



# CITY OF CAPE GIRARDEAU, MISSOURI

## City Council Agenda

Bob Fox, Mayor  
Dan Presson, Ward 1  
Shelly Moore, Ward 2  
Victor R. Gunn, Ward 3  
Robbie Guard, Ward 4  
Ryan Essex, Ward 5  
Stacy Kinder, Ward 6

City Council Chambers  
City Hall  
401 Independence Street

Agenda Documents, Video  
Minutes, and Other Information  
[www.cityofcape.org/citycouncil](http://www.cityofcape.org/citycouncil)

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**May 20, 2019**  
**5:00 PM**

### **Invocation**

Pastor Zack Strong of Christ Church of the Heartland in Cape Girardeau

### **Pledge of Allegiance**

### **Study Session**

No action will be taken during the study session

### **Presentations**

- Public Works Week Proclamation
- Gun Violence Awareness Day Proclamation
- Healthy Communities Coalition - State of Our Health

### **Communications/Reports**

- City Council
- Staff

### **Items for Discussion**

- Planning and Zoning Commission Report
- Appearances regarding items not listed on the agenda

This is an opportunity for the City Council to listen to comments regarding items not listed on the agenda. The Mayor may refer any matter brought up to the City Council to the City Manager if action is needed. Individuals who wish to make comments must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes. The timer will buzz at the end of the speaker's time.

- Agenda review

## **Regular Session**

### **Call to Order/Roll Call**

### **Adoption of the Agenda**

### **Appearances regarding Items Listed on the Agenda**

Individuals who wish to make comments regarding items listed on the agenda must first be recognized by the Mayor or Mayor Pro Tem. Each speaker is allowed 5 minutes and must stand at the public microphone and state his/her name and address for the record. The timer will buzz at the end of the speaker's time.

### **Consent Agenda**

The Consent Agenda is a meeting method to make City Council meetings more efficient and meaningful to the members of the audience. All matters listed within the Consent Agenda have been distributed to each member of the Cape Girardeau City Council for reading and study, are considered to be routine, and will be enacted by one motion of the council with no separate discussion. Staff recommends approval of the Consent Agenda. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council.

1. Approval of the May 6, 2019, City Council regular session and closed session minutes.
2. BILL NO. 19-53, an Ordinance accepting Two Permanent Sewer and Utility Easements from Drury Properties, Inc., for Deerfield Estates Phase 2, in the City of Cape Girardeau, Missouri. Second and Third Readings.
3. BILL NO. 19-54, an Ordinance accepting four Permanent Sewer and Utility Easements for Kensington Place Phase One, in the City of Cape Girardeau, Missouri. Second and Third Readings.
4. BILL NO. 19-67, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 3269 Hopper Road, in the City and County of Cape Girardeau, Missouri, from R-1 to C-1. Second and Third Readings.
5. BILL NO. 19-68, an Ordinance approving the Record Plat of 1704 David Subdivision. Second and Third Readings.
6. BILL NO. 19-69, an Ordinance approving the Record Plat of C & T Seib Subdivision. Second and Third Readings.
7. BILL NO. 19-70, an Ordinance approving the Plat of Right of Way Dedication for an Extension of Walnut Street. Second and Third Readings.
8. BILL NO. 19-72, an Ordinance approving the Record Plat of The Estates at Hopper Crossing. Second and Third Readings.

9. BILL NO. 19-73, an Ordinance authorizing the Mayor to execute a Special Warranty Deed to Rhodes Properties, L.C. , for property along Southern Expressway Right of Way, in the City of Cape Girardeau, Missouri. Second and Third Readings.

10. BILL NO. 19-76, a Resolution acknowledging receipt of annexation petitions from various property owners and setting a public hearing regarding the proposed annexations. Reading and Passage.

11. BILL NO. 19-79, a Resolution authorizing the City Manager to execute a Performance Guarantee Agreement with Collins Mill Development Group, LLC, for Collins Mill Subdivision - Phase 3, in the City of Cape Girardeau, Missouri. Reading and Passage.

12. BILL NO. 19-85, a Resolution authorizing the City Manager to execute an application to the Missouri Department of Economic Development under the 2019 Community Facility Grant on behalf of the Community Caring Council, and to execute all necessary grant documents. Reading and Passage.

13. Approval of the Partial Release of Performance Guarantee Agreement for Deerfield Estates Phase 1.

14. Acceptance of public improvements to serve the 2200 Block of Walnut Street.

15. Acceptance of public improvements to serve Deerfield Estates Phase 1.

16. Acceptance of public improvements to serve Kensington Place Subdivision.

## **Items Removed from Consent Agenda**

### **New Ordinances**

17. BILL NO. 19-65, an Ordinance accepting Four Permanent Sanitary Sewer Easements for Deerfield Off Site, from Drury Southwest, Inc., in the City of Cape Girardeau, Missouri. First Reading.

18. BILL NO. 19-75, an Ordinance appropriating funds for certain grant funded expenditures for the fiscal year ending June 30, 2019. First Reading.

19. BILL NO. 19-77, an Ordinance authorizing the issuance of a Special Tax Bill for properties located at 2827 & 2829 South Sprigg Street, for the demolition of dangerous buildings under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri. First Reading.

20. BILL NO. 19-78, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Fences. First Reading.

21. BILL NO. 19-80, an Ordinance accepting a Temporary Construction Easement from D.L.G., LLC, for 1001 North Kingshighway for the Hopper Road Box Culvert Project, in the City of Cape Girardeau, Missouri. First Reading.

22. BILL NO. 19-81, an Ordinance accepting a General Warranty Deed for property located at 1237 Rear North Water Street, in the City of Cape Girardeau, Missouri. First Reading.

23. BILL NO. 19-82, an Ordinance accepting a Permanent Drainage Easement from DeJoy's of Shoney's, Inc., for 2640 Hopper Road, in the City of Cape Girardeau, Missouri. First Reading.

24. BILL NO. 19-83, an Ordinance approving the Record Plat of Jones Dunklin Subdivision. First Reading.

25. BILL NO. 19-84, an Ordinance approving the Record Plat of Collins Mill Subdivision - Phase 3. First Reading.

26. BILL NO. 19-86, an Ordinance accepting four Permanent Sanitary Sewer and Utility Easements for Kensington Place Phase One, from Drury Properties, Inc., and Drury Southwest, Inc., in the City of Cape Girardeau, Missouri. First Reading.

## **Appointments**

27. Appointments to the Board of Appeals

28. Appointments to the Historic Preservation Commission

29. Transportation Trust Fund (TTF ) Committee Appointments

## **Other Business**

## **Meeting Adjournment**

## **Closed Session**

The City Council of the City of Cape Girardeau, Missouri, may, as a part of a study session or regular or special City Council meeting, vote to hold a closed session to discuss issues listed in RSMo. Section 610.021, including but not limited to: legal actions, causes of legal action or litigation, leasing, purchasing or sale of real estate, hiring, firing, disciplining, personnel issues, or confidential or privileged communications with its attorneys.

## **Memos**

- Revenue and Expense Summaries for July 2018 - March 2019
- Delivery of 2019 - 2020 Proposed Budget

## **Advisory Board Minutes**

- Advisory Board Minutes

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**Staff:** Bruce Taylor, Deputy City Clerk  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

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**SUBJECT**

Approval of the May 6, 2019, City Council regular session and closed session minutes.

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">2019.05.06_RegularsessionMinutes.pdf</a>	Minutes 2019-05-06 regular session
<input type="checkbox"/> <a href="#">2019.05.06_ClosedSessionMinutes.pdf</a>	Minutes 2019-05-06 closed session

## STUDY SESSION – May 6, 2019

### NO ACTION TAKEN DURING THE STUDY SESSION

The Cape Girardeau City Council held a study session at the Cape Girardeau City Hall on Monday, May 6, 2019, starting at 5:00 p.m. Mayor Bob Fox and Council Members Ryan Essex, Robbie Guard, Victor Gunn, Stacy Kinder, Shelly Moore, and Dan Presson were present.

## REGULAR SESSION – May 6, 2019

### CALL TO ORDER

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, May 6, 2019, at 5:38p.m., with Mayor Bob Fox presiding and Council Members Ryan Essex, Robbie Guard, Victor Gunn, Stacy Kinder, Shelly Moore, and Dan Presson present.

### ADOPTION OF THE AGENDA

A Motion was made by Robbie Guard, Seconded by Ryan Essex to approve and adopt the Agenda.

Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

### PUBLIC HEARINGS

A public hearing to consider a request to rezone property at 3269 Hopper Road from R-1 (Single-Family Suburban Residential District) to C-1 (General Commercial District).

Mayor Bob Fox opened the Public Hearing.

Beth McFerron, the applicant and representative of the property owners (Armbruster) appeared in favor of the rezoning request.

There being no other appearances, the hearing was closed.

A public hearing to discuss an application to be submitted for the Fiscal Year 2019 Community Development Block Grant (CDBG) program, on behalf of the Community Caring Council, for funding to purchase and renovate a building located at 40 South Sprigg Street that will be utilized as a Community Caring Council support services center.

Mayor Bob Fox opened the Public Hearing.

Margaret Yates of Regional Planning Commission and Melissa Stickel of the Community Partners of Southeast Missouri, formerly known as, Community Caring Council appeared. Ms. Yates explained the application process, and that the City is the applicant/grantee and Community Partners of Southeast Missouri is the subgrantee. Ms. Stickel explained the plans for the use of the building, and how the building and location would better serve both the targeted clientele and the community as a whole.

Council Member Robbie Guard asked about the grant timeline and how competitive the grant process would be. Ms. Stickel responded that the application deadline is May 31, and the award announcement is scheduled for July 1. All CDBG grants are very competitive; however, the State is excited about this grant because it will be the first program for this type of use in the State of Missouri.

Regular

May 6, 2019

KK-232

Council Member Ryan Essex asked about the subgrantee's matching funds. Ms. Stickel responded that in the application process, the applicant has to demonstrate the ability to pay the required match. Some in-kind employee time will be used for part of the match, and they have been approved for a bank loan for the rest. That loan will then be paid with donations over time. There being no other appearances, the hearing was closed.

## APPEARANCES

None.

## CONSENT AGENDA

Approval of the April 1, 2019, City Council regular session and closed session minutes.

BILL NO. 19-55, an Ordinance approving and adopting fee increases for Parks and Recreation Department Services at the Cape Splash Family Aquatics Center, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-61, an Ordinance approving the Record Plat of Williamsburg Phase 4. Second and Third Readings.

BILL NO. 19-62, an Ordinance appropriating funds from the Parks and Recreation Fund for expenditures related to repairs and maintenance at the Cape Splash Family Aquatics Center, in the City of Cape Girardeau, Missouri. Second and Third Readings.

BILL NO. 19-64, an Ordinance calling an election in the City of Cape Girardeau, Missouri, on the question whether the City shall extend the existing sales tax of one-fourth of one percent for the purpose of funding capital improvements; designating the time of holding the election; authorizing and directing the City Clerk to give notice of the election. Second and Third Readings.

BILL NO. 19-71, a Resolution authorizing the City Manager to execute an agreement with Apex Paving Company for the 2019 Asphalt Overlay Program, in the City of Cape Girardeau, Missouri. Reading and Passage.

Acceptance of public improvements to serve Williamsburg Phase 4.

A Motion was made by Robbie Guard, Seconded by Ryan Essex to approve and adopt. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

Robbie Guard abstained for financial reasons, from Bill No. 19-61 and the Motion to accept public improvements to serve Williamsburg Phase 4, due to his employment with MRV Banks.

BILL NO. 19-55 will be Ordinance No. 5172; BILL NO. 19-61 will be Ordinance No. 5173; BILL NO. 19-62 will be Ordinance No. 5174; BILL NO. 19-64 will be Ordinance No. 5175; and BILL NO. 19-71 will be Resolution No. 3259.

## NEW ORDINANCES

BILL NO. 19-67, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 3269 Hopper Road, in the City and County of Cape Girardeau, Missouri, from R-1 to C-1. First Reading.

**Regular**

**May 6, 2019**

**KK-233**

A Motion was made by Robbie Guard, Seconded by Dan Presson to approve.  
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-68, an Ordinance approving the Record Plat of 1704 David Subdivision. First Reading.

A Motion was made by Dan Presson, Seconded by Stacy Kinder to approve.  
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-69, an Ordinance approving the Record Plat of C & T Seib Subdivision. First Reading.

A Motion was made by Ryan Essex, Seconded by Shelly Moore to approve.  
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-72, an Ordinance approving the Record Plat of The Estates at Hopper Crossing. First Reading.

A Motion was made by Robbie Guard, Seconded by Ryan Essex to approve.  
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-70, an Ordinance approving the Plat of Right of Way Dedication for an Extension of Walnut Street. First Reading.

A Motion was made by Ryan Essex, Seconded by Robbie Guard to approve.  
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-73, an Ordinance authorizing the Mayor to execute a Special Warranty Deed to Rhodes Properties, L.C. , for property along Southern Expressway Right of Way, in the City of Cape Girardeau, Missouri. First Reading.

A Motion was made by Dan Presson, Seconded by Stacy Kinder to approve.  
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-74, an Ordinance amending Chapter 26 of the Code of Ordinances of the City of Cape Girardeau. First, Second and Third Readings.

City Attorney Eric Cunningham was asked to explain the need for Bill No. 19-74. He responded that the Missouri Supreme Court had established a uniform fine schedule for offenses that do not require a court appearance. The schedule was issued on May 1, 2019, and it became effective on May 1, 2019. Staff is requesting an emergency reading of the Ordinance, because the Order is already in effect. This ordinance only affects parking tickets, because the City Code establishes the exact amount of the fines and City Code establishes the exact amount of the fines, and those are different from parking fines established in the new fine schedule. All other fines in the schedule are within the range of authority already given to the Municipal Judge.

