

From: [Christiaan D. Horton](#)
To: [Diana Carter](#); [Dean Cooper](#)
Cc: [Cassie Cunningham](#); [Rick Johnson](#); [Chris Hamon](#); [Neal Crum](#); [Julie Van Meter](#)
Subject: RE: White River Electric Notice of Intent to Serve (Rural Area) Annexation into City of Ozark / Territorial Agreement Required
Date: Saturday, September 28, 2024 5:23:09 PM
Attachments: [LOI-Warren Property \(Ozark Missouri LOI on Electric Service - Rural Area prior to Annexation\) 9.23.24.pdf](#)
[Planning and Zoning Commission Packet - Septebmer 23 2024c.pdf](#)
[8.5 x 11 Landscape \(WRE Intent to Serve\).pdf](#)

[WARNING!] This message comes from an external organization. Be careful of embedded links or attachments.

Diana and Dean,

The attached LOI is provided as Notice under the below statutory provision. You (Liberty) may already be aware of this intent to serve. The City of Ozark received notice last year (2023) from White River and the Developer. The property in question is NOT in the city limits of Ozark, and I believe White River Electric may have some temporary service on site or will soon. More detail is provided in the attached P&Z Commission Packet. Key on items 4 b) and c). An aerial of the property is attached as well though the dimensions are not spot on....

By my calculation, we have the next 45 days to attempt to negotiate a TA ahead of the annexation. Great if we are able. If for some reason we cannot, we will need a PSC decision.

Let me know if Liberty will agree to White River's service. If not, then please share a proposal to initiate a dialog on a TA so we can negotiate in good faith.

Thanks!

Annexation Law

2. Any municipally owned electric utility may extend, pursuant to lawful annexation, its electric service territory to include areas where another electric supplier currently is not providing permanent service to a structure. If a rural electric cooperative has existing electric service facilities with adequate and necessary service capability located in or within one mile outside the boundaries of the area proposed to be annexed, a majority of the existing developers, landowners, or prospective electric customers in the area proposed to be annexed may, anytime within forty-five days prior to the effective date of the annexation, **submit a written request to the governing body of the annexing municipality to invoke mandatory good faith negotiations under section 394.312 to determine which electric service supplier is best suited to serve all or portions of the newly annexed area.** In such negotiations the *following factors shall be considered*, at a minimum:

- (1) The preference of landowners and prospective electric customers;
- (2) The rates, terms, and conditions of service of the electric service suppliers;
- (3) The economic impact on the electric service suppliers;
- (4) Each electric service supplier's operational ability to serve all or portions of the

- annexed area within three years of the date the annexation becomes effective;
- (5) Avoiding the wasteful duplication of electric facilities;
- (6) Minimizing unnecessary encumbrances on the property and landscape within the area to be annexed; and
- (7) Preventing the waste of materials and natural resources.

If the municipally owned electric utility and rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then they may submit proposals to those submitting the original written request, whose preference shall control, section 394.080 to the contrary notwithstanding, and the governing body of the annexing municipality shall not reject the petition requesting annexation based on such preference. This subsection shall not apply to municipally owned property in any newly annexed area.

3. In the event an electrical corporation rather than a municipally owned electric utility lawfully is providing electric service in the municipality, all the provisions of subsection 2 of this section shall apply equally as if the electrical corporation were a municipally owned electric utility, except that if the electrical corporation and the rural electric cooperative are unable to negotiate a territorial agreement pursuant to section 394.312 within forty-five days, then either electric service supplier may file an application with the commission for an order determining which electric service supplier should serve, in whole or in part, the area to be annexed. The application shall be made pursuant to the rules and regulations of the commission governing applications for certificates of public convenience and necessity. The commission after the opportunity for hearing shall make its determination after consideration of the factors set forth in subdivisions (1) to (7) of subsection 2 of this section, and section 394.080 to the contrary notwithstanding, may grant its order upon a finding that granting of the applicant's request is not detrimental to the public interest. The commission shall issue its decision by report and order no later than one hundred twenty days from the date of the application unless otherwise ordered by the commission for good cause shown. Review of such commission decisions shall be governed by sections 386.500 to 386.550. If the applicant is a rural electric cooperative, the commission shall charge to the rural electric cooperative the appropriate fees as set forth in subsection 9 of this section.

Mo. Ann. Stat. § 386.800 (West)

CHRISTIAAN D. HORTON

Attorney At Law

CARNAHAN EVANS PC

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PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF OZARK, MO
205 N. 1ST STREET
OZARK, MISSOURI 65721

**Planning and Zoning Commission Agenda
Meeting at 7:00 P.M.
September 23, 2024**

NOTICE is hereby given that the City of Ozark Planning & Zoning Commission will conduct a Meeting at 7:00 P.M. on Monday, September 23, 2024, at Ozark City Hall in the Ozark City Council Chambers 205 N. 1st Street, Ozark, MO.

The City encourages the public to view the live streaming of this meeting at:

<https://www.youtube.com/@ozarkmissouri2717/streams>.

1) Approval of Minutes of the Previous Meeting:

a) Approval of the minutes for **August 26, 2024** Planning & Zoning meeting.

2) Scheduled Visitors and Guests:

3) Unfinished Business:

4) New Business:

a) **Variance Request**

Location: 700 S. 11th Street and Phase 2 of Finley Crossing subdivision

Applicant requests a variance to transfer the required buffer yard to the property to the south in order to construct additional parking spaces and a drive aisle.

b) **Annexation-24-0003**

Property Location: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.

Property Owner: Elk Valley LLC

c) **Zoning Amendment-24-0013**

Property Location: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.

Property Owner: Elk Valley LLC

Existing Zoning: A-1 (Agriculture-District) [County]

Requested Zoning: C-2 (General Commercial District)

5) Discussion:

6) Commission Comments:

7) Administrative Comments:

8) Adjournment

Posted:

Please call Megan Bischof with the Department of Planning and Development, with any questions, 417-581-2407.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the Planning & Development Department at least 3 days prior to the scheduled meeting. Hearing devices are available upon request.

City of Ozark
Planning and Zoning Commission
Tuesday, August 26, 2024
7:00pm

Members Present: Chairman Jeff Garrison, Commissioner Trevor Branch, Commissioner Chad Zickefoose, Commissioner Pete Renfrow, Commissioner Susan Daniel, Commissioner Caleb Berger, Commissioner Lacey Colbert, Commissioner Adam Brown, and Commissioner Hadlee Goldberg

Absent: N/a

Staff Members Present: Cameron Smith, Community Development Director; Megan Bischof, City Planner I; Mayor Don Currence; Alderman Eddie Campbell;

1. Approval of Minutes, the Previous Meeting:

- a. Approval of the minutes for **July 22, 2024**, by Planning & Zoning.

Goldberg made a motion to approve the minutes.

Daniel seconded the motion.

Motion Passed 8:0, 1 abstention

2. Scheduled Visitors and Guests:

3. Unfinished Business:

4. New Business:

- a. Preliminary Plat-24-0001
Olde World Estates
Property Owner: Counts Holdings LLC
Property Location: Lots 155 and 156 of Olde World Phase 2

Will Hoey, the applicant's representative, was present to answer questions.

Public Hearing Opened 7:03

No one spoke for or against the ordinance amendment.

Public Hearing Closed 7:03

Brown and Smith discussed the plans for extending the utilities to these proposed lots.

Goldberg made a motion to approve the preliminary plat application based on staff findings.

Brown seconded the motion.

Motion Passed 9:0

b. Annexation-24-0001

Property Location: 5075 N. State Highway NN and the property to the East of 1441 W. Lloyd Street and bordered by N. State Hwy NN on the east.

Property Owner: CDT Properties LLC and Data Properties LLC

Applicant, Knight, was available to answer any questions.

Public Hearing Opened 7:07

One resident voiced concerns about traffic and the unknown type of development being proposed. There was discussion between the resident, Garrison, and Smith. Garrison addressed the traffic concern, noting studies be done at the time [of development] to address traffic. Smith and Garrison noted that an annexation does not require the inquired information and explained the process of annexation and zoning. Smith noted the owner can provide additional information.

Public Hearing Closed 7:11

Zickefoose made a motion to approve the zoning amendment application as presented and as reported by staff.

Goldberg seconded the motion.

Motion Passed 9:0

c. Zoning Amendment-24-0009

Property Owner: CDT PROPERTIES LLC

Property Location: 5053 N. State Highway NN

Existing Zoning: R-1B (Single-Family District)

Requested Zoning: C-2 (General Commercial District)

Public Hearing Opened 7:19

The owner spoke about the plans to move the existing business to the northern lot, and added a few design details. He spoke about the hours of operation. There were no definite tenants for the development at the moment.

One citizen spoke about decreasing property values, their residence has been there for a long time. He also expressed concerns about the distance new buildings would be from their property, as well as light pollution and noise generation.

Public Hearing Closed 7:21

Garrison and Smith discussed the buffer yard requirement, that if the rezoning went through then a BY B would be required on the south and potentially on the west.

Brown and Knight discussed the existing residence on the property.

Zickefoose made a motion approve the zoning amendment application as presented and as reported by staff.

Daniel seconded the motion.

Motion Passed 9:0

d. Zoning Amendment-24-0010

Property Owner: DATA PROPERTIES LLC

Property Location: Property to the east of 1441 W. Lloyd Street and bordered by N. State Hwy NN on the east.

Existing Zoning: A-1 (Agriculture District)

Requested Zoning: O-W (Office Warehousing District)

Public Hearing Opened 7:19

Three residents spoke on the zoning amendment. One resident and Smith discussed the surrounding properties that were in the city, plans for driveways and Lloyd Street, infrastructure improvements would be at the developer's expense, and that residential is not an allowed use in C-2 so the existing residence would be non-conforming.

One resident expressed concern for Traffic on State Hwy NN, especially truck traffic as well as stormwater concerns. They also questioned if existing daycare being a non-conforming use.

Garrison and Smith discussed that the daycare is appropriately zoned as C-2.

Smith noted staff will convey issues to MoDOT and that the traffic and stormwater studies would be completed to determine any required improvements. Garrison and Smith discussed the review process.

One resident inquired if the business had already moved, Knight clarified that they are planning to move up to Lloyd Street.

One resident wanted to clarify the warehouse portion of the development as well as drive location.

Knight and Garrison discussed Knight's intent to move their business into that space.

Knight and Smith noted that the driveway will be spaced per requirements of Public Work Design Standards.

Public Hearing Closed 7:21

Brown and Smith discussed that the City would be the entity maintaining Lloyd Street. Zickefoose spoke in favor of the Lloyd Street extension and noted that it would be unlikely new driveways would be approved and that the extension would likely remove a driveway. He also noted that the existing stormwater issue would not be resolved with this development, they would just be addressing their stormwater generation. Lastly, he noted that this type of business would not be a high-traffic generator.

Goldberg noted that the existing business by the owner did not seem to cause any traffic issues at their current location.

Zickefoose made a motion approve the zoning amendment application as presented and as reported by staff.

Daniel seconded the motion.

Motion Passed 9:0

- a. Zoning Amendment-24-0011
Property Owner: CDT PROPERTIES LLC
Property Location: 5075 N. State Highway NN
Existing Zoning: A-1 (Agriculture District)
Requested Zoning: C-2 (General Commercial District)

Public Hearing Opened 7:31

Knight clarified the plans for the driveways and the plan to replat the lots to the south. He noted the plan should end up reducing traffic.

Public Hearing Closed 7:39

Brown and Smith discussed what would occur if the parcel was annexed, but the zoning was not approved, which would be that the county zoning would stand until another zoning amendment was requested. Smith noted the parcel wouldn't be able to develop with the county zoning and staff wouldn't support the city's Agriculture zoning district for this location.

Brown and Smith discussed the floodplain on the south side of the property. Smith noting there was an existing detention basin, there are stormwater buyout options, but water quality would still need to be addressed.

Zickefoose and Smith discussed that the city does not allow one parcel to have split zoning.

Garrison and Smith discussed when buffer yards can be waived, which is when a property is abutting an agriculturally zoned parcel. They discussed the scenario if the agriculture zoning was changed.

Brown and Smith discussed that the buffer yard would still be required for the area abutting the detention area, an allowance was noted for the buffer yard needing to be offset from utilities.

Brown and Smith also discussed the allowance of one neighborhood meeting to happen for multiple applications, if the applications are related.

Goldberg made a motion approve the zoning amendment application based on staff recommendation.

Colbert seconded the motion.

Motion Passed 9:0

5. Discussion:

6. Commission Comments

Zickefoose noted that he liked the Finding of Fact presentation. Brown noted about the opening of Garrison Springs. Branch spoke favorable about the neighborhood meeting requirements. Goldberg spoke about supporting the school. Smith and Brown discussed the

possibility of a corridor study being completed on the western side of 65, which there are no plans for at the moment.

Administrative Comments:

Smith noted that the Corridor Study is likely to be on the October agenda. He also noted that staff would be further evaluating the subdivision ordinance.

Adjournment

MEETING ADJOURNED AT 8:02 PM





PLANNING AND DEVELOPMENT DEPARTMENT
 CITY OF OZARK, MO
 205 N. 1ST STREET
 OZARK, MISSOURI 65721

September 16, 2024

Re: APPL-24-0001
 700 S. 11th Street and Phase 2 of Finley Crossing subdivision

Planning and Zoning Commissioners:

John McCart, with Great River Engineering, is representing the owners Westgroup Properties LLC and North Slope Apartments LLC for a variance request to the landscape buffer requirements in City Code, Article VI.

Property Information:

- Current Zoning: R-4 (High Density Multi-Family District) and R-SF1 (Single Family District)
- Dimensional and Regulation requirements:

District	Min. Depth of Front Yard in Feet	Min. Width of Side Yard in Feet	Min. Depth Rear Yard in Feet	Min. Lot Area per Family in Sq. Feet	Min. Lot Width in Feet ⁽³⁾	Min. Lot Size in Sq. Feet
"R-SF1" Single-Family	25	10	20	8,000	50	8,000
"R-4" High Density Multi-Family	25	20 ⁽¹⁾	25	2,000	80 ⁽²⁾	20,000

1. Lots located within an "R-4" High Density Multi-Family District shall have minimum side yards of twenty (20) feet each where the dwellings located thereon do not exceed two (2) stories. An additional three (3) feet per side yard will be required with each additional story.
2. Lots located within an "R-4" High Density Multi-Family District shall have a minimum width of eighty (80) feet, however, the width shall be increased by ten (10) feet for each additional building exceeding five (5).

Buffer Yard Requirements:

Per City Code Section 405.780(D) and 405.790(A), a twenty-five (25) foot wide landscape Buffer Yard B is required between residential and multi-family uses. Each property is required to provide this buffer at time of development. The intent of a buffer yard is to provide a continuous landscaped area with fencing to provide a screen/buffer between different uses.

Existing Buffer Yard B Requirements:

Buffer yard B. The following buffer area, plantings and/or other structural screening are required per one hundred (100) linear feet. Minimum width of buffer yard area shall be twenty-five (25) feet.

- a. Two (2) canopy trees; and
- b. Two (2) understory trees; and
- c. Two (2) evergreen trees; and
- d. Fifteen (15) shrubs; and
- e. Six (6) foot enclosure per general standards screening.

Variance Request and Details:

Relocate the twenty-five (25) foot buffer yard required for North Slope Apartments (Buffer Yard B) to the south, placing it within the Finley Crossing property. This would result in a fifty (50) foot buffer (Buffer Yard B) in total on the Finley Crossing property.

The North Slope Apartments LLC owner is proposing to add additional parking and drive aisle to the south of the existing apartment building, which will require an access easement to be granted from the Finley Crossing property along five of the lots proposed in preliminary plat.

The owners are proposing two options for the Commission to consider for the buffer yard variance. Both options transfer the Buffer Yard B requirements of both properties onto the Finley Crossing property to the South.

Option A would include a retaining wall on the North Slope Apartments LLC property. There would be approximately forty-seven (47) feet separation from the existing apartment building to the beginning of the buffer yard.

Option B would include sloped terrain, versus a retaining wall, on the Finley Crossing property. The Buffer Yard requirements would be installed upon this slope. There would be approximately thirty-nine (39) feet of separation from the existing apartment building to the beginning of the buffer yard.

Both *Option A* and *Option B* propose for the 50-foot buffer yard to have per 100 linear feet:

- Five (5) canopy trees
- Five (5) understory trees
- Five (5) evergreen trees
- Thirty (30) shrubs

This would provide three (3) additional trees per 100 feet and 9 additional trees within the development. A 6' tall fence will also be constructed between the properties.

Landscape Buffer Variance:

The Planning and Zoning has been given authority under City Code Section 405.780(B) to rule on variances involving landscape buffers. Once the commission votes on the matter the applicant has direction to move forward whether approved, denied, or tabled. The decision is not required to be recommended to the Board of Aldermen for any additional action.

