

BILL NO. _____

ORDINANCE NO. 23-42

AN ORDINANCE AMENDING THE "OFFICIAL ZONING DISTRICT MAP" OF THE CITY OF FREDERICKTOWN, MISSOURI, AS ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI; SAID AMENDMENT IS IN ORDER TO RECLASSIFY A CERTAIN DESCRIBED AREA OF THE CITY OF FREDERICKTOWN, MISSOURI, FROM C-2 TO R-3 PER APPLICATION OF GARY TURNER AND KENNETH CONNELLY, ALL IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE BOARD OF ALDERMEN BY VIRTUE OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKTOWN, MISSOURI.

WHEREAS, Gary Turner and Kenneth Connelly, owners of a certain tract of land herein referred to, have heretofore submitted to the City Planning and Zoning Commission for its consideration the rezoning of certain territories located in the City of Fredericktown, Missouri, said properties being described as 401 North Main Street as set out in Exhibit A which is attached hereto and incorporated herein as if fully set forth; and,

WHEREAS, the City Planning and Zoning Commission has heretofore reported to the Board of Aldermen that it approved the requested zoning change; and,

WHEREAS, the City Planning and Zoning Commission and the Board of Aldermen have heretofore complied with all of the provisions of Chapter 405 of the Code of Ordinances of the City of Fredericktown, Missouri; and,

WHEREAS, the Board of Aldermen believes it is in the best interest of the citizens of the City of Fredericktown, Missouri, to rezone the aforesaid area as requested by the applicant.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI, AS FOLLOWS:

Section 1. That the Zoning Ordinance and the accompanying "Official Zoning District Map" of the City of Fredericktown, Missouri, are hereby amended insofar as they relate to the property described on Exhibit A which is attached hereto and incorporated herein as if fully set forth; that said property is hereby rezoned from C-2 to R-3.

Section 2. That the application for rezoning as submitted by the owners is attached hereto, marked Exhibit A and incorporated herein as if fully set forth.

Section 3. That the City Clerk of the City of Fredericktown, Missouri, shall and is hereby directed to amend the "Official Zoning District Map" of the City of Fredericktown, Missouri, and to certify same and to keep said map on file in the office of the City Clerk and an updated copy shall be placed at City Hall, City of Fredericktown, Missouri.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this ordinance shall take effect and be in force from and after its passage and approval.

THIS ORDINANCE having been read by title only this 11th day of December, 2023, the Board of Aldermen voted as follows:

Long	<u>Aye</u>	Brown	<u>Aye</u>
Polete	<u>Aye</u>	Miller	<u>Aye</u>
Jones	<u>Aye</u>	Shankle	<u>Aye</u>

THIS ORDINANCE having been read by title only the second time on this 11th day of December, 2023, the Board of Aldermen voted as follows:

Long	<u>Aye</u>	Brown	<u>Aye</u>
Polete	<u>Aye</u>	Miller	<u>Aye</u>
Jones	<u>Aye</u>	Shankle	<u>Aye</u>


PASSED AND APPROVED this 11th day of December, 2023, by 6 ayes,
6 nays, 0 abstentions and 0 absentees.

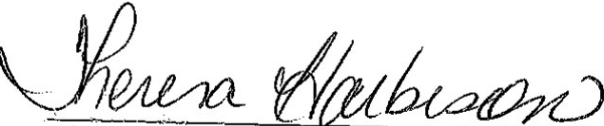
CITY OF FREDERICKTOWN, MISSOURI

(SEAL)

ATTEST:

BY:


Travis Parker, Mayor


Theresa Harbison, City Clerk

REZONING APPLICATION FORM

City of Fredericktown, Missouri

1. Names, addresses, and phone numbers of all legal property owners: _____
Jean Properties LLC
3226 C.R. 350 573-450-0230
Millerstown MO. 63766 573-243-6442
2. Street address, legal description, or other location description of property in question: 401 N. Main
(Lat 2-8)
Fredericktown MO.
3. Present zoning classification of property: C-2
4. Requested zoning class or action: R-3
5. Name, address, and phone number of contact person for this application:
Roger Jones Same address
573-450-0230
6. Is transfer of ownership of tract(s) pending outcome of this application?
Yes X No _____
If yes, state name, address, and phone number of intended new owner: _____
Roger Jones 573-450-0230
(Jean Properties)
7. State the use for which this tract will be used if the applicant's request is granted: ApTs Multi-Family units
8. State the reason(s) why you believe the requested use will be beneficial to the neighborhood and the City of Fredericktown: Help in
Growth