A Motion was made by Robbie Guard, Seconded by Dan Presson to approve and adopt.  
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

Bill No. 19-74 will be Ordinance No. 5176.

Regular

May 6, 2019

KK-234

## OTHER BUSINESS

Mayor Bob Fox reported that possible members of the Transportation Trust Fund Committee have been identified from members of the Planning and Zoning Commission and other citizens. Appointment of the Transportation Trust Fund Committee will be brought to the City Council at the next Council Meeting.

## MEETING ADJOURNMENT

A Motion was made by Stacy Kinder, Seconded by Shelly Moore to adjourn from regular session and to convene to closed session for legal actions and litigation, and confidential communications with legal counsel, pursuant to RSMo. Section 610.021(1).

Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

The Regular Session ended at 5:55 p.m.

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Bob Fox, Mayor

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Bruce Taylor, Deputy City Clerk



**Staff:** Alexander S. McElroy,  
**Agenda:** Development Services Director  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-073**

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**SUBJECT**

An Ordinance accepting Permanent Sanitary Sewer and Utility Easements for Deerfield Estates Phase 2, located in the City of Cape Girardeau, MO from Drury Properties, Inc. a corporation located in the county of Greene, of the state of Missouri.

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**BACKGROUND/DISCUSSION**

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**FINANCIAL IMPACT**

Drury Properties, Inc. a corporation located in the county of Greene, of the state of Missouri and owners of Deerfield Estates have donated the permanent sanitary sewer and utility easements to the City of Cape Girardeau.

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**SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

The easements are necessary to grant the City the right to excavate, build, construct, operate, maintain, and repair the sanitary sewers and utilities and their related components in the easement areas.

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**STAFF RECOMMENDATION**

Staff recommends Council approve the attached Ordinance accepting Permanent Sanitary Sewer and Utility Easements for Deerfield Estates Phase 2, located in the city of Cape Girardeau, MO from Drury Properties, Inc. a corporation located in the county of Greene, of the state of Missouri.

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**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>Permanent Sewer and Utility Easements Deerfield (2).doc</u>	Ordinance
<input type="checkbox"/> <u>PSSU Easement 0-I55 0 Co Rd 313 91 (1).doc</u>	i55 0 co rd 313
<input type="checkbox"/> <u>PSSU Easement 0 CO RD 313.doc</u>	0 co rd 313

AN ORDINANCE ACCEPTING TWO PERMANENT SEWER AND UTILITY EASEMENTS FROM DRURY PROPERTIES, INC., FOR DEERFIELD ESTATES PHASE 2, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City of Cape Girardeau, Missouri, hereby accepts, and agrees to accept two Permanent Sewer and Utility Easements for Deerfield Estates Phase 2, from Drury Properties, Inc., in the City of Cape Girardeau, Missouri, described as follows:

Permanent Sewer and Utility Easement:

0 I-55 / 0 Co Rd 313

PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the northeast corner of Lot 88 of Deerfield Estates, Phase 1, in Document Number 2018-08851 of the Cape Girardeau County Land Records; thence North 77°58'42" West, 36.67 feet; thence North 55°13'58" West, 429.03 feet; thence North 64°11'49" East, 11.48 feet; thence South 55°13'58" East, 415.90 feet; thence North 34°46'02" East, 8.55 feet; thence South 77°58'42" East, 122.48 feet; thence North 09°15'55" East, 73.13 feet; thence South 80°44'05" East, 20.00 feet; thence South 09°15'55" West, 76.27 feet; thence South 77°58'42" East, 28.65 feet; thence North 02°09'44" East, 121.50 feet; thence South 87°50'16" East, 20.00 feet; thence South 02°09'44" West, 124.97 feet; thence South 77°58'42" East, 191.71 feet; thence South 21°17'13" East, 196.41 feet; thence South 68°42'47" West, 20.00 feet; thence North 21°17'13" West, 31.50 feet; thence South 77°58'42" East, 11.97 feet; thence North

21°17'13" West, 166.08 feet; thence North  
77°58'42" West, 201.47 feet; thence South  
12°01'18" West, 7.83 feet; thence North 77°58'42"  
West, 140.00 feet to the Point of Beginning and  
containing 15,912 square feet, more or less.

Permanent Sewer and Utility Easement:

0 CO RD 313

PART OF THE NORTHWEST QUARTER OF SECTION 27,  
TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH  
PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF  
CAPE GIRARDEAU, STATE OF MISSOURI, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the northeast corner of Lot 83 of  
Deerfield Estates, Phase 1, as recorded in  
Document Number 2018-08851 of the Cape Girardeau  
County Land Records; thence North 80°04'28" West,  
91.17 feet to the Point of Beginning, said point  
being the northeast corner of Kingston Avenue  
right-of-way; thence with said north right-of-  
way, along a curve concave to the northwest,  
having a radius of 1047.27 feet, a distance of  
13.18 feet (the chord of said arc bears South  
69°05'11" West a distance of 13.18 feet); thence  
leaving said right-of-way, North 02°55'36" West,  
213.97 feet; thence North 87°04'24" East, 20.00  
feet; thence South 02°55'36" East, 260.36 feet to  
a point on the north line of Lot 83 of said  
subdivision; thence with the north line of said  
lot, along a non-tangent curve concave to the  
southeast, having a radius of 22.00 feet, a  
distance of 22.68 feet (the chord of said arc  
bears South 30°17'33" West, a distance of 21.69  
feet); thence leaving said north line, and with  
the east right-of-way line of Chardonay Lane, as  
platted by said Deerfield Estates, Phase 1, North  
00°45'20" East, 68.75 feet to the Point of  
Beginning and containing 4,738 square feet, more  
or less.

ARTICLE 2. This ordinance shall be in full force and  
effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

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Bob Fox, Mayor

ATTEST:

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Gayle Conrad, City Clerk

**PERMANENT SEWER AND UTILITY EASEMENT**  
**0 I-55 / 0 Co Rd 313**

KNOW ALL MEN BY THESE PRESENTS: **Drury Properties, Inc., A Corporation** located in the **County Of Green, State Of Missouri**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the northeast corner of Lot 88 of Deerfield Estates, Phase 1, in Document Number 2018-08851 of the Cape Girardeau County Land Records; thence North 77°58'42" West, 36.67 feet; thence North 55°13'58" West, 429.03 feet; thence North 64°11'49" East, 11.48 feet; thence South 55°13'58" East, 415.90 feet; thence North 34°46'02" East, 8.55 feet; thence South 77°58'42" East, 122.48 feet; thence North 09°15'55" East, 73.13 feet; thence South 80°44'05" East, 20.00 feet; thence South 09°15'55" West, 76.27 feet; thence South 77°58'42" East, 28.65 feet; thence North 02°09'44" East, 121.50 feet; thence South 87°50'16" East, 20.00 feet; thence South 02°09'44" West, 124.97 feet; thence South 77°58'42" East, 191.71 feet; thence South 21°17'13" East, 196.41 feet; thence South 68°42'47" West, 20.00 feet; thence North 21°17'13" West, 31.50 feet; thence South 77°58'42" East, 11.97 feet; thence North 21°17'13" West, 166.08 feet; thence North 77°58'42" West, 201.47 feet; thence South 12°01'18" West, 7.83 feet; thence North 77°58'42" West, 140.00 feet to the Point of Beginning and containing 15,912 square feet, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

The undersigned covenant that he is the owner in fee simple of the above described property and has the legal right to convey same.

*[Remainder of page intentionally left blank. Signature page to follow]*

IN WITNESS WHEREOF, the undersigned has executed this easement this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**DRURY PROPERTIES, INC.**

\_\_\_\_\_

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF CAPE GIRARDEAU )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared, \_\_\_\_\_, who being by me duly sworn, did state that he is authorized to sign for **Drury Properties, Inc., A Corporation located in the County Of Green, State Of Missouri**, and that the within instrument was executed on behalf of \_\_\_\_\_, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

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

My Commission Expires:

\_\_\_\_\_

GIS COGO info

#	Description
1	Straight Direction: N 77-58-42 W Distance: 36.67
2	Straight Direction: N 55-13-58 W Distance: 429.03
3	Straight Direction: N 64-11-49 E Distance: 11.48
4	Straight Direction: S 55-13-58 E Distance: 415.9
5	Straight Direction: N 34-46-2 E Distance: 8.55
6	Straight Direction: S 77-58-42 E Distance: 122.48
7	Straight Direction: N 9-15-55 E Distance: 73.13
8	Straight Direction: S 80-44-5 E Distance: 20
9	Straight Direction: S 9-15-55 W Distance: 76.27
10	Straight Direction: S 77-58-42 E Distance: 28.65
11	Straight Direction: N 2-9-44 E Distance: 121.5
12	Straight Direction: S 87-50-16 E Distance: 20
13	Straight Direction: S 2-9-44 W Distance: 124.97
14	Straight Direction: S 77-58-42 E Distance: 191.71
15	Straight Direction: S 21-17-13 E Distance: 196.41
16	Straight Direction: S 68-42-47 W Distance: 20
17	Straight Direction: N 21-17-13 W Distance: 31.5
18	Straight Direction: S 77-58-42 E Distance: 11.97
19	Straight Direction: N 21-17-13 W Distance: 166.08
20	Straight Direction: N 77-58-42 W Distance: 201.47
21	Straight Direction: S 12-1-18 W Distance: 7.83
22	Straight Direction: N 77-58-42 W Distance: 140



**PERMANENT SEWER AND UTILITY EASEMENT  
0 CO RD 313**

KNOW ALL MEN BY THESE PRESENTS: **Drury Properties, Inc., A Corporation** located in the **County Of Green, State Of Missouri**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the northeast corner of Lot 83 of Deerfield Estates, Phase 1, as recorded in Document Number 2018-08851 of the Cape Girardeau County Land Records; thence North 80°04'28" West, 91.17 feet to the Point of Beginning, said point being the northeast corner of Kingston Avenue right-of-way; thence with said north right-of-way, along a curve concave to the northwest, having a radius of 1047.27 feet, a distance of 13.18 feet (the chord of said arc bears South 69°05'11" West a distance of 13.18 feet); thence leaving said right-of-way, North 02°55'36" West, 213.97 feet; thence North 87°04'24" East, 20.00 feet; thence South 02°55'36" East, 260.36 feet to a point on the north line of Lot 83 of said subdivision; thence with the north line of said lot, along a non-tangent curve concave to the southeast, having a radius of 22.00 feet, a distance of 22.68 feet (the chord of said arc bears South 30°17'33" West, a distance of 21.69 feet); thence leaving said north line, and with the east right-of-way line of Chardonnay Lane, as platted by said Deerfield Estates, Phase 1, North 00°45'20" East, 68.75 feet to the Point of Beginning and containing 4,738 square feet, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

The undersigned covenant that he is the owner in fee simple of the above described property and has the legal right to convey same.

*[Remainder of page intentionally left blank. Signature page to follow]*

IN WITNESS WHEREOF, the undersigned has executed this easement this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**DRURY PROPERTIES, INC.**

\_\_\_\_\_

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF CAPE GIRARDEAU )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared, \_\_\_\_\_, who being by me duly sworn, did state that he is authorized to sign for **Drury Properties, Inc., A Corporation located in the County Of Green, State Of Missouri**, and that the within instrument was executed on behalf of \_\_\_\_\_, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

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

My Commission Expires:

\_\_\_\_\_

**Staff:** Alexander S. McElroy,  
**Agenda:** Development Services Director  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-074**

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**SUBJECT**

An Ordinance accepting four Permanent Sanitary Sewer and Utility Easements for Kensington Place Phase One, located in the city of Cape Girardeau, MO from Drury Property, Inc. and Drury Southwest, Inc.

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**BACKGROUND/DISCUSSION**

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**FINANCIAL IMPACT**

The Drury owners of Kensington Place Phase One have donated the Permanent Sanitary Sewer and Utility Easements to the City of Cape Girardeau.

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**SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

The easements are necessary to grant the City the right to excavate, build, construct, operate, maintain, and repair the sanitary sewers and utilities and their related components in the easement areas.

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**STAFF RECOMMENDATION**

Staff recommends Council approve the attached Ordinance accepting Permanent Sanitary Sewer and Utility Easements for Kensington Place Phase One, located in the city of Cape Girardeau, MO from various property owners.