City Code Section 405.780(B): *'In order to promote creativity any variance from the strict interpretation of these standards may be submitted for consideration and approval by the Planning and Zoning Commission. The submittal will need to conform to the alternative landscaping plan guidelines.'*

In reviewing the application and ordinance, below are a few items staff would request to consider in the decision making to go along with the Commission's discussion and consideration:

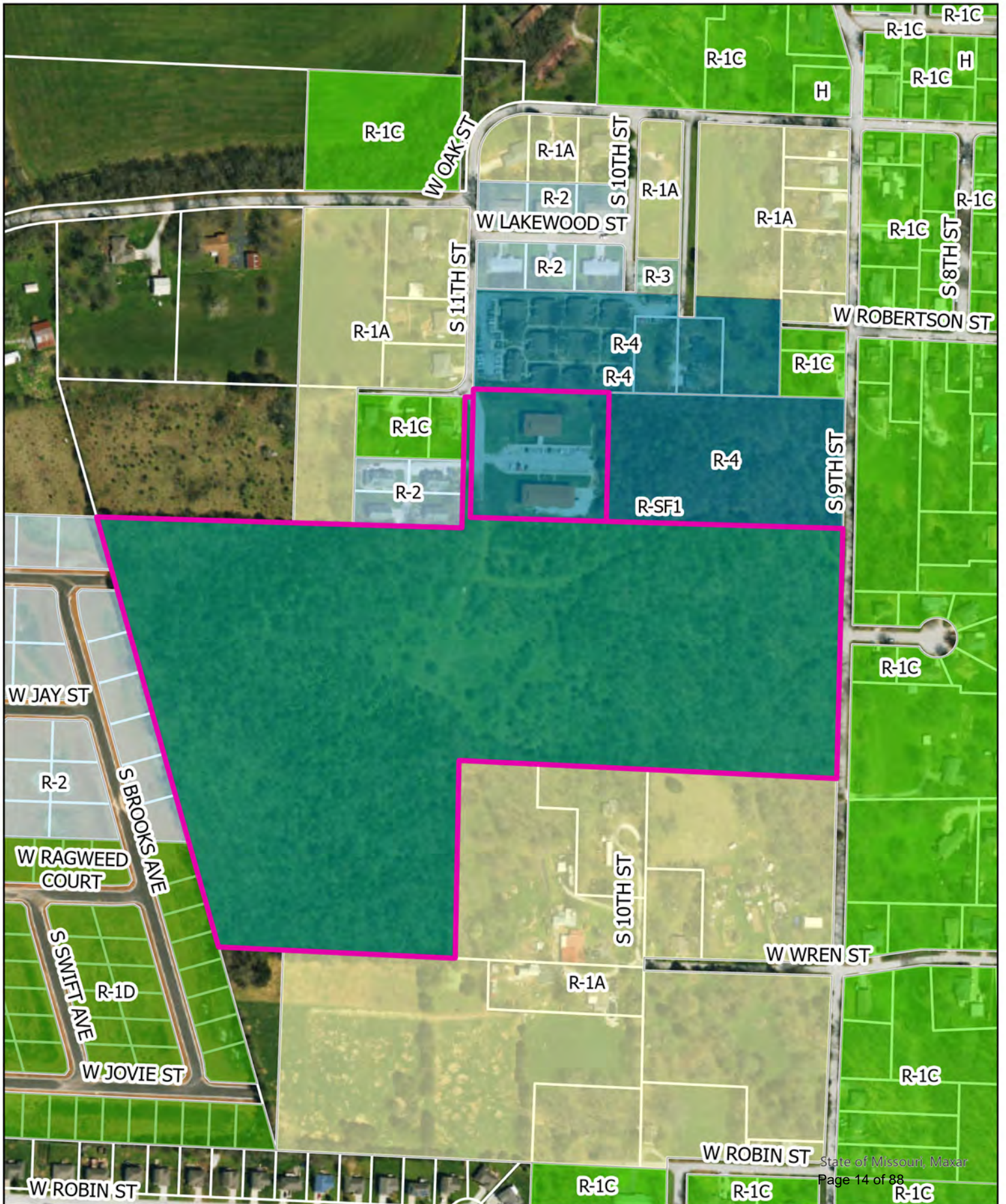
- The Variance Request letter notes that if the variance is approved, then the owner of North Slope Apartments LLC will provide right-of-way and a utility easement that the owner of the southern property is required to have in order to complete Phase 2 of the subdivision. If this variance is not granted the owner will be required to find alternative routes to provide a secondary access and potentially an alternative route for the needed utilities. The owner of Finley Crossing understood at the time of Preliminary Platting that they would be required to obtain this ROW as proposed or they would have to go through the platting process again to get an alternative subdivision layout approved by the Commission and Board.
- Do the site constraints identified in the Variance Request letter prevent full compliance to the buffer yard requirements?
- Is it possible to provide the stalls and drive aisle in locations outside of the buffer yard?
- Does the alternative landscape plan sufficiently promote creativity for a variance to be approved as presented?
 - *Per ordinance requirements the combined fifty (50) foot buffer would require [per one hundred (100) linear feet]:*
 - a. *Four (4) canopy trees; and*
 - b. *Four (4) understory trees; and*
 - c. *Four (4) evergreen trees; and*
 - d. *Thirty (30) shrubs; and*
 - e. *Six (6) foot enclosure per general standards screening.*
- Which of the plans presented (Plan A or Plan B) will provide a better separation of uses?

Please refer to your packet for additional supporting documentation and the information in this letter regarding this Variance Case to assist you with your decision. If you have any further questions, please do not hesitate to contact the Planning and Development Department.

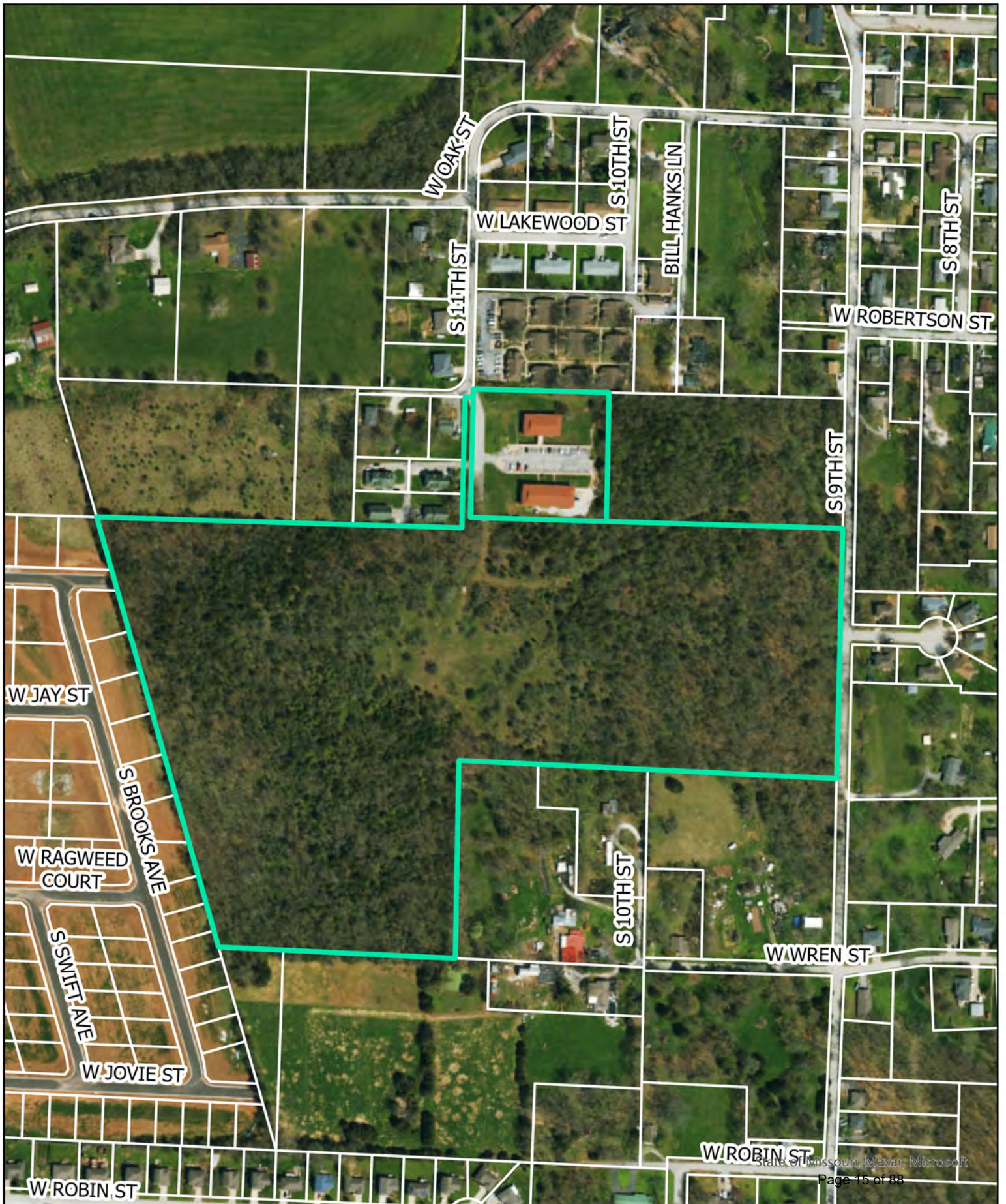
Respectfully,

Cameron R. Smith, PLA
Community Development Director

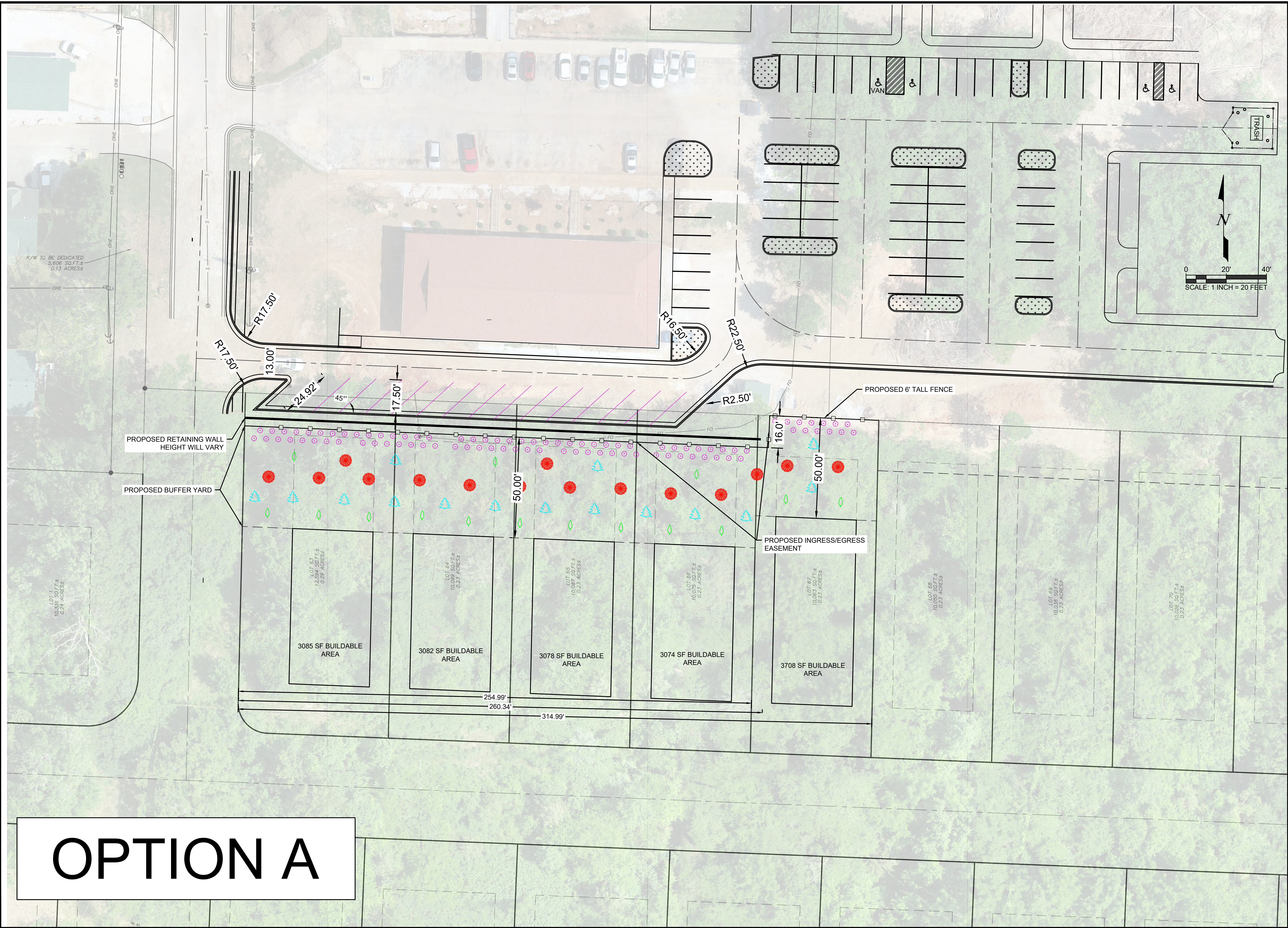
Buffer Yard Variance



Buffer Yard Variance



Z:\Shared\Projects\5067 - D & R Equity Investments LLC - North Slope Apartments\Drawings\Engineers Use\AR\5067 ELLINGSON EXHIBIT - RETAINING WALL - OPTION A.dwg PLOT DATE: 9/18/2024 8:32:55 AM LAST SAVE: 9/18/2024 8:31:55 AM



OPTION A

<p>GRE GREAT RIVER ENGINEERING</p> <p>Missouri State Certificate of Authority Number: Engineering: 2001156886, Land Surveying: 2001014776, Landscape Architecture: 2007018673</p>	
<p>NORTH SLOPE APARTMENTS CITY OF OZARK, CHRISTIAN COUNTY, MISSOURI BUFFER YARD VARIANCE EXHIBITS OPTION A - RETAINING WALL</p>	
DATE:	9/18/2024
JOB NUMBER:	5067
SHEET	EX-1A
Revision/Issue	
No.	
Date	

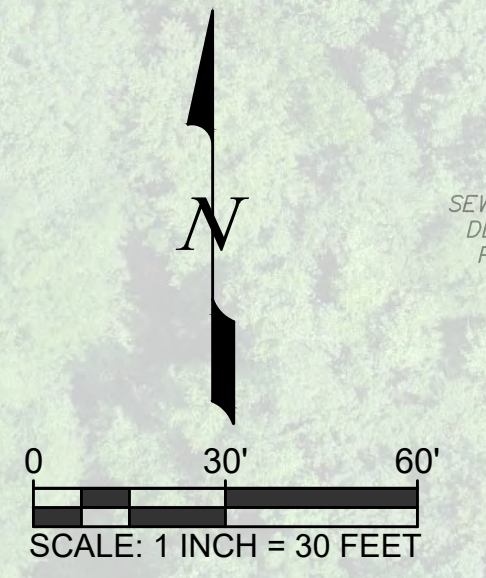
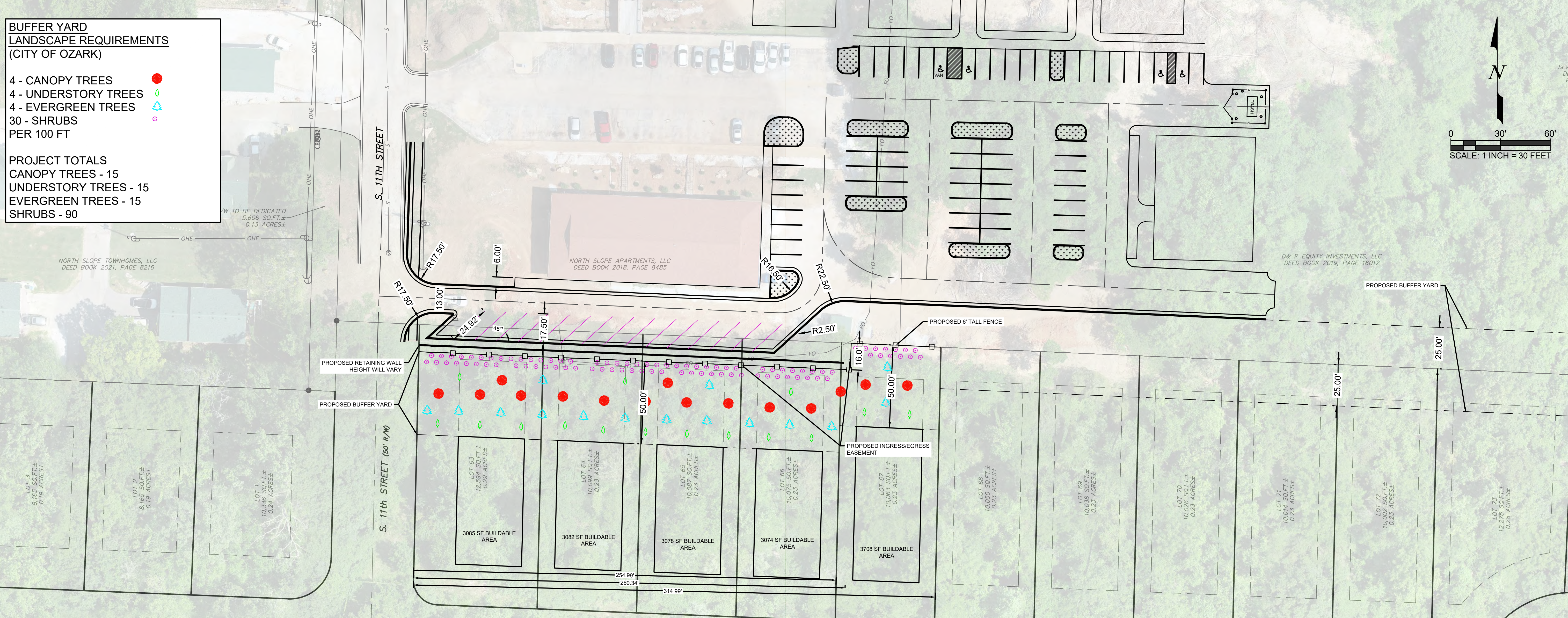
PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

Z:\Shared\Projects\5067 - D & R Equity Investments LLC - North Slope Apartments\Drawings\Engineers Use\AR\5067 ELLINGSON EXHIBIT - RETAINING WALL - OPTION A.dwg PLOT DATE: 9/18/2024 8:33:00 AM LAST SAVE: 9/18/2024 8:31:55 AM

BUFFER YARD LANDSCAPE REQUIREMENTS (CITY OF OZARK)

- 4 - CANOPY TREES
- 4 - UNDERSTORY TREES
- 4 - EVERGREEN TREES
- 30 - SHRUBS
- PER 100 FT

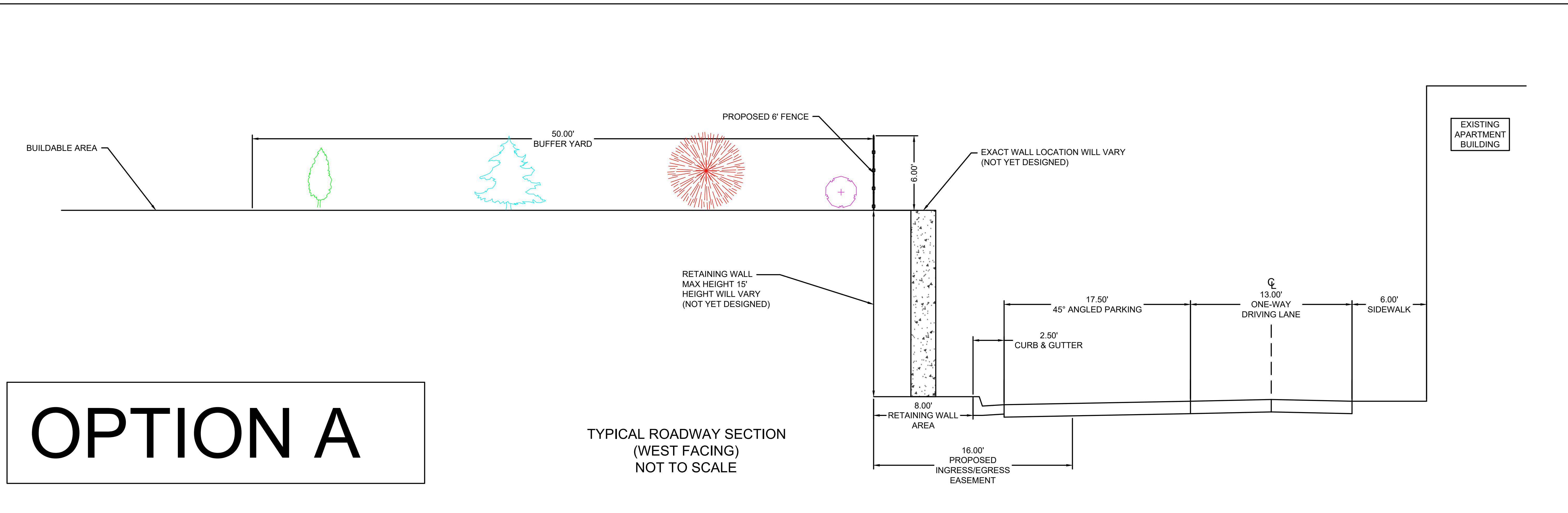
PROJECT TOTALS
 CANOPY TREES - 15
 UNDERSTORY TREES - 15
 EVERGREEN TREES - 15
 SHRUBS - 90



No.	Revision/Issue	Date

PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

Missouri State Certificate of Authority Number: 2001156885
 Land Surveying: 2001011476, Landscape Architecture: 2007013873



