

BILL NO. 4698

ORDINANCE NO. 4698

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 4663 ANNEXING A PORTION OF HIGHWAY 63 AND BUSINESS ROUTE 63, FROM EXISTING CITY LIMITS TO CREAMERY ROAD INTO THE CITY LIMITS OF WEST PLAINS, MISSOURI.

WHEREAS, a portion of Highway 63/Business Route 63 has been petitioned to be annexed by the City of West Plains; and

WHEREAS, said real estate as hereinafter described is adjacent and contiguous to the present corporate limits of the City of West Plains, Missouri, and known as property located and further described as:

All that portion of State Route 63 situated in the South Half of Section 27 Township 24 North, Range 8 West East, Howell County, Missouri, which lies within the right of way widths between Station 1506+90 to Station 1533+00, as shown on the attached MHTC plans sheets.

Also all that portion of Bus Route 63 situated in the South Half of Section 27 Township 24 North, Range 8 West East, Howell County, Missouri, which lies within the right of way widths between Station 1401+50 to the intersection point of Business Route 63 and State Highway 63 being Station 5+00, as shown on the attached MHTC plans sheets.

WHEREAS, the Planning Commission reviewed the annexation request, and

WHEREAS, a public hearing concerning said matter was held at the City Hall Council Chambers in West Plains, Missouri at the hour of 5:30 p.m. on June 18, 2020; and

WHEREAS, notice of said public hearing was given by publication of notice thereof, on May 29, 2020 in the West Plains Daily Quill, a daily newspaper of general circulation in the County of Howell, State of Missouri; and

WHEREAS, at said public hearing all interested persons, corporation or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: Pursuant to the provision of Section 71.012 RSMo, 1969 as amended by laws of 1972, the real estate described above which is incorporated into and made a part hereof, is hereby annexed into the City of West Plains, Missouri.

Section 2: The boundaries of the City of West Plains, Missouri are hereby altered so as to encompass the above-described tract of land lying adjacent and contiguous to the present corporate limits.

Section 3: The City Clerk of the City of West Plains is hereby ordered to cause one certified copy of this Ordinance to be recorded at the County Court House.

Section 4: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 21 DAY OF March 2022.

CITY OF WEST PLAINS, MISSOURI

BY: Michael Toaliff  
MAYOR MICHAEL TOALIFF

ATTEST:

Allison Skinner  
CITY CLERK ALLISON SKINNER

CCO Form: RW39  
Approved: 11/05 (BDG)  
Revised: 11/19 (JDS)  
Modified:

## **VOLUNTARY ANNEXATION PETITION**

The City of West Plains, Missouri, (hereinafter, "City") has requested that the Missouri Highways and Transportation Commission (hereinafter, "MHTC") file a petition requesting voluntary annexation into the City of certain public rights of way as indicated in the attached plan sheets. The undersigned on behalf of the City hereby verifies the following:

(1) The City has published a notice of annexation in a local newspaper of general circulation for public comment regarding the proposed annexation or if the City has no local newspaper, it has given public notice using whatever mechanism it typically uses to notify citizens of similar actions.

(2) The City has provided accurate information to MHTC regarding any and all public input received for the annexation, along with any and all input received from the County of Howell and any other incorporated municipality within a five-mile radius of the area to be annexed.

(3) The City has complied with all requirements set forth by MHTC and has provided all information requested by MHTC.

(4) The City has notified all property owners adjacent to the MHTC property to be annexed pursuant to this annexation petition of the proposed voluntary annexation.

(5) The Commission has provided the City with a legal description of the property. If the City desires or is required by statute to use a legal description different from that provided by the Commission, the City shall ensure that the alternate legal description prepared by the City shall correspond to the Commission's legal description and the City shall ensure that the City's description will not extend beyond the description provided by the Commission.

(6) To the extent allowed by law, the City will hold MHTC, Missouri Department of Transportation and its employees harmless from any lawsuits arising out of or relating to the City's failure to comply with all statutes pertaining to the annexation of the described property.