9. Additional items required:

- a. A copy of the most recent deed(s) for the property. If additional tracts are described on the deed, mark which tract is requested to be rezoned.
- b. Application fee of \$200.00.
- c. List of names and tax mailing addresses of property owners within 185 feet. List is available from the Madison Co Assessor office.
- d. Mailing envelopes, stamped and addressed to adjacent property owners.
- e. One (1) full size plat or survey of the property, if available.
- f. Upon request of City following review of Application by City staff, plat plan drawn to scale, showing boundary dimensions, adjoining streets, existing and proposed plans for the area requested to be rezoned, and references to adjoining property owners. Scaled plat may be required for such reasons as size of parcel, extent of demolition or construction planned, etc.

10. The undersigned certify upon our oaths that all of the information contained in this application is true: (signatures of all persons listed in No. 1 and No. 6)

<u>[Signature]</u> Signature	<u>10/13/23</u> Date
<u>[Signature]</u> Signature	<u>10/20/23</u> Date
<u>[Signature]</u> Signature	<u>10/20/23</u> Date
_____ Signature	_____ Date

For City Use Only Below Line

Date complete application submitted: 9-29-23

Date initially submitted to Board of Aldermen: 10-10-23

Recommendation of P&Z Commission: APPROVED

Date of P&Z Recommendation: 10-18-23

Date recommendation presented to Board of Aldermen: 10-23-23

Date of Public Hearing: 11-13-23

Date of newspaper publication of public hearing: _____

Date notification of public hearing mailed to surrounding property owners: _____

Date of Board of Aldermen decision: _____

Decision of Board of Aldermen: _____

Ordinance Number: _____

Instrument #:2017009576
 Office of County Recorder, Madison County, Missouri
 I hereby certify this instrument was recorded on
 10/4/2018 at 11:10:34 AM
 Total Fees: \$30.00
 Book: 499 Page: 792
 Pages: 3



Paula Francois
 Madison County Recorder

(Space above reserved for Recorder of Deeds certification)

WARRANTY DEED BY CORPORATION

CORRECTION

This Warranty Deed made and entered the 18th day of September, 2018, between
 PENSE BROTHERS DRILLING COMPANY, a corporation organized and existing under the laws of the
 State of Missouri, known as Grantor(s), and GARY TURNER AND KENNETH CONNELLY,
 known as Grantee(s), whose mailing address is 2714 HWY 14, MARQUAND, MO 63655 AS JOINT TENANTS WITH
 of the County of Madison, State of Missouri, RIGHTS OF SURVIVORSHIP, in consideration of

Ten and 00/100 ***** DOLLARS
 to it paid by GARY TURNER AND KENNETH CONNELLY, AS JOINT TENANTS WITH
 RIGHTS OF SURVIVORSHIP

of the County of Madison and State of Missouri known as Grantee, the receipt whereof is
 hereby acknowledged, and by virtue and pursuant to a Resolution of the Board of Directors of said Grantor, does by these
 presents, Grant, Bargain, Sell, Convey and Confirm unto the said Grantee successors and assigns, the following described
 lots, tracts, or parcels of land, lying, being and situate in the County of Madison
 and State of Missouri to-wit:

Legal Description:

Parcel "A":

All of Lot 2 in Block 9 in Collier and Villars Addition to the City of Fredericktown, in Madison
 County and State of Missouri, and bounded on the West by Railroad Avenue; on the South by lot
 3 of said Block 9 and land formerly owned by Harry Dunn; on the East by Collier Street; and on
 the North by Lot One of said Block 9. Being the same property conveyed by Cleve Graham to
 Ed Allen and Virginia Allen, his wife, by Warranty Deed recorded in Book 120 at Pages 395-396
 of the Madison County, Missouri, Deed Records.

Parcel "B"

TRACT I:

All of Lot 3 in Block 9, in Collier and Villars Addition to the City of Fredericktown, Missouri.