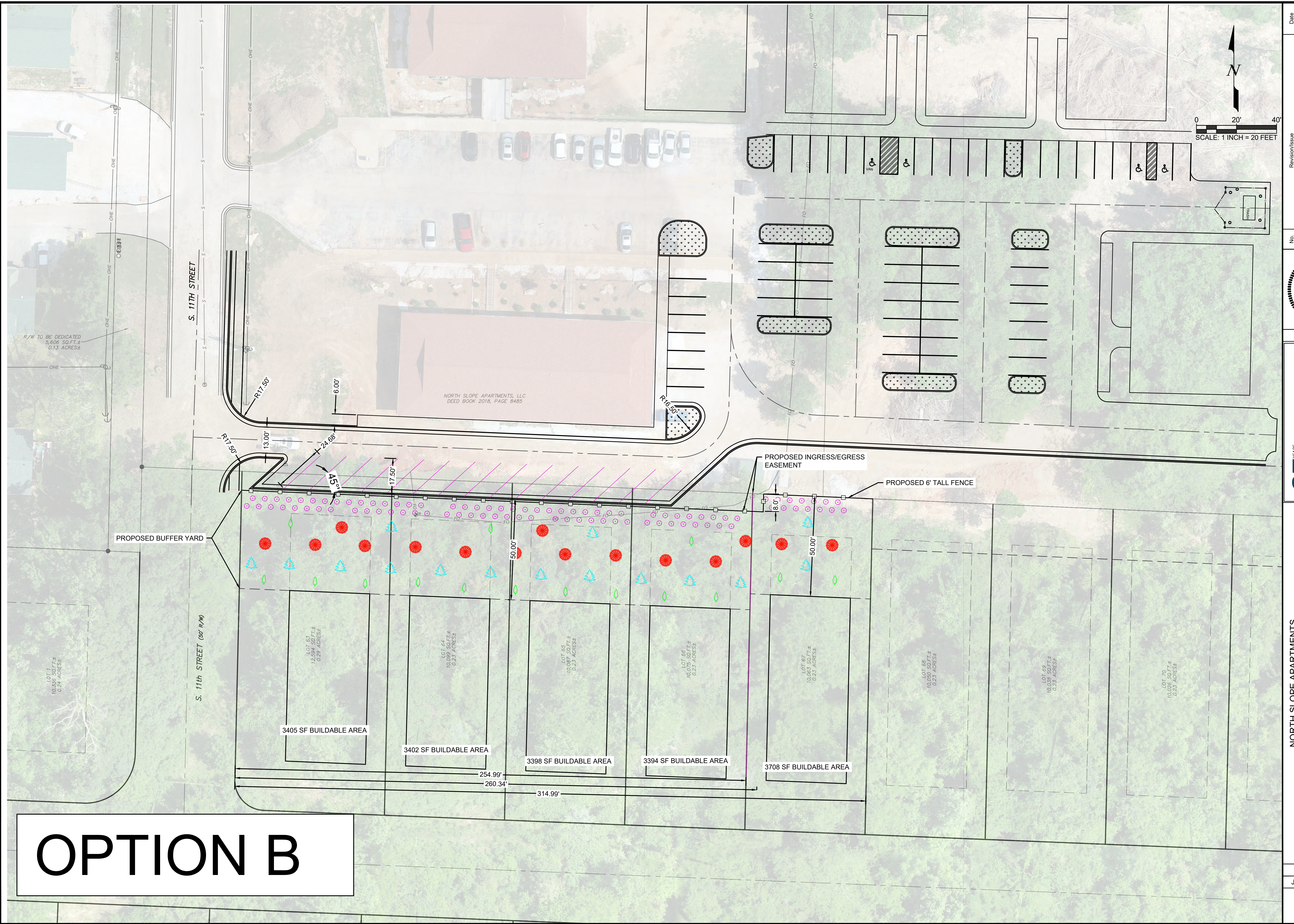
OPTION A

TYPICAL ROADWAY SECTION
(WEST FACING)
NOT TO SCALE

NORTH SLOPE APARTMENTS
 CITY OF OZARK, CHRISTIAN COUNTY, MISSOURI
 BUFFER YARD VARIANCE EXHIBITS
 OPTION A - RETAINING WALL

DATE: 9/18/2024
 JOB NUMBER: 5067
 SHEET
 EX-2A

Z:\Shared\Projects\5067 - D & R Equity Investments LLC - North Slope Apartments\Drawings\Engineers Use\AR\5067 ELLINGSON EXHIBIT - SLOPE GRADING - OPTION B.dwg PLOT DATE: 9/18/2024 8:46:16 AM LAST SAVE: 9/18/2024 8:45:58 AM



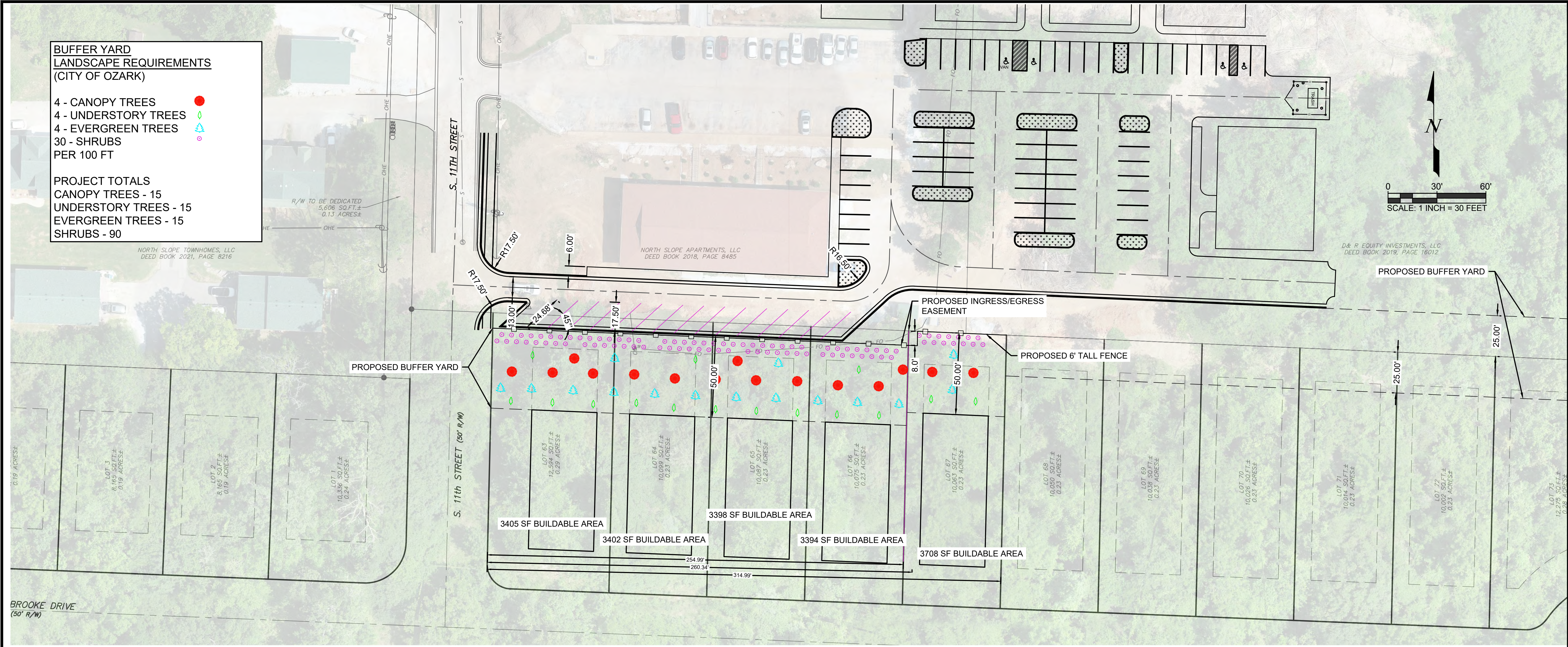
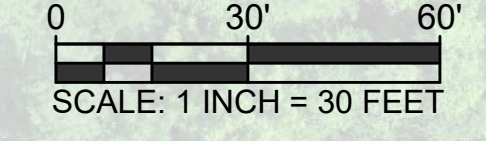
Revision/Issue		Date
No.		
<small>Missouri State Certificate of Authority Number: Engineering: 2001158886, Land Surveying: 2001011476, Landscape Architecture: 2007018673</small>		
NORTH SLOPE APARTMENTS CITY OF OZARK, CHRISTIAN COUNTY, MISSOURI BUFFER YARD VARIANCE EXHIBITS OPTION B - SLOPE GRADING		
DATE: 9/18/2024		
JOB NUMBER: 5067		
SHEET		
EX-1B		

- BUFFER YARD LANDSCAPE REQUIREMENTS (CITY OF OZARK)**
- 4 - CANOPY TREES
 - 4 - UNDERSTORY TREES
 - 4 - EVERGREEN TREES
 - 30 - SHRUBS
- PER 100 FT
- PROJECT TOTALS**
- CANOPY TREES - 15
 - UNDERSTORY TREES - 15
 - EVERGREEN TREES - 15
 - SHRUBS - 90

NORTH SLOPE TOWNHOMES, LLC
DEED BOOK 2021, PAGE 8216

NORTH SLOPE APARTMENTS, LLC
DEED BOOK 2018, PAGE 8485

D & R EQUITY INVESTMENTS, LLC
DEED BOOK 2019, PAGE 16012



PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

25 YEARS
EST. 1997

GRE
GREAT RIVER
ENGINEERING

Missouri State Certificate of Authority Number: 2001156885.
Land Surveying: 2001011476, Landscape Architecture: 2007018673

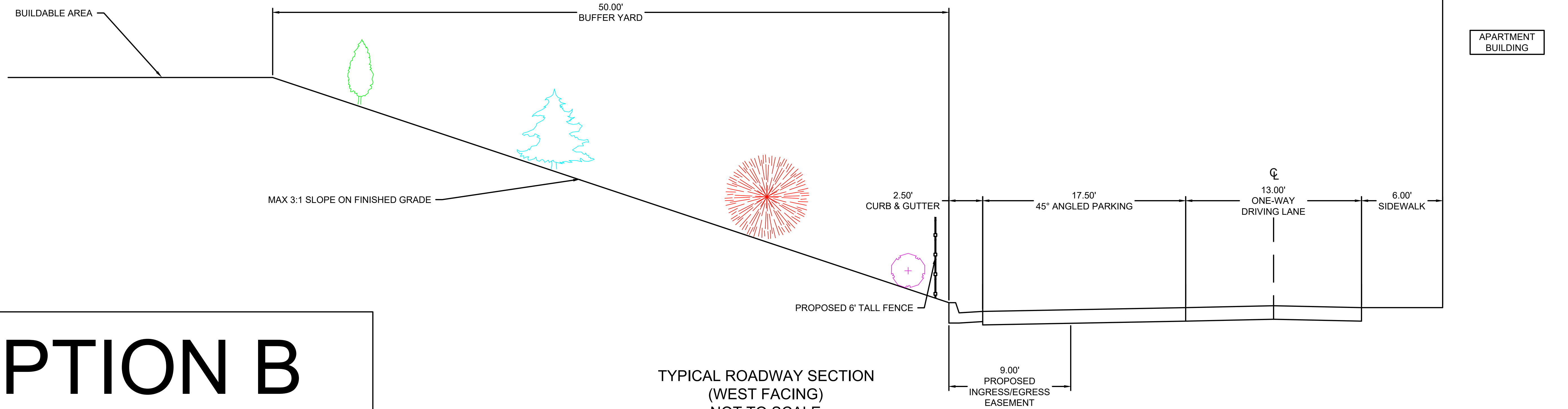
NORTH SLOPE APARTMENTS
CITY OF OZARK, CHRISTIAN COUNTY, MISSOURI
BUFFER YARD VARIANCE EXHIBITS
OPTION B - SLOPE GRADING

DATE: 9/18/2024
JOB NUMBER: 5067
SHEET
EX-2B

Z:\Shared\Projects\5067 - D & R Equity Investments LLC - North Slope Apartments\Drawings\Engineers Use\AR\5067 ELLINGSON EXHIBIT - SLOPE GRADING - OPTION B.dwg PLOT DATE: 9/18/2024 8:46:21 AM LAST SAVE: 9/18/2024 8:45:58 AM

OPTION B

TYPICAL ROADWAY SECTION
(WEST FACING)
NOT TO SCALE





PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF OZARK, MO
205 N. 1ST STREET
OZARK, MISSOURI 65721

Application: Annexation-24-0003

Property Owner(s): Elk Valley LLC

Representative: Caleb Freeland, OWN Engineering

Lot Sizes: Approximately 26.01 acres

Location: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.

Existing Use: Vacant/Agricultural

Existing Zoning: A-1 (Agriculture District); Outside City Limits

Meeting Dates: P&Z Commission: September 23, 2024
City Council 1st Reading: October 21, 2024
City Council 2nd Reading: November 4, 2024

Surrounding Land Use and Zoning:

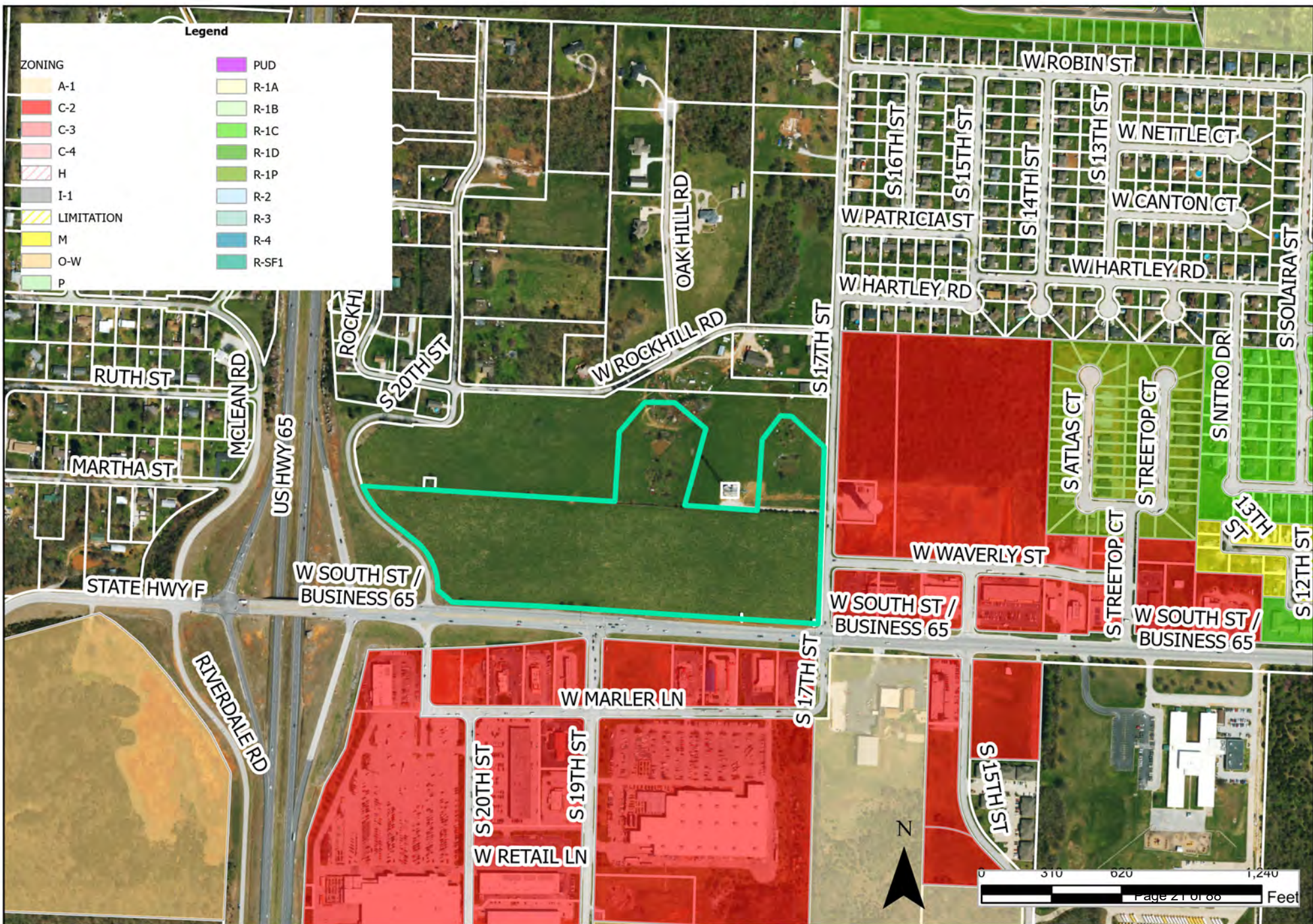
North: Agricultural/Vacant; A-1 (Agriculture); Outside City Limits

East: Commercial; C-2 (General Commercial), in City

South: Commercial; C-2 (General Commercial), in City

West: Residential; R-1 (Suburban Residence) and RR-1 (Rural Residence); Outside City Limits

Annexation-24-0003



Annexation-24-0003



Planning and Zoning Commission Options:

In reviewing a request for annexation and determining if the property should be annexed into the City limits, the Planning and Zoning Commission shall make a recommendation to the Board of Aldermen for approval or denial.

Ozark Comprehensive Plan:

These parcels are located within Tier 1 of the Urban Service Area. The Ozark Comprehensive Plan (The Plan), indicates that the City is able to annex the properties and offer public water and sewer infrastructure for future development. The current water and sewer systems have adequate capacity to serve the development of the parcels. Public sewer and water are located on the southeast corner of the property. The properties are compact and contiguous to Ozark City Limits on the western and southern sides.

Overlay Districts	Does it apply to the property in question?
Core Overlay District (Section 405.452)	No
Transportation Overlay District (Section 405.453)	Yes
Neighborhood Overlay District (Section 405.454)	No
Highway 65 corridor Overlay District (Section 405.455)	Yes
Historic Property	No

How does the overlay impact the Annexation?

The commercial development of this property shall comply with the requirements of the Transportation Overlay and the Highway 65 Corridor Overlay Districts.

Emergency Services:

Currently, the parcel is not serviced by the Ozark Police Department, but they are serviced by Christian County Ambulance District and Ozark Fire District. After the parcel is annexed, it will be served by the Ozark Police Department.

Environmental Features:

This parcel does not contain a floodplain or any sinkholes that Staff are aware of at the time of this report. There are freshwater pond wetlands identified in the northern portion of the property. During the construction plan review, a consultant will need to evaluate the wetland and go through the proper permitting processes. *See Environmental Features Map.*

Trail Connections:

No trail connections are identified on this property in the Pedestrian Master Plan. Sidewalks will be required along all street frontages.

Water:

Currently, there is a 12-inch water main that is located on the southeast corner of the subject property. All future development and water main extensions will require approval from the Public

Works Department. All construction plans will be reviewed to ensure compliance with the City of Ozark's design standards. During the construction plan review process, staff will evaluate the engineered drawings to ensure that the property has adequate water service and fire flows. *See Public Works Map*

Sewer:

An 8-inch gravity sewer main is located on the southeast corner of the subject property. Any offsite sewer connections and easements will be the developer's responsibility. All future development and any sewer main extensions will require approval of Public Works Department and their 3rd Party review consultant. All construction plans will be reviewed to ensure compliance with the City of Ozark's design standards. *See Public Works Map*

Stormwater:

Stormwater management and stormwater quality measures will be addressed during the development process based on the scope of the improvements to the property. These improvements will be reviewed to conform with the City's design standards and stormwater regulations. Due to the location and the surrounding roadways, the stormwater plans will also be reviewed by the Ozark Special Road District and the Missouri Department of Transportation. The development construction documents will be reviewed to ensure that the proposed stormwater design complies with the calculations and management methods outlined within the stormwater report. All construction plans will be reviewed to ensure compliance with the City of Ozark's design standards. *See Public Works Map*

Streets:

The property can be accessed from West South Street/HWY 14/Business 65, South 20th Street, and South 17th Street. West South Street/HWY 14/Business 65 is classified as a primary arterial and is under the jurisdiction of the Missouri Department of Transportation (MoDOT). South 20th Street is classified as a commercial street and is also under the jurisdiction of MoDOT. The East side of the subject property is bordered by South 17th Street. This street is classified as a secondary arterial and is under the jurisdiction of the Ozark Special Road District (OSRD). During the development process the developer will be required to complete a traffic impact study. The traffic impact study will be reviewed by City staff, OSRD staff, and MoDOT officials to determine if enhancements will be required to the surrounding roadways. The development construction documents will be reviewed to ensure that the roadway improvement plans comply with the City of Ozark Design Standards.