(7) The parties enter into this voluntary annexation petition with full understanding that MHTC, to the best of its knowledge and belief, has the authority

to petition for voluntary annexation into the City. MHTC makes no representation that it has full fee simple title to the right of way which is the subject of this voluntary annexation. In the event this annexation is rendered null and void based upon a determination that MHTC did not have the authority to petition for voluntary annexation, MHTC will not be responsible for any damages, costs or other expenses incurred by the City in connection with this Agreement.

(8) That the undersigned on behalf of the City of West Plains has the authority to execute the terms and conditions contained in this voluntary annexation petition and bind the City to those terms and conditions.

(9) That the event the voluntary annexation is approved by the City and the city limits are extended to include the rights of way described in this voluntary annexation petition, the City shall provide MHTC's undersigned representative with a copy of the final ordinance adopted by the City extending the City's boundary to include the herein described right of way.

Therefore, the undersigned, according to his or her best knowledge, information, and belief, on behalf of the MHTC alleges:

(1) MHTC holds a property interest in the following described tract of land.

All that portion of State Route 63 situated in the South Half of Section 27 Township 24 North, Range 8 West East, Howell County, Missouri, which lies within the right of way widths between Station 1506+90 to Station 1533+00, as shown on the attached MHTC plans sheets.

Also all that portion of Bus Route 63 situated in the South Half of Section 27 Township 24 North, Range 8 West East, Howell County, Missouri, which lies within the right of way widths between Station 1401+50 to the intersection point of Business Route 63 and State Highway 63 being Station 5+00, as shown on the attached MHTC plans sheets.

(2) By execution of this petition, the MHTC requests that the above-described right of way be annexed to, and be included within the corporate limits of the City of West Plains, Missouri, as authorized by the provisions of Chapter 71 of the Revised Statutes of Missouri.

(3) That, based upon information provided by the City, that the area to be annexed is not now a part of any incorporated municipality.

(4) That, based upon information provided by the City, that the area to be annexed is compact and contiguous to the existing corporate limits of the City of West Plains.

(5) That the undersigned petitioner is authorized to execute this voluntary annexation petition on behalf of MHTC so that the described right of way can be included within the corporate limits of the City of West Plains.

(6) That MHTC authorizes the governing body of the City of West Plains to cause the required notice to be published, to conduct a public hearing as required by law and to thereafter adopt as ordinance extending the limits of the City of West Plains to include the above-described right of way.

**THIS PETITION REQUESTING VOLUNTARY ANNEXATION IS NOT A VALID PETITION UNTIL BOTH THE CITY AND MHTC'S REPRESENTATIVE HAVE EXECUTED THE PETITION.**

In Witness Whereof, the parties have entered into this voluntary annexation petition on the date last written below:

Executed by the City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Executed by MHTC this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF WEST PLAINS

MISSOURI HIGHWAYS AND  
TRANSPORTATION COMMISSION

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: District Engineer

ACKNOWLEDGEMENT BY COMMISSION

STATE OF MISSOURI )  
 )  
COUNTY OF \_\_\_\_\_ ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me appeared \_\_\_\_\_ personally known to me, who being by me duly sworn, did say that he/she is the district engineer of the Missouri Highways and Transportation Commission and that said instrument was signed in behalf of said Commission by authority of the Missouri Highways and Transportation Commission and said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

