

BILL NO. 16-001

ORDINANCE NO. 4707

FIRST READING 01.05.2016

SECOND READING 01.19.2016

AN ORDINANCE REZONING A TRACT OF LAND KNOWN AS LOTS 2, 3, 4, 5, 6, 7 AND PART OF LOTS 8, 9, 10 AND 11 OF JOHN B. SHEPHERD'S SUBDIVISION AND PART OF LOTS 9, 10, 11, AND 12 OF EARLBURT T. SHEPHERD'S SUBDIVISION IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI, FROM A-ONE AND TWO FAMILY TO DISTRICT D-HIGHWAY BUSINESS AND AMENDING THE CITY'S ZONING MAP ACCORDINGLY

WHEREAS, an application to rezone a tract of land known as Lots 2, 3, 4, 5, 6, 7 and part of lots 8, 9, 10, 11 of John B. Shepherd's Subdivision and 12 of Earlbert T. Shepherd's Subdivision, all situated in section 30, township 57 North, range 4 West, in the City of Hannibal, and

WHEREAS, the applicant requests a change in zoning of said property from A-One and Two Family to District D-Highway Business in the City of Hannibal, and

WHEREAS, the rezoning of said property will not cause undue burden to the congestion of streets, safety and security from fire, negatively impact health and general welfare, impede adequate lighting and air, contribute to the overcrowding of land, unduly concentrate population, impact features of historical significance, hinder adequate provision of transportation, water, sewerage, schools, parks, or other public requirements, and

WHEREAS, pursuant to Chapter 13.07 of the City Charter, notices were sent to all owners of property adjacent to or lying within 185 feet of the subject tract, and

WHEREAS, pursuant to Chapter 13.09 of the City Charter, notices were published in a newspaper fifteen (15) days in advance of the public hearing, and

WHEREAS, the Planning and Zoning Commission held its public hearing on December 17, 2015 at 4:00 P.M. to consider the application for rezoning, and

WHEREAS, the Planning and Zoning Commission issued a positive recommendation to the City Council to rezone a tract of land known as Lots 2, 3, 4, 5, 6, 7 and part of lots 8, 9, 10 and 11 of John B. Shepherd's Subdivision and part of Lots 9, 10, 11 and 12 of Earlbert T. Shepherd's Subdivision, in the City of Hannibal, Marion County, Missouri from A-One and Two Family to District D-Highway Business, and

WHEREAS, the Hannibal City Council held its public hearing on January 5, 2016 at 6:30 P.M. to consider the application for rezoning to D-Highway Business.

WHEREAS, the protest petition was received from the owners of ten percent of property located within 185 feet of the boundaries of the district proposed to be changed, and

WHEREAS, such petition creates a legal requirement of a 3/4 favorable vote of The City Council to approve this bill,

NOW THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HANNIBAL, MISSOURI TO-WIT:

SECTION ONE. The City Council of the City of Hannibal hereby rezones a tract of land as D-Highway Business, being lots 2, 3, 4 5, 6, 7 and part of lots 8, 9, 10 and 11 of John B. Shepherd's subdivision and part of lots 9, 10, 11 and 12 of Earlbert T. Shepherd's subdivision, all situated in section 30, township 57 North, range 4 West, City of Hannibal, Marion County, Missouri and being more particularly described as follows:

BEGINNING AT A POINT BEING THE MOST SOUTHEAST CORNER OF SAID LOT 2 OF JOHN B. SHEPHERDS SUBDIVISION, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SAINT MARY AVENUE AND THE NORTH RIGHT OF WAY LINE OF EARL STREET; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF EARL STREET, ON A BEARING SYSTEM ADOPTED FROM THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 1983, EAST ZONE, SOUTH 66 DEGREES 58 MINUTES 13 SECONDS WEST, 365.56 FEET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE OF EARL STREET, SOUTH 5 DEGREES 57 MINUTES 06 SECONDS EAST, 0.77 FEET; THENCE SOUTH 59 DEGREES 24 MINUTES 00 SECONDS WEST, 46.29 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF MISSOURI HIGHWAY 61; THENCE ALONG SAID EAST RIGHT OF WAY LINE OF MISSOURI HIGHWAY 61 ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2794.93, A CHORD BEARING NORTH 4 DEGREES 52 MINUTES 41 SECONDS WEST, 102.96 FEET AND AN ARC LENGTH OF 102.97 TO A POINT BEING 55 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 9+35 OF MISSOURI HIGHWAY; THENCE NORTH 41 DEGREES 12 MINUTES 44 SECONDS EAST, 54.74 FEET TO A POINT BEING 92.7 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 8+95; THENCE NORTH 5 DEGREES 57 MINUTES 06 SECONDS WEST, 26.16 FEET; THENCE NORTH 6 DEGREES 33 MINUTES 40 SECONDS EAST, 23.06 FEET TO A POINT TO A POINT BEING 89.5 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 8+45 OF MISSOURI HIGHWAY 61; THENCE NORTH 47 DEGREES 45 MINUTES 59 SECONDS WEST, 49.75 FEET TO A POINT BEING 55 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 8+10 OF MISSOURI HIGHWAY 61; THENCE NORTH 2 DEGREES 28 MINUTES 32 SECONDS WEST, 140.00 FEET TO A POINT BEING 55 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 6+70 OF MISSOURI HIGHWAY 61; THENCE NORTH 42 DEGREES 31 MINUTES 28 SECONDS EAST, 49.50 FEET TO A POINT BEING 90 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE

STATION 6+35 OF MISSOURI HIGHWAY 61; THENCE NORTH 2 DEGREES 28 MINUTES 32 SECONDS WEST, 50.00 FEET TO A POINT BEING 90 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 5+85 OF MISSOURI HIGHWAY 61; THENCE NORTH 47 DEGREES 28 MINUTES 32 SECONDS WEST, 49.50 FEET TO A POINT BEING 55 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 5+50; THENCE NORTH 2 DEGREES 28 MINUTES 32 SECONDS WEST, 99.73 FEET TO A POINT BEING 65 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 4+50.25 OF MISSOURI HIGHWAY 61; THENCE SOUTH 63 DEGREES 57 MINUTES 07 SECONDS WEST, 2.18 FEET TO A POINT BEING 55 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 4+51.25 OF MISSOURI HIGHWAY 61; THENCE NORTH 2 DEGREES 28 MINUTES 32 SECONDS WEST, 68.65 FEET TO A POINT BEING 53 FEET PERPENDICULAR DISTANCE EAST OF CENTERLINE STATION 3+82.50 OF MISSOURI HIGHWAY 61; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1690.02 FEET, A CHORD BEARING NORTH 4 DEGREES 39 MINUTES 46 SECONDS WEST, 129.00 FEET AND AN ARC LENGTH OF 129.03 FEET TO A POINT ON THE EXTENSION OF THE WEST RIGHT OF WAY LINE OF THE AFORESAID SAINT MARY AVENUE; THENCE LEAVING THE AFORESAID EAST RIGHT OF WAY LINE OF MISSOURI HIGHWAY 16 ALONG THE EXTENSION OF THE WEST RIGHT OF WAY LINE OF SAINT MARY AVENUE AND ALONG THE WEST RIGHT OF WAY LINE OF SAINT MARY AVENUE, SOUTH 34 DEGREES 29 MINUTES 04 SECONDS EAST, 745.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.28 ACRES MORE OR LESS

SECTION TWO. Said property shall enjoy all rights and privileges granted within the D-Highway Business Zoning.

SECTION THREE. The City Staff is hereby directed to revise the City's zoning map accordingly.

SECTION FOUR. It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION FIVE. All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION SIX. That this Ordinance shall be in full force and effect from and after its adoption and approval.

Adopted this 19th day of January, 2016.

Approved this 19th day of January, 2016.


Roy G. Hark
Roy G. Hark, Mayor

ATTEST:

Angelica N. Vance, MRCC
Angelica N. Vance, MRCC - City Clerk