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**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>Permanent Sewer and Utility Easements (4) Kensington Place.doc</u>	Ordinance
<input type="checkbox"/> <u>PSSU Easement Deerfield Inc 0 Kingston North.doc</u>	0 Kingston North
<input type="checkbox"/> <u>PSSU Easement Deerfield Inc 0 Kingston South.doc</u>	0 Kingston South
<input type="checkbox"/> <u>PSSU Easement Deerfield Inc 535 Deerfield Ln.doc</u>	0 Deerfield 535 Deerfield
<input type="checkbox"/> <u>PSSU Easement 0 CO RD 313 6077 CO RD 313.doc</u>	0 Co Rd 313 & 6077 Co Rd 313

AN ORDINANCE ACCEPTING FOUR PERMANENT  
SEWER AND UTILITY EASEMENTS FOR  
KENSINGTON PLACE PHASE ONE, IN THE CITY  
OF CAPE GIRARDEAU, MISSOURI

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City of Cape Girardeau, Missouri, hereby accepts, and agrees to accept a Permanent Sewer and Utility Easement for Kensington Place Phase One, from Drury Southwest, Inc., in the City of Cape Girardeau, Missouri, described as follows:

Permanent Sewer and Utility Easement:  
0 Deerfield Ln / 535 Deerfield Ln

THAT PART OF U.S.P.S. 2241 AND A PROPERTY LISTED IN DEED BOOK 526 AT PAGE 532 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence, along the West line of said property, South 00°50'33" East, 811.67 feet, to a found Cotton Picker Spindle; Thence along the South line of said property North 89°10'16" East, 341.74 feet, to a found 1/2" iron rod; Thence, along the East line of said property, North 51°54'43" East, 349.18 feet, to the point of beginning: Thence North 51°54'39" East, 16.61 feet; Thence South 63°30'02" East, 41.87 feet; Thence North 54°55'06" East, 112.05 feet; Thence North 54°22'42" East, 345.90 feet; Thence North 39°51'19" East, 231.46 feet; Thence North 24°14'38" East, 207.06 feet; Thence South 89°11'25" West, 74.27 feet; Thence North 21°01'30" East, 16.16 feet; Thence North 89°11'25" East, 82.65 feet; Thence South 65°45'22" East, 13.32 feet; Thence South 24°14'38" West, 229.49 feet; Thence South 39°51'19" West, 236.75 feet; Thence South 54°22'42" West, 239.82 feet; Thence North

35°37'18" West, 5.00 feet; Thence South 54°22'42" West, 108.62 feet; Thence South 54°55'06" West, 125.03 feet; Thence South 59°00'01" West, 240.98 feet; Thence South 40°33'03" West, 39.27 feet; Thence South 25°34'20" West, 176.73 feet; Thence South 13°44'09" West, 385.45 feet; Thence South 30°31'37" East, 152.02 feet; Thence South 88°36'14" West, 17.17 feet; Thence North 30°31'37" West, 149.76 feet; Thence North 13°44'09" East, 393.10 feet; Thence North 25°34'20" East, 180.26 feet; Thence North 40°33'03" East, 43.68 feet; Thence North 59°00'01" East, 237.94 feet; Thence North 63°30'02" West, 40.49 feet to the point of beginning and containing 34,288 square feet, or 0.79 acres, more or less.

ARTICLE 2. The City of Cape Girardeau, Missouri, hereby accepts, and agrees to accept two Permanent Sewer and Utility Easements for Kensington Place Phase One, from Drury Properties, Inc., in the City of Cape Girardeau, Missouri, described as follows:

Permanent Sewer and Utility Easement:  
0 Kingston Ave South

THAT PART OF LOT #2 OF KENSINGTON PLACE - PHASE ONE AS RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, ALSO RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence North 00°50'33" West, 304.40 feet, to the point of beginning; Thence continue North 00°50'33" West, 10.00 feet; Thence North 89°01'02" East, 245.18 feet; Thence along the arc of a tangent curve to the left, having a radius of 125.00 feet and a length of 63.24 feet, ( the chord of said arc bears North 74°31'22" East, 62.57 feet); Thence North 60°01'42" East, 283.62 feet; Thence along the arc of a tangent curve to the right, having a radius of 40.00 feet and a length of 62.83 feet, ( the chord of said arc bears South 74°58'18" East, 56.57 feet); thence

South 29°58'18" East, 86.40 feet; Thence along the arc of a tangent curve to the right, having a radius of 59.50 and a length of 50.49 feet, ( the chord of said arc bears South 05°39'47" East, 48.99 feet); Thence South 60°01'42" West, 17.95 feet; Thence along the arc of a non-tangent curve to the Northwest, being concave to the Northeast, having a radius of 49.50 and a length of 55.64 feet, ( the chord of said arc bears North 02°13'56" East, 52.76 feet); Thence North 29°58'18" West, 86.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 30.00 feet and a length of 47.12 feet, ( the chord of said arc bears North 74°58'18" West, 42.43 feet); Thence South 60°01'42" West, 338.48 feet; Thence South 00°49'59" East, 280.96 feet; Thence South 30°16'17" East, 16.61 feet; Thence South 89°10'16" West, 28.13 feet; Thence North 30°16'17" West, 9.22 feet; Thence North 00°49'59" West, 297.01 feet; Thence South 89°01'02" West, 238.16 feet to the point of beginning and containing 15,585 square feet, or 0.36 acres, more or less.

Permanent Sewer and Utility Easement:

0 Kingston Ave North

THAT PART OF LOT 3 OF KENSINGTON PLACE - PHASE ONE AS RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY , MISSOURI, ALSO PART OF A PROPERTY RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence North 00°50'33" West, 364.40 feet, to the point of beginning; Thence North 00°50'33" West, 10.00 feet; Thence North 89°01'02" East, 245.03 feet; Thence along the arc of a curve to the left, having a radius of 65.00 feet and a length of 2.55 feet, (the chord of said arc bears North 87°53'42" East, 2.55 feet); Thence North 00°50'24" West, 20.01 feet; Thence North 89°09'36" East, 15.00 feet; Thence South

00°50'24" East, 17.61 feet; Thence along the arc of a non-tangent curve to the Northeast, being concave to the Northwest, having a radius of 65.00 feet and a length of 15.11 feet, ( the chord of said arc bears North 66°41'24" East, 15.08 feet); Thence North 60°01'42" East, 383.62 feet; Thence South 29°58'18" East, 50.00 feet; Thence North 60°01'42" East, 18.60 feet; Thence South 29°58'18" East, 20.00 feet; Thence South 60°01'42" West, 18.60 feet; Thence South 29°58'18" East, 116.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 49.50 feet and a length of 38.37 feet, (the chord of said arc bears South 52°10'49" East, 37.42 feet); Thence North 60°01'42" East, 186.73 feet; Thence South 29°58'18" East, 10.00 feet; Thence South 60°01'42" West, 190.71 feet; Thence along the arc of a non-tangent curve to the Northwest, being concave to the Northeast, having a radius of 59.50 feet and a length of 50.49 feet, (the chord of said arc bears North 54°16'50" West, 48.99 feet); Thence North 29°58'18" West, 176.40 feet; Thence South 60°01'42" West, 373.62 feet; Thence along the arc of a tangent curve to the right, having a radius of 75.00 feet and a length of 37.95 feet, (the chord of said arc bears South 74°31'22" West, 37.54 feet); Thence South 89°01'02 West, 245.05 feet to the point of beginning and containing 11,395 square feet, or 0.26 acres, more or less.

ARTICLE 3. The City of Cape Girardeau, Missouri, hereby accepts, and agrees to accept a Permanent Sewer and Utility Easement for Kensington Place Phase One, from Robert A. Drury Revocable Trust dated November 1, 1996, as amended, Robert A. Drury, Trustee, in the City of Cape Girardeau, Missouri, described as follows:

Permanent Sewer and Utility Easement:  
0 CO RD 313 & 6077 CO RD 313

THAT PART U.S.P.S. NO. 2241 AND PART OF A PROPERTY LISTED IN DEED DOCUMENT NO. 2006-12426 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence along the North line of said tract, North 89°10'16" East, 242.64 feet, to the point of beginning; Thence North 89°10'16" East, 28.13 feet; Thence South 30°16'17" East, 98.25 feet; Thence South 50°56'05" East, 141.64 feet; Thence South 11°18'51" East, 346.02 feet; Thence South 63°30'02" East, 160.24 feet; Thence South 51°54'39" West, 16.61 feet; Thence North 63°30'02" West, 160.46 feet; Thence North 11°18'51" West, 347.97 feet; Thence North 50°56'05" West, 131.29 feet; Thence South 20°47'29" East, 104.66 feet; Thence South 69°12'31" West, 15.00 feet; Thence North 20°47'29" West, 120.35 feet; Thence North 30°16'17" West, 104.05 feet to the point of beginning and containing 13,994 square feet, or 0.32 acres, more or less.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**PERMANENT SEWER AND UTILITY EASEMENT**  
**0 Kingston Ave North**

KNOW ALL MEN BY THESE PRESENTS: **Drury Properties, Inc., A Corporation** located in the County Greene, State Of Missouri, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

THAT PART OF LOT #2 OF KENSINGTON PLACE - PHASE ONE AS RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY , MISSOURI, ALSO RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence North 00°50'33" West, 304.40 feet, to the point of beginning; Thence continue North 00°50'33" West, 10.00 feet; Thence North 89°01'02" East, 245.18 feet; Thence along the arc of a tangent curve to the left, having a radius of 125.00 feet and a length of 63.24 feet, ( the chord of said arc bears North 74°31'22" East, 62.57 feet); Thence North 60°01'42" East, 283.62 feet; Thence along the arc of a tangent curve to the right, having a radius of 40.00 feet and a length of 62.83 feet, ( the chord of said arc bears South 74°58'18" East, 56.57 feet); thence South 29°58'18" East, 86.40 feet; Thence along the arc of a tangent curve to the right, having a radius of 59.50 and a length of 50.49 feet, ( the chord of said arc bears South 05°39'47" East, 48.99 feet); Thence South 60°01'42" West, 17.95 feet; Thence along the arc of a non-tangent curve to the Northwest, being concave to the Northeast, having a radius of 49.50 and a length of 55.64 feet, ( the chord of said arc bears North 02°13'56" East, 52.76 feet); Thence North 29°58'18" West, 86.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 30.00 feet and a length of 47.12 feet, ( the chord of said arc bears North 74°58'18" West, 42.43 feet); Thence South 60°01'42" West, 338.48 feet; Thence South 00°49'59" East, 280.96 feet; Thence South 30°16'17" East, 16.61 feet; Thence South 89°10'16" West, 28.13 feet; Thence North 30°16'17" West, 9.22 feet; Thence North 00°49'59" West, 297.01 feet; Thence South 89°01'02" West, 238.16 feet to the point of beginning and containing 15,585 square feet, or 0.36 acres, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.



**PERMANENT SEWER AND UTILITY EASEMENT**  
**0 Kingston Ave South**

KNOW ALL MEN BY THESE PRESENTS: **Drury Properties, Inc., A Corporation** located in the County Greene, State Of Missouri, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

THAT PART OF LOT #2 OF KENSINGTON PLACE - PHASE ONE AS RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY , MISSOURI, ALSO RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence North 00°50'33" West, 304.40 feet, to the point of beginning; Thence continue North 00°50'33" West, 10.00 feet; Thence North 89°01'02" East, 245.18 feet; Thence along the arc of a tangent curve to the left, having a radius of 125.00 feet and a length of 63.24 feet, ( the chord of said arc bears North 74°31'22" East, 62.57 feet); Thence North 60°01'42" East, 283.62 feet; Thence along the arc of a tangent curve to the right, having a radius of 40.00 feet and a length of 62.83 feet, ( the chord of said arc bears South 74°58'18" East, 56.57 feet); thence South 29°58'18" East, 86.40 feet; Thence along the arc of a tangent curve to the right, having a radius of 59.50 and a length of 50.49 feet, ( the chord of said arc bears South 05°39'47" East, 48.99 feet); Thence South 60°01'42" West, 17.95 feet; Thence along the arc of a non-tangent curve to the Northwest, being concave to the Northeast, having a radius of 49.50 and a length of 55.64 feet, ( the chord of said arc bears North 02°13'56" East, 52.76 feet); Thence North 29°58'18" West, 86.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 30.00 feet and a length of 47.12 feet, ( the chord of said arc bears North 74°58'18" West, 42.43 feet); Thence South 60°01'42" West, 338.48 feet; Thence South 00°49'59" East, 280.96 feet; Thence South 30°16'17" East, 16.61 feet; Thence South 89°10'16" West, 28.13 feet; Thence North 30°16'17" West, 9.22 feet; Thence North 00°49'59" West, 297.01 feet; Thence South 89°01'02" West, 238.16 feet to the point of beginning and containing 15,585 square feet, or 0.36 acres, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.



**PERMANENT SEWER AND UTILITY EASEMENT**  
**0 Deerfield Ln/535 Deerfield Ln**

KNOW ALL MEN BY THESE PRESENTS: **Drury Southwest, Inc., A Corporation** located in the County **Cape Girardeau, State Of Missouri**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

THAT PART OF U.S.P.S. 2241 AND A PROPERTY LISTED IN DEED BOOK 526 AT PAGE 532 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence, along the West line of said property, South 00°50'33" East, 811.67 feet, to a found Cotton Picker Spindle; Thence along the South line of said property North 89°10'16" East, 341.74 feet, to a found 1/2" iron rod; Thence, along the East line of said property, North 51°54'43" East, 349.18 feet, to the point of beginning: Thence North 51°54'39" East, 16.61 feet; Thence South 63°30'02" East, 41.87 feet; Thence North 54°55'06" East, 112.05 feet; Thence North 54°22'42" East, 345.90 feet; Thence North 39°51'19" East, 231.46 feet; Thence North 24°14'38" East, 207.06 feet; Thence South 89°11'25" West, 74.27 feet; Thence North 21°01'30" East, 16.16 feet; Thence North 89°11'25" East, 82.65 feet; Thence South 65°45'22" East, 13.32 feet; Thence South 24°14'38" West, 229.49 feet; Thence South 39°51'19" West, 236.75 feet; Thence South 54°22'42" West, 239.82 feet; Thence North 35°37'18" West, 5.00 feet; Thence South 54°22'42" West, 108.62 feet; Thence South 54°55'06" West, 125.03 feet; Thence South 59°00'01" West, 240.98 feet; Thence South 40°33'03" West, 39.27 feet; Thence South 25°34'20" West, 176.73 feet; Thence South 13°44'09" West, 385.45 feet; Thence South 30°31'37" East, 152.02 feet; Thence South 88°36'14" West, 17.17 feet; Thence North 30°31'37" West, 149.76 feet; Thence North 13°44'09" East, 393.10 feet; Thence North 25°34'20" East, 180.26 feet; Thence North 40°33'03" East, 43.68 feet; Thence North 59°00'01" East, 237.94 feet; Thence North 63°30'02" West, 40.49 feet to the point of beginning and containing 34,288 square feet, or 0.79 acres, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.