ACKNOWLEDGEMENT BY CITY

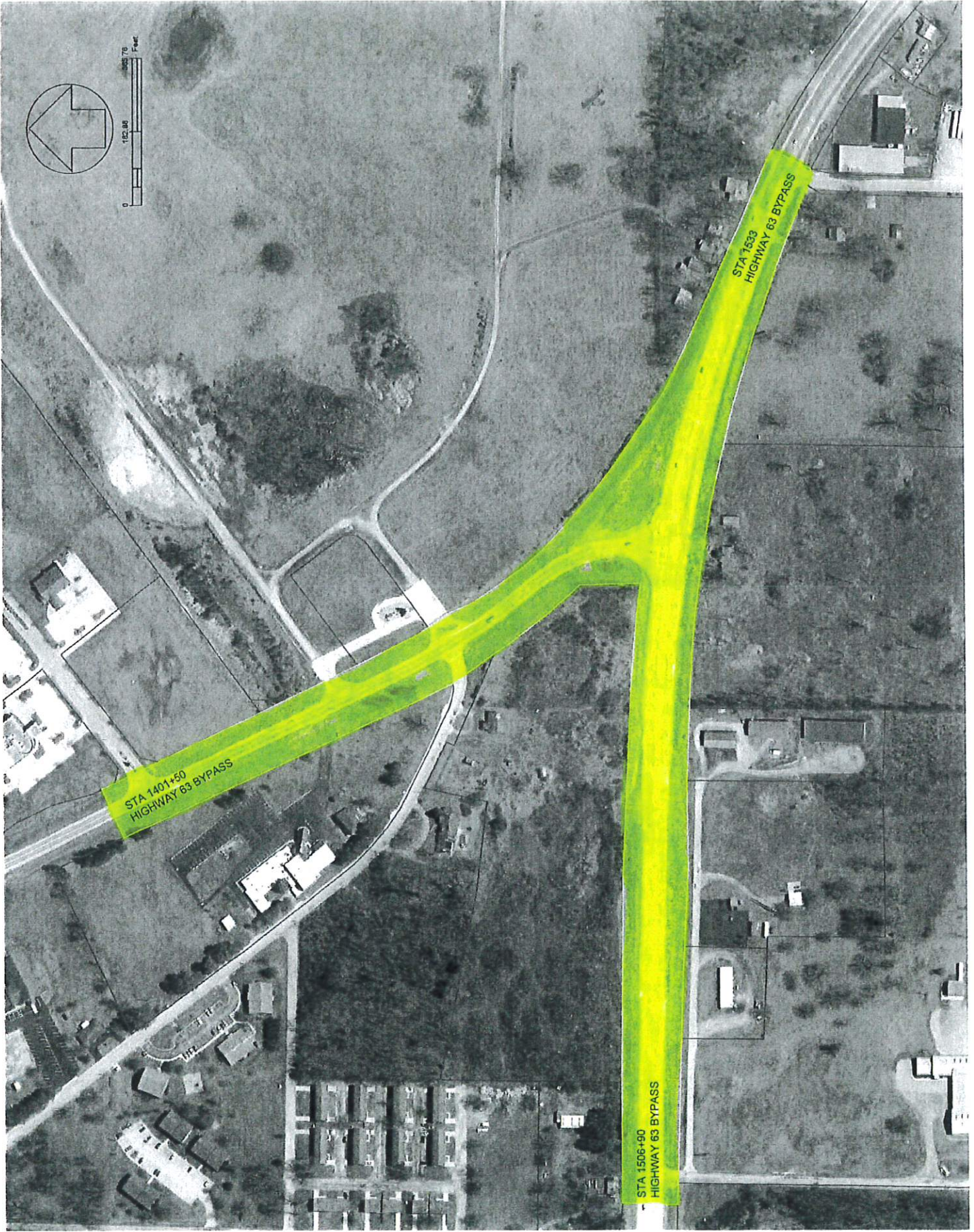
STATE OF MISSOURI )  
 )  
COUNTY OF \_\_\_\_\_ ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me appeared \_\_\_\_\_ personally known to me, who being by me duly sworn, did say that he/she is the \_\_\_\_\_ of the City of \_\_\_\_\_ and that the foregoing instrument was signed and sealed on behalf of the City of \_\_\_\_\_ and that he/she acknowledged said instrument to be the free act and deed of the City of \_\_\_\_\_ and that it was executed for the consideration stated therein and no other.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year written above.

