter, Mayor

Attest:

Brenda Jackson, City Clerk

Approved as to Form: , City Attorney

Final Passage and Vote: _____

DESCRIPTION OF FINAL PLAT

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 29 NORTH, RANGE 23 WEST, CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 OF SAID SECTION 27; THENCE S02°19'46"W ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 1608.55 FEET; THENCE N80°10'32"W A DISTANCE OF 863.25 FEET TO THE POINT OF BEGINNING; THENCE S02°22'34"W, A DISTANCE OF 1010.64 FEET; THENCE S88°17'02"E, A DISTANCE OF 804.08 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY "MM"; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S02°19'46"W, A DISTANCE OF 49.93 FEET; THENCE N88°18'22"W, A DISTANCE OF 1274.36 FEET; THENCE N88°17'37"E, A DISTANCE OF 1032.77 FEET; THENCE N01°21'27"E, A DISTANCE OF 50.00 FEET; THENCE S88°17'37"E, A DISTANCE OF 365.60 FEET; THENCE N02°24'30"E, A DISTANCE OF 520.41 FEET; THENCE S87°55'30"E, A DISTANCE OF 241.86 FEET; THENCE N02°24'30"E, A DISTANCE OF 259.49 FEET; THENCE S87°35'30"E, A DISTANCE OF 72.37 FEET; THENCE N88°18'22"E, A DISTANCE OF 230.85 FEET; THENCE S88°07'02"E, A DISTANCE OF 385.75 FEET; THENCE S01°52'58"W, A DISTANCE OF 30.00 FEET; THENCE S87°57'16"E, A DISTANCE OF 70.00 FEET; THENCE N01°52'58"W, A DISTANCE OF 30.00 FEET; THENCE S87°59'03"E, A DISTANCE OF 345.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 25.87 ACRES, MORE OR LESS.

FINAL PLAT OF HEART OF AMERICA PARK

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 29 NORTH, RANGE 23 WEST

OWNER/DEVELOPER:
MM HIGHWAY LLC
3645 S. CULPEPPER CIRCLE
SPRINGFIELD, MO 65804

REPLAT OF LOTS 2, 3 AND 4
BROOKLINE BUSINESS PARK - PHASE ONE

OWNER: EK REAL ESTATE, LLC

POINT OF COMMENTMENT:
NORTHEAST CORNER OF THE
SOUTHEAST 1/4 OF SECTION 27,
TOWNSHIP 29 NORTH, RANGE 23 WEST

RECORDER'S BLOCK

CERTIFICATE OF COMPLIANCE WITH ZONING AND SUBDIVISION REGULATIONS

I, _____, CITY PLANNER OF THE CITY OF REPUBLIC, MISSOURI, DO HEREBY CERTIFY ON THE DAY OF _____, 2015, THAT THE FINAL PLAT OF HEART OF AMERICA PARK CONFORMS TO THE CITY OF REPUBLIC LAND USE REGULATIONS, IN ACCORDANCE WITH TITLE IV OF THE REPUBLIC CODE OF ORDINANCES.

DIRECTOR OF PLANNING AND DEVELOPMENT DATE

OWNER'S DEDICATION

AS OWNER, I, _____, HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIMENSIONED, MARKED, AND ALL ACCESS RIGHTS RESERVED AND DEDICATED AS REPRESENTED ON THE PLAT. I HEREBY DEDICATE, GRANT, AND CONVEY RIGHT-OF-WAY AND EASEMENTS SHOWN HEREON TO THE CITY OF REPUBLIC, MISSOURI. I CERTIFY THAT THERE ARE NO SUITS, ACTIONS, LIENS, OR TRUSTS ON THE PROPERTY CONVEYED HEREIN, AND WARRANT GENERALLY AND SPECIALLY THE PROPERTY CONVEYED FOR PUBLIC USE AND WILL EXECUTE SUCH FURTHER ASSURANCES AS MAY BE REQUIRED.

PARCEL NUMBER 88-14-27-400-026

ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF GREENE

ON THE _____ DAY OF _____, 2015, TO ME KNOWN TO BE _____ BEFORE ME DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME AS THEIR FREE ACT AND DEED.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL AS A NOTARY PUBLIC IN AND FOR THE COUNTY OF GREENE, MISSOURI, ON THE _____ DAY WRITTEN ABOVE.