**PERMANENT SEWER AND UTILITY EASEMENT  
0 CO RD 313 & 6077 CO RD 313**

KNOW ALL MEN BY THESE PRESENTS: **ROBERT A. DRURY REVOCABLE TRUST** dated November 1, 1996, as amended, **ROBERT A. DRURY, TRUSTEE**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

THAT PART U.S.P.S. NO. 2241 AND PART OF A PROPERTY LISTED IN DEED DOCUMENT NO. 2006-12426 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence along the North line of said tract, North 89°10'16" East, 242.64 feet, to the point of beginning; Thence North 89°10'16" East, 28.13 feet; Thence South 30°16'17" East, 98.25 feet; Thence South 50°56'05" East, 141.64 feet; Thence South 11°18'51" East, 346.02 feet; Thence South 63°30'02" East, 160.24 feet; Thence South 51°54'39" West, 16.61 feet; Thence North 63°30'02" West, 160.46 feet; Thence North 11°18'51" West, 347.97 feet; Thence North 50°56'05" West, 131.29 feet; Thence South 20°47'29" East, 104.66 feet; Thence South 69°12'31" West, 15.00 feet; Thence North 20°47'29" West, 120.35 feet; Thence North 30°16'17" West, 104.05 feet to the point of beginning and containing 13,994 square feet, or 0.32 acres, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

The undersigned covenant that he is the owner in fee simple of the above described property and has the legal right to convey same.

*[Remainder of page intentionally left blank. Signature page to follow]*

IN WITNESS WHEREOF, the undersigned has executed this easement this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**ROBERT A. DRURY REVOCABLE TRUST dated November 1, 1996, as amended, ROBERT A. DRURY, TRUSTEE**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF CAPE GIRARDEAU )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared, \_\_\_\_\_, who being by me duly sworn, did state that he is authorized to sign for **ROBERT A. DRURY REVOCABLE TRUST dated November 1, 1996, as amended, ROBERT A. DRURY, TRUSTEE**, and that the within instrument was executed on behalf of \_\_\_\_\_, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

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

My Commission Expires:

\_\_\_\_\_

---

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-098**

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**SUBJECT**

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An Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 3269 Hopper Road, in the City and County of Cape Girardeau, Missouri, from R-1 to C-1.

**EXECUTIVE SUMMARY**

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The attached ordinance rezones property at 3269 Hopper Road from R-1 (Single-Family Suburban Residential District) to C-1 (General Commercial District). The City Council's public hearing on the rezoning request was held on May 6, 2019.

**BACKGROUND/DISCUSSION**

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An application has been submitted to rezone property at 3269 Hopper Road from R-1 (Single-Family Suburban Residential District) to C-1 (General Commercial District). The subject property contains a single-family dwelling, which will be vacated and demolished if the rezoning request is approved.

The immediately surrounding properties are zoned C-1 (General Commercial District) to the north, northwest, and west, and R-1 (Single-Family Suburban Residential District) to the southwest, south, and east. This area consists of developed and undeveloped commercial properties, churches, single-family dwellings, and public parks/open space. The Comprehensive Plan's Future Land Use and Infrastructure Map shows the subject property as Mixed Use.

An ordinance rezoning the property from R-1 to C-1 is attached. The City Council's public hearing on the rezoning request was held on May 6, 2019.

**SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

---

In considering a rezoning request, both the Planning and Zoning Commission and the City Council must determine if the proposed zoning district is reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties. The subject property is located at the intersection of Hopper Road and North Mt. Auburn Road. The other three properties at this intersection are zoned C-1. Given the location of the property at the intersection of two minor thoroughfares and the zoning of the other properties at the intersection, the proposed zoning district is reasonable and in reasonable conformity with the surrounding properties.

**STAFF RECOMMENDATION**

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The staff report to the Planning and Zoning Commission recommended approval of the rezoning request.

**BOARD OR COMMISSION RECOMMENDATION**

---

The Planning and Zoning Commission held a public hearing on April 10, 2019 and recommended approval of the rezoning request by a vote of 7 in favor, 0 in opposition, and 1 abstaining.

## PUBLIC OUTREACH

The City Council's public hearing was advertised in the Southeast Missourian on April 21, 2019. In addition, a sign containing the date, time, location and subject of the Planning and Zoning Commission and City Council public hearings was posted on the property. Notices were also mailed to the adjacent property owners.

### **ATTACHMENTS:**

Name:	Description:
<a href="#">3269 Hopper Road Rezone.doc</a>	Ordinance
<a href="#">Staff Review-Referral-Action Form.pdf</a>	3269 Hopper Road - Staff RRA Form
<a href="#">Map - Zoning - 3269 Hopper Road.pdf</a>	3269 Hopper Road - Zoning Map
<a href="#">Map - FLU- 3269 Hopper Road.pdf</a>	3269 Hopper Road - FLU Map
<a href="#">Application - 3269 Hopper Road Rezoning.pdf</a>	3269 Hopper Road - Application

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF PROPERTY LOCATED AT 3269 HOPPER ROAD, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO C-1

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WHEREAS, the City Planning and Zoning Commission has recommended rezoning all of the property described in Article 1 of this Ordinance from R-1, Single-Family Suburban Residential District, to C-1, General Commercial District; and

WHEREAS, Public Notice of such change was given as prescribed in Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, and a public hearing was held on Monday, May 6, 2019; and

WHEREAS, the City Council of the City of Cape Girardeau, Missouri, has elected to rezone the property described in Article 1 from R-1, Single-Family Suburban Residential District, to C-1, General Commercial District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby amended to change the zoning from the present R-1, Single-Family Suburban Residential District, to C-1, General Commercial District, for the following described property:

A parcel of land containing 1.423 acres, more or less, located in Out Lot No. 78B of U.S. Survey No. 2199, in Township 31 North, Range 13 East, described as follows:

Start at the Northwest corner of said Out Lot 78B; thence South 6 deg. 0 min. West along West line of said Survey No. 2199, 46.5 feet; thence South 81 deg. 20' East, 165.0 feet to a point in the South right-of-way line of Hopper Road for the point of beginning; thence continue South 81 deg. 20 min. East along said South line, 225.0 feet for a corner; thence South 8 deg. 54 min. East 246.1 feet for a corner; thence North 85 dcg. 30 min. West, 280.0 feet for a corner;

thence North 4 deg. 10 min. East, 255.7 feet to the point of beginning and contains 1.423 acres, more or less.

AND

A parcel of land containing 0.50 of an acre, more or less, located in Out Lot 78B, Survey No. 2199, Township 31 North, Range 13 East, described as follows:

Start at the northwest corner of said Out Lot 78B; thence South 6 deg. 0 min. West, 46.5 feet; thence South 81 deg. 20 min. East, 35.0 feet to the point of intersection of the east line of Mount Auburn Road with the south line of Hopper Road for the point of beginning; thence South 81 deg. 20 min. East, 130.0 feet to the northwest corner of a 1.423 acre parcel; thence South 4 deg. 10 min. West, along the west line of said parcel, 194.9 feet; thence North 87 deg. 50 min. West 135.8 feet to a point in the east line of Mount Auburn Road; thence North 6 deg. 0 min. East, along said east line 198.5 feet to the point of beginning.

AND

A parcel of land containing 0.66 of an acre, more or less, located in Out Lot 78B, Survey No. 2199, Township 31 North, Range 13 East, described as follows:

Start at the northwest corner of said Out Lot 78B; thence South 6 deg. 0 min. West, 46.5 feet; thence South 81 deg. 20 min. East, 35.0 feet to the point of intersection of the east line of Mount Auburn Road with the south line of Hopper Road for the point of beginning; thence South 81 deg. 20 min. East, 262.98 feet; then North 2 deg. 49 min. 36 sec. West, 18.7 feet; then North 84 deg. 33 min. 50 sec. West, 243.06 feet; then South 82 deg. 52 min West, 17.24 feet to the point of beginning.

ARTICLE 2. The City Council hereby finds and declares that the property described in Article 1 hereof is at the present time particularly suitable for the purposes and uses of the C-1,

General Commercial District, and that such changes authorized hereby are reasonable and in reasonable conformity with the existing uses and value of the immediately surrounding properties.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**CITY OF CAPE GIRARDEAU, MISSOURI**

City Staff Review, Referral and Action on Rezoning/Special Use Permit Application

FILE NO. 1383

LOCATION: 3269 Hopper Road

**STAFF REVIEW & COMMENTS:**

Beth McFerron, on behalf of Mary Armbruster, is requesting to rezone property at 3269 Hopper Road from the R-1 (Single-family Suburban Residential) district to the C-1 (General Commercial) district. SEE STAFF REPORT FOR FURTHER INFORMATION

By 82%.  
City Planner

3/28/19  
Date

W. ERIC JENNINGS  
City Attorney

MARCH 28, 2019  
Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

[Signature]  
City Manager

3-28-19  
Date

**Planning & Zoning Commission**

Public Hearing Sign Posting Date: \_\_\_\_\_ Public Hearing Date: 04/10/19

**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 7 Favor 0 Oppose 1 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

Kevin Greaser  
Kevin Greaser  
Planning & Zoning Commission Secretary

**City Council Action**

Posting Dates: Sign \_\_\_\_\_ Newspaper 4-21-19 Public Hearing Date: 5-6-19

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

VOTE COUNT: \_\_\_\_\_ Favor \_\_\_\_\_ Oppose \_\_\_\_\_ Abstain

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_



REZONING / SPECIAL USE PERMIT APPLICATION  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Property Address/Location <i>3269 Hopper St. Cape Girardeau MO 63701</i>			
Applicant <i>Beth M. Johnson for Armbruster family</i>		Property Owner of Record (if other than Applicant) <i>Mary J. Armbruster</i>	
Mailing Address <i>3269 Hopper Cape Girardeau</i>	City, State, Zip <i>MO 63701</i>	Mailing Address <i>3269 Hopper Cape Girardeau</i>	City, State, Zip <i>MO</i>
Telephone <i>(573) 270-9575</i>	Email <i>beth@tmreality.com</i>	Telephone	Email <i>jcrites@semo.edu</i>
Contact Person (If Applicant is a Business or Organization) <i>Beth M. Johnson</i>		(Attach additional owners information, if necessary)	
Type of Request: <u>Rezoning</u> , Special Use Permit, or Both <i>C-1</i>			
Existing Zoning District <i>R-1</i>		Proposed Zoning District (Rezoning requests only) <i>C-1</i>	
Legal description of property to be rezoned and/or upon which the special use is to be conducted <i>attached</i>			

Describe the proposed use of the property.

*This business is an oral & maxillofacial surgery that focuses on treating patients from birth to end of life with head, face and neck clinical needs. They provide surgical services as well as non-surgical for skin care, sleep apnea treatment, cancer treatment, tooth extraction, dental implants, cosmetic surgery, trauma & reconstruction and congenital facial deformity treatment among others.*

Application continues on next page

OFFICE USE ONLY		
Date Received & By <i>3/20/19</i>	File No. <i>1383</i>	MUNIS Application No. <i>8640</i>
Planning & Zoning Commission Recommendation	Date	
City Council Final Action	Date	

**Special Use Criteria (Special Use Permit requests only)**

Explain how the Special Use Permit request meets the criteria below. Attach additional sheets, if necessary.

- 1) The proposed special use will not substantially increase traffic hazards or congestion.
- 2) The proposed special use will not substantially increase fire hazards.
- 3) The proposed special use will not adversely affect the character of the neighborhood.
- 4) The proposed special use will not adversely affect the general welfare of the community.
- 5) The proposed special use will not overtax public utilities.

**ADDITIONAL ITEMS REQUIRED**

See Instructions for more information.

In addition to this completed application form, the following items must be submitted:

- Application fee (\$135.00 payable to City of Cape Girardeau + additional \$80 for Planned Development rezonings)
- One (1) list of names and mailing addresses of adjacent property owners
- One (1) set of mailing envelopes, stamped and addressed to adjacent property owners
- One (1) full size copy of a plat or survey of the property, if available
- One (1) full size set of plans, drawn to an appropriate scale, depicting existing features to be removed, existing features to remain, and all proposed features such as: buildings and structures, paved areas, curbing, driveways, parking stalls, trash enclosures, fences, retaining walls, light poles, detention basins, landscaping areas, freestanding signs, etc. (Planned Development rezonings and Special Use Permits only)
- Digital file of the plans in .pdf format (Planned Development rezonings and Special Use Permits only; can be emailed)
- One (1) set of Planned Development documents (Planned Development rezonings only)

*will get*

**CERTIFICATIONS**

The undersigned hereby certifies that:

- 1) They are the Property Owner(s) of Record for the property described in this application;
- 2) They acknowledge that an approved Special Use Permit becomes null and void if the use for which the permit was granted does not commence within twelve (12) months of the approval date, unless an extension has been granted; and
- 3) They acknowledge that they are responsible for ensuring that all required licenses and permits are obtained prior to commencing any use or work on the property.

WAYNE ARMBRUSTER

Property Owner of Record Signature and Printed Name

3/20/19  
Date

(Provide additional owners signatures and printed names in the space below, if applicable)

JUAN CRITES Thomas H. ARMBRUSTER

The undersigned hereby certifies that they are an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf, and that the Property Owner(s) of Record hereby agree to the above certifications.