\_\_\_\_\_  
Notary Public

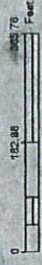
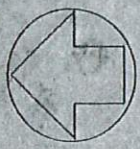
My Commission Expires: \_\_\_\_\_



STA 1401+50  
HIGHWAY 63 BYPASS

STA 1506+00  
HIGHWAY 63 BYPASS

STA 1533  
HIGHWAY 63 BYPASS



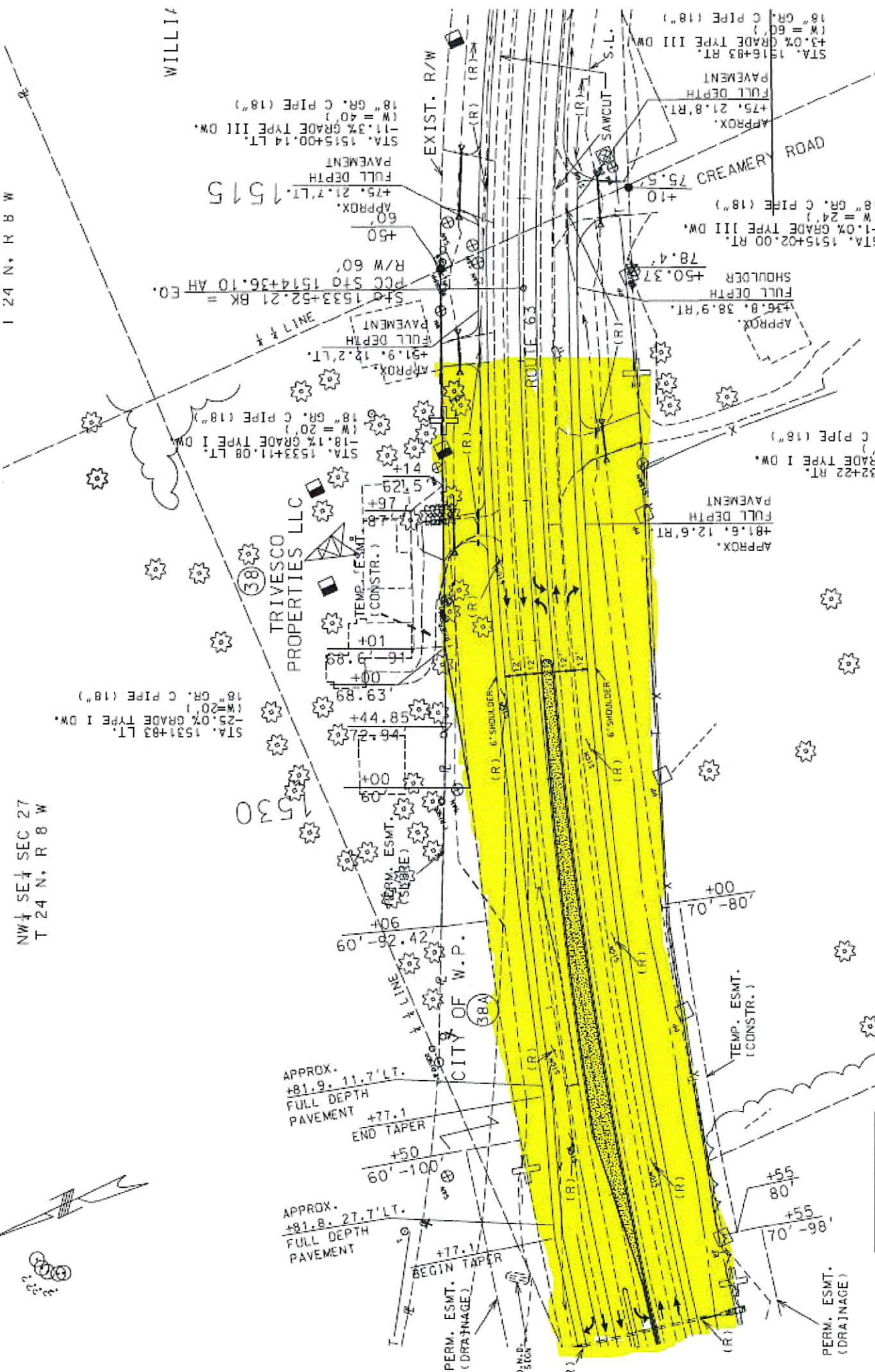




I 24 N, R 8 W

NW 1/4 SEC 4 SEC 27  
T 24 N, R 8 W

WILLIAMS



STA. 1515+00.14 LT.  
-11.3% GRADE TYPE III DW.  
(W=40')  
18" GR. C PIPE (18")  
FULL DEPTH PAVEMENT  
APPROX. +75.21.7' LT. 1515

STA. 1533+52.21 BK =  
PCC S10 1514+36.10 AH EO.  
R/W 60'  
FULL DEPTH PAVEMENT  
APPROX. +91.9.12.2' LT.