NOTARY PUBLIC: _____

PRINT NAME: _____

MY COMMISSION EXPIRES: _____



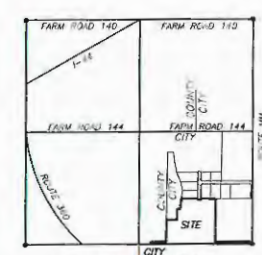
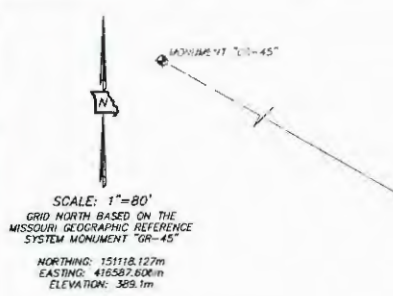
SURVEY DATE: 08/31/15
DWG DATE: 12/09/16
DRAWN BY: MW
FIELD BOOK: DC
PROJECT No.: 2015-120

PREPARED FOR
MM HIGHWAY LLC
PROJECT LOCATION: SOUTHEAST 1/4, SECTION 27,
TOWNSHIP 29 NORTH, RANGE 23 WEST
REPUBLIC, GREENE COUNTY, MISSOURI

PREPARED BY:
MICHAEL WHITE - MISSOURI
PROFESSIONAL LAND
SURVEYOR #2458



12/09/16

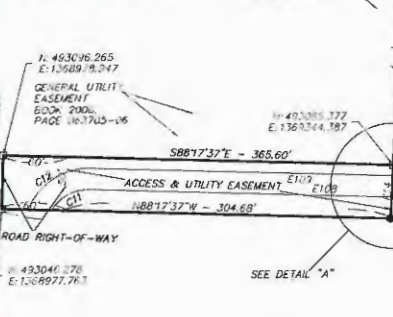


LOCATION SKETCH
SCALE 1" = 2000'