Elizabeth (Beth) McFerron  
Applicant Signature and Printed Name

3/20/19  
Date

Elizabeth (Beth) McFerron

## QUIT-CLAIM DEED

013456

*THIS INDENTURE*, Made on the 18th day of October, A.D., One Thousand Nine Hundred and Ninety-Four, by and between **JOSEPH W. ARMBRUSTER AND MARY G. ARMBRUSTER**, Trustees of the Armbruster Revocable Living Trust Agreement dated June 30, 1988, of the County of Cape Girardeau, State of Missouri, parties of the first part, and **MARY G. ARMBRUSTER**, Trustee of the Mary G. Armbruster Revocable Living Trust dated October 18, 1994, and of the County of Cape Girardeau, State of Missouri, party of the second part, whose mailing address is 3269 Hopper Road, Cape Girardeau, Missouri, 63701.

*WITNESSETH*, THAT THE SAID PARTIES OF THE FIRST PART, in consideration of the sum of Ten Dollars and Other Good and Valuable Consideration to them paid by the said party of the second part, the receipt for which is hereby acknowledged, do, by these presents, REMISE, RELEASE and FOREVER QUIT-CLAIM unto the said party of the second part, the following described lots, tracts or parcels of land, lying, being and situate in the County of Cape Girardeau, and State of Missouri to wit:

A parcel of land containing 1.423 acres, more or less, located in Out Lot No. 78B of U.S. Survey No. 2199, in Township 31 North, Range 13 East, described as follows:

Start at the Northwest corner of said Out Lot 78B; thence South 6 deg. 0 min. West along West line of said Survey No. 2199, 46.5 feet; thence South 81 deg. 20' East, 165.0 feet to a point in the South right-of-way line of Hopper Road for the point of beginning; thence continue South 81 deg. 20 min. East along said South line, 225.0 feet for a corner; thence South 8 deg. 54 min. East 246.1 feet for a corner; thence North 85 deg. 30 min. West, 280.0 feet for a corner; thence North 4 deg. 10 min. East, 255.7 feet to the point of beginning and contains 1.423 acres, more or less.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and

GENERAL WARRANTY DEED

BOOK 0320 PAGE 947  
004081

THIS INDENTURE, Made on the 13 day of MARCH, 1998,  
by and between MARY G. ARMBRUSTER, TRUSTEE OF THE MARY G.  
ARMBRUSTER REVOCABLE LIVING TRUST, Party of the First Part, and the CITY  
OF CAPE GIRARDEAU, MISSOURI, a Municipal Corporation, of the County of Cape  
Girardeau, in the State of Missouri, Party of the Second Part: 401 Independence, Cape  
Girardeau, Missouri 63703.

WITNESSETH, That the said party of the First Part, in consideration of the sum of  
Ten Dollars (\$10.00) and other good and valuable consideration, to them paid by the said  
party of the Second Part, the receipt of which is hereby acknowledged, does by these  
presents, Grant, Bargain and Sell, Convey and Confirm, unto the said party of the Second  
part, its successors and assigns, the following described Lots, Tracts or parcels of Land,  
lying, being and situate in the County of Cape Girardeau and State of Missouri, to-wit:

**THAT PART OF OUTLOT 78A AND 78B, IN UNITED STATES  
PRIVATE SURVEY 2199, IN TOWNSHIP 31 NORTH, RANGE 13 EAST,  
IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF  
MISSOURI:**

Commence at the Southwest Corner of said Outlot 78A; thence South 83 degrees 09'  
37" East, along the South line of said Outlot 78A, 54.15 feet, to Missouri State Plane  
Coordinate Northing 543177.67 and Easting 1090018.89, the place of beginning;  
thence South 04 degrees 44' 36" West, 53.60 feet; thence North 49 degrees 59' 36"  
East, 28.16 feet; thence South 84 degrees 45' 24" East, 1243.06 feet; thence South 05  
degrees 14' 36" West, 14.93 feet; thence South 47 degrees 53' 12" East, 25.11 feet, to  
Missouri State Plane Coordinate Northing 543086.49 and Easting 1090294.86;  
thence South 84 degrees 45' 24" East, 56.66 feet; thence North 11 degrees 46' 01"  
West 57.08 feet; thence South 83 degrees 09' 37" East, 27.54 feet; thence North 05  
degrees 38' 19" East, 66.18 feet; thence North 84 degrees 45' 24" West, 107.94 feet;  
thence South 83 degrees 56' 01" West, 101.98 feet; thence North 84 degrees 45' 24"  
West, 143.76 feet; thence South 04 degrees 44' 36" West, 36.40 feet to the place of  
beginning and containing 0.67 acres, more or less.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights,  
privilege, appurtenances and immunities thereto belonging or in anywise appertaining unto  
the said party of the Second Part, and unto its successors and assigns, FOREVER, the said  
party of the First Part hereby covenanting that they are lawfully seized of an indefeasible  
Estate in Fee in the premises herein conveyed; that they have good right to convey the same;  
that the said premises are free and clear of any encumbrance done or suffered by them or  
those under whom they claim, and that they will WARRANT AND DEFEND the title to  
the said premises unto the said party of the Second Part, and unto its successors and assigns,  
FOREVER, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the First Part have hereunto set their  
hand the day and year first above written.

Re:

ARMBRUSTER'S PROPERTY  
FOR RE-ZONING  
C-1

3269 HOPPER ST.

CAPE GIRARDEAU, MO 63701

Names for properites owners adjacent to property

North West corner  
Ford Investments Parnership LC  
1001 N. Mount Aubrun Rd.  
Cape Girardeau, MO 63701.

South East  
Mt. Auburn Christian  
930 N. Mount Auburn  
Cape Girardeau, MO 63701

South West  
Bennett Denistry *989 mt. Auburn*  
Ross Bennett  
3 Starwood Dr.  
Cape Girardeau, MO

Hopper  
City of Cape Girardeau

Hopper/Mt. Auburn (NE corner)  
Armbruster property

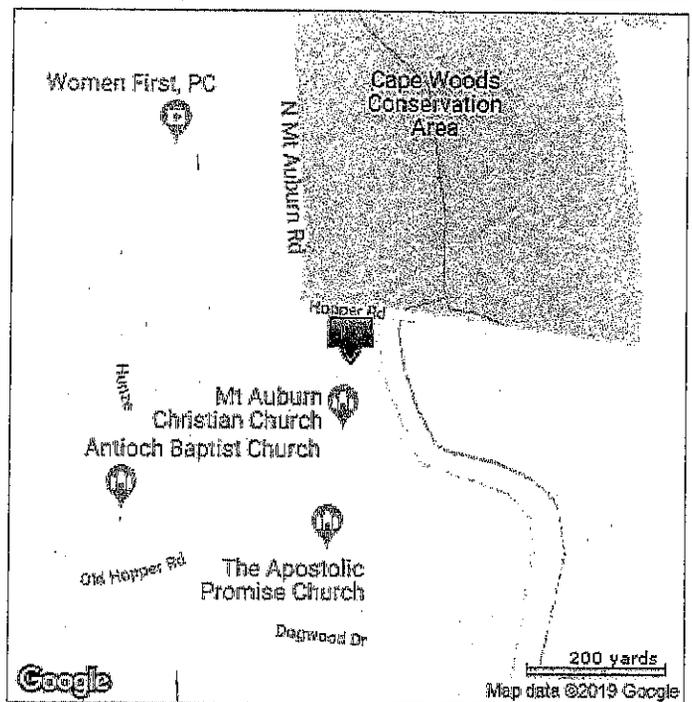
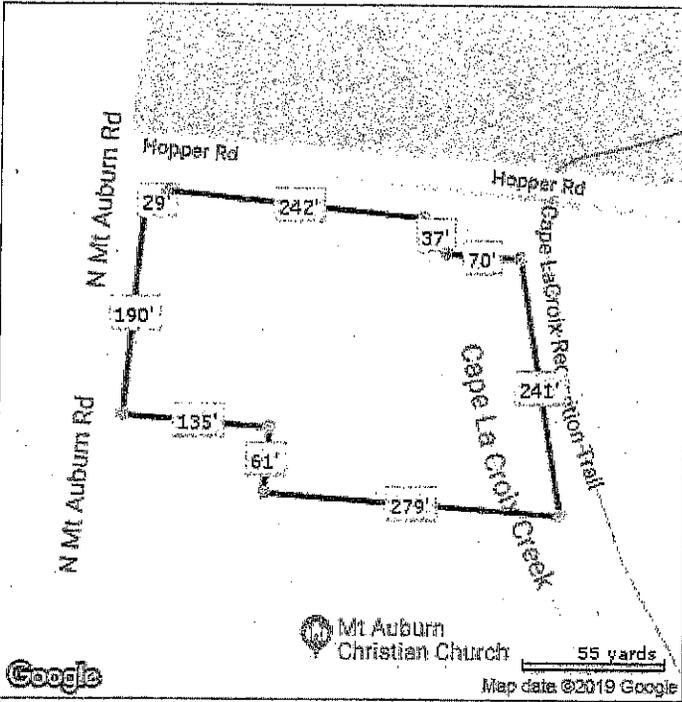
210

- (2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.
- (3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

### Last Market Sale & Sales History

Owner Name: **Armbruster Mary G**

### Property Map

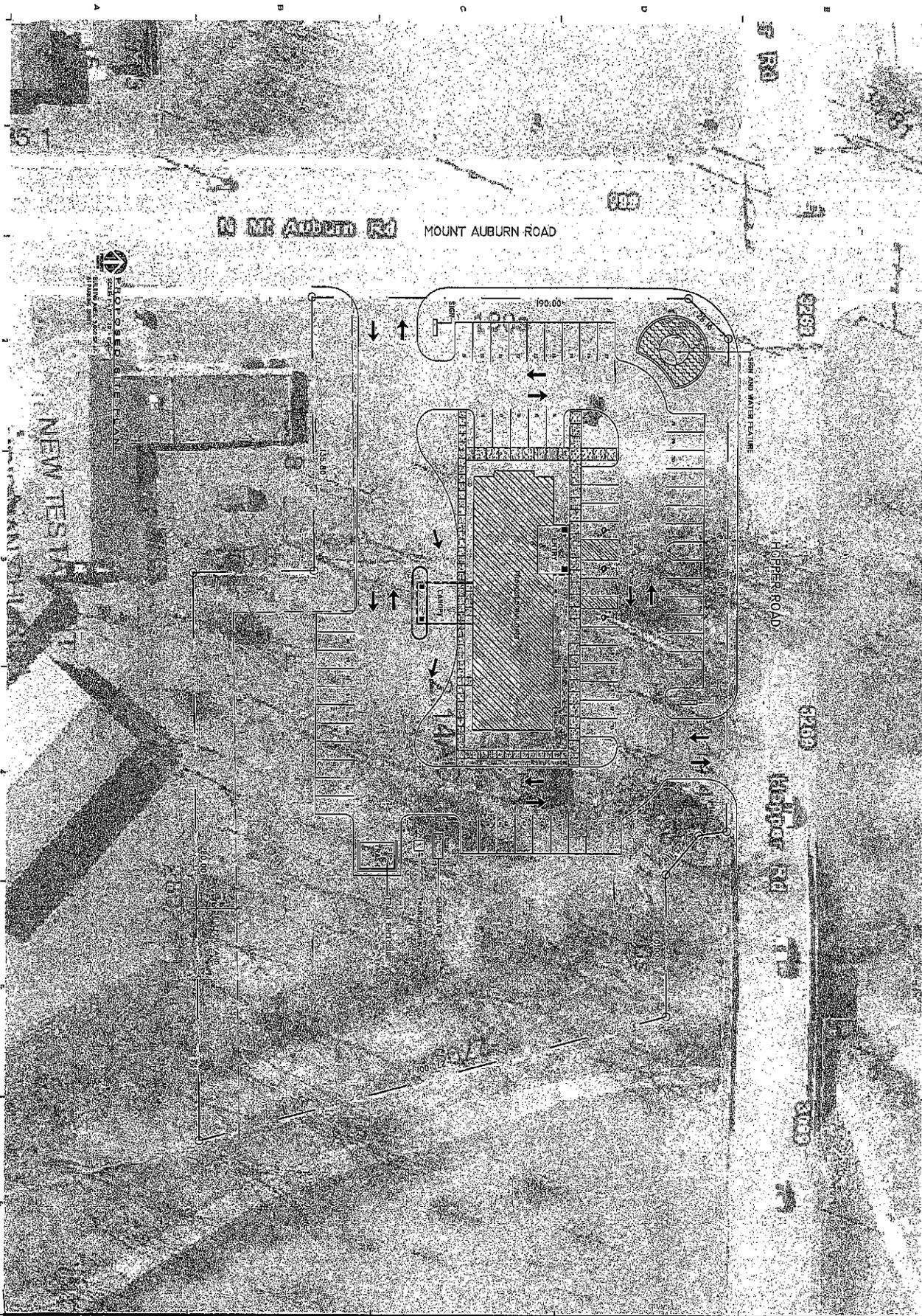


\*Lot Dimensions are Estimated

Courtesy of Elizabeth McFerron, Mid America Regional Info Systems

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report with the applicable county or municipality.