STA. 1533+11.08 LT.  
-18.1% GRADE TYPE I DW.  
(W=20')  
18" GR. C PIPE (18")

STA. 1531+83 LT.  
-25.0% GRADE TYPE I DW.  
(W=20')  
18" GR. C PIPE (18")

STA. 1516+83 RT.  
-13.0% GRADE TYPE III DW.  
(W=60')  
18" GR. C PIPE (18")  
FULL DEPTH PAVEMENT  
APPROX. +75.21.8' RT.

STA. 1515+02.00 RT.  
-1.0% GRADE TYPE II DW.  
(W=24')  
18" GR. C PIPE (18")  
SHOULDER +50.37  
78.4'  
FULL DEPTH PAVEMENT  
APPROX. +36.8.38.9' RT.

APPROX. +81.6.12.6' RT.  
FULL DEPTH PAVEMENT  
32+22 RT. GRADE TYPE I DW.  
C PIPE (18")

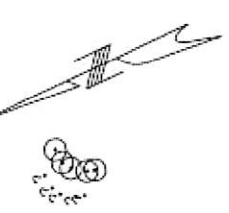
APPROX. +81.9.11.7' LT.  
FULL DEPTH PAVEMENT  
END TAPER  
+50  
60' -100'

APPROX. +81.8.27.7' LT.  
FULL DEPTH PAVEMENT  
BEGIN TAPER  
+77.1

TEMP. ESMT. (CONSTR.)

PERM. ESMT. (DRAINAGE)

PERM. ESMT. (DRAINAGE)



(38)

(38A)

TRIVESCO PROPERTIES LLC

CITY OF W.P.

ROUTE 763

CREAMERY ROAD

EXIST. R/W

S.L.