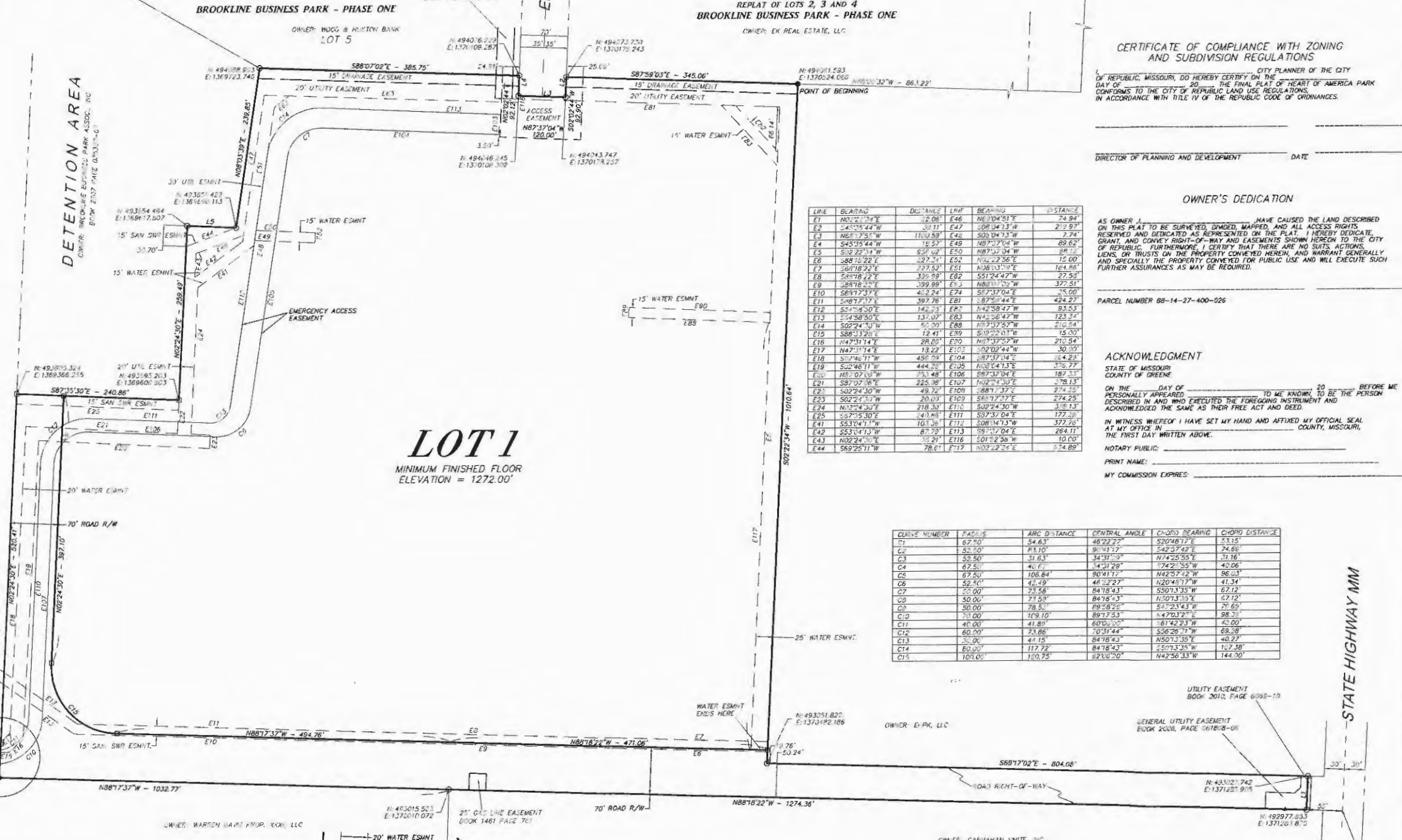
PLAT NOTES

- TOTAL NUMBER ON LOTS: 1
- TOTAL AREA: ±25.87 ACRES
- PROPERTY IS ZONED "M-2"
- SETBACKS SHALL CONFORM TO SECTION 406.540 OF THE REPUBLIC CODE OF ORDINANCES
- FRONT: 15'
- SIDE: 15'
- REAR: 15'
- DETENTION BASIN IS MAINTAINED BY THE BROOKLINE BUSINESS PARK ASSOCIATION
- NO STRUCTURES ARE TO BE BUILT BETWEEN THE RIGHT-OF-WAY LINE AND ANY SETBACK LINE
- MAINTENANCE OF ANY AREA REFERRED TO A DRAINAGE EASEMENT IS THE RESPONSIBILITY OF THE LOT IN WHICH THE DRAINAGE EASEMENT RESIDES
- PERMANENT MONUMENTS ARE 24" LONG - 5/8" IRON PIN WITH AN ALUMINUM CAP STAMPED "MS LSC 370"
- LOT CORNERS ARE 18" LONG - 1/2" IRON PIN WITH A CAP STAMPED "MS LSC 370"
- THE DEVELOPER AGREES TO GRANT AN EMERGENCY ACCESS EASEMENT TO THE PUBLIC EXTENDING THROUGH THE PROJECT AND CONNECTING THE RIGHT-OF-WAY OF EMPIRE AVENUE TO THE RIGHT-OF-WAY DEDICATED TO THE CITY ALONG THE SOUTHERN BOUNDARY OF THE PROJECT SITE. THE EASEMENT SHALL BE LOCATED WHERE PAVED DRIVING SURFACE CAN ALLOW FOR THE INGRESS AND EGRESS OF EMERGENCY VEHICLES AND SUCH PAVEMENT SHALL BE APPROPRIATELY DESIGNED AND MARKED IN ORDER TO PREVENT OBSTRUCTIONS. THE TERMS OF THIS EMERGENCY ACCESS EASEMENT SHALL ALLOW FOR THE USE OF VEHICLE TRAFFIC THROUGH THE PROJECT SITE WITHIN THE EASEMENT BOUNDARIES DURING EMERGENCIES WHERE INGRESS/EGRESS TO STATE HIGHWAY MM IS OTHERWISE IMPOSSIBLE OR HAZARDOUS.
- BASED ON INFORMATION AS SHOWN ON THE CURRENT FLOOD INSURANCE RATE MAP FOR THE AREA (MAP #20077C0318, EFFECTIVE DATE: 12/17/2010), THIS PROPERTY DOES NOT APPEAR TO LIE WITHIN A FLOOD HAZARD AREA.
- PRELIMINARY PLAT WAS APPROVED ON OCTOBER 10, 2016

- SET 1/2" IRON PIN
- SET PERMANENT MONUMENT
- EXISTING IRON PIN



LINE	BEARING	DISTANCE
L1	S02°19'46"W	49.93
L2	N01°52'58"E	30.00
L3	S87°57'16"E	70.00
L4	S01°52'58"W	30.00
L5	S87°35'30"E	72.37