Code Compliance for Annexations:

The annexations have been reviewed for completeness and adherence to the City Code and State Statute requirements. Annexations shall go before the Planning and Zoning Commission and then two hearings at the Board of Alderman. An Annexation is required to be published in the paper. The meetings are posted on the website and outside City Hall and on the property.

The publishing requirement was met by the final deadline on September 3, 2024.

Staff Recommendations:

Based on the above report and the staff's finding, all requirements have been met for the approval of Annexation-24-0003 as presented.

Staff: Megan Bischof, City Planner I

SITE PHOTOS



Figure 1- View from the eastern lot line of the property looking south. S. 17th Street is on the lefthand side of the photo.



Figure 2- View from the eastern lot line of the property looking west.



Figure 3- View from the southeastern corner of the property looking west. W. South Street is on the lefthand side of the photo.

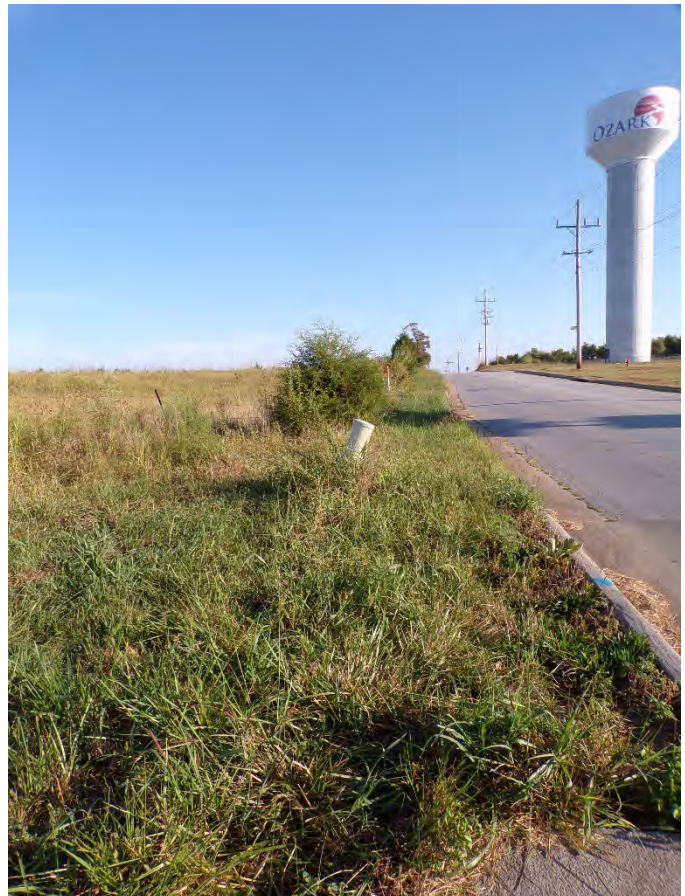


Figure 4- View from the southeastern corner of the property looking north. S. 17th Street is on the righthand side of the photo.



Figure 5- View from the southwestern corner of the property looking north. S. 20th Street is on the lefthand side of the photo.



Figure 6- View from the southwestern corner of the property looking east. W. South Street is on the righthand side of the photo.

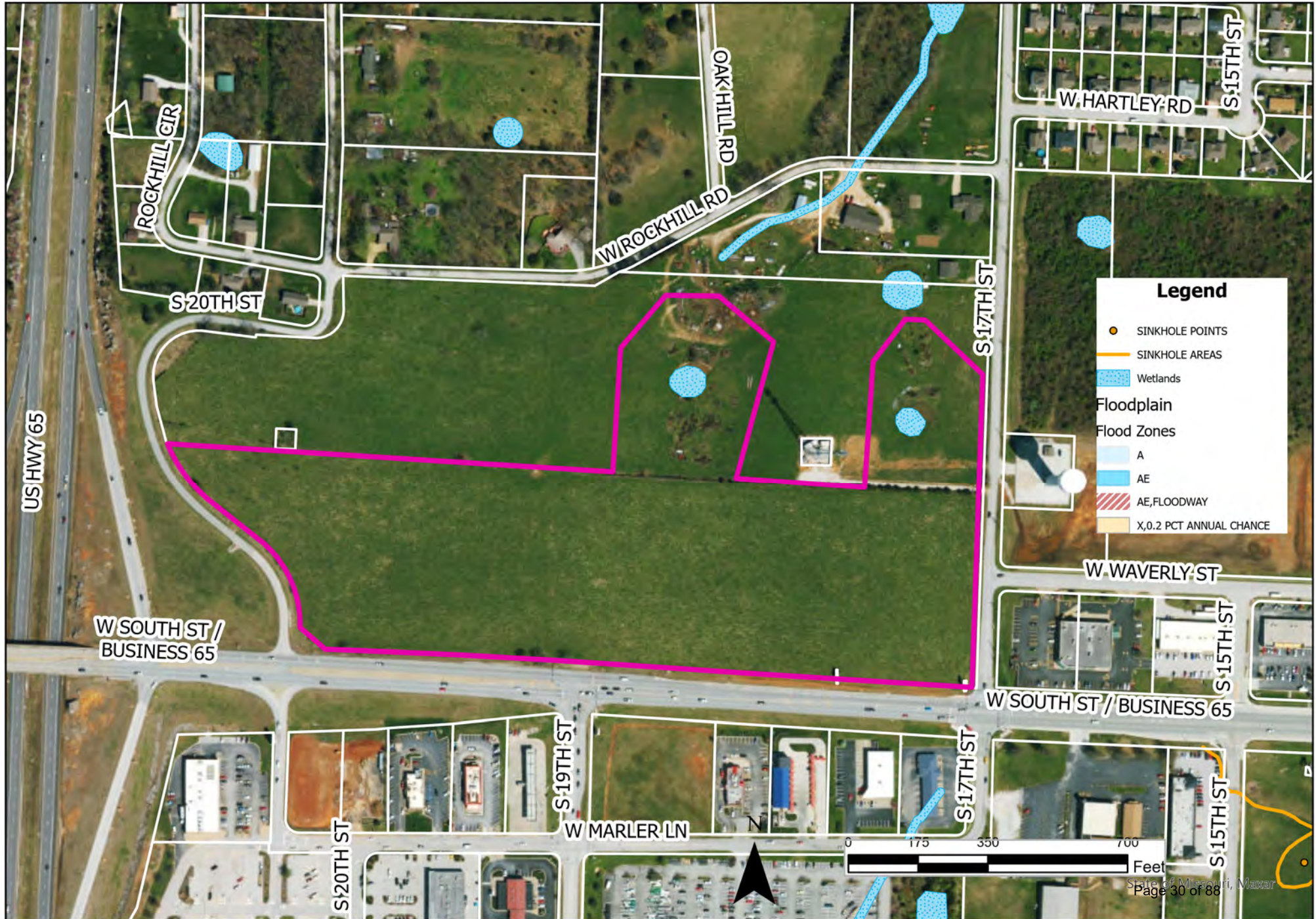


Figure 7- View from the northwestern corner of the property looking south. S. 20th Street is on the righthand side of the photo.

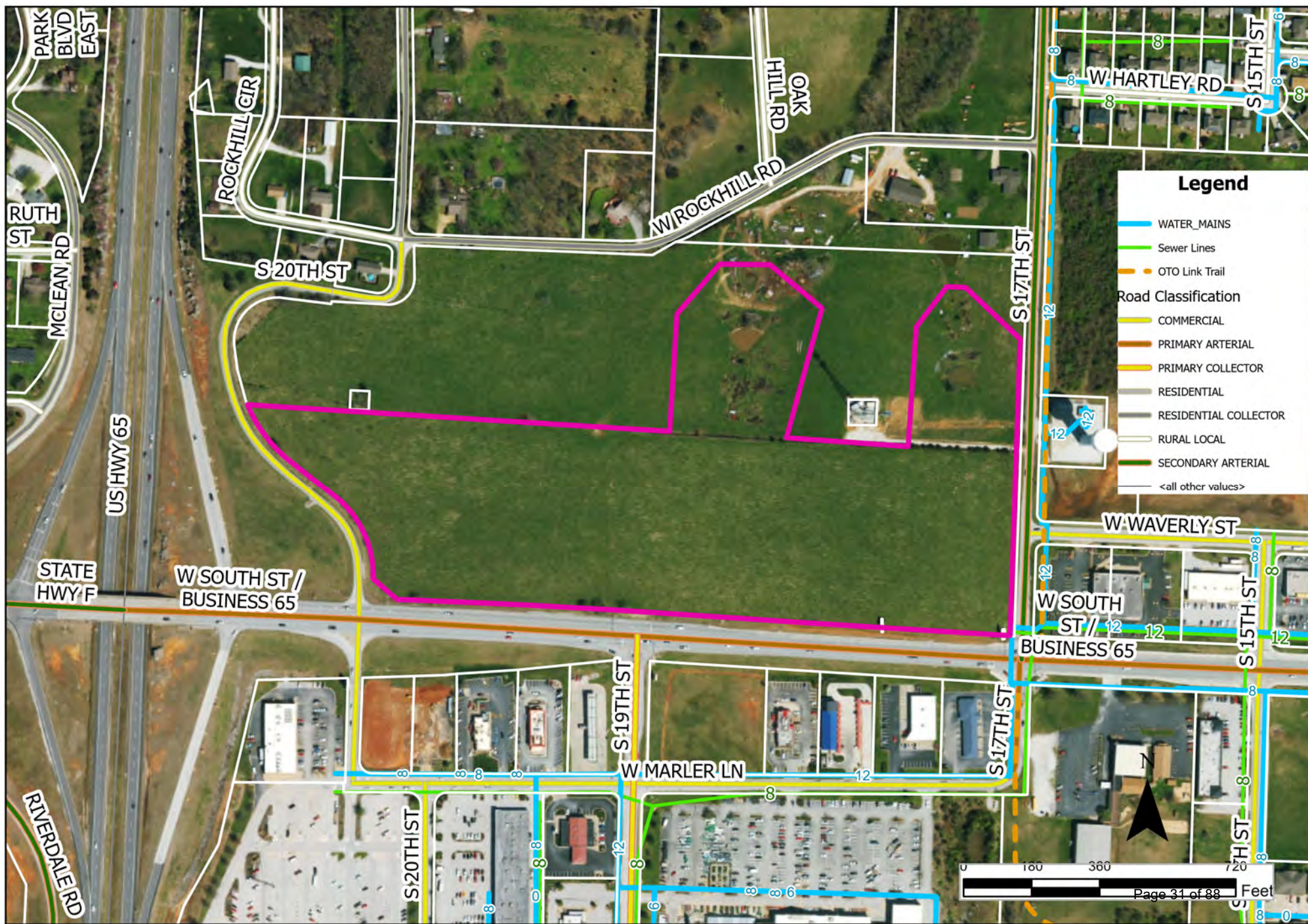


Figure 8- View from the northwestern lot line of the property looking east.

Annexation-24-0003 Environmental Features Map



Annexation-24-0003 Public Works Infrastructure Map





City of Ozark, MO
Planning and Development

205 N 1st Street
Ozark, MO 65721
417-581-2407
<https://ozarkmissouri.com/>

PERMIT

ANNEX-24-0003

ANNEXATION

SITE ADDRESS: 1505 S 17TH ST OZARK
PRIMARY PARCEL: 110726004011014001
PROJECT NAME: THESSING 26 ACRE ANNEXATION

ISSUED:
EXPIRES:

APPLICANT: Davis, Jared
3213 S West Bypass
Springfield, MO 65807
4178662741

OWNER: ANDERSON, MELISSA
1505 S 12TH AVE
OZARK, MO 65721-0000

Detail Name	Detail Value
Owner's Name	Elk Valley LLC
Owner's Email Address	pc@weareown.com
Owner's Phone #	4178662741
Applicant's Relationship to Owner (if different)	Civil Engineer
Size of Property Square Ft	1132560
Size of Property Acreage	26
Existing Use	Vacant
Publications Cost \$	75.00

I hereby certify the proposed work is authorized by the owner of record and I have been authorized by the owner to make this application as his authorized agent and agree to conform to all applicable laws and understand that this permit may be revoked if I fail to do so. The Applicant is responsible for all third party fees. The City of Ozark will issue and track invoices for these cost. By typing your name you agree to the above items.

CONDITIONS

* The application cannot change ownership during the annexation process. If there is an ownership change, a new annexation application will be required.

Issued By: _____



City of Ozark, MO
Planning and Development

205 N 1st Street
Ozark, MO 65721
417-581-2407
<https://ozarkmissouri.com/>

FEEs:	<u>Paid</u>	<u>Due</u>
Publications Cost (in Dollars)		\$75.00
Annexation		\$330.00
		<hr/>
	Totals :	\$405.00

•PETITION REQUESTING ANNEXATION TO THE CITY OF OZARK, MO

The undersigned on behalf of Elk Valley LLC
hereinafter referred to as Petitioner, for its petition to the Board of Aldermen of the
City of Ozark, Missouri, state and allege as follows:

1. That it is the owner of all fee interests of record in the real estate in Christian County, Missouri described as follows, to-wit:

See Exhibit A

2. That the said real estate is not now a part of any incorporated municipality.
3. That the said real estate is contiguous, or contiguous and compact, to the existing corporate limits of the City of Ozark, Missouri, as appropriate.
4. That it requests that the said real estate be annexed to, and be included within the corporate limits of, the City of Ozark, Missouri, as authorized by the provisions of Section 71.012, Revised Statutes of the State of Missouri.
5. That it is in "good standing" with the Missouri Secretary of State; and, that the undersigned officers are acting pursuant to a corporate resolution duly passed which authorizes this petition.
6. That it requests the Board of Aldermen of the City of Ozark, Missouri to cause the required notice to be published and to conduct a Public Hearing required by law and to thereafter adopt an ordinance extending the limits of the City of Ozark, Missouri to include the above described real estate.
7. That the above described property was assessed at \$10,700 by the Christian County Assessor's Office for the year of 20²⁴.

Dated this 29th day of July, 2024

Name of Corporation or LLC: Elk Valley LLC

By: Joe Warren

Name/Title: Joe Warren
Managing Member

Attest: _____

Name/Title: _____

STATE OF MISSOURI
COUNTY OF CHRISTIAN

On this 29th day of July, 2024

before me personally appeared Joe Warren, managmen member

of the above named LLC, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed on behalf of said LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Springfield, Missouri the day and year first above written.

My term expires: 7-12-2027

/s/ [Signature]
Notary Public

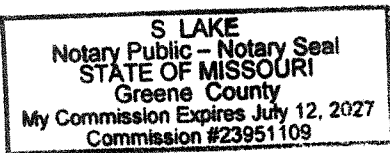


EXHIBIT A LEGAL DESCRIPTION

BEING ALL OF PARCEL B OF THE ADMINISTRATIVE MINOR SUBDIVISION, AS DESCRIBED IN PLAT BOOK V AT PAGE 5364.A AND BEING THE SAME AS DESCRIBED IN THE CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2009 AT PAGE 13990 AND LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI AND SAID TRACT B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST: THENCE ALONG THE SOUTH LINE OF SAID SECTION 27 SOUTH 87°35'59" EAST, 706.08 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 02°24'01" EAST, 61.93 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF SOUTH STREET (BUSINESS 65) AND ON THE EASTERLY RIGHT-OF-WAY OF 20TH STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 49°08'44" WEST, 83.45 FEET; THENCE 249.74 FEET ALONG A 266.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 24°42'48" WEST FOR A DISTANCE OF 240.67 FEET; THENCE NORTH 51°46'39" WEST, 150.55 FEET; THENCE 189.69 FEET ALONG A 375.28 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 37°05'08" WEST FOR A DISTANCE OF 187.67 FEET TO THE SOUTHWEST CORNER OF TRACT A OF THE ADMINISTRATIVE MINOR SUBDIVISION AS DESCRIBED IN THE CHRISTIAN COUNTY RECORDER'S OFFICE IN PLAT BOOK V AT PAGE 5364.A; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE SOUTH LINE OF SAID TRACT A THE FOLLOWING COURSES SOUTH 86°25'17" EAST, 1118.41 FEET; THENCE NORTH 03°34'59" EAST, 311.35 FEET; THENCE NORTH 40°53'24" EAST, 172.95 FEET; THENCE SOUTH 89°21'12" EAST, 132.99 FEET; THENCE SOUTH 50°04'51" EAST, 179.40 FEET; THENCE SOUTH 15°26'12" WEST, 357.02 FEET; THENCE SOUTH 86°25'16" EAST, 324.85 FEET; THENCE NORTH 03°34'44" EAST, 316.34 FEET; THENCE NORTH 37°02'10" EAST, 131.67 FEET; THENCE SOUTH 88°17'55" EAST, 51.59 FEET; THENCE SOUTH 46°58'14" EAST, 198.47 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF 17TH STREET; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID RIGHT-OF-WAY SOUTH 01°58'46" WEST, 786.92 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF THE AFOREMENTIONED SOUTH STREET (BUSINESS 65); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 86°29'33" WEST, 396.77 FEET; THENCE NORTH 86°09'15" WEST, 330.03 FEET; THENCE NORTH 86°09'22" WEST, 328.15 FEET; THENCE NORTH 86°24'47" WEST, 85.51 FEET; THENCE NORTH 86°41'29" WEST, 85.51 FEET; THENCE NORTH 87°31'50" WEST, 199.46 FEET; THENCE NORTH 87°31'59" WEST, 199.47 FEET TO THE POINT OF BEGINNING. CONTAINING 1,133,046 SQUARE FEET OR 26.01 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.



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hereinafter referred to as Petitioner, for its petition to the Board of Aldermen of the
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6. That it requests the Board of Aldermen of the City of Ozark, Missouri to cause the required notice to be published and to conduct a Public Hearing required by law and to thereafter adopt an ordinance extending the limits of the City of Ozark, Missouri to include the above described real estate.
7. That the above described property was assessed at \$10,700 by the Christian County Assessor's Office for the year of 2024.

Dated this 17th day of September, 2024

Name of Corporation or LLC: Elk Valley LLC

By: Marty Harman

Name/Title: Member - Elk Valley, LLC

Attest: Marty Harman

Name/Title: Member

STATE OF MISSOURI
COUNTY OF GREENE

On this 17th day of September, 2024

before me personally appeared Martin Harman Member

of the above named LLC, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed on behalf of said LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Greene County, Missouri the day and year first above written.

My term expires: 10/25/2025



/s/ Shelley D Herrman
Notary Public

EXHIBIT A LEGAL DESCRIPTION

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI AND DESCRIBED IN BOOK 2009 AT PAGE 13990 OF THE CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE AND SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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7. That the above described property was assessed at \$10,700 by the Christian County Assessor's Office for the year of 2024.