TRACT II:

A strip of land in Lot 4, Block 9, Collier and Villars Addition to the City of Fredericktown,
 described as follows: Beginning at the Northwest corner of Lot 4 the point of beginning; thence
 in a Southerly direction on and along the West boundary line of Lot 4 the distance of 9 - 1/2 feet;
 SEE CONTINUATION MARKED EXHIBIT 'A'

EXHIBIT 'A

thence in a Southeasterly direction to a point on the East boundary line of Lot 4, said point on the east boundary line of Lot 4 being the distance of 18 - ½ feet South of the Northeast corner of the said Lot 4; thence in a Northerly direction on and along the East boundary line of Lot 4, the distance of 18 - ½ feet; thence in a Northwesterly direction to the point of beginning, the property above described being in the shape of a parallelogram.

TRACT III:

All of Lot 4 in Block 9, Collier and Villars Addition to the City of Fredericktown, Missouri. SAVE AND EXCEPT therefrom a strip of land described as follows: Beginning at the Northwest corner of Lot 4; thence South on and along the West boundary line of Lot 4 a distance of 9 - ½ feet; thence in a Southeasterly direction to a point on the East boundary line of Lot 4, said point being South of the Northeast corner of Lot 4 the distance of 18 - ½ feet; thence North on and along the East boundary line of Lot 4 the distance of 18 - ½ feet to the Northeast corner of Lot 4; thence West on and along the North boundary line of Lot 4 to the point of beginning.

PARCEL "C"

All of Lot 5, in Block 9, Collier and Villars Addition to the City of Fredericktown, Missouri.

PARCEL "D"

TRACT I:

Lots 7 and 8 in Block 9 of Collier's and Villar's Addition to the City of Fredericktown, Missouri, as the same appears from the Plat Book now on file in the Office of the Recorder of Deeds of Madison County, Missouri, to which reference is here made for a more full and accurate reference and description.

TRACT II:

All of Lot 6 in Block 9 of Collier's and Villar's Addition to the City of Fredericktown, Missouri, which appears from the Plat Book in the Office of the Recorder of Deeds from Madison County, Missouri.

PARCEL "E"

Lot 9, Block 9, Collier & Villar Addition to the City of Fredericktown, Missouri, as shown on the plat of said addition.

(Description furnished to the preparer of this instrument and taken from Deed Book 338 at Pages 532-537 of the Land Records of Madison County, Missouri.)

THIS DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION ON DEED RECORDED IN BOOK 499 AT PAGES 477-479 OF THE LAND RECORDS OF MADISON COUNTY, MISSOURI.

Not
included
in
Zonir's
change

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances, and immunities thereto belonging or in anywise appertaining unto the said Grantee, and unto successors and assigns, forever. The said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear of any encumbrance done or suffered by it or those under whom it claims; and that it will warrant and defend the title to the said premises unto the said Grantee and unto successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the **PENSE BROTHERS DRILLING COMPANY**

the said Grantor has caused these presents to be signed by its President
attested by its secretary, and corporate seal to be hereunto affixed, this the 18th day of September
20 A.D.

David Pense
DAVID PENSE, PRESIDENT

Attested Monica Rehkop
MONICA REHKOP

STATE OF MISSOURI,

County of Madison

On this 18th day of September 20 18 A.D. before me personally appeared

David Pense

to me personally known, who being duly sworn, did say that

he/she is President
of Pense Brothers Drilling
Company

that the seal affixed to this instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said

acknowledged said instrument to be the free act and deed of said corporation.

In Testimony Whereof, I have hereunto set my hand and affixed my official
seal, at my office in Fredericktown, MO
the day and year first above written.

Elizabeth Ann Boren
Notary Public

My commission expires: Oct 23, 2018

AFTER RECORDING RETURN TO:



ELIZABETH ANN BOREN
My Commission Expires
October 23, 2018
Madison County
Commission #14967349

