

BILL NO. 3176

ORDINANCE NO. _____

AN ORDINANCE ANNEXING PROPERTY OWNED BY REASTE, L.L.C. IDENTIFIED AS TANEY COUNTY ID# 18-2.0-03-000-000-007.001 AND ID# 18-2.0-03-000-000-006.000, INTO THE CITY OF BRANSON, MISSOURI.

WHEREAS, on November 28, 2005 a verified petition requesting annexation into the City of Branson, Missouri, was filed with the City Clerk and presented to the Board of Aldermen, by all the owners of all fee interests of record in all real estate hereinafter described; and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of Branson, Missouri; and

WHEREAS, said petition was presented to the Board of Aldermen more than fourteen but less than sixty days prior to the public hearing thereon; and

WHEREAS, proper notice was published as least seven days prior to the public hearing; and

WHEREAS, a public hearing concerning said matter was held at the City Hall in Branson, Missouri, at the hour of 7:00 p.m. on December 12, 2005; and

WHEREAS, at said Public Hearing, all interested persons, corporations or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

WHEREAS, no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Branson, Missouri within fourteen days after the public hearing; and

WHEREAS, the Board of Aldermen now desires to make a determination regarding annexation of said real estate.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN FOR THE CITY OF BRANSON, MISSOURI as follows:

SECTION 1: That, pursuant to the provisions of Section 71.012 RSMo as amended, the following described real estate is hereby annexed into the City of Branson, Missouri, to wit:

REASTE, L.L.C.

A PARCEL OF LAND BEING ALL OF THE E1/2 OF LOT 1 AND PART OF THE W1/2 OF LOT 1 ALL IN THE NW1/4 OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING LIMESTONE AT THE SOUTHEAST CORNER OF LOT 1 OF THE NW1/4 OF SAID SECTION 3; THENCE N 87°39'23" W, ALONG THE SOUTH LINE OF SAID E1/2 OF LOT 1, 1300.14 FEET TO AN IRON BAR AT THE SOUTHEAST CORNER OF THE W1/2 OF LOT 1 OF THE NW1/4 OF SAID SECTION 3; THENCE N 89°09'35" W, 254.90 FEET TO A POINT ON THE EASTERLY R/W LINE OF MISSOURI STATE HIGHWAY #265; THENCE ALONG SAID R/W LINE N 33°08'54" W, 380.73 FEET; THENCE N 23°02'23" E, 177.56 FEET; THENCE S 89°09'04" E, 401.00 FEET; THENCE N 00°51'21" E, 835.00 FEET TO AN IRON BAR AT THE NORTHWEST CORNER OF THE E1/2 OF LOT 1 OF THE NW1/4, SECTION 3; THENCE S 87°30'06" E, ALONG THE NORTH LINE OF SAID E1/2 OF LOT 1, 1293.96 FEET TO EXISTING WAGON TIRE IRON AT THE NORTHEAST CORNER OF SAID E1/2 OF LOT 1; THENCE S 00°35'30" W, ALONG THE EAST LINE OF THE E1/2 OF LOT 1, 1311.70 FEET TO THE POINT OF BEGINNING. CONTAINING 43.35 ACRES, MORE OR LESS.

LESS AND EXCEPT, A TRACT OF LAND SITUATED IN THE E1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE E1/2 OF SAID LOT 1; THENCE S 87°32'00" E, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 105.00 FEET; THENCE S 46°39'18" W, LEAVING SAID NORTH LINE, A DISTANCE OF 146.37 FEET, TO A POINT ON THE WEST LINE OF THE E1/2 OF SAID LOT 1; THENCE N 00°50'36" E, ALONG THE WEST LINE OF SAID E1/2, A DISTANCE OF 105.00 FEET, TO THE POINT OF BEGINNING. CONTAINING 5,510.00 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

ALSO EXCEPT, A TRACT OF LAND BEING A PART OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF THE W1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SAID SECTION 3; THENCE N 00°50'36" E, ALONG THE EAST LINE OF THE W1/2 OF SAID LOT 1, A DISTANCE OF 755.09 FEET, FOR A NEW POINT OF BEGINNING; THENCE CONTINUE N 00°50'36" E, ALONG SAID EAST LINE, A DISTANCE OF 454.91 FEET; THENCE N 46°39'18" E, LEAVING SAID EAST LINE, A DISTANCE OF 146.37 FEET, TO A POINT ON THE NORTH LINE OF LOT 1 OF THE FRACTIONAL NW1/4; THENCE S 87°32'00" E, ALONG SAID NORTH LINE, A DISTANCE OF 798.14 FEET; THENCE S 55°25'59" W, LEAVING SAID NORTH LINE, A DISTANCE OF 589.41 FEET; THENCE S 39°18'49" W, A DISTANCE OF 274.45 FEET; THENCE S 28°41'12" W, A DISTANCE OF 133.36 FEET; THENCE N 89°09'24" W, A DISTANCE OF 589.30 FEET; THENCE N 00°48'44" E, A DISTANCE OF 140.00 FEET; THENCE S 89°09'24" E, A DISTANCE OF 400.01 FEET, TO THE NEW POINT OF BEGINNING. CONTAINING 8.88 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION ROAD EASEMENT:

A 60 FOOT PERMANENT ROAD EASEMENT BEING 60 FEET OF EVEN WIDTH LYING OVER AND ACROSS A PART OF THE W1/2 LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING 30.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHWEST CORNER OF THE W1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3; THENCE S 87°37'22" E, A DISTANCE OF 1313.38 FEET TO AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF THE W1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3; THENCE N 00°50'36" E, ALONG THE EAST LINE OF THE W1/2 OF LOT 1, A DISTANCE OF 755.09 FEET; THENCE N 89°09'24" W, LEAVING SAID EAST LINE, A DISTANCE OF 300.01 FEET; THENCE S 00°48'44" W, A DISTANCE OF 30.00 FEET, FOR A NEW POINT OF BEGINNING; ALONG THE CENTERLINE OF SAID ROAD EASEMENT AS FOLLOWS: THENCE N 89°09'24" W, A DISTANCE OF 94.34 FEET; THENCE NORTHWESTERLY ALONG A 19.0986 DEGREE CURVE TO THE RIGHT 229.79 FEET (SAID CURVE HAVING A RADIUS OF 300.00 FEET); THENCE N 45°16'10" W, A DISTANCE OF 20.07 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF M.S.H.D ROUTE 376, FOR A POINT OF TERMINUS. THE SIDE LINES OF SAID EASEMENT ARE SHORTENED OR EXTENDED TO MEET AT ANGLE POINTS.

DESCRIPTION TRACT 2:

A TRACT OF LAND SITUATED IN THE W1/2 LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHWEST CORNER OF THE W1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3; THENCE S 87°37'22" E, A DISTANCE OF 1313.38 FEET TO AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF THE W1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3; THENCE N 00°50'36" E, ALONG THE EAST LINE OF THE W1/2 OF LOT 1, A DISTANCE OF 480.00 FEET, FOR A NEW POINT OF BEGINNING; THENCE CONTINUE N 00°50'36" E, ALONG SAID EAST LINE, A DISTANCE OF 255.09 FEET; THENCE N 89°09'24" W, LEAVING SAID EAST LINE, A DISTANCE OF 451.31 FEET; THENCE S 00°49'02" W, A DISTANCE OF 162.15 FEET; THENCE S 54°09'32" W, A DISTANCE OF 165.75 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 265; ALONG THE EASTERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 265 AS FOLLOWS; THENCE SOUTHEASTERLY ALONG A NON-TANGENT 2.9381 DEGREE SEGMENT OF A CURVE TO THE RIGHT 153.36 FEET (SAID SEGMENT HAVING A CHORD BEARING AND DISTANCE OF S 36°01'31" E, 153.32 FEET AND HAVING A RADIUS OF 1950.08 FEET); THENCE S 33°32'14" E, A DISTANCE OF 43.18 FEET TO A CORNER OF THE PROPERTY DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 310, AT PAGE 2620 OF THE RECORDS OF TANEY COUNTY, MISSOURI; LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 265 AND ALONG THE NORTHERLY BOUNDARY OF SAID PROPERTY DESCRIBED IN BOOK 310, AT PAGE 2620 OF THE RECORDS OF TANEY COUNTY, MISSOURI; THENCE N 23°02'15" E, A DISTANCE OF 177.32 FEET; THENCE S 89°10'58" E, A DISTANCE OF 400.94 FEET, TO THE NEW POINT OF BEGINNING. CONTAINING 3.12 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION TRACT 3:

A TRACT OF LAND SITUATED IN THE W1/2 LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHWEST CORNER OF THE W1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3; THENCE S 87°37'22" E, A DISTANCE OF 1313.38 FEET TO AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF THE W1/2 OF LOT 1 OF THE FRACTIONAL NW1/4 OF SECTION 3; THENCE N 00°50'36" E, ALONG THE EAST LINE OF THE W1/2 OF LOT 1, A DISTANCE OF 735.09 FEET; THENCE N 89°09'24" W, LEAVING SAID EAST LINE, A DISTANCE OF 451.31 FEET, FOR A NEW POINT OF BEGINNING; THENCE CONTINUE N 89°09'24" W, A DISTANCE OF 249.38 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 376; ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 376 AS FOLLOWS; THENCE S 44°34'44" W, A DISTANCE OF 25.40 FEET, TO STATION 2+90 AT 45 FEET RIGHT OF M.S.H.D. ROUTE 376; THENCE S 02°04'10" E, A DISTANCE OF 97.62 FEET TO STATION 2+23.13 AT 116.02 FEET RIGHT OF M.S.H.D. ROUTE 376; THENCE S 41°49'22" E, A DISTANCE OF 45.98 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 265, SAID POINT BEING ON A NON-TANGENT CURVE; LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE M.S.H.D. ROUTE 376 AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 265 AS FOLLOWS; THENCE SOUTHEASTERLY ALONG A NON-TANGENT 2.9381 DEGREE SEGMENT OF A CURVE TO THE RIGHT, 148.47 FEET (SAID SEGMENT HAVING A CHORD BEARING AND DISTANCE OF S 40°27'33" E, 148.43 FEET AND HAVING A RADIUS OF 1950.08 FEET); THENCE N 54°09'32" E, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF M.S.H.D. ROUTE 265, A DISTANCE OF 165.75 FEET; THENCE N 00°49'02" E, A DISTANCE OF 162.15 FEET, TO THE NEW POINT OF BEGINNING. CONTAINING 1.20 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SECTION II: That the Board of Aldermen, after holding the public hearing, hereby determines the above-described real estate is adjacent and contiguous to the present corporate limits of the City of Branson, Missouri, and the boundary of said real estate is found to comply with Section 71.012 RSMo, and that the annexation of said real estate is reasonable and necessary to the proper development of the City, and that the City has the ability to furnish normal municipal services to said real estate within a reasonable time.

SECTION III: That the boundaries of the City of Branson, Missouri, are hereby altered so as to encompass said real estate lying adjacent and contiguous to the present corporate limits.

SECTION IV: That Ordinance Number 642, and any amendments thereto, of the Branson Municipal Code, Wards, is hereby amended by placing said real estate into the appropriate ward and precinct as determined by the County Clerk in accordance with the provisions of State law.

SECTION V: That the Board of Aldermen hereby amends the official map of the City of Branson, Missouri, as set forth in Section 405.020 of the Branson Municipal Code, Zoning Map, by adding thereto said real estate, contiguous to the corporate limits, which shall be in addition to all territory included within the corporate limits of the City of Branson, Missouri.

SECTION VI: That the City administrative staff is hereby authorized and directed to conform all directories, drawings, plats, maps, and other appropriate documents to the altered corporate limits of the City of Branson as herein provided.

SECTION VII: That the City Clerk of the City of Branson is hereby directed to: (1) file three certified copies of the annexation ordinance with the Clerk of Taney County; and (2) forward to the Missouri Director of Revenue by U. S. registered mail or certified mail a certified copy of the annexation ordinance, accompanied by a map of the city clearly showing the territory added thereto.

SECTION VIII: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor and upon certification to the City Clerk from the City Engineer that city sewer is available to the property, including but not limited to, all necessary easements having been acquired and recorded, and all regulatory and governmental permits have been issued and obtained for the proposed sewer extending from the existing interceptor sewer lines to the subject property.

Read this first time on this _____ day of _____, 2005.

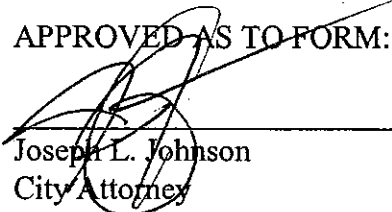
Read this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, on this _____ day of _____, 2006.

Louis E. Schaefer
Mayor

ATTEST:

Lisa K. Westfall
City Clerk












APPROVED AS TO FORM:



Joseph L. Johnson
City Attorney

VICINITY MAP
BLUE BIRD MOUNTAIN



-  Subject Property
-  Multi-Family
-  Downtown
-  Wilderness Area
-  Single-Family
-  Mobile Home Park
-  Planned Development
-  Outside Branson City Limits
-  Two-Family
-  Commercial
-  Agricultural

Plat 1
XYZ Development Inc. and Oak Ridge Properties, L.L.C.

Plat 2
Reaste, L.L.C.

Description 1 and 2
Redbob Properties, L.L.C.