Dated this 17th day of September, 2024

Name of Corporation or LLC: Elk Valley LLC

By: Gene Harman

Name/Title: Member - Elk Valley, LLC

Attest: Gene Harman

Name/Title: Member

STATE OF MISSOURI
COUNTY OF GREENE

On this 18th 17th ~~th~~ day of September, 2024
before me personally appeared Gene Harman, Member

of the above named LLC, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed on behalf of said LLC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Greene County, Missouri the day and year first above written.



My term expires: 10/25/2025

/s/ Shelley D Herrman
Notary Public

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Public Notice

PLANNING AND ZONING COMMISSION REGULAR MEETING AT 7:00 P.M. Monday, September 23, 2024

Notice is hereby given that the City of Ozark Planning and Zoning Commission will conduct a Regular Meeting at 7:00 p.m. on Monday, September 23, 2024 in the City Council Chambers at Ozark City Hall, 205 N 1st Street, Ozark, MO to consider annexing all or any part of the following described property.

Notice is hereby given that the City of Ozark Board of Aldermen will conduct a Regular Meeting at 7:00 p.m. on Monday, October 21, 2024 in the City Council Chambers at Ozark City Hall, 205 N 1st Street, Ozark, MO to consider annexing all or any part of the following described property.

The City encourages the public to view the live streaming of this meeting at: <https://myozark.info/ozarkyoutube>

Legal Description:

BEING ALL OF PARCEL B OF THE ADMINISTRATIVE MINOR SUBDIVISION, AS DESCRIBED IN PLAT BOOK V AT PAGE 5364.A AND BEING THE SAME AS DESCRIBED IN THE CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2009 AT PAGE 13990 AND LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI AND SAID TRACT B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST: THENCE ALONG THE SOUTH LINE OF SAID SECTION 27 SOUTH 87°35'59" EAST, 706.08 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 02°24'01" EAST, 61.93 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF SOUTH STREET (BUSINESS 65) AND ON THE EASTERLY RIGHT-OF-WAY OF 20TH STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 49°08'44" WEST, 83.45 FEET; THENCE 249.74 FEET ALONG A 266.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 24°42'48" WEST FOR A DISTANCE OF 240.67 FEET; THENCE NORTH 51°46'39" WEST, 150.55 FEET; THENCE 189.69 FEET ALONG A 375.28 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 37°05'08" WEST FOR A DISTANCE OF 187.67 FEET TO THE SOUTHWEST CORNER OF TRACT A OF THE ADMINISTRATIVE MINOR SUBDIVISION AS DESCRIBED IN THE CHRISTIAN COUNTY RECORDER'S OFFICE IN PLAT BOOK B AT PAGE 5364.A; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE SOUTH LINE OF SAID TRACT A THE FOLLOWING COURSES SOUTH 86°25'17" EAST, 1118.41 FEET; THENCE NORTH 03°34'59" EAST, 311.35 FEET; THENCE NORTH 40°53'24" EAST, 172.95 FEET; THENCE SOUTH 89°21'12" EAST, 132.99 FEET; THENCE SOUTH

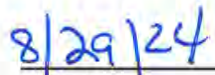
50°04'51" EAST, 179.40 FEET; THENCE SOUTH 15°26'12" WEST, 357.02 FEET; THENCE SOUTH 86°25'16" EAST, 324.85 FEET; THENCE NORTH 03°34'44" EAST, 316.34 FEET; THENCE NORTH 37°02'10" EAST, 131.67 FEET; THENCE SOUTH 88°17'55" EAST, 51.59 FEET; THENCE SOUTH 46°58'14" EAST, 198.47 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF 17TH STREET; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID RIGHT-OF-WAY SOUTH 01°58'46" WEST, 786.92 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF THE AFOREMENTIONED SOUTH STREET (BUSINESS 65); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 86°29'33" WEST, 396.77 FEET; THENCE NORTH 86°09'15" WEST, 330.03 FEET; THENCE NORTH 86°09'22" WEST, 328.15 FEET; THENCE NORTH 86°24'47" WEST, 85.51 FEET; THENCE NORTH 86°41'29" WEST, 85.51 FEET; THENCE NORTH 87°31'50" WEST, 199.46 FEET; THENCE NORTH 87°31'59" WEST, 199.47 FEET TO THE POINT OF BEGINNING. CONTAINING 1,133,046 SQUARE FEET OR 26.01 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

Annexation- 24-0003

PROPERTY LOCATION: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.

PROPERTY OWNER: Elk Valley LLC


CHANDRA HODGES, CITY CLERK


DATE

THE DAILY EVENTS

News You Won't Read Elsewhere

(417) 866-1401
(Fax) 866-1491

P.O. Box 1
Springfield, MO
65801-0001

Established 1881

Date of First
Publication
09/03/24

Invoice
Number
241133

City of Ozark
Attn: Megan Briney Bischof
P.O. Box 295
Ozark, MO 65721



Invoice for the Publication Costs & Affidavit of Publication

Please include Invoice Number with payment.
Please pay from this invoice.

Case Number/Reference Name:

24-0003

Description of Legal Notice & Date(s) Published:

Zoning Notice - 1505 S. 17th St, Ozark
Date(s): 9/3, 2024 Vol/No(s): 144/156

Total Cost:

75.00

Notice on
Page Two

Affidavit of Publication

I, Susan D. Barnes, do upon oath state that I am editor of The Daily Events, a newspaper of general circulation published daily, and qualified to publish notices directed by any court or required by law in the County of Greene, in the County of Christian, and in the City of Springfield, all being in the State of Missouri; and that the accompanying legal notice was published in The Daily Events on the date(s) and volume(s)/number(s) indicated.

I further state that said newspaper is published in accordance with, and meets all provisions of, Section 493.050 RSMo 2000, Section 493.070 RSMo 2000, and St. of Missouri ex rel Reorganized School District R-6 of Daviess County, Missouri vs Haskell Holman, 275 S. W. 2d 280, 282 (Mo. banc 1955) regarding legal notices.

Unless otherwise noted hereto, this affidavit shall serve as sufficient evidence for the publication of this legal notice as stated in Section 493.060 RSMo 2000.

Susan D. Barnes 9/3/24
Susan D. Barnes, Editor Date

Kara M. Peters 9/3/24
Notary Public Date

Subscribed & Affirmed by the above who is known to me.

KARA M. PETERS
Notary Public - Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Aug. 9, 2028
Commission #16180754

PUBLIC NOTICE

Notice is hereby given to all parties in interest and Citizens, that the Planning & Zoning Commission will hold a Public Hearing on the 23rd day of September 2024 at 7:00 p.m. and the Board of Aldermen of the City of Ozark will hold a Public Hearing on 21st day of October 2024 at 7:00 p.m. in the City Council Chambers at Ozark City Hall, 205 N. 1st Street, Ozark, MO, to consider annexing all or any part of the following described property.

Legal Description:

BEING ALL OF PARCEL B OF THE ADMINISTRATIVE MINOR SUBDIVISION, AS DESCRIBED IN PLAT BOOK V AT PAGE 5364. A AND BEING THE SAME AS DESCRIBED IN THE CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2009 AT PAGE 13990 AND LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI AND SAID TRACT B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST: THENCE ALONG THE SOUTH LINE OF SAID SECTION 27 SOUTH 87°35'59" EAST, 706.08 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 02°24'01" EAST, 61.93 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF SOUTH STREET (BUSINESS 65) AND ON THE EASTERLY RIGHT-OF-WAY OF 20TH STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 49°08'44" WEST, 83.45 FEET; THENCE 249.74 FEET ALONG A 266.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 24°42'48" WEST FOR A DISTANCE OF 240.67 FEET; THENCE NORTH 51°46'39" WEST, 150.55 FEET; THENCE 189.69 FEET ALONG A 375.28 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 37°05'08" WEST FOR A DISTANCE OF 187.67 FEET TO THE SOUTHWEST CORNER OF TRACT A OF THE ADMINISTRATIVE MINOR SUBDIVISION AS DESCRIBED IN THE CHRISTIAN COUNTY RECORDER'S OFFICE IN PLAT BOOK B AT PAGE 5364. A; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE SOUTH LINE OF SAID TRACT A THE FOLLOWING COURSES SOUTH 86°25'17" EAST, 1118.41 FEET; THENCE NORTH 03°34'59" EAST, 311.35 FEET; THENCE NORTH 40°53'24" EAST, 172.95 FEET; THENCE SOUTH 89°21'12" EAST, 132.99 FEET; THENCE SOUTH 50°04'51" EAST, 179.40 FEET; THENCE SOUTH 15°26'12" WEST, 357.02 FEET; THENCE SOUTH 86°25'16" EAST, 324.85 FEET; THENCE NORTH 03°34'44"

EAST, 316.34 FEET; THENCE NORTH 37°02'10" EAST, 131.67 FEET; THENCE SOUTH 88°17'55" EAST, 51.59 FEET; THENCE SOUTH 46°58'14" EAST, 198.47 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF 17TH STREET; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID RIGHT-OF-WAY SOUTH 01°58'46" WEST, 786.92 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF THE AFOREMENTIONED SOUTH STREET (BUSINESS 65); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 86°29'33" WEST, 396.77 FEET; THENCE NORTH 86°09'15" WEST, 330.03 FEET; THENCE NORTH 86°09'22" WEST, 328.15 FEET; THENCE NORTH 86°24'47" WEST, 85.51 FEET; THENCE NORTH 86°41'29" WEST, 85.51 FEET; THENCE NORTH 87°31'50" WEST, 199.46 FEET; THENCE NORTH 87°31'59" WEST, 199.47 FEET TO THE POINT OF BEGINNING. CONTAINING 1,133,046 SQUARE FEET OR 26.01 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

Annexation-24-0003

PROPERTY LOCATION: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.

PROPERTY OWNER: Elk Valley LLC
CHANDRA HODGES,
CITY CLERK

Published in The Daily Events
9/3, 2024 (Tu)

THE DAILY EVENTS

Established 1881

Invoice & Affidavit of Publication

Image# 004337420005 Type: LAN
Recorded: 10/01/2009 at 03:59:06 PM
Total Amt: \$36.00 Page 1 of 5
Christian County Recorder
Roy Meadows Recorder of Deeds
File# 2009-00014110
BK **2009** PG **13990**



COVER PAGE

TITLE OF DOCUMENT: Trustee's Special Warranty Deed

DATE OF DOCUMENT: October 1, 2009

NAME OF GRANTOR: Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren
Lifetime Trust established by the Stanford Warren and Edith
Warren Revocable Trusts dated 5/7/90

NAME OF GRANTEE: ELK VALLEY, LLC, a Missouri limited liability company
(LC 0880479)

ADDRESS OF GRANTEE: ELK VALLEY, LLC
c/o Joe Stanford Warren
1724 Rock Hill Road
Ozark, Missouri 65721

**LEGAL DESCRIPTION OF
PROPERTY:** SEE EXHIBIT A

**REFERENCE BOOK AND
PAGES:**

TRUSTEE'S SPECIAL WARRANTY DEED

THIS DEED is made and entered into this 1st day of October, 2009, by and between Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren Lifetime Trust established by the Stanford Warren and Edith Warren Revocable Trusts dated 5/7/90 of Ozark, Christian County, Missouri, hereinafter referred to as "**Grantor**," and ELK VALLEY, LLC, a Missouri limited liability company, which has its office and principal place of business at Ozark, Christian County, Missouri, hereinafter referred to as "**Grantee**".

The mailing address of the Grantee is: Elk Valley, LLC, c/o Joe Stanford Warren, 1724 Rock Hill Road, Ozark, Missouri 65721.

WITNESSETH, that:

WHEREAS, the Grantor warrants that on or about the 7th day of May, 1990, Stanford Warren executed a Revocable Trust Agreement ("The Stanford Warren Trust"); and

WHEREAS, the Grantor further warrants that on said date of May 7, 1990, Edith Warren also executed a Revocable Trust Agreement ("The Edith Warren Trust"); and

WHEREAS, the Grantor further warrants that the real property, hereinafter described, was thereafter conveyed to Stanford Warren, as Trustee of the Stanford Warren Trust, and to Edith Warren, as Trustee of the Edith Warren Trust; and

WHEREAS, the Grantor further warrants that Stanford Warren and Edith Warren are both now deceased; and

WHEREAS, the Grantor further warrants that, under the terms and provisions of the Stanford Warren Trust and the Edith Warren Trust, the above named Grantor became Trustee with respect to an undivided one-half (½) interest in and to the real property hereinafter described, and thereby became entitled to hold, administer and distribute the same; and

WHEREAS, the Grantor further warrants that, the Grantor, in his capacity as Trustee, conveyed said undivided one-half (½) interest into his name as Trustee of the Joe Stanford Warren Trust and the Edith Warren Trust; and

WHEREAS, the Grantor further warrants that he has agreed to convey said real property, hereinafter described, to the Grantee named in this Special Warranty Deed; and

WHEREAS, the Grantor further warrants that, as such Trustee, he has the authority to assign, transfer and convey any of the assets which he holds as Trustee, including the interest in said real property; and

WHEREAS, the Grantor further warrants that neither the Stanford Warren Trust nor the Edith Warren Trust has been amended, nor has either been revoked, and that there are no conditions, restrictions or provisions in either of said Trust Agreements, or in any other instruments, which would prohibit or restrict him of the right to execute this Trustee's Special Warranty Deed or to convey the interest in the real property hereinafter described to the Grantee.

NOW, THEREFORE, IN CONSIDERATION of the payment of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby sell and convey unto the said Grantee all right, title and interest of the Grantor, as such Trustee, in the following described real property situated in Christian County, Missouri, to-wit:

SEE ATTACHED "EXHIBIT A."

TO HAVE AND TO HOLD the same with all rights, immunities, privileges and appurtenances thereto belonging to the said Grantee and its successors and assigns forever, and the Grantor hereby covenants that the premises are free from all encumbrances except as set forth above, and that the Grantor will warrant and defend the title to the premises and to the Grantee and to the Grantee's successors and assigns forever, against the lawful claims of all persons claiming through the Grantor, but not otherwise.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed on the day and year first above written.



Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren Lifetime Trust established by the Stanford Warren and Edith Warren Revocable Trusts dated 5/7/90

STATE OF MISSOURI)
)
) ss.
COUNTY OF GREENE)

On this 1st day of October, 2009, before me personally appeared Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren Lifetime Trust established by the Stanford Warren and Edith Warren Revocable Trusts dated 5/7/90 and he acknowledged that he executed the foregoing Trustees' Warranty Deed as his own free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in Greene County, Missouri, the day and year last above written.

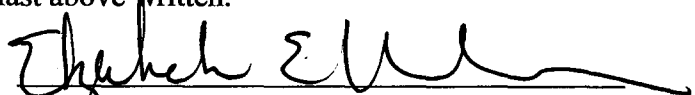
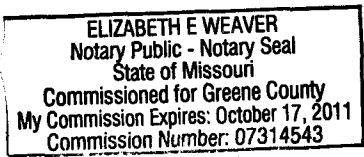

Elizabeth E. Weaver, Notary Public

EXHIBIT A

All right, title and interest of the grantor in and to the following described Tract 1 and Tract 2:

TRACT I:

A PART OF THE SOUTH HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SECTION LINE AND 591 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION TWENTY-SEVEN (27); THENCE NORTH TO THE NORTH LINE OF THE FIRST EAST AND WEST PUBLIC ROAD; THENCE EAST 102 FEET; THENCE NORTH TO A POINT 4 CHAINS 50 LINKS SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-SEVEN (27); THENCE EAST TO A POINT ON THE EAST LINE OF SAID FORTY 297 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FORTY; THENCE NORTHEASTERLY TO A STONE ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) PLANTED 481 FEET EAST OF THE NORTHWEST CORNER OF SAID LAST DESCRIBED FORTY ACRES; THENCE EAST TO THE NORTHEAST CORNER OF SAID LAST DESCRIBED FORTY ACRES; THENCE SOUTH TO THE SECTION LINE; THENCE WEST WITH THE SECTION LINE TO THE PLACE OF BEGINNING EXCEPT 8 ACRES OFF THE EAST SIDE OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION, SAID LAND ABOVE DESCRIBED BEING 16 1/3 ACRES MORE OR LESS OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF 30.5 ACRES MORE OR LESS OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-SEVEN (27).

ALSO, COMMENCING AT A POINT 154 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE EAST 441 FEET; THENCE NORTH 871 FEET; THENCE WEST 441 FEET; THENCE SOUTH 871 FEET TO THE POINT OF BEGINNING, EXCEPT THEREFROM A STRIP OF LAND 26 FEET WIDE AND 302 FEET LONG OFF OF THE EAST SIDE OF THE LAST DESCRIBED TRACT OF LAND COMMENCING AT THE NORTHWEST CORNER OF THE PERRIN GRAVEYARD AND RUNNING NORTH TO THE COUNTY ROAD, THE LAST DESCRIBED TRACT BEING 8.65 ACRES MORE OR LESS AND A TOTAL OF 55 ACRES MORE OR LESS IN THE AGGREGATE, AND EXCEPT FOR A PORTION OF THE SAID SOUTH ONE-HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH ONE-HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4); THENCE WEST 480 FEET TO AN IRON PIN; THENCE SOUTH 225 FEET TO AN IRON PIN; THENCE EAST 480 FEET TO AN IRON PIN; THENCE NORTH 225 FEET TO THE POINT OF BEGINNING.

ALSO, THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-THREE (33); 7 ACRES OFF THE SOUTH SIDE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-THREE (33); THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-THREE (33); THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-THREE (33); AND BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-THREE (33); THENCE NORTH 250 YARDS; THENCE WEST TO THE ROAD; THENCE SOUTH 250 YARDS; THENCE EAST TO THE POINT OF BEGINNING; ALL IN TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21) WEST OF THE FIFTH PRINCIPAL MERIDIAN.

LESS AND EXCEPT:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP

TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW1/4); THENCE NORTH 83°02'34"WEST, 315.72 FEET TO AN IRON PIN ON THE WEST RIGHT OF WAY OF A COUNTY ROAD AND THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" FOR A TRUE POINT OF BEGINNING; THENCE ALONG THE WEST RIGHT OF WAY OF A COUNTY ROAD NORTH 0°26'EAST, 485.00 FEET; THENCE NORTH 87°59'WEST, 2055.88 FEET TO THE EAST RIGHT OF WAY OF THE OUTER ROADWAY OF US HIGHWAY "65"; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT WITH A RADIUS OF 374.27 FEET A DISTANCE OF 193.07 FEET (CURVE HAVING A LONG CHORD BEARING OF SOUTH 38°32'18"EAST); THENCE SOUTH 53°19'EAST, 150.50 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 264.18 FEET A DISTANCE OF 250.25 FEET; THENCE SOUTH 50°02'EAST 83.43 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY AND CONTINUING ALONG THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" SOUTH 89°19'EAST, 399.60 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 87°59'EAST 1241.70 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED, OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT II:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW1/4); THENCE NORTH 83°02'34"WEST, 315.72 FEET TO AN IRON PIN ON THE WEST RIGHT OF WAY OF A COUNTY ROAD AND THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" FOR A TRUE POINT OF BEGINNING; THENCE ALONG THE WEST RIGHT OF WAY OF A COUNTY ROAD NORTH 0°26'EAST 485.00 FEET; THENCE NORTH 87°59'WEST 2055.88 FEET TO THE EAST RIGHT OF WAY OF THE OUTER ROADWAY OF US HIGHWAY "65"; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT WITH A RADIUS OF 374.27 FEET A DISTANCE OF 193.07 FEET (CURVE HAVING A LONG CHORD BEARING OF SOUTH 38°32'18"EAST); THENCE SOUTH 53°19'EAST 150.50 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 264.18 FEET A DISTANCE OF 250.25 FEET; THENCE SOUTH 50°02'EAST 83.43 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY AND CONTINUING ALONG THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" SOUTH 89°19'EAST 399.60 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 87°59'EAST 1241.70 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED, OR USED FOR ROAD OR HIGHWAY PURPOSES.