### Property Detail



C11

PHILLIP B. SMITH ARCHITECT  
 637 TRUNK STREET  
 PHILIPPSBURG, MISSOURI 65750  
 PHILLIP@PHILLIPBSMITHARCHITECT.COM

PROJECT NO. 10-000  
 DATE: 03/02/10  
 DRAWN BY: JMS  
 CHECKED BY: JMS  
 PROJECT: SE MISSOURI ORAL & MAXILLOFACIAL SURGERY  
 NEW BUILDING  
 637 TRUNK STREET  
 PHILIPPSBURG, MISSOURI 65750

NO.	DATE	DESCRIPTION
1	03/02/10	PRELIMINARY
2		
3		
4		
5		
6		
7		
8		
9		
10		

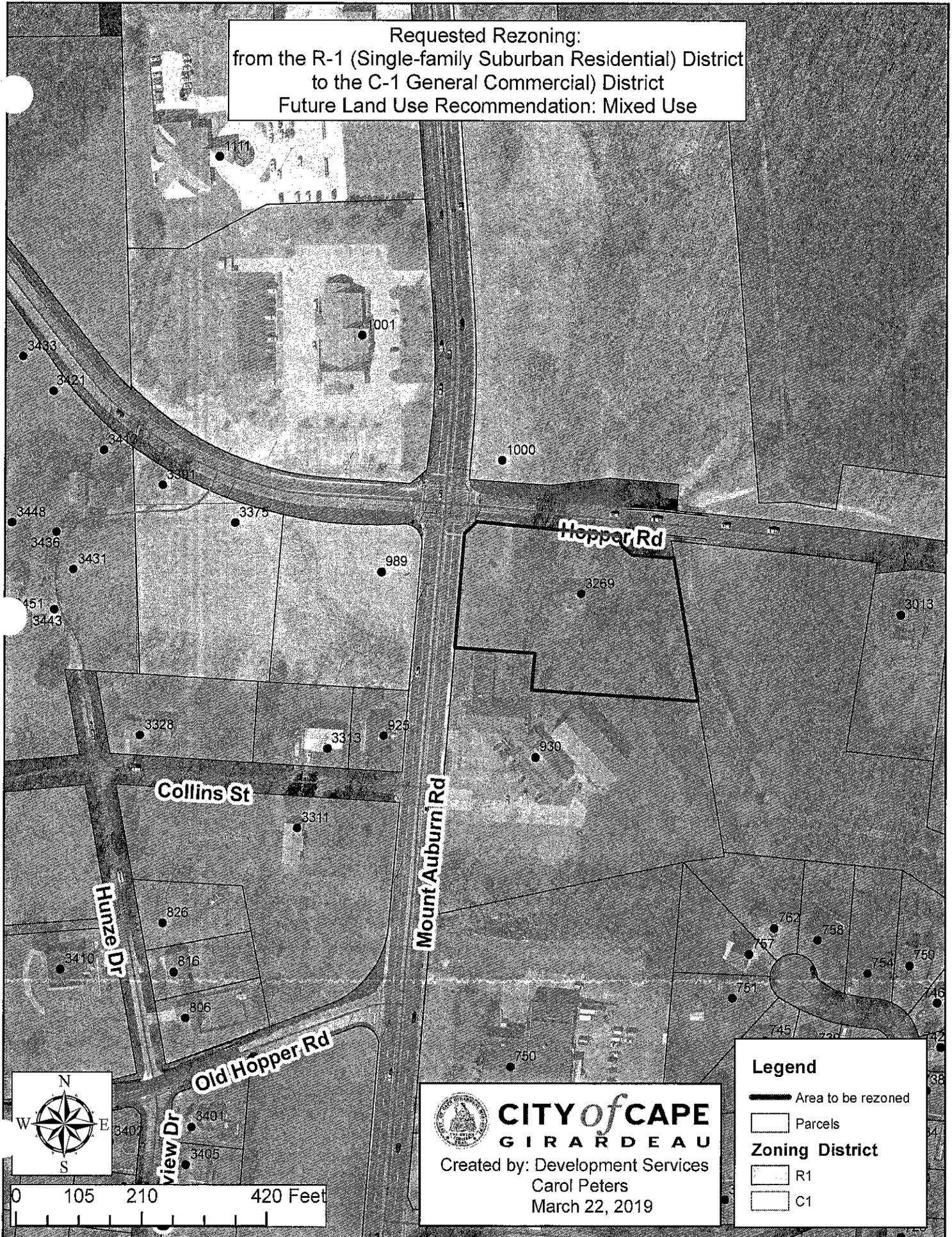
Southeast Missouri Oral & Maxillofacial Surgery  
 New Building  
 Mount Auburn Road and Hopper Road  
 Cape Girardeau, Missouri

PHILLIP B. SMITH ARCHITECT  
 637 TRUNK STREET  
 PHILIPPSBURG, MISSOURI 65750

Phillip B. Smith  
 ARCHITECT LLC  
 637 Trunk Street  
 Cape Girardeau, Missouri 63701  
 Phone: 314.681.1981  
 philip@phillipbsmitharchitect.com

# Rezoning Request - 3269 Hopper Road

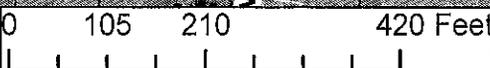
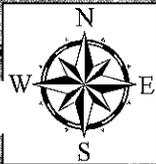
Requested Rezoning:  
from the R-1 (Single-family Suburban Residential) District  
to the C-1 General Commercial) District  
Future Land Use Recommendation: Mixed Use



**Legend**

- Area to be rezoned
- Parcels
- Zoning District**
- R1
- C1

 **CITY of CAPE GIRARDEAU**  
Created by: Development Services  
Carol Peters  
March 22, 2019



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-099**

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**SUBJECT**

An Ordinance approving the Record Plat of 1704 David Subdivision.

---

**EXECUTIVE SUMMARY**

The attached ordinance approves a record plat for combining two tracts at 1704 David Street.

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**BACKGROUND/DISCUSSION**

A record plat has been submitted for 1704 David Subdivision, located at 1704 David Street. The property is zoned R-1 (Single-Family Suburban Residential). The plat combines two tracts to form one new lot. The plat shows variances for reduced lot area and width. Staff supports the variances due to this being an existing parcel with no additional land available. The plat also shows an exception for the omission of the required 10 foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required.

---

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

---

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its April 10, 2019 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Record Plat 1704 David Subdivision.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Staff Review-Referral-Action Form.pdf</a>	1704 David Subdivision - Staff RRA Form
<input type="checkbox"/> <a href="#">Map - 1704 David Subdivision.pdf</a>	1704 David Subdivision - Map
<input type="checkbox"/> <a href="#">Application - 1704 David Subdivision Record Plat.pdf</a>	1704 David Subdivision - Application
<input type="checkbox"/> <a href="#">boundary - summit david st 04-11-19.pdf</a>	1704 David Subdivision - Record Plat

BILL NO. 19-68

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD PLAT OF  
1704 DAVID SUBDIVISION

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The record plat of 1704 David Subdivision, being a resubdivision of part of Lots 1 and 26 in Block 9 of Suburban Heights as recorded in Plat Book 6 at Page 16 of the County Land Records, in the City and County of Cape Girardeau, State of Missouri, submitted by H & H Investments & Holdings, LLC, bearing the certification of Rodney W. Amos, a Registered Land Surveyor, dated the 18th day of April, 2019, including all variances and exceptions, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

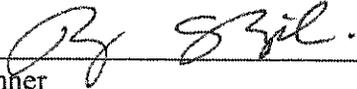
**CITY OF CAPE GIRARDEAU, MISSOURI**  
City Staff Review, Referral and Action - Subdivision Application

FILE: 1704 David Subdivision

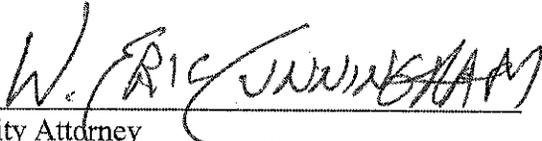
LOCATION: 1704 David Street

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted which combines two (2) lots into one parcel at 1704 David Street. SEE STAFF REPORT FOR MORE DETAILS.

  
\_\_\_\_\_  
City Planner

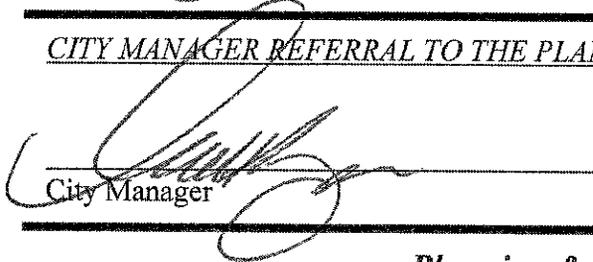
3/28/19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney

MARCH 28, 2019  
\_\_\_\_\_  
Date

---

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
\_\_\_\_\_  
City Manager

3/28/19  
\_\_\_\_\_  
Date

---

**Planning & Zoning Commission**

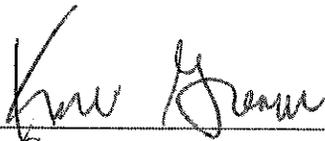
**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor      0 Oppose      0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

  
\_\_\_\_\_  
Kevin Greaser  
Planning & Zoning Commission Secretary

---

**City Council Action**

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

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# 1704 David Subdivision



David St

Lynnwood Dr

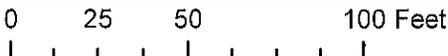
Lynnwood Dr

Albert Rasche Dr



**CITY of CAPE GIRARDEAU**

Created by: Development Services  
Carol Peters  
March 8, 2019



### Legend

- Parcels
- Lot Line



**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

<b>Name of Subdivision</b> 1704 David Subdivision		<b>Type of Plat: Preliminary, Record, or Boundary Adjustment</b> Record Plat	
<b>Applicant</b> H&H Investments & Holdings, LLC		<b>Property Owner of Record (if other than Applicant)</b>	
<b>Mailing Address</b> 1266 Kingsway Dr.	<b>City, State, Zip</b> Cape Girardeau Mo 63701	<b>Mailing Address</b>	<b>City, State, Zip</b>
<b>Telephone</b> 573-579-2176	<b>Email</b>	<b>Telephone</b>	<b>Email</b>
<b>Contact Person (if Applicant is a Business or Organization)</b> Tom Hammontree		<i>(Attach additional owners information, if necessary)</i>	
<b>Professional Engineer/Surveyor (if other than Applicant)</b> Rodney Amos		<b>Developer (if other than Applicant)</b> Summit Contracting	
<b>Mailing Address</b> 194 Coker Ln.	<b>City, State, Zip</b> Cape Girardeau, MO, 63701	<b>Mailing Address</b> 2722 Co Rd 318	<b>City, State, Zip</b> Cape Girardeau Mo 63701
<b>Telephone</b> 573-335-3026	<b>Email</b> ramos@koehlerengineering.com	<b>Telephone</b> 275-1110	<b>Email</b> summitcontracting05@gmail.com

**ADDITIONAL ITEMS  
REQUIRED**

*See Instructions for more information.*

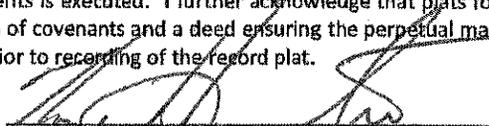
- In addition to this completed application form, the following items must be submitted:
- Review Fee (payable to City of Cape Girardeau)
    - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
    - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
    - Non-Residential : \$20.00 per acre (\$100.00 minimum)
  - Recording Fee Deposit (payable to City of Cape Girardeau)
 

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

*(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)*
  - Two (2) full size prints of the plat
  - Digital file of the plat in .pdf format (can be emailed)

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

  
 Applicant Signature and Printed Name

3-6-2019  
 Date

<b>OFFICE USE ONLY</b>	
Date Received & By <u>3-8-19 cp</u>	MUNIS Application No. <u>8592</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-100**

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**SUBJECT**

An Ordinance approving the Record Plat of C & T Seib Subdivision.

---

**EXECUTIVE SUMMARY**

The attached ordinance approves a record plat for combining two tracts at 1615 Madison Street.

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**BACKGROUND/DISCUSSION**

A record plat has been submitted for C & T Seib Subdivision, located at 1615 Madison Street. The property is zoned R-1 (Single-Family Suburban Residential). The plat combines two (2) tracts to form one (1) new lot. The plat shows an exception for the omission of the required ten (10) foot utility easement along the front and rear lot lines. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required.

---

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

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**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its April 10, 2019 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Record Plat C &amp; T Seib Subdivision.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Staff Review-Referral-Action Form.pdf</a>	C & T Seib Subdivision - Staff RRA Form
<input type="checkbox"/> <a href="#">Map - C &amp; T Seib Subdivision.pdf</a>	C & T Seib Subdivision - Map
<input type="checkbox"/> <a href="#">Application - C &amp; T Seib Subd Record Plat.pdf</a>	C & T Seib Subdivision - Application
<input type="checkbox"/> <a href="#">s19020-REVISED.pdf</a>	C & T Seib Subdivision - Record Plat

BILL NO. 19-69

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD PLAT OF  
C & T SEIB SUBDIVISION

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The record plat of C & T Seib Subdivision, being a re-subdivision of Lot Nos. 8 & 9, Grants Subdivision as recorded in Plat Book No. 5 at Page No. 6 of the land records of the County Recorders office, City and County of Cape Girardeau, State of Missouri, submitted by Brolan Properties, LLC, and 1615 Madison, LLC, bearing the certification of R. Christopher Bowen, a Registered Land Surveyor, dated the 10th day of April, 2019, including all variances and exceptions, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**CITY OF CAPE GIRARDEAU, MISSOURI**  
 City Staff Review, Referral and Action - Subdivision Application

FILE: C & T Seib Subdivision

LOCATION: 1615 Madison Street

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted which combines two (2) lots into one parcel at 1615 Madison Street. SEE STAFF REPORT FOR MORE DETAILS.