CITY OF FREDERICKTOWN
Missouri

**CASH
RECEIPT**

Date

9-29-23

055206

Received From

Sson Properties LLC

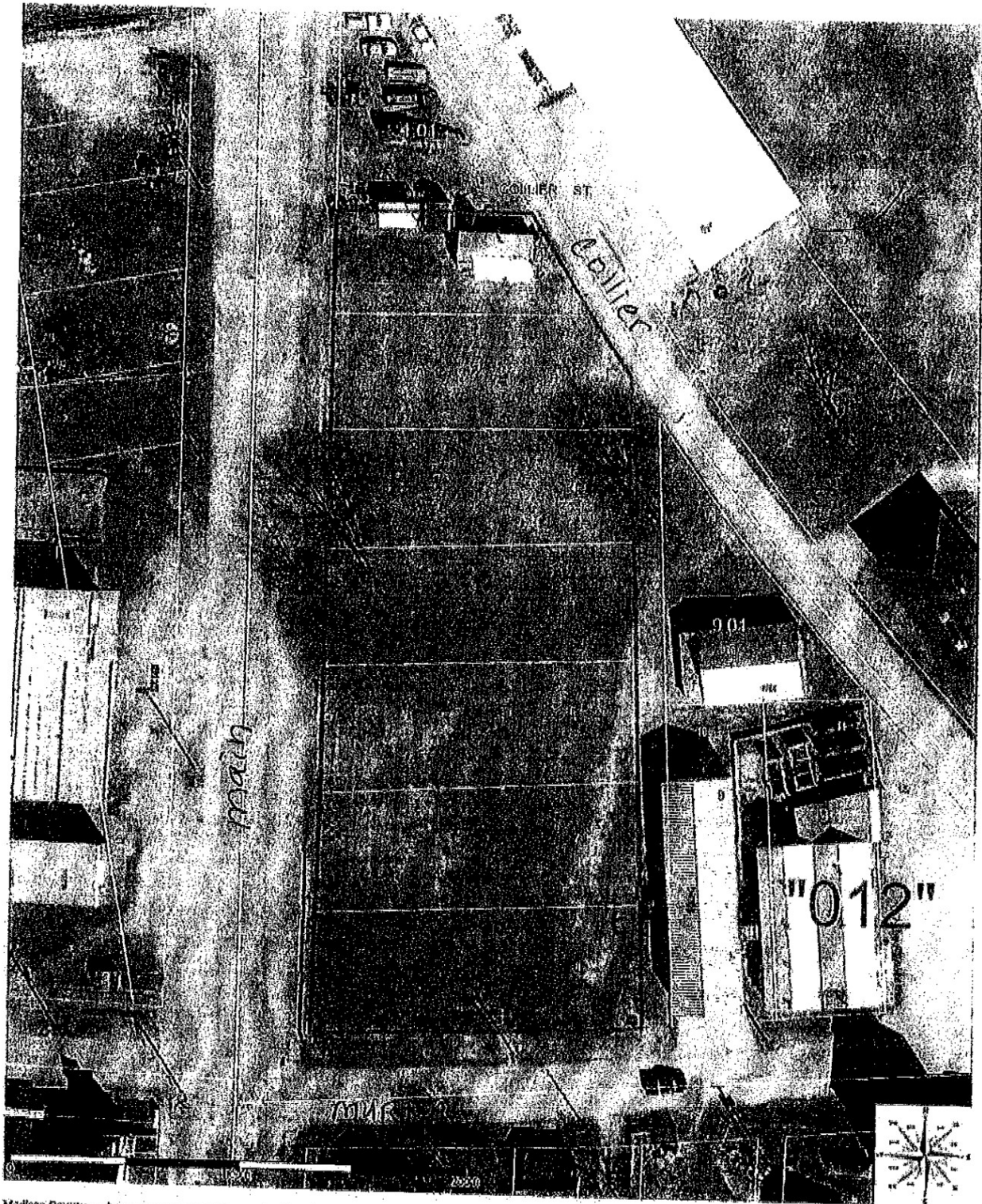
Address

Reopening Application Fee Dollars 200.00

For

ACCOUNT		HOW PAID		Signature
DATE OF ACCOUNT	AMOUNT	CASH	CHECK	
			<input checked="" type="checkbox"/>	C. Kelly B.
SALANCE DUE				

Madison County Online GIS



Madison County makes every effort to produce and publish the most current and accurate information possible. This data is provided "as-is" without warranty or any guarantee of accuracy, usefulness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The county makes no warranties, express or implied, as to the use of this data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts any limitations of this data, including the fact that this data is dynamic and is in a constant state of maintenance, correction and updates.