The above described real property is subject to any easements, covenants, rights of way and other restrictions, if any.

CHRISTIAN COUNTY TAX RECEIPT 2023 REAL ESTATE



TED NICHOLS COLLECTOR
100 WEST CHURCH ROOM 101
OZARK, MO 65721
(417) 582-4330

PAY TAXES/PRINT RECEIPTS ONLINE at:
www.christiancountycollector.com

ELK VALLEY LLC
%JOE STANFORD WARREN
1724 ROCK HILL RD
OZARK MO 65721-0000

PAID

PARCEL ID#: 11-0.8-27-003-003-002.000
SEC, TWN, RNG: 27-27-21
ACRES: 40.18
TAX DISTRICT#:
SITUS ADDRESS: 1505 S 17TH ST, OZARK

Tax District	Levy per \$100	Total Tax
STATE	0.0300	0.68
COUNTY REVENUE	0.0446	1.02
LIBRARY	0.1861	4.24
HEALTH	0.0413	0.94
SEN. BILL 40 BOARD	0.0743	1.69
SEN.CITZ.SERV.	0.0465	1.06
OZARK SCHOOL	4.1400	94.39
OZARK SPECIAL ROAD	0.3497	7.97
OZARK FIRE DIST.	0.7570	17.26
AMBULANCE DIST.	0.1236	2.82
JUNIOR COLLEGE	0.1871	4.27
SUR TAX	0.3400	5.44
SUBTOTALS		
Residential	0	
Agricultural	680	
Commercial	1,600	
TOTAL VALUATION		2,280
		141.78

ALL TH PT OF S1/2 OF SW1/4 LY E OF H/W 65, S OF CO RD., W S O A K ST & N OF RT F
EX A TR DESC AS NEC SE4 SW4, WEST 260' POB, W EST 1136', SOUTH 26', EA

	SUBTOTALS	
Residential	0	
Agricultural	680	
Commercial	1,600	
TOTAL VALUATION		2,280

Non-clearance of payment voids receipt.

**VALIDATED BY TED NICHOLS
CHRISTIAN COUNTY COLLECTOR**

RECEIPT #: 8452 PAID BY: WARREN
DATE: 12/11/2023 AMOUNT PAID: 141.78 PAYMENT TYPE: 1272/3624/1

REAL ESTATE TAX RECEIPTS CANNOT BE USED TO LICENSE VEHICLES



PLANNING AND DEVELOPMENT DEPARTMENT
 CITY OF OZARK, MO
 205 N. 1ST STREET
 OZARK, MISSOURI 65721

Application: Zoning Amendment-24-0013
Property Owner: Elk Valley LLC
Representative: Caleb Freeland, OWN Engineering
Lot Sizes: Approximately 26.01 acres
Location: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.
Existing Use: Vacant/Agricultural
Existing Zoning: A-1 (Agriculture); outside of City Limits
Meeting Dates: P&Z Commission: September 23, 2024
 City Council 1st Reading: October 21, 2024
 City Council 2nd Reading: November 4, 2024

Requested Zoning Requirements:

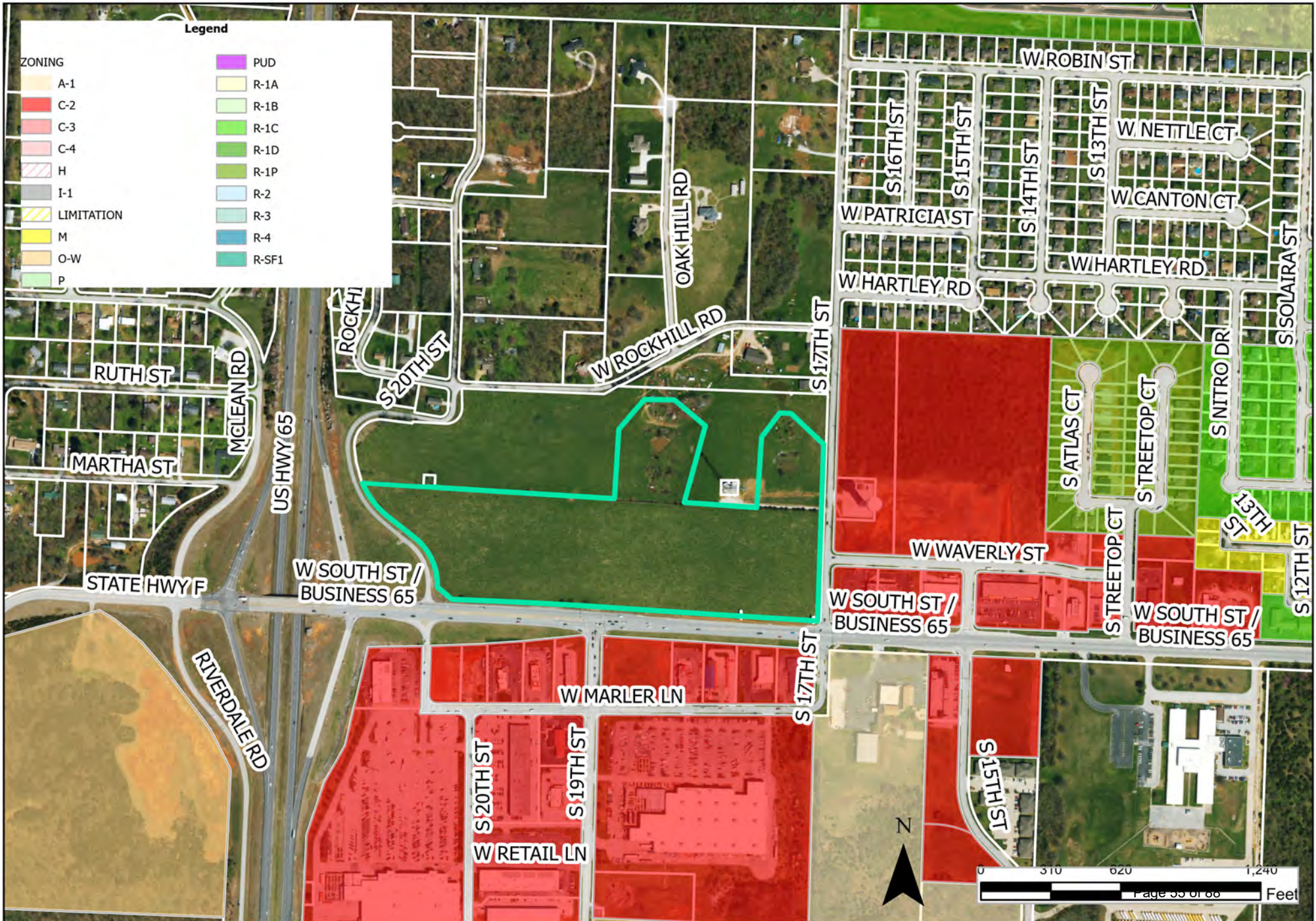
C-2 (General Commercial)
 Minimum Depth of Front Yard: 25 feet
 Minimum Depth of Side Yard: 5 feet
 Minimum Depth of Rear Yard: 30 feet
 Minimum Lot Size: 50
 Minimum Lot Area per Family: N.A.
 Minimum Lot Width: None

Surrounding Land Use and Zoning:

North: Agricultural/Vacant; A-1 (Agriculture); Outside City Limits
East: Commercial: C-2 (General Commercial), in City
South: Commercial; C-2 (General Commercial), in City
West: Residential; R-1 (Suburban Residence) and RR-1 (Rural Residence); Outside City Limits

District	Min. Depth of Front Yard in Feet	Min. Width of Side Yard in Feet	Min. Depth Rear Yard in Feet	Min. Lot Area per Family in Sq. Feet	Min. Lot Width in Feet ⁽³⁾	Min. Lot Size in Sq. Feet
"C-2" General Commercial	25	5	30	N.A.*	None	500

Zoning Amendment-24-0013



Zoning Amendment-24-0013



Planning and Zoning Commission Decision:

In considering a zoning amendment application, the Planning and Zoning Commission shall refer to City Code Section 405.870 for guidance. The Planning and Zoning Commission shall make written findings of fact and shall submit same together with its recommendations to the Board of Aldermen prior to the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Relatedness of the proposed amendment to goals and outlines of the City of Ozark's Comprehensive Plan.

- The Ozark Comprehensive Plan (“The Plan”) identifies Goals and Objectives for Ozark to accomplish in order to achieve the community’s vision for the future of Ozark. Below are the goals and objectives that zoning amendment would act in accordance with:
 - *Land Use & Development Goal 1: Provide the opportunity for future growth.*
 - *Objective 1: Mange growth in a manner that creates compact and contiguous development patterns.*
 - This parcel of land is surrounded by City limits on two sides, thus providing an opportunity for infill development that is compact and contiguous.
 - *Land Use & Development Goal 1: Provide the opportunity for future growth.*
 - *Objective 12: Ensure future development is compatible with adjoining streets.*
 - W. South Street/Business 65 is a primary arterial, S. 20th Street, is a commercial street, and S. 17th Street is a secondary arterial. All are suitable street classifications for commercial zoning and development.
 - *Economic Development Goal 1: Attract new businesses and visitors to the city.*
 - Commercial development of this parcel would provide opportunities for new businesses to locate within Ozark city limits. The parcel’s location is along a major corridor and it is tangential to the South Street’s intersection with US Highway 65.
- Future Land Use Map
 - The Plan recommends a future land use of Commercial for this parcel, The requested zoning of C-2 (General Commercial District) would be an appropriate use for the recommended future land use. The existing public water and sewer services are at or near the property boundaries.

2. Existing uses of property within the general area of the property in question.

- The property to south and east of this property are zoned commercial and those properties have developed as commercial uses or are vacant. The residential properties to the west are separated from this property by Highway 65. The property to the north is unincorporated and is used for agricultural purposes.

- Commercial development is a suitable use due to its proximity to a major corridor, W. South Street/Business 65 and the commercial uses to the east and south.

3. The zoning classification of property within the general area of the property in question.

- The requested zoning of C-2 aligns with existing zoning classifications of commercial to the south and east of the property. The property to the north, with A-1 (Agriculture) zoning is currently in the County and has no structure upon it. The properties to the west that are zoned in the County for residential uses, R-1 (Suburban Residence) and RR-1 (Rural Residence), are separated from this property by Highway 65.

4. The suitability of the property in question to the uses permitted under the existing zoning classification.

- The current zoning of the property is Christian County zoning is A-1 (Agriculture), which does not allow for the highest and best use. Commercial development, which would be an appropriate and preferable use along the South Street Corridor, would not be allowed to develop with the existing A-1 county zoning. Additionally, the property would not be able to be developed under the existing Urban Service Area ordinance.

5. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

- The city has seen this eastern side of the Hwy 65/South Street intersection develop commercially. There has been a number of infill commercial developments on the south side of W. South Street in the recent years. Staff have had a number of discussions with interested parties about commercially developing this property over the years.

**See the City Code Sections 405.870 in the packet for additional Zoning Amendment Hearing information.

Overlay Districts	Does it apply to the property in question?
Core Overlay District (Section 405.452)	No
Transportation Overlay District (Section 405.453)	Yes
Neighborhood Overlay District (Section 405.454)	No
Highway 65 Corridor Overlay District (Section 405.455)	Yes
Historic Property	No

How does the overlay impact the Zoning Amendment?

The commercial development of this property shall comply with the requirements of the Transportation Overlay and the Highway 65 Corridor Overlay Districts.

Emergency Services:

Currently, the parcel is not serviced by the Ozark Police Department, but they are serviced by Christian County Ambulance District and Ozark Fire District. After the parcel is annexed, it will be served by the Ozark Police Department.

Environmental Features:

This parcel does not contain a floodplain or any sinkholes that Staff are aware of at the time of this report. There are freshwater pond wetlands identified in the northern portion of the property. During the construction plan review, a consultant will need to evaluate the wetland and go through the proper permitting processes. *See Environmental Features Map.*

Trail Connections

No trail connections are identified on this property in the Pedestrian Master Plan. Sidewalks will be required along all street frontages.

Water:

Currently, there is a 12-inch water main that is located on the southeast corner of the subject property. All future development and water main extensions will require approval from the Public Works Department. All construction plans will be reviewed to ensure compliance with the City of Ozark's design standards. During the construction plan review process, staff will evaluate the engineered drawings to ensure that the property has adequate water service and fire flows. *See Public Works Map*

Sewer:

An 8-inch gravity sewer main is located on the southeast corner of the subject property. Any offsite sewer connections and easements will be the developer's responsibility. All future development and any sewer main extensions will require approval of Public Works Department and their 3rd Party review consultant. All construction plans will be reviewed to ensure compliance with the City of Ozark's design standards. *See Public Works Map*

Stormwater:

Stormwater management and stormwater quality measures will be addressed during the development process based on the scope of the improvements to the property. These improvements will be reviewed to conform with the City's design standards and stormwater regulations. Due to the location and the surrounding roadways, the stormwater plans will also be reviewed by the Ozark Special Road District and the Missouri Department of Transportation. The development construction documents will be reviewed to ensure that the proposed stormwater design complies with the calculations and management methods outlined within the stormwater report. All construction plans will be reviewed to ensure compliance with the City of Ozark's design standards. *See Public Works Map*

Streets:

The property can be accessed from West South Street/HWY 14/Business 65, South 20th Street, and South 17th Street. West South Street/HWY 14/Business 65 is classified as a primary arterial and is under the jurisdiction of the Missouri Department of Transportation (MoDOT). South 20th Street is classified as a commercial street and is also under the jurisdiction of MoDOT. The East side of the subject property is bordered by South 17th Street. This street is classified as a secondary arterial and is under the jurisdiction of the Ozark Special Road District (OSRD). During the development process the developer will be required to complete a traffic impact study. The traffic impact study will be reviewed by City staff, OSRD staff, and MoDOT officials

to determine if enhancements will be required to the surrounding roadways. The development construction documents will be reviewed to ensure that the roadway improvement plans comply with the City of Ozark Design Standards.

Buffer Yard

The property line abutting agricultural property will require a Buffer Yard B, however City Code Section 405.780 notes the buffer yard requirement for property lines abutting agriculturally zoned land may be waived or reduced at the discretion of the Community Development Director. See *Buffer Yard Exhibit* for Buffer Yard B requirements and examples of what the buffer yard will look like at maturity. In considering whether it is appropriate to waive the buffer yard requirement when the property abuts agriculture, staff evaluates current use of the property, the property ownership, and the possible uses that could develop on the property in the future.

Code Compliance for Zoning Amendments:

By the City Code, a zoning amendment is required to be published in the paper, certified mailings sent to everyone within 185', and posting of the publication at the property. Everything must be completed no later than fifteen (15) days prior to the meeting.

All requirements were met before the public hearing deadline.

Staff Recommendations:

Based on the above report and staff's finding, all requirements have been met for the approval of Zoning Amendment #24-0013 as presented.

Staff: Megan Bischof, City Planner I

SITE PHOTOS



Figure 1- View from the eastern lot line of the property looking south. S. 17th Street is on the left hand side of the photo.



Figure 2- View from the eastern lot line of the property looking west.



Figure 3- View from the southeastern corner of the property looking west. W. South Street is on the lefthand side of the photo.

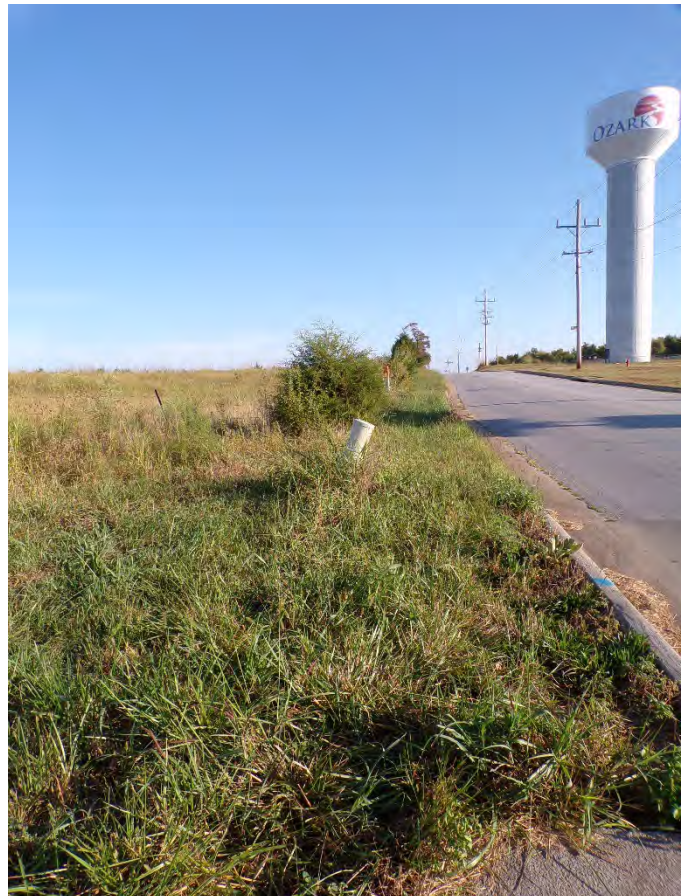


Figure 4- View from the southeastern corner of the property looking north. S. 17th Street is on the righthand side of the photo.



Figure 5- View from the southwestern corner of the property looking north. S. 20th Street is on the lefthand side of the photo.



Figure 6- View from the southwestern corner of the property looking east. W. South Street is on the righthand side of the photo.