By SJC  
 City Planner

3/28/19  
 Date

W. ERIC SWANSON  
 City Attorney

MARCH 28, 2019  
 Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

[Signature]  
 City Manager

3/28/19  
 Date

**Planning & Zoning Commission**

**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 4 Favor      0 Oppose      0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

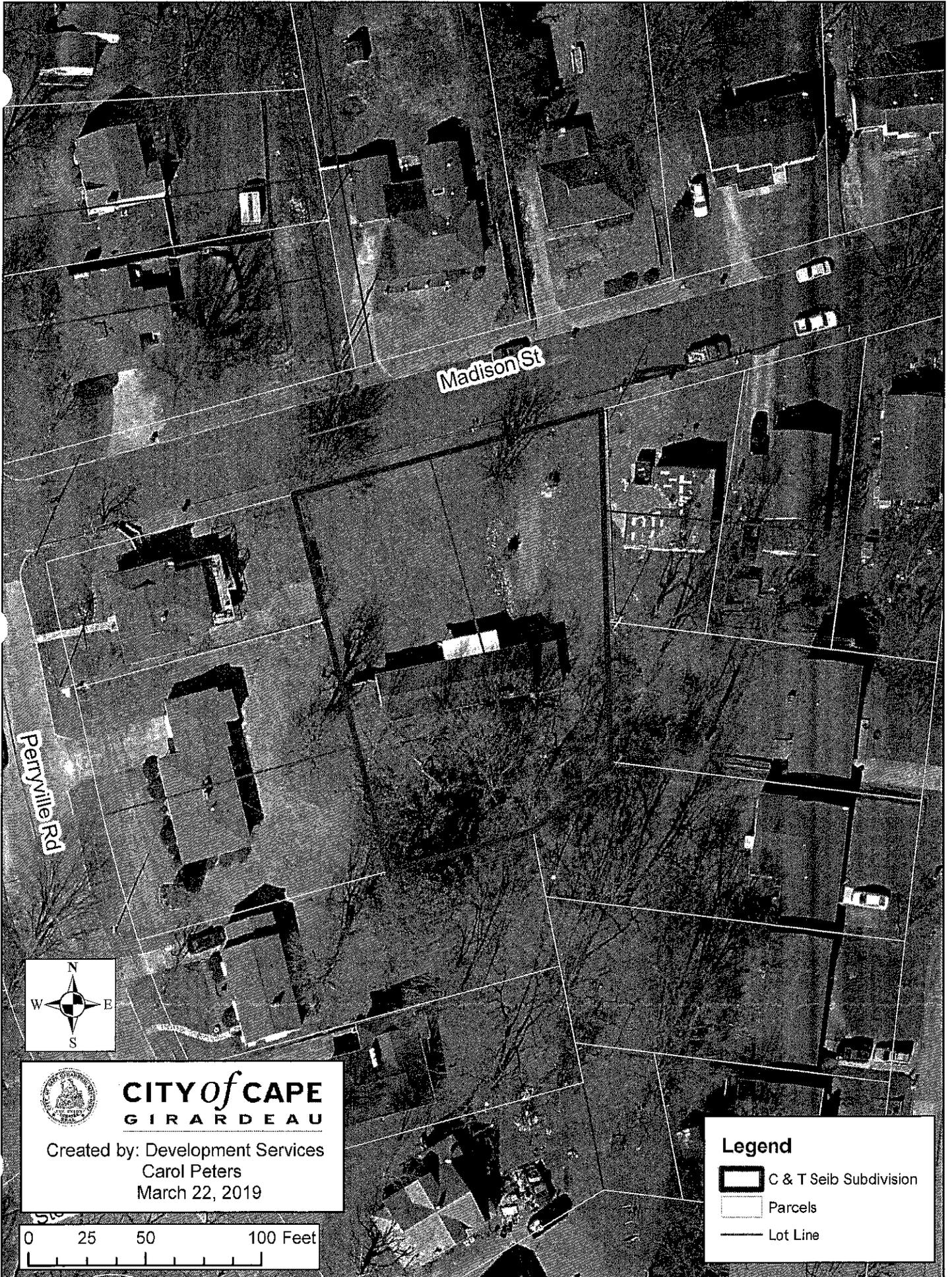
Kevin Greaser  
 Kevin Greaser  
 Planning & Zoning Commission Secretary

**City Council Action**

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

# C & T Seib Subdivision





**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Name of Subdivision C & T SEIB SUBDIVISION		Type of Plat: Preliminary, Record, or Boundary Adjustment Record Plat	
Applicant Chris Seib		Property Owner of Record (if other than Applicant)	
Mailing Address 5 Day Daybreak Estates	City, State, Zip St. Louis, MO 63128	Mailing Address	City, State, Zip
Telephone 314-650-9839	Email Stlavelon@aol.com	Telephone	Email
Contact Person (if Applicant is a Business or Organization) Chris Seib		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Chris Kelley, Bowen Engineering and Surveying, P.C.		Developer (if other than Applicant)	
Mailing Address 2121 Megan Drive	City, State, Zip Cape Gir. MO 63701	Mailing Address	City, State, Zip
Telephone (573)339-5900	Email chriskelley@bowenengsurv.com	Telephone	Email

**ADDITIONAL ITEMS  
REQUIRED**

See Instructions for more information.

In addition to this completed application form, the following items must be submitted:

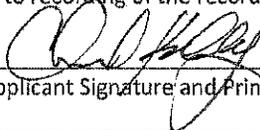
- Review Fee (payable to City of Cape Girardeau)
  - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
  - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
  - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)
 

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

*(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)*
- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

  
 Applicant Signature and Printed Name

3/20/19  
 Date

OFFICE USE ONLY	
Date Received & By <u>3/20/18</u>	MUNIS Application No. <u>8642</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-102**

---

## **SUBJECT**

An Ordinance approving the Plat of Right of Way Dedication for An Extension of Walnut Street.

---

## **EXECUTIVE SUMMARY**

The attached ordinance approves a plat of right of way dedication for an extension of Walnut Street, just east of Commercial Street.

---

## **BACKGROUND/DISCUSSION**

A plat of right of way dedication for an extension of Walnut Street has been submitted. The plat extends the right of way "stub" from Commercial Street to the east by an additional 180 feet. In addition to dedicating right of way, the developer has completed improvements for the street extension, which will be on the May 20, 2019 City Council agenda for acceptance.

---

## **STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the plat.

---

## **BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its September 12, 2018 meeting, recommended approval of the plat with a vote of 9 in favor, 0 in opposition, and 0 abstaining.

---

## **ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Walnut Street Extension Right of Way Dedication Plat.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Staff Review-Referral-Action Form.pdf</a>	Walnut Street Extension ROW Dedication - Staff RRA Form
<input type="checkbox"/> <a href="#">Map - Walnut Street ROW Dedication.pdf</a>	Walnut Street Extension ROW Dedication - Map
<input type="checkbox"/> <a href="#">Application - Walnut St Extension ROW Dedication Plat.pdf</a>	Walnut Street Extension ROW Dedication - Application
<input type="checkbox"/> <a href="#">WalnutROW.pdf</a>	Walnut Street Extension ROW Dedication - Plat

BILL NO. 19-70

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE PLAT OF RIGHT OF  
WAY DEDICATION FOR AN EXTENSION OF WALNUT  
STREET

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE  
GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The Plat of Right of Way Dedication: An Extension of Walnut Street, being that part of Lot 1, Rodney 400 Arpen Tract in Survey No. 2199, Township 30 North, Range 13 East, in the City of Cape Girardeau in Cape Girardeau County, Missouri, submitted by Mike A. Smith and Bonnie C. Smith, husband and wife, bearing the certification of Timothy J. Sander, dated May 11, 2018, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the said plat of right of way dedication with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

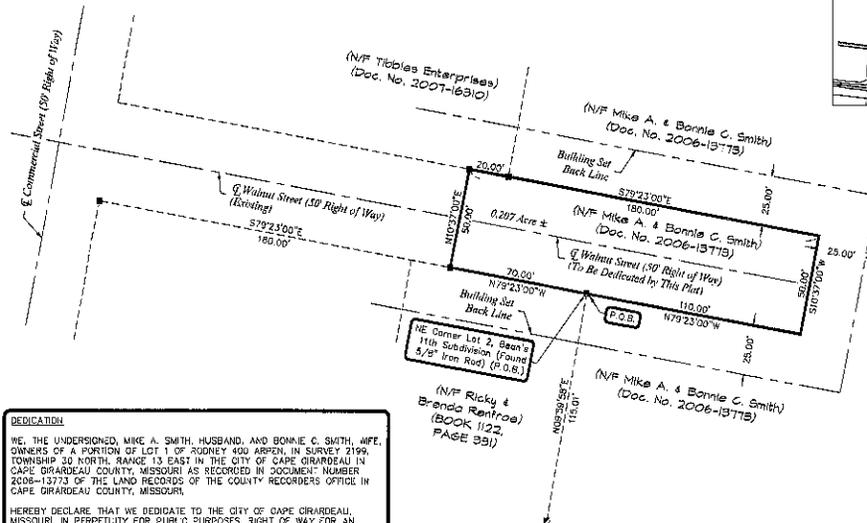
\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**Plat of Right of Way Dedication: An Extension of Walnut Street**

Part of Lot 1, Rodney 400 Arpen Tract In Survey 2199,  
Township 30 North, Range 13 East in the City of Cape  
Girardeau in Cape Girardeau County, Missouri



**DEDICATION**

WE, THE UNDERSIGNED, MIKE A. SMITH, HUSBAND, AND BONNIE C. SMITH, WIFE, OWNERS OF A PORTION OF LOT 1 OF RODNEY 400 ARPEN, IN SURVEY 2199, TOWNSHIP 30 NORTH, RANGE 13 EAST IN THE CITY OF CAPE GIRARDEAU IN CAPE GIRARDEAU COUNTY, MISSOURI AS RECORDED IN DOCUMENT NUMBER 2006-13773 OF THE LAND RECORDS OF THE COUNTY RECORDERS OFFICE IN CAPE GIRARDEAU COUNTY, MISSOURI.

HEREBY DECLARE THAT WE DEDICATE TO THE CITY OF CAPE GIRARDEAU, MISSOURI, IN PERPETUITY FOR PUBLIC PURPOSES, RIGHT OF WAY FOR AN EXTENSION OF WALNUT STREET AS SHOWN AND DELINEATED ON THIS PLAT, SAID RIGHT OF WAY CONTAINING 0.207 ACRE (MORE OR LESS) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF LOT 2 OF BEAN'S 11TH SUBDIVISION (FOUND 5/8" IRON ROD); THENCE N 79°23'00" W, 70.00 FEET TO THE SOUTHWEST CORNER OF THE EXISTING WALNUT STREET RIGHT OF WAY; THENCE ALONG THE EAST LINE OF SAID RIGHT OF WAY, A 1037'00" E, 50.00 FEET; THENCE S 79°23'00" E, 180.00 FEET; THENCE S 1037'00" W, 80.00 FEET; THENCE N 79°23'00" W, 110.00 FEET TO THE POINT OF BEGINNING.

IN WITNESS WHEREOF, WE, MIKE A. SMITH AND BONNIE C. SMITH, HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2019.

MIKE A. SMITH, HUSBAND \_\_\_\_\_  
BONNIE C. SMITH, WIFE \_\_\_\_\_

- SYMBOL LEGEND**
- 1. ■ = 1/2" IRON RODS (FND)
  - 2. ■ = 5/8" IRON RODS (FNC)
  - 3. ■ = 1/2" IRON RODS (SET)
  - 4. ——— = DEDICATION BOUNDARY.
  - 5. ——— = STREET CENTERLINE.
  - 6. - - - - - = ADJACENT PROPERTY LINE.
  - 7. - - - - - = SETBACK LINE.

STATE OF MISSOURI  
COUNTY OF CAPE GIRARDEAU

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, a Notary Public for said State and County, appeared Mike A. Smith, Husband, and Bonnie C. Smith, Wife, (to me known to be the persons described herein, who did execute the foregoing instrument, and who acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019.

My commission expires \_\_\_\_\_

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

**TITLE REFERENCES**

DOC NO 2008-13773 (SUB & ADJ)  
BOOK 1122, PAGE 331 (SUB)  
DOC NO 2007-16310 (ADJ)

I, \_\_\_\_\_, City Clerk of the City of Cape Girardeau, Missouri, hereby certify that this plat was approved by the City of Cape Girardeau, Missouri, by Ordinance No. \_\_\_\_\_ passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019.

City Clerk \_\_\_\_\_

**SURVEYOR CERTIFICATION**

THIS IS TO CERTIFY THAT I, TIMOTHY J. SANDER, HAVE SURVEYED THE FOREGOING DESCRIBED PARCEL OF LAND AT THE REQUEST OF MIKE A. SMITH AND HAVE PREPARED THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, TO THE BEST OF MY ABILITY AND THAT SAID PLAT AND SURVEY WERE DONE IN ACCORDANCE WITH THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF MISSOURI AS DEFINED IN CHAPTER 16 OF DIVISION 20.00 OF THE MISSOURI CODE OF STATE REGULATIONS (20 CSR 20.00-10).

DONE THIS 11<sup>th</sup> DAY OF MAY, 2019.