SAWCUT

(R) 6" SHOULDER

(R) 6" SHOULDER

LINE

MAN. SIGN

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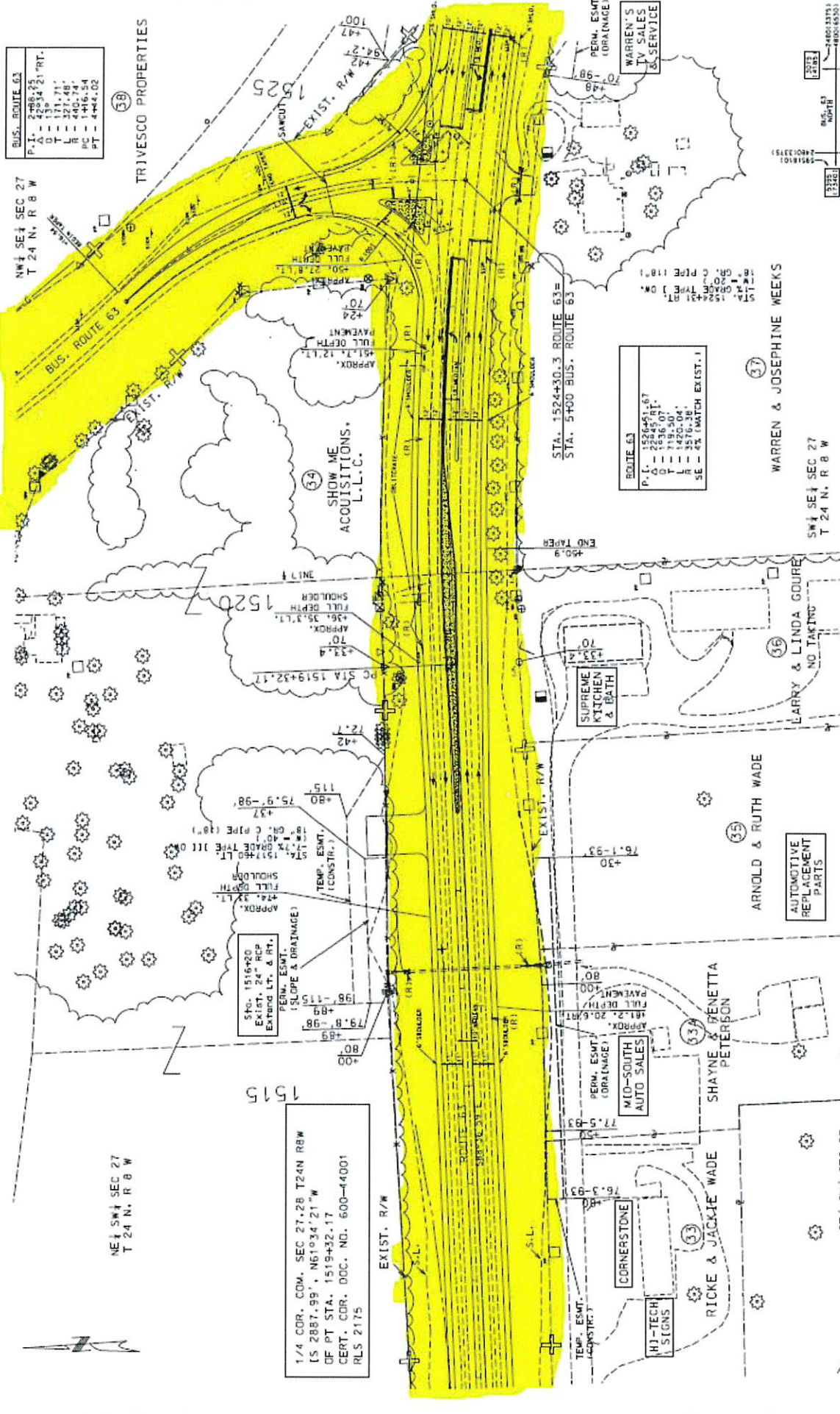
(R)

THIS MEASUREMENT  
SHOULD BE CONSIDERED  
AS A GENERAL  
DOCUMENT.

DATE PREPARED	11/21/2011
STATE	MO
COUNTY	HOWELL
PROJECT NO.	J992177
CONTRACT NO.	
PROJECT NO.	
DATE	

DESCRIPTION	
DATE	

MISSOURI HIGHWAYS AND TRANSPORTATION  
COMMISSION  
105 WEST CAPITOL  
JEFFERSON CITY, MO 65102



BUS. ROUTE 63

P.I.	288+25
Δ	150+24.21 RT.
T	171+71
L	327+48
R	440+74
PC	444+02
PT	444+02

TRIVESCO PROPERTIES

DATE PREPARED	11/21/2011
STATE	MO
COUNTY	HOWELL
PROJECT NO.	J992177
CONTRACT NO.	
PROJECT NO.	
DATE	

DESCRIPTION	
DATE	

WARREN'S  
TV SALES  
& SERVICE

DATE PREPARED	11/21/2011
STATE	MO
COUNTY	HOWELL
PROJECT NO.	J992177
CONTRACT NO.	
PROJECT NO.	
DATE	

NW 1/4 SEC 27  
T 24 N, R 8 W

NE 1/4 SEC 27  
T 24 N, R 8 W

SW 1/4 SEC 27  
T 24 N, R 8 W

WARREN & JOSEPHINE WEEKS

ARNOLD & RUTH WADE

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1/4 COR. COM. SEC 27-28 T24N R8W  
[S 2887.99', N61°34'21"W  
OF PT STA. 1519+32.17  
CERT. COR. DOC. NO. 600-4001  
RLS 2175

NE 1/4 SEC 27  
T 24 N, R 8 W

SW 1/4 SEC 27  
T 24 N, R 8 W

WARREN & JOSEPHINE WEEKS

ARNOLD & RUTH WADE

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