

BILL NO. 2022-55

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE TO ANNEX PROPERTY OWNED BY THE PEGGY A. HAMMER TRUST U/A/D/ NOVEMBER 1, 1999 AND THE TERRY E. HAMMER TRUST U/A/D NOVEMBER 1, 1999.

WHEREAS, The Trustees of the Peggy A. Hammer Trust u/a/d/ November 1, 1999 and the Terry E. Hammer Trust u/a/d November 1, 1999 have applied to the City for annexation of property owned by said trusts which is fully described on Exhibit A, attached hereto and incorporated herein by reference (the “Hammer Property”); and

WHEREAS, the Hammer Property is adjacent and contiguous to the present corporate limits of the City of Hermann, Missouri; and

WHEREAS, public hearings concerning this matter were held by City’s Planning and Zoning Commission and Board of Aldermen; and

WHEREAS, at said public hearings, all interested persons, corporations and political subdivisions were given the opportunity to present evidence either in support of or in opposition to this proposed annexation; and

WHEREAS, there was no evidence presented at either hearing in opposition to this annexation; and

WHEREAS, no written objection to the proposed annexation has been filed; and

WHEREAS, this annexation is reasonable and necessary for the proper development of the City of Hermann; and

WHEREAS, the City of Hermann is able to furnish municipal services to said area within a reasonable time after annexation; and

WHEREAS, the applicant and City staff have proposed the execution of an annexation agreement, attached hereto as Exhibit B and incorporated herein by reference (“Annexation Agreement”); and

WHEREAS, the City has determined that the annexation of the property and the execution of the Annexation Agreement serve legitimate public purposes and are in the best interests of the citizens of the City of Hermann, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE

CITY OF HERMANN, MISSOURI, AS FOLLOWS:

SECTION ONE: The Hammer Property is hereby annexed into the City of Hermann, Missouri.

SECTION TWO: The boundaries of the City of Hermann, Missouri shall be altered to include the Hammer Property which is adjacent and contiguous to the present corporate limits.

SECTION THREE: The City Clerk of the City of Hermann, Missouri is hereby ordered to cause three (3) certified copies of this Ordinance to be filed with the Gasconade County Clerk.

SECTION FOUR: The Collector is authorized and directed to place the Hammer Property on the tax rolls and to collect taxes, as applicable, commencing as of the date this ordinance becomes effective.

SECTION FIVE: The Annexation Agreement is approved. Mayor Bruce Cox is authorized and directed to execute the Annexation Agreement.

SECTION SIX: Per the Annexation Agreement, the Hammer Property shall be zoned "R-3 Multiple Family." Also, per the Annexation Agreement, the City shall issue a Conditional Use Permit to allow up to 8 units on the Hammer Property to be used as a Guest Houses or Bed and Breakfast Inns, as those terms are defined in the Hermann Municipal Code. The initial Permit review shall occur in (2) years. All subsequent reviews shall be annual.

SECTION SEVEN: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

First Reading: _____ November 28, 2022 _____

Second Reading: _____

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman Ash Geers						
Alderman Derek LeRoy						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this ___ day of _____, 2022.

Bruce Cox, Mayor

Patricia Heaney, City Clerk

Exhibit A

Tract 1: Part of the Northeast Quarter of the Northwest Quarter lying North of the centerline of Sand Plant Road in Section 35 Township 46 North, Range 5 West of the 5th P.M., more particularly described as follows: Commencing at a stone at the Southeast corner of the Northeast quarter of the Northwest quarter of Section 35, thence North 0 degrees 15 minutes West with the quarter section line 90.5 feet to a point in the centerline of a county road; thence with said centerline North 7 degrees 30 minutes West 154.3 feet; thence North 19 degrees 44 minutes West 97.2 feet; thence North 34 degrees 24 minutes West 99.9 feet to the point of beginning, thence continuing with the centerline of the county road thence North 53 degrees 44 minutes West 98 feet; thence North 64 degrees 40 minutes West 52 feet; thence leaving the road north 08 degrees 40 minutes East 340.1 feet; thence North 89 degrees 45 minutes East 180 feet to the East line of the Northeast Quarter of the Northwest Quarter; thence South 0 degrees 15 minutes East 434.3 feet; thence North 85 degrees 48 minutes West 101.6 feet to a point in the centerline of the county road, thence North 34 degrees 24 minutes West 10.5 feet to the point of beginning, containing 1.93 acres as per Birk survey #10,627.

Tract 2: Part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 35, Township 46 North, Range 5 West, Gasconade County, Missouri, being more particularly described as follows: Commencing at the Southeast corner of said Northeast Quarter of the Northwest Quarter said point being monumented by a stone as per survey record book 15, page 102, thence North 90.5 feet to the center of Sand Plant Road; thence with the centerline of road North 07 degrees 30 minutes West 154.3 feet; thence North 19 degrees 44 minutes West 97.2 feet to the point of beginning; thence North 34 degrees 24 minutes West 99.9 feet; thence North 53 degrees 44 minutes West 98.0 feet; thence North 64 degrees 40 minutes West 52.0 feet; thence leaving said road South 25 degrees 20 minutes West 95.0 feet, thence South 55 degrees 40 minutes 19 seconds West 381.9 feet to an iron rod, said point being on the South line of the 2.44 acre tract as shown on survey recorded in survey record book 15 page 102; thence along said South line South 75 degrees 47 minutes 07 seconds East 275.0 feet; thence South 27 degrees 22 minutes East 150.0 feet; thence North 83 degrees 31 minutes East 116.0 feet; thence North 15 degrees 00 minutes East 337.9 feet to the point of beginning and containing 3 acres.

Tract 3: Part of the NE ¼ of the NW ¼ of Section 35, Township 46 North, Range 5 West of the 5th P.M., lying North and East of Sand Plant County Road, described as follows: commencing on the east line of said quarter quarter located North 0° 24' East 401.03 feet from a stone at the Southeast corner of said NE ¼ of the NW 1/4, thence South 74° 12' West 83.8 feet to the center of Sand Plant County Road, thence with the centerline of said county road, North 34° 24' West 36.7 feet, thence leaving the county road and with a line being the prolongation of the North right-of-way of West 9th Street in the City of Hermann, MO., South 85° 48' East 101.6 feet to the point of beginning, containing 0.03 acre more or less.