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
E1	N02°12'17"E	32.08	E46	N67°04'51"E	74.84
E2	S47°05'44"W	30.11	E47	S08°04'13"W	212.97
E3	N85°17'51"W	1100.59	E48	S00°04'13"W	2.74
E4	S45°05'44"W	16.52	E49	N87°57'02"W	89.62
E5	S12°22'14"W	656.62	E50	N87°57'04"W	88.12
E6	S88°10'22"E	127.77	E52	N11°12'56"E	15.00
E7	S88°18'22"E	77.52	E51	N08°03'02"E	164.84
E8	S88°18'22"E	359.89	E52	S51°24'42"W	27.50
E9	S88°18'22"E	399.89	E53	N88°07'02"W	377.51
E10	S88°17'37"E	412.24	E74	S87°37'04"E	24.00
E11	S88°17'37"E	392.78	E81	N87°58'44"E	424.27
E12	S54°14'00"E	142.73	E82	N42°58'47"W	93.53
E13	S54°58'50"E	137.02	E83	N43°06'47"W	123.34
E14	S02°24'30"W	51.00	E88	N07°37'57"W	210.54
E15	S88°13'20"E	12.41	E89	S10°03'18"E	15.00
E16	N42°59'14"E	28.05	E50	N87°57'02"W	210.54
E17	N42°59'14"E	18.22	E103	S02°02'44"W	30.00
E18	S12°46'11"W	456.28	E104	N87°37'04"E	64.23
E19	S02°46'11"W	444.25	E105	N10°14'13"E	376.77
E20	N88°07'02"W	73.48	E106	S87°37'04"E	187.33
E21	S87°37'04"E	225.38	E107	N02°24'30"E	178.13
E22	S02°24'30"W	49.72	E108	N88°17'37"E	274.25
E23	S02°24'30"W	20.02	E109	S88°17'37"E	274.25
E24	N12°24'30"E	218.30	E110	S02°24'30"W	376.13
E25	S12°24'30"E	41.82	E111	S02°24'30"E	172.50
E26	S53°04'13"W	101.35	E112	S08°14'13"W	372.76
E27	S53°04'13"W	87.79	E113	S8°14'13"W	264.71
E28	N02°24'30"E	30.21	E116	S01°12'58"W	10.00
E29	S87°59'03"E	78.61	E117	N02°12'58"E	174.89

CURVE NUMBER	PASSAGE	ARC DISTANCE	CENTRAL ANGLE	C-200 BEARING	CHORD DISTANCE
C1	62.70	54.63	46°22'27"	S204°12'E	53.15
C2	52.50	43.10	90°41'12"	S42°37'42"E	74.65
C3	52.50	31.63	34°31'39"	N74°25'55"E	31.16
C4	62.70	46.71	143°21'28"	N42°21'55"W	42.06
C5	67.50	106.84	106°04'12"	N42°58'42"W	86.33
C6	52.50	42.49	46°22'27"	N20°48'17"W	41.34
C7	50.00	23.56	84°18'43"	S90°13'55"W	62.12
C8	50.00	27.59	84°18'43"	N10°13'15"E	62.12
C9	50.00	78.53	106°04'12"	S12°24'30"W	70.69
C10	50.00	109.10	89°12'53"	N47°03'28"E	98.33
C11	40.00	41.80	60°03'55"	N14°23'23"W	40.00
C12	60.00	73.86	70°37'44"	S56°26'11"W	68.38
C13	30.00	44.15	84°18'43"	N50°13'35"E	40.27
C14	60.00	117.22	84°18'43"	S20°13'55"W	112.38
C15	100.00	180.75	82°02'20"	N42°58'33"W	144.00

APPROVAL BY THE CITY COUNCIL

I, BRENDA L. JACKSON, CITY CLERK OF THE CITY OF REPUBLIC, GREENE COUNTY, MISSOURI, DO HEREBY CERTIFY THAT THE FINAL PLAT OF HEART OF AMERICA PARK WAS PRESENTED TO, ACCEPTED AND APPROVED BY THE CITY COUNCIL OF SAID CITY OF REPUBLIC, AND APPROVED BY GENERAL ORDINANCE (ORDINANCE # _____) ON THE DAY OF _____, 2015.

BRENDA L. JACKSON, CITY CLERK

SURVEYORS DECLARATION

I HEREBY DECLARE THAT THE INFORMATION SHOWN HEREON 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 CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR AN URBAN CLASS PROPERTY. LOCATIONS OF IMPROVEMENTS, IF ANY, ARE TAKEN FROM VISUAL INSPECTION OF THE PREMISES. EASEMENTS SHOWN, IF ANY, 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 OF TITLE.