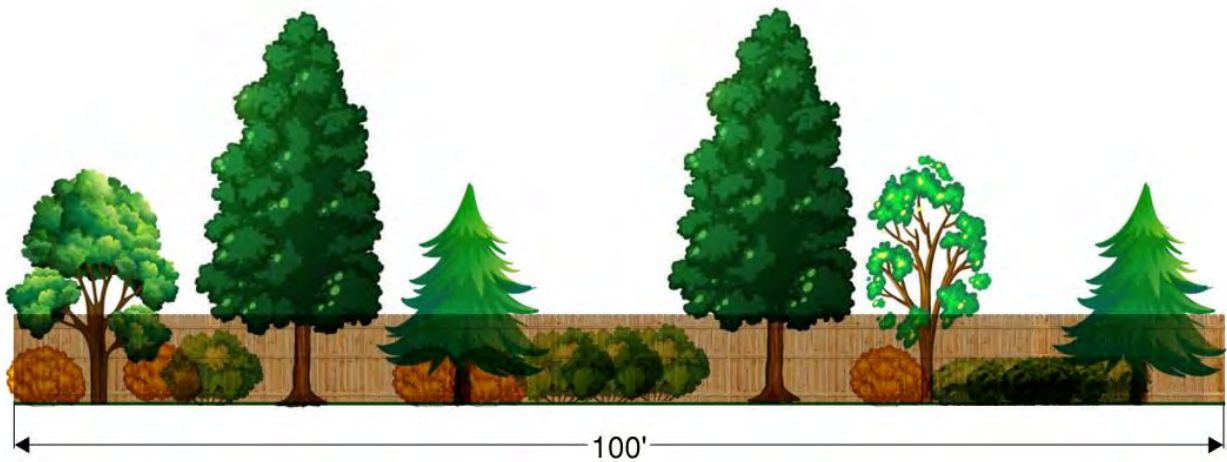
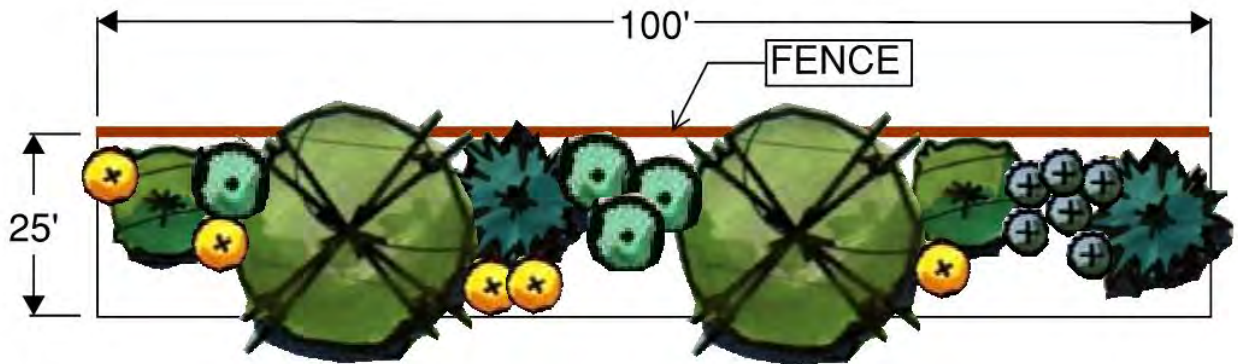
Figure 7- View from the northwestern corner of the property looking south. S. 20th Street is on the righthand side of the photo.



Figure 8- View from the northwestern corner of the property looking east.

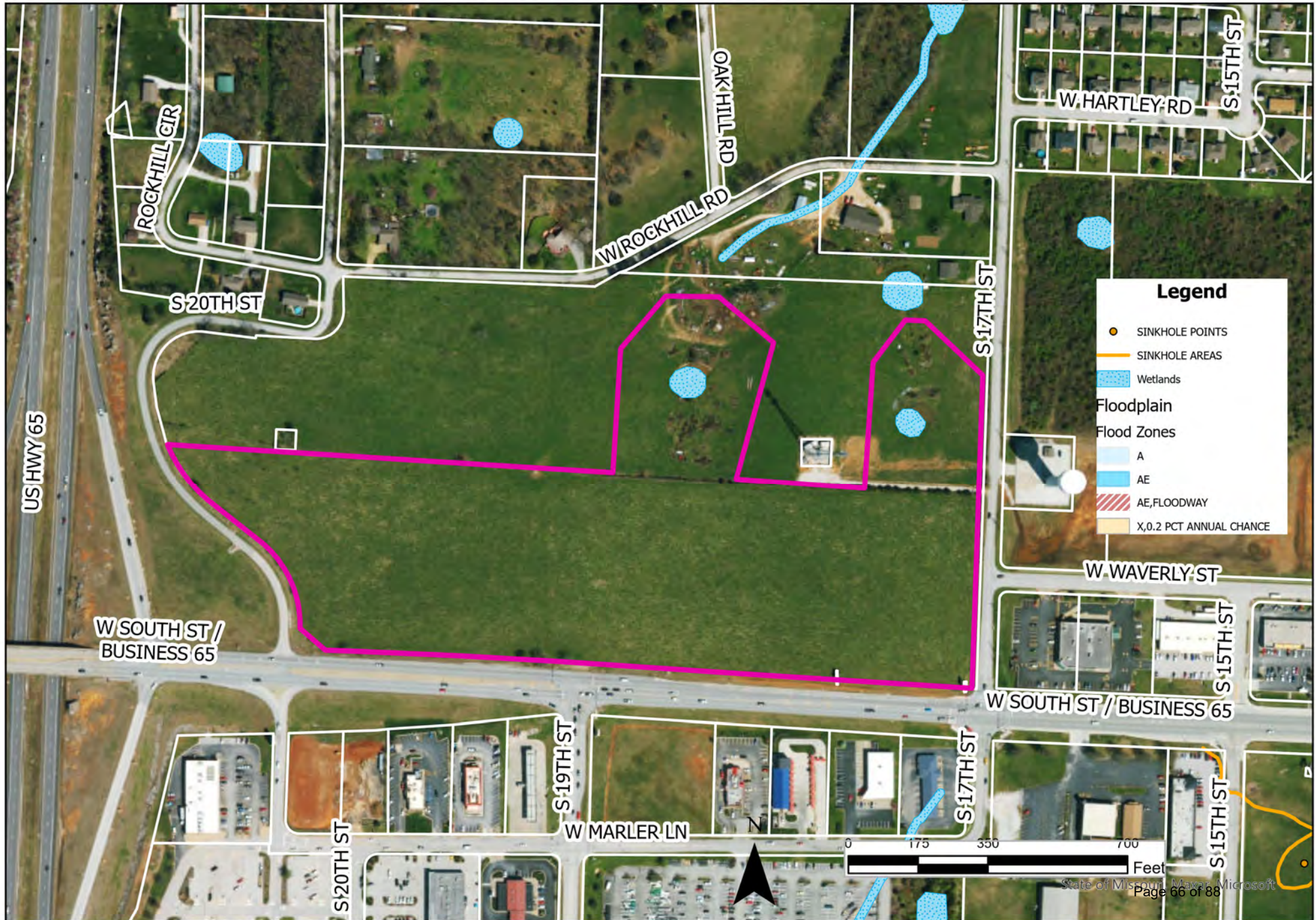
Buffer Yard Exhibit

BUFFER YARD "B"

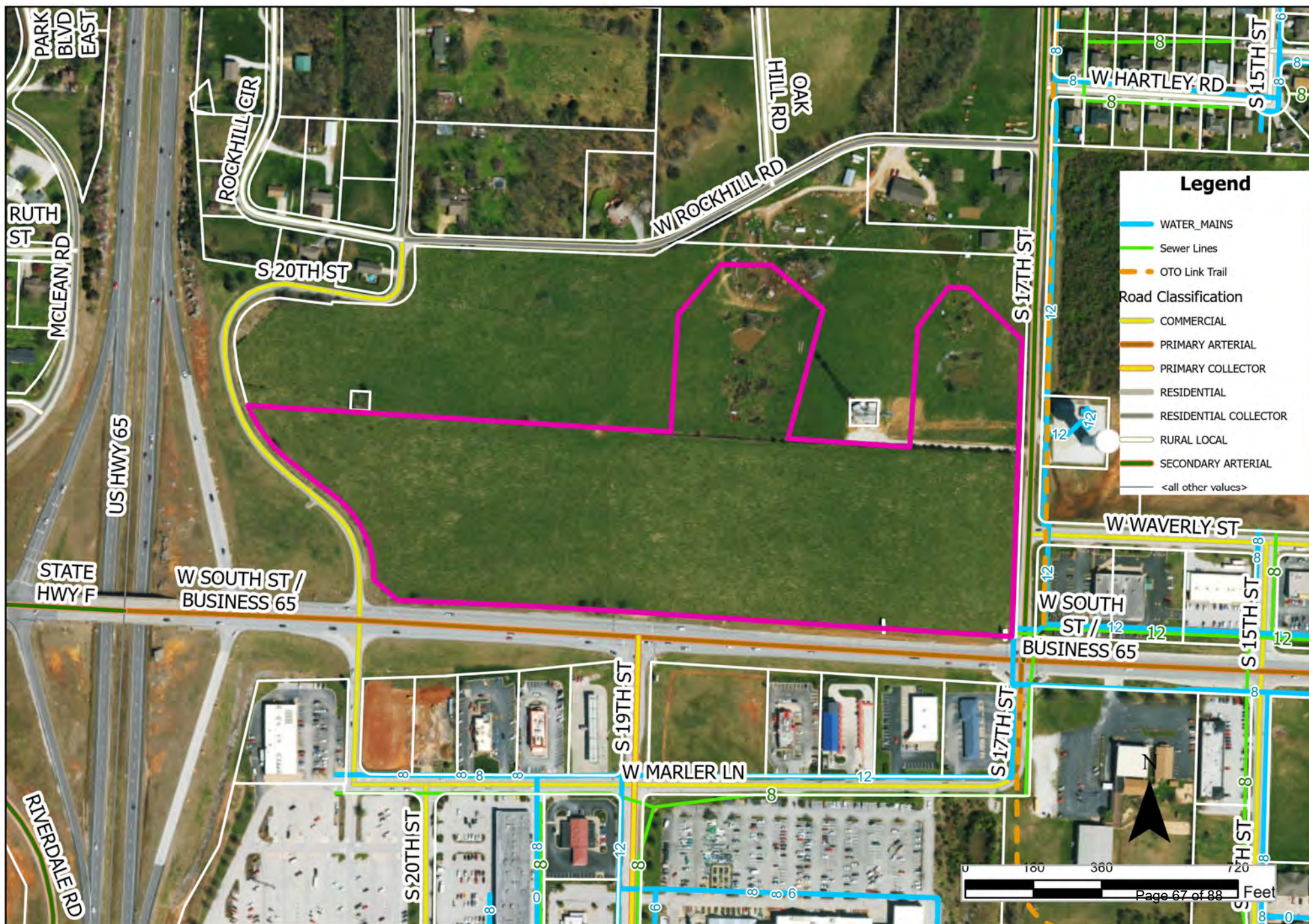


Buffer Yard B	
Width	25'
Every 100 Feet	<ul style="list-style-type: none"> • 2 canopy trees • 2 understory trees • 2 evergreen trees • 15 shrubs
Fence	Yes

Zoning Amendment-24-0013 Environmental Features Map



Zoning Amendment-24-0013 Public Works Infrastructure Map





City of Ozark, MO
Planning and Development

205 N 1st Street
Ozark, MO 65721
417-581-2407
<https://ozarkmissouri.com/>

PERMIT

ZA-24-0013

ZONING AMENDMENT

SITE ADDRESS: 1505 S 17TH ST OZARK
PRIMARY PARCEL: 110726004011014001
PROJECT NAME: THESSING 26 ACRE REZONE

ISSUED:
EXPIRES:

APPLICANT: Davis, Jared
3213 S West Bypass
Springfield, MO 65807
4178662741

OWNER: ANDERSON, MELISSA
1505 S 12TH AVE
OZARK, MO 65721-0000

Detail Name	Detail Value
Owner's Name	Elk Valley LLC
Owner's Email Address	pc@weareown.com
Owner's Phone #	4178662741
Size of Property Square Ft	1132560
Size of Property Acreage	26
Existing Use	Vacant
Is the property located within a Historic District?	No
Existing Zoning	Outside City Limits
Requested Zoning Classification	C-2 General Commercial District
Proposed Use	Commercial
Connected to city water?	No
Connected to city sewer?	No
Publications Cost \$	75.00

I hereby certify the proposed work is authorized by the owner of record and I have been authorized by the owner to make this application as his authorized agent and agree to conform to all applicable laws and understand that this permit may be revoked if I fail to do so. The Applicant is responsible for all third party fees. The City of Ozark will issue and track invoices for these cost. By typing your name you agree to the above items. Amber Broyles



City of Ozark, MO
Planning and Development

205 N 1st Street
Ozark, MO 65721
417-581-2407
<https://ozarkmissouri.com/>

Issued By: _____

FEES:	<u>Paid</u>	<u>Due</u>
Publications Cost (in Dollars)		\$75.00
Zoning Amendment		\$500.00
Totals :		\$575.00

Public Notice

**PLANNING AND ZONING COMMISSION
REGULAR MEETING AT 7:00 P.M.
Monday, September 23, 2024**

Notice is hereby given that the City of Ozark Planning and Zoning Commission will conduct a Regular Meeting at 7:00 p.m. on Monday, September 23, 2024 in the City Council Chambers at Ozark City Hall, 205 N 1st Street, Ozark, MO to consider amending the Zoning Classification of the following described property, and whether such Classification should be changed as proposed or to any other appropriate classification.

Notice is hereby given that the City of Ozark Board of Aldermen will conduct a Regular Meeting at 7:00 p.m. on Monday, October 21, 2024 in the City Council Chambers at Ozark City Hall, 205 N 1st Street, Ozark, MO to consider amending the Zoning Classification of the following described property, and whether such Classification should be changed as proposed or to any other appropriate classification.

The City encourages the public to view the live streaming of this meeting at: <https://myozark.info/ozarkyoutube>

Legal Description:

BEING ALL OF PARCEL B OF THE ADMINISTRATIVE MINOR SUBDIVISION, AS DESCRIBED IN PLAT BOOK V AT PAGE 5364.A AND BEING THE SAME AS DESCRIBED IN THE CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2009 AT PAGE 13990 AND LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI AND SAID TRACT B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST: THENCE ALONG THE SOUTH LINE OF SAID SECTION 27 SOUTH 87°35'59" EAST, 706.08 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 02°24'01" EAST, 61.93 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF SOUTH STREET (BUSINESS 65) AND ON THE EASTERLY RIGHT-OF-WAY OF 20TH STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 49°08'44" WEST, 83.45 FEET; THENCE 249.74 FEET ALONG A 266.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 24°42'48" WEST FOR A DISTANCE OF 240.67 FEET; THENCE NORTH 51°46'39" WEST, 150.55 FEET; THENCE 189.69 FEET ALONG A 375.28 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 37°05'08" WEST FOR A DISTANCE OF 187.67 FEET TO THE SOUTHWEST CORNER OF TRACT A OF THE ADMINISTRATIVE MINOR SUBDIVISION AS DESCRIBED IN THE CHRISTIAN COUNTY RECORDER'S OFFICE IN PLAT BOOK B

AT PAGE 5364.A; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE SOUTH LINE OF SAID TRACT A THE FOLLOWING COURSES SOUTH 86°25'17" EAST, 1118.41 FEET; THENCE NORTH 03°34'59" EAST, 311.35 FEET; THENCE NORTH 40°53'24" EAST, 172.95 FEET; THENCE SOUTH 89°21'12" EAST, 132.99 FEET; THENCE SOUTH 50°04'51" EAST, 179.40 FEET; THENCE SOUTH 15°26'12" WEST, 357.02 FEET; THENCE SOUTH 86°25'16" EAST, 324.85 FEET; THENCE NORTH 03°34'44" EAST, 316.34 FEET; THENCE NORTH 37°02'10" EAST, 131.67 FEET; THENCE SOUTH 88°17'55" EAST, 51.59 FEET; THENCE SOUTH 46°58'14" EAST, 198.47 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF 17TH STREET; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID RIGHT-OF-WAY SOUTH 01°58'46" WEST, 786.92 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF THE AFOREMENTIONED SOUTH STREET (BUSINESS 65); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 86°29'33" WEST, 396.77 FEET; THENCE NORTH 86°09'15" WEST, 330.03 FEET; THENCE NORTH 86°09'22" WEST, 328.15 FEET; THENCE NORTH 86°24'47" WEST, 85.51 FEET; THENCE NORTH 86°41'29" WEST, 85.51 FEET; THENCE NORTH 87°31'50" WEST, 199.46 FEET; THENCE NORTH 87°31'59" WEST, 199.47 FEET TO THE POINT OF BEGINNING. CONTAINING 1,133,046 SQUARE FEET OR 26.01 ACRES, MORE OR LESS. ALL LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

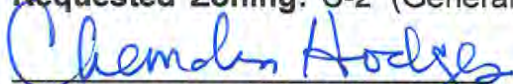
Zoning Amendment-24-0013

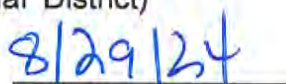
Property Location: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.

Property Owner: Elk Valley LLC

Existing Zoning: A-1 (Agriculture District) [Christian County]

Requested Zoning: C-2 (General Commercial District)


CHANDRA HODGES, CITY CLERK


DATE

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City of Ozark
Attn: Megan Briney Bischof
P.O. Box 295
Ozark, MO 65721



Invoice for the Publication Costs & Affidavit of Publication

Please include Invoice Number with payment.
Please pay from this invoice.

Case Number/Reference Name:
24-0013

Description of Legal Notice & Date(s) Published:

Total Cost:

Zoning Notice - 1505 S. 17th St, Ozark
Date(s): 9/3, 2024 Vol/No(s): 144/156

75.00

Notice on
Page Two

Affidavit of Publication

I, Susan D. Barnes, do upon oath state that I am editor of The Daily Events, a newspaper of general circulation published daily, and qualified to publish notices directed by any court or required by law in the County of Greene, in the County of Christian, and in the City of Springfield, all being in the State of Missouri; and that the accompanying legal notice was published in The Daily Events on the date(s) and volume(s)/number(s) indicated.

I further state that said newspaper is published in accordance with, and meets all provisions of, Section 493.050 RSMo 2000, Section 493.070 RSMo 2000, and St. of Missouri ex rel Reorganized School District R-6 of Daviess County, Missouri vs Haskell Holman, 275 S. W. 2d 280, 282 (Mo. banc 1955) regarding legal notices.

Unless otherwise noted hereto, this affidavit shall serve as sufficient evidence for the publication of this legal notice as stated in Section 493.060 RSMo 2000.

Susan D. Barnes 9/3/24
Susan D. Barnes, Editor Date

Kara M. Peters 9/3/24
Notary Public Date

Subscribed & Affirmed by the above who is known to me.

KARA M. PETERS
Notary Public - Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Aug. 9, 2028
Commission #16180754

PUBLIC NOTICE

Notice is hereby given to all parties in Interest and Citizens, that the Planning & Zoning Commission will hold a Public Hearing on the 23rd day of September 2024 at 7:00 p.m. and the Board of Aldermen of the City of Ozark will hold a Public Hearing on 21st day of October 2024 at 7:00 p.m. in the City Council Chambers at Ozark City Hall, 205 N. 1st Street, Ozark, MO, to consider amending the Zoning Classification of all or any part of the following described property, and whether such Classification should be changed as proposed or to any other appropriate classification.

Legal Description:

BEING ALL OF PARCEL B OF THE ADMINISTRATIVE MINOR SUBDIVISION, AS DESCRIBED IN PLAT BOOK V AT PAGE 5364.A AND BEING THE SAME AS DESCRIBED IN THE CHRISTIAN COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 2009 AT PAGE 13990 AND LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI AND SAID TRACT B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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WEST, 357.02 FEET; THENCE SOUTH 86°25'16" EAST, 324.85 FEET; THENCE NORTH 03°34'44" EAST, 316.34 FEET; THENCE NORTH 37°02'10" EAST, 131.67 FEET; THENCE SOUTH 88°17'55" EAST, 51.59 FEET; THENCE SOUTH 46°58'14" EAST, 198.47 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY OF 17TH STREET; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID RIGHT-OF-WAY SOUTH 01°58'46" WEST, 786.92 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY OF THE AFOREMENTIONED SOUTH STREET (BUSINESS 65); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY AND ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES, NORTH 86°29'33" WEST, 396.77 FEET; THENCE NORTH 86°09'15" WEST, 330.03 FEET; THENCE NORTH 86°09'22" WEST, 328.15 FEET; THENCE NORTH 86°24'47" WEST, 85.51 FEET; THENCE NORTH 86°41'29" WEST, 85.51 FEET; THENCE NORTH 87°31'50" WEST, 199.46 FEET; THENCE NORTH 87°31'59" WEST, 199.47 FEET TO THE POINT OF BEGINNING. CONTAINING 1,133,046 SQUARE FEET OR 26.01 ACRES, MORE OR LESS, ALL LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 27 NORTH, RANGE 21 WEST IN CHRISTIAN COUNTY, MISSOURI. BEARINGS BASED ON GRID NORTH OF THE MISSOURI COORDINATE SYSTEM OF 1983, CENTRAL ZONE.

Zoning Amendment-24-0013

Property Location: 1505 S. 17th Street - the southern approximately 26-acre parcel bordered by S. 20th Street on the west, W. South Street on the south, and South 17th Street on the east.

Property Owner: Elk Valley LLC

Existing Zoning: A-1 (Agriculture District) [Christian County]

Requested Zoning: C-2 (General Commercial District)

**CHANDRA HODGES,
CITY CLERK**

*Published in The Daily Events
9/3, 2024 (Tu)*

**THE
DAILY
EVENTS**

Established 1881

*Invoice &
Affidavit of
Publication*



NEIGHBORHOOD MEETING NOTICE

DATE OF LETTER: 08/22/24

DEAR PROPERTY OWNER,

You are receiving this notice of a "Neighborhood Meeting" since development applications requiring a public hearing also require that the developer hold a neighborhood meeting and invite all property owners within 500 feet of the property and the officers of any neighborhood associations on file with the City of Ozark. This meeting is hosted and facilitated by the developer identified below.

The applicant or representative below has filed an application with the City of Ozark for zoning map classification changes, planned unit developments, or a conditional use permit.

APPLICANT CONTACT INFORMATION:

Applicant/Representative Name: OWN, Inc

Address: 3213 S W Bypass

City, State Zip: Springfield, MO 65807

Phone Number: 417-866-2741 Email: pc@weareown.com

PROJECT LOCATION: 1505 S 17th St, Ozark, MO 65721

Proposed Changes:

Provide details of proposed application

Petitioning to annex the southernmost 26.24-acre vacant parcel, Parcel B, of the
administrative minor subdivision located northwest of S 17th St and W South St
intersection into Ozark's city limits and requesting C-2 (General Commercial)
zoning. Current Christian County zoning is A-1 (Agriculture).

PUBLIC NEIGHBORHOOD MEETING

Date of meeting: September 03, 2024 Time of Meeting **4:00 PM to 6:30 PM**

Location of Meeting: On Site - 1505 S 17th St, Ozark, MO 65721

PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF OZARK, MO
205 N. 1ST STREET
OZARK, MISSOURI 65721

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING

I, Amber Broyles (print name), attest that the invitation letter to the neighborhood meeting (attached) was mailed ten (10) days prior to the neighborhood meeting on 08/23/2024 (month/date/year), the neighborhood meeting is scheduled to be held on 09/03/2024 (month/date/year), which is at least twenty-one (21) days prior to the Planning and Zoning Commission public meeting and in accordance with the attached "Exhibit 1: Neighborhood Notification and Meeting Process."

Amber N Broyles

Signature of person completing mailings

Amber N. Broyles

Printed name of person completing mailings

***NOTE: this affidavit must be submitted** at least fifteen (15) days prior to the Planning and Zoning Commission public meeting. If not received by the deadline, then the application shall be considered incomplete and will not make it on the Commission's agenda.

Sign In

Name

Address

Phone

Adam & Melissa White

1219 Oakhill Rd.
Ozark, mo 65721

417-459-6285

417-576-5158

Mike and Marigold Cheslice

1218 Oakhill Rd.
Ozark, mo 65721

417-861-1925

Michael Biedenstein

1925 Rothhill Rd

417-593-0410

Neighborhood Meeting Comments

Adam & Melissa White:

Concerned about tree removal and taking out 'groves of trees'

Concerned about seeing the development from their front yards

Mike & Marigold Cheshier

Concerned about decrease in their property value

Michael Biedenstein

Concerned about children safety with increase traffic

Image# 004337420005 Type: LAN
Recorded: 10/01/2009 at 03:59:06 PM
Total Amt: \$36.00 Page 1 of 5
Christian County Recorder
Roy Meadows Recorder of Deeds
File# 2009-00014110
BK **2009** PG **13990**



COVER PAGE

TITLE OF DOCUMENT: Trustee's Special Warranty Deed

DATE OF DOCUMENT: October 1, 2009

NAME OF GRANTOR: Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren
Lifetime Trust established by the Stanford Warren and Edith
Warren Revocable Trusts dated 5/7/90

NAME OF GRANTEE: ELK VALLEY, LLC, a Missouri limited liability company
(LC 0880479)

ADDRESS OF GRANTEE: ELK VALLEY, LLC
c/o Joe Stanford Warren
1724 Rock Hill Road
Ozark, Missouri 65721

**LEGAL DESCRIPTION OF
PROPERTY:** SEE EXHIBIT A

**REFERENCE BOOK AND
PAGES:**

TRUSTEE'S SPECIAL WARRANTY DEED

THIS DEED is made and entered into this 1st day of October, 2009, by and between Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren Lifetime Trust established by the Stanford Warren and Edith Warren Revocable Trusts dated 5/7/90 of Ozark, Christian County, Missouri, hereinafter referred to as "**Grantor**," and ELK VALLEY, LLC, a Missouri limited liability company, which has its office and principal place of business at Ozark, Christian County, Missouri, hereinafter referred to as "**Grantee**".

The mailing address of the Grantee is: Elk Valley, LLC, c/o Joe Stanford Warren, 1724 Rock Hill Road, Ozark, Missouri 65721.

WITNESSETH, that:

WHEREAS, the Grantor warrants that on or about the 7th day of May, 1990, Stanford Warren executed a Revocable Trust Agreement ("The Stanford Warren Trust"); and

WHEREAS, the Grantor further warrants that on said date of May 7, 1990, Edith Warren also executed a Revocable Trust Agreement ("The Edith Warren Trust"); and

WHEREAS, the Grantor further warrants that the real property, hereinafter described, was thereafter conveyed to Stanford Warren, as Trustee of the Stanford Warren Trust, and to Edith Warren, as Trustee of the Edith Warren Trust; and

WHEREAS, the Grantor further warrants that Stanford Warren and Edith Warren are both now deceased; and

WHEREAS, the Grantor further warrants that, under the terms and provisions of the Stanford Warren Trust and the Edith Warren Trust, the above named Grantor became Trustee with respect to an undivided one-half (½) interest in and to the real property hereinafter described, and thereby became entitled to hold, administer and distribute the same; and

WHEREAS, the Grantor further warrants that, the Grantor, in his capacity as Trustee, conveyed said undivided one-half (½) interest into his name as Trustee of the Joe Stanford Warren Trust and the Edith Warren Trust; and

WHEREAS, the Grantor further warrants that he has agreed to convey said real property, hereinafter described, to the Grantee named in this Special Warranty Deed; and

WHEREAS, the Grantor further warrants that, as such Trustee, he has the authority to assign, transfer and convey any of the assets which he holds as Trustee, including the interest in said real property; and

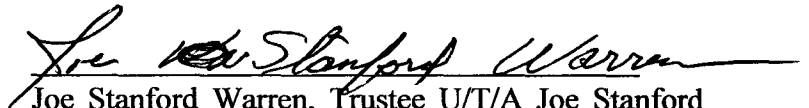
WHEREAS, the Grantor further warrants that neither the Stanford Warren Trust nor the Edith Warren Trust has been amended, nor has either been revoked, and that there are no conditions, restrictions or provisions in either of said Trust Agreements, or in any other instruments, which would prohibit or restrict him of the right to execute this Trustee's Special Warranty Deed or to convey the interest in the real property hereinafter described to the Grantee.

NOW, THEREFORE, IN CONSIDERATION of the payment of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby sell and convey unto the said Grantee all right, title and interest of the Grantor, as such Trustee, in the following described real property situated in Christian County, Missouri, to-wit:

SEE ATTACHED "EXHIBIT A."

TO HAVE AND TO HOLD the same with all rights, immunities, privileges and appurtenances thereto belonging to the said Grantee and its successors and assigns forever, and the Grantor hereby covenants that the premises are free from all encumbrances except as set forth above, and that the Grantor will warrant and defend the title to the premises and to the Grantee and to the Grantee's successors and assigns forever, against the lawful claims of all persons claiming through the Grantor, but not otherwise.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed on the day and year first above written.



Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren Lifetime Trust established by the Stanford Warren and Edith Warren Revocable Trusts dated 5/7/90

STATE OF MISSOURI)
)
) ss.
COUNTY OF GREENE)

On this 1st day of October, 2009, before me personally appeared Joe Stanford Warren, Trustee U/T/A Joe Stanford Warren Lifetime Trust established by the Stanford Warren and Edith Warren Revocable Trusts dated 5/7/90 and he acknowledged that he executed the foregoing Trustees' Warranty Deed as his own free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in Greene County, Missouri, the day and year last above written.


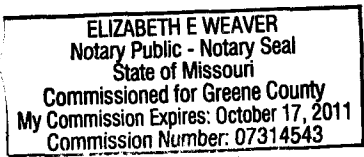

Elizabeth E. Weaver, Notary Public

EXHIBIT A

All right, title and interest of the grantor in and to the following described Tract 1 and Tract 2:

TRACT I:

A PART OF THE SOUTH HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SECTION LINE AND 591 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION TWENTY-SEVEN (27); THENCE NORTH TO THE NORTH LINE OF THE FIRST EAST AND WEST PUBLIC ROAD; THENCE EAST 102 FEET; THENCE NORTH TO A POINT 4 CHAINS 50 LINKS SOUTH OF THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-SEVEN (27); THENCE EAST TO A POINT ON THE EAST LINE OF SAID FORTY 297 FEET SOUTH OF THE NORTHEAST CORNER OF SAID FORTY; THENCE NORTHEASTERLY TO A STONE ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) PLANTED 481 FEET EAST OF THE NORTHWEST CORNER OF SAID LAST DESCRIBED FORTY ACRES; THENCE EAST TO THE NORTHEAST CORNER OF SAID LAST DESCRIBED FORTY ACRES; THENCE SOUTH TO THE SECTION LINE; THENCE WEST WITH THE SECTION LINE TO THE PLACE OF BEGINNING EXCEPT 8 ACRES OFF THE EAST SIDE OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION, SAID LAND ABOVE DESCRIBED BEING 16 1/3 ACRES MORE OR LESS OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF 30.5 ACRES MORE OR LESS OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-SEVEN (27).

ALSO, COMMENCING AT A POINT 154 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE EAST 441 FEET; THENCE NORTH 871 FEET; THENCE WEST 441 FEET; THENCE SOUTH 871 FEET TO THE POINT OF BEGINNING, EXCEPT THEREFROM A STRIP OF LAND 26 FEET WIDE AND 302 FEET LONG OFF OF THE EAST SIDE OF THE LAST DESCRIBED TRACT OF LAND COMMENCING AT THE NORTHWEST CORNER OF THE PERRIN GRAVEYARD AND RUNNING NORTH TO THE COUNTY ROAD, THE LAST DESCRIBED TRACT BEING 8.65 ACRES MORE OR LESS AND A TOTAL OF 55 ACRES MORE OR LESS IN THE AGGREGATE, AND EXCEPT FOR A PORTION OF THE SAID SOUTH ONE-HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH ONE-HALF (S1/2) OF THE SOUTHWEST QUARTER (SW1/4); THENCE WEST 480 FEET TO AN IRON PIN; THENCE SOUTH 225 FEET TO AN IRON PIN; THENCE EAST 480 FEET TO AN IRON PIN; THENCE NORTH 225 FEET TO THE POINT OF BEGINNING.

ALSO, THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-THREE (33); 7 ACRES OFF THE SOUTH SIDE OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-THREE (33); THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-THREE (33); THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION THIRTY-THREE (33); AND BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-THREE (33); THENCE NORTH 250 YARDS; THENCE WEST TO THE ROAD; THENCE SOUTH 250 YARDS; THENCE EAST TO THE POINT OF BEGINNING; ALL IN TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21) WEST OF THE FIFTH PRINCIPAL MERIDIAN.

LESS AND EXCEPT:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP

TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW1/4); THENCE NORTH 83°02'34"WEST, 315.72 FEET TO AN IRON PIN ON THE WEST RIGHT OF WAY OF A COUNTY ROAD AND THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" FOR A TRUE POINT OF BEGINNING; THENCE ALONG THE WEST RIGHT OF WAY OF A COUNTY ROAD NORTH 0°26'EAST, 485.00 FEET; THENCE NORTH 87°59'WEST, 2055.88 FEET TO THE EAST RIGHT OF WAY OF THE OUTER ROADWAY OF US HIGHWAY "65"; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT WITH A RADIUS OF 374.27 FEET A DISTANCE OF 193.07 FEET (CURVE HAVING A LONG CHORD BEARING OF SOUTH 38°32'18"EAST); THENCE SOUTH 53°19'EAST, 150.50 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 264.18 FEET A DISTANCE OF 250.25 FEET; THENCE SOUTH 50°02'EAST 83.43 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY AND CONTINUING ALONG THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" SOUTH 89°19'EAST, 399.60 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 87°59'EAST 1241.70 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED, OR USED FOR ROAD OR HIGHWAY PURPOSES.

TRACT II:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27), RANGE TWENTY-ONE (21), CHRISTIAN COUNTY, MISSOURI, DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW1/4); THENCE NORTH 83°02'34"WEST, 315.72 FEET TO AN IRON PIN ON THE WEST RIGHT OF WAY OF A COUNTY ROAD AND THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" FOR A TRUE POINT OF BEGINNING; THENCE ALONG THE WEST RIGHT OF WAY OF A COUNTY ROAD NORTH 0°26'EAST 485.00 FEET; THENCE NORTH 87°59'WEST 2055.88 FEET TO THE EAST RIGHT OF WAY OF THE OUTER ROADWAY OF US HIGHWAY "65"; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT WITH A RADIUS OF 374.27 FEET A DISTANCE OF 193.07 FEET (CURVE HAVING A LONG CHORD BEARING OF SOUTH 38°32'18"EAST); THENCE SOUTH 53°19'EAST 150.50 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 264.18 FEET A DISTANCE OF 250.25 FEET; THENCE SOUTH 50°02'EAST 83.43 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY AND CONTINUING ALONG THE NORTH RIGHT OF WAY OF BUSINESS ROUTE "65" SOUTH 89°19'EAST 399.60 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 87°59'EAST 1241.70 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF TAKEN, DEEDED, OR USED FOR ROAD OR HIGHWAY PURPOSES.

The above described real property is subject to any easements, covenants, rights of way and other restrictions, if any.

CHRISTIAN COUNTY TAX RECEIPT 2023 REAL ESTATE



TED NICHOLS COLLECTOR
100 WEST CHURCH ROOM 101
OZARK, MO 65721
(417) 582-4330

PAY TAXES/PRINT RECEIPTS ONLINE at:
www.christiancountycollector.com

ELK VALLEY LLC
%JOE STANFORD WARREN
1724 ROCK HILL RD
OZARK MO 65721-0000

PAID

PARCEL ID#: 11-0.8-27-003-003-002.000
SEC, TWN, RNG: 27-27-21
ACRES: 40.18
TAX DISTRICT#:
SITUS ADDRESS: 1505 S 17TH ST, OZARK

Tax District	Levy per \$100	Total Tax
STATE	0.0300	0.68
COUNTY REVENUE	0.0446	1.02
LIBRARY	0.1861	4.24
HEALTH	0.0413	0.94
SEN. BILL 40 BOARD	0.0743	1.69
SEN.CITZ.SERV.	0.0465	1.06
OZARK SCHOOL	4.1400	94.39
OZARK SPECIAL ROAD	0.3497	7.97
OZARK FIRE DIST.	0.7570	17.26
AMBULANCE DIST.	0.1236	2.82
JUNIOR COLLEGE	0.1871	4.27
SUR TAX	0.3400	5.44
SUBTOTALS		
Residential	0	
Agricultural	680	
Commercial	1,600	
TOTAL VALUATION		2,280
		141.78

ALL TH PT OF S1/2 OF SW1/4 LY E OF H/W 65, S OF CO RD., W S O A K ST & N OF RT F
EX A TR DESC AS NEC SE4 SW4, WEST 260' POB, W EST 1136', SOUTH 26', EA

	SUBTOTALS
Residential	0
Agricultural	680
Commercial	1,600
TOTAL VALUATION	2,280

Non-clearance of payment voids receipt.

**VALIDATED BY TED NICHOLS
CHRISTIAN COUNTY COLLECTOR**

RECEIPT #: 8452 PAID BY: WARREN
DATE: 12/11/2023 AMOUNT PAID: 141.78 PAYMENT TYPE: 1272/3624/1

REAL ESTATE TAX RECEIPTS CANNOT BE USED TO LICENSE VEHICLES

Section 405.870. Amendment Hearing Guidelines. [Ord. No. 09-012 §1, 4-6-2009; Ord. No. 10-038 §3, 12-6-2010]

- A. The Planning and Zoning Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Planning and Zoning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning and Zoning Commission shall, by rule, prescribe from time to time.
- B. Notice of time and place of such hearing shall be published at least once in a newspaper of local distribution not less than fifteen (15) days before such hearing. Supplemental or additional notices may be published or distributed as the Board of Aldermen may, by rule, prescribe from time to time.
- C. The Planning and Zoning Commission shall make written findings of fact and shall submit same together with its recommendations to the Board of Aldermen prior to the public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - 1. Relatedness of the proposed amendment to goals and outlines of the City of Ozark's Comprehensive Plan.
 - 2. Existing uses of property within the general area of the property in question.
 - 3. The zoning classification of property within the general area of the property in question.
 - 4. The suitability of the property in question to the uses permitted under the existing zoning classification.
 - 5. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- D. The Board of Aldermen shall not act upon a proposed amendment to the ordinance until it shall have received a written report and recommendation from the Planning and Zoning Commission on the proposed amendment.
- E. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more,

Section
405.870

Section
405.870

either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the Board of Aldermen.



White River Valley Electric Cooperative

P.O. Box 969

Branson, Missouri 65615

(417) 335-9335

Chris Hamon, CEO

LETTER OF UNDERSTANDING REGARDING CONSTRUCTION OF NEW ELECTRIC FACILITIES

The intent of this letter is to confirm that White River Valley Electric Cooperative, Inc and Missouri Commercial Development, LLC will enter into a mutual understanding of electric services agreement.

By signing this understanding, Missouri Commercial Development, LLC agrees to apply for permanent electric services from WRVEC for the development of 20 acres located along West South Street in Ozark, Missouri, Christian County. In return, WRVEC will move forward with securing the primary equipment needed to limit or remove possible delays in constructing the permanent services when officially applied for by Missouri Commercial Development, LLC.

To ensure this option is available, both parties agree to coordinate with the City of Ozark, Missouri that any annexation into the city limits will occur after permanent electric service is established. The initial term of the service will be a minimum of 10 years and a 3-Phase contract must be signed by both parties.

By signing this agreement, both parties understand the terms as written.

Name CHRISTOPHER L. HAMON
 Sign *Chris Hamon*
 Title CEO
 Date 11/6/2023

Name Brett Roubal
 Sign *Brett Roubal*
 Title Member
 Date 11-16-2023

White River Valley Electric Cooperative, Inc

Missouri Commercial Development, LLC