TIMOTHY J. SANDER, MO-PLS 2003013179  
20052 US HIGHWAY 51  
SIKESTON, MISSOURI 63891

- REFERENCES**
- 1. NORTH BASIS ALONG THE NORTH LINE OF LOT 2 OF BEAN'S 11TH SUBDIVISION (N 79°23'00" W).
  - 2. ABSTRACT OF TITLE.
  - 3. P.O.B. = POINT OF BEGINNING.
  - 4. P.O.C. = POINT OF COMMENCEMENT.
  - 5. N/P = NOW OR FORMERLY.
  - 6. RECORD PLAT OF DEAN'S 11th SUBDIVISION. (PLAT BOOK 20, PAGE 62)

STATE OF MISSOURI  
COUNTY OF CAPE GIRARDEAU

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2019 in Document Number \_\_\_\_\_

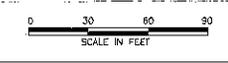
Andrew David Blottner, Recorder of Deeds  
Cape Girardeau County, Missouri

PROPERTY SURVEY CLASS... "URBAN"

ASSESSOR'S MAP NUMBER 20-312

**SANDER LAND SURVEYING**  
Phone Number: (573)450-2000 E-Mail: sandersurvey2003@gmail.com

TIMOTHY J. SANDER, PLS  
20052 US HIGHWAY 51  
SIKESTON, MISSOURI 63891



DATE: 05/11/18 DRAWN BY: TJS  
REVISOR: CHECKED BY: TJS



**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Name of Subdivision <del>Smith's Subdivision</del> <b>Walnut Street Extension</b>		Type of Plat: Preliminary, Record, or Boundary Adjustment Street Dedication	
Applicant GLD Engineering		Property Owner of Record (if other than Applicant) Mike Smith	
Mailing Address 2018 Kevin Dr.	City, State, Zip Cape Girardeau, MO 63701	Mailing Address 1549 Greenbrier	City, State, Zip Cape Girardeau, MO 63701
Telephone 573-332-8200	Email gldainc@sbcglobal.net	Telephone	Email
Contact Person (if Applicant is a Business or Organization) Mark A. Lester		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant)		Developer (if other than Applicant)	
Mailing Address	City, State, Zip	Mailing Address	City, State, Zip
Telephone	Email	Telephone	Email

**ADDITIONAL ITEMS  
REQUIRED**

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
  - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
  - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
  - Non-Residential: \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	<del>\$69.00</del>	\$29.00

(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)

- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

Mark A. Lester  
 Applicant Signature and Printed Name  
**MARK A. LESTER, PE**

08-20-18  
 Date

OFFICE USE ONLY	
Date Received & By <u>8-20-18 cp</u>	MUNIS Application No. <u>7996</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____

# Walnut Street Extension Right-of-Way Dedication Plat



**CITY of CAPE GIRARDEAU**

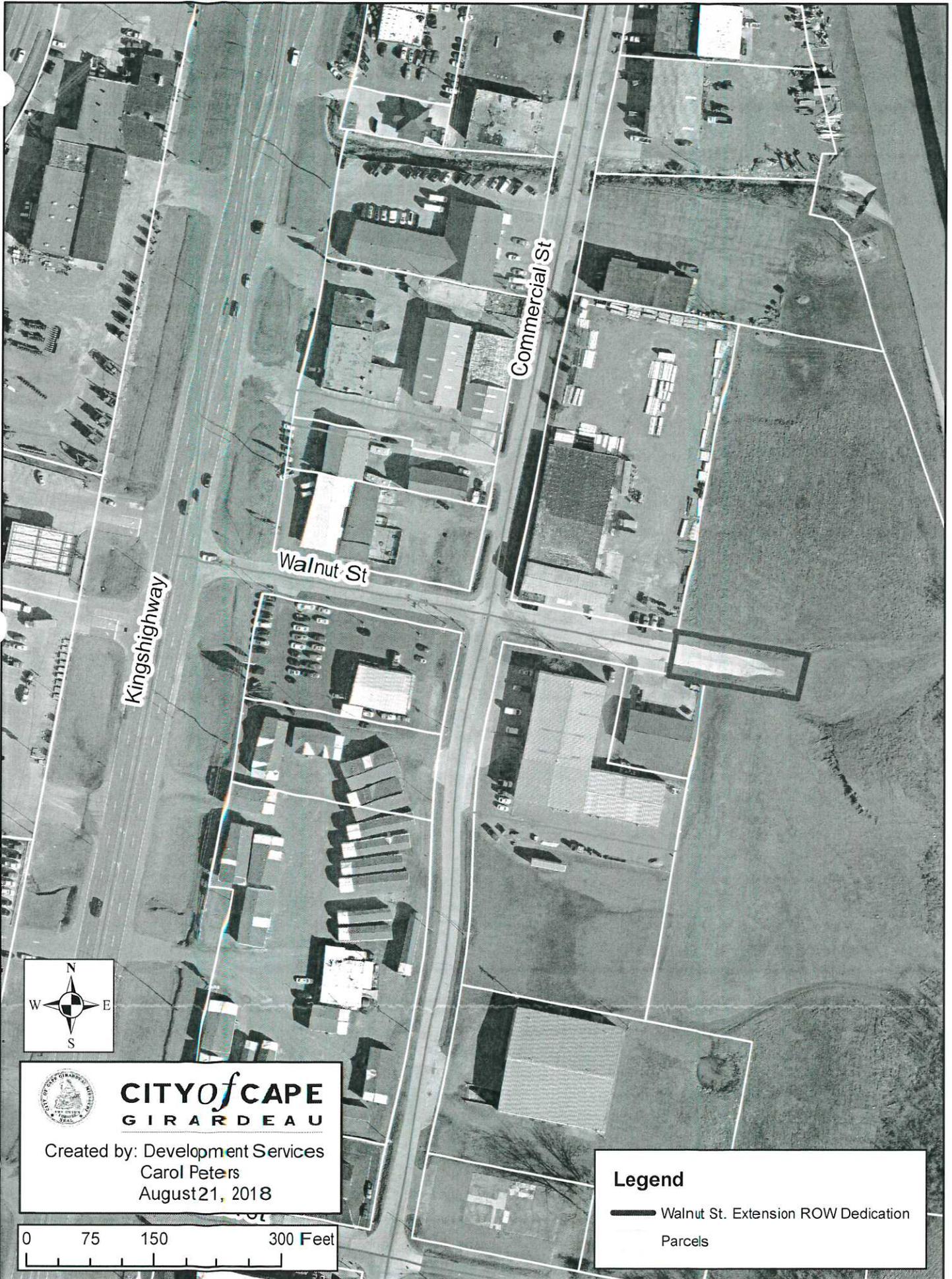
Created by: Development Services  
Carol Peters  
August 21, 2018

0 75 150 300 Feet

### Legend

- Walnut St. Extension ROW Dedication
- Parcels

# Walnut Street Extension Right-of-Way Dedication Plat



**CITY of CAPE**  
**GIRARDEAU**

Created by: Development Services  
Carol Peters  
August 21, 2018

0 75 150 300 Feet

## Legend

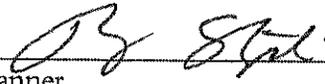
- Walnut St. Extension ROW Dedication
- Parcels

**CITY OF CAPE GIRARDEAU, MISSOURI**  
 City Staff Review, Referral and Action - Subdivision Application

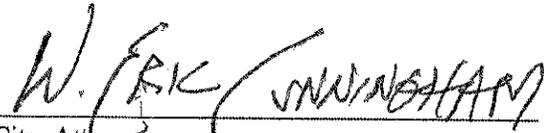
FILE: **Walnut Street Extension Right-of-Way Dedication Plat**      LOCATION: Walnut Street

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted for the dedication of the Walnut Street right-of-way extension. SEE STAFF REPORT FOR MORE DETAILS.

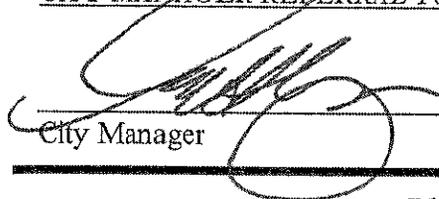
  
 \_\_\_\_\_  
 City Planner

8/23/18  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 City Attorney

AUGUST 24, 2018  
 \_\_\_\_\_  
 Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
 \_\_\_\_\_  
 City Manager

August 27, 2018  
 \_\_\_\_\_  
 Date

***Planning & Zoning Commission***

**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scott McClanahan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

**VOTE COUNT:**    9 Favor    0 Oppose    0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

  
 \_\_\_\_\_  
 Kevin Greaser  
 Planning & Zoning Commission Secretary

***City Council Action***

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-101**

---

**SUBJECT**

An Ordinance approving the Record Plat of The Estates at Hopper Crossing.

---

**EXECUTIVE SUMMARY**

The attached ordinance approves a record plat for a resubdivision of two tracts on Hopper Road.

---

**BACKGROUND/DISCUSSION**

A record plat has been submitted for The Estates at Hopper Crossing, located on the north side of Hopper Road, west of North Mt. Auburn Road. The property is zoned R-1 (Single-Family Suburban Residential). The plat consists of two tracts being resubdivided to form two new lots.

---

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

---

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its July 11, 2018 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Record Plat The Estates at Hopper Crossing.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Staff_Review-Referral-Action_Form.pdf</a>	The Estates at Hopper Crossing - Staff RRA Form
<input type="checkbox"/> <a href="#">Map - Estates at Hopper Crossing.pdf</a>	The Estates at Hopper Crossing - Map
<input type="checkbox"/> <a href="#">Application - Estates at Hopper Crossing Record Plat.pdf</a>	The Estates at Hopper Crossing - Application
<input type="checkbox"/> <a href="#">36878 The Estates At Hopper Crossing - Final Plat rev 03-19-2019-Record Plat.pdf</a>	The Estates at Hopper Crossing - Record Plat

BILL NO. 19-72

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD PLAT OF  
THE ESTATES AT HOPPER CROSSING

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The record plat of The Estates at Hopper Crossing, being that part of the east half of the northwest quarter of Section 35, Township 31 North, Range 13 East of the Fifth Principal Meridian, in the City and County of Cape Girardeau, State of Missouri, submitted by Mark D. Busch and Vicky L. Busch, bearing the certification of Travis J. Steffens, a Registered Land Surveyor, dated the 11th day of April, 2019, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**CITY OF CAPE GIRARDEAU, MISSOURI**  
 City Staff Review, Referral and Action - Subdivision Application

FILE: **The Estates at Hopper Crossing**

LOCATION: Hopper Road

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted to create a new two (2) lot subdivision along Hopper Road. SEE STAFF REPORT FOR MORE DETAILS.

By 852.  
 City Planner

7/2/18  
 Date

W. ERIC JENNINGS  
 City Attorney

JULY 3, 2018  
 Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

Molly B Mehner  
 City Manager

July 3, 2018  
 Date

**Planning & Zoning Commission**

**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scott McClanahan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

VOTE COUNT: 8 Favor      0 Oppose      0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

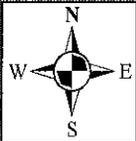
Kevin Greaser  
 Planning & Zoning Commission Chairman

**City Council Action**

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

# The Estates at Hopper Crossing Record Plat



**CITY of CAPE**  
**GIRARDEAU**

Created by: Development Services  
Carol Peters  
April 30, 2018

0 80 160 320 Feet

### Legend

- The Estates at Hopper Crossing
- Parcels

Source: Esri, DigitalGlobe,  
GeoEye, USDA, USGS, AEX, ©  
the GIS User Community

Hunzel St  
Collins St



**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

Name of Subdivision The Estates at Hopper Crossing		Type of Plat: Preliminary, Record, or Boundary Adjustment Record	
Applicant SEMO Development LLC		Property Owner of Record (if other than Applicant)	
Mailing Address 2480 Benton Hill Rd	City, State, Zip Cape Girardeau Mo 63701	Mailing Address	City, State, Zip
Telephone 573-204-1000	Email mkpetersenterprises@gmail.com	Telephone	Email
Contact Person (If Applicant is a Business or Organization) Mike Peters		(Attach additional owners information, if necessary)	
Professional Engineer/Surveyor (if other than Applicant) Chris Koehler		Developer (if other than Applicant)	
Mailing Address 194 Coker Ln	City, State, Zip Cape Girardeau Mo 63701	Mailing Address	City, State, Zip
Telephone 573-651-6464	Email ckoehler@koehlerengineering.com	Telephone	Email

**ADDITIONAL ITEMS  
REQUIRED**

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
  - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
  - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
  - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)

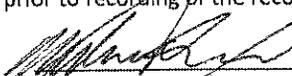
Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)

- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

  
 Applicant Signature and Printed Name **MICHAEL K PETERS**

6-20-18  
 Date

OFFICE USE ONLY	
Date Received & By <u>6/20/18</u>	MUNIS Application No. <u>7815</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____





**Staff:** Alex McElroy, Development  
**Agenda:** Services Director  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

19-103

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**SUBJECT**

An Ordinance authorizing the Mayor to execute a Special Warranty Deed to Rhodes Properties, L.C. for property along Southern Expressway Right of Way, in the City of Cape Girardeau, Missouri.

---

**EXECUTIVE SUMMARY**

Scott Rhodes expressed interest in purchasing excess right of way along his property at the southeast corner of Southern Expressway and Corporate Circle. The right of way along Southern Expressway is 280' because at one time it was proposed to be part of the route for State Highway 74. The state highway ended up following Shawnee Parkway instead.

---

**BACKGROUND/DISCUSSION**

The City previously sold a portion of excess right of way along Southern Expressway to Erb Industrial Equipment. City staff and the Development Review Group reviewed Mr. Rhodes request and support selling a portion of the Southern Expressway right of way along Mr. Rhodes property while retaining 46' of right of way from the center line, as was done previously for Erb Industrial Equipment. The portion of the property along Southern Expressway right of way would be sold to Rhodes Properties, L.C. for fair market value at the same square foot dollar amount as was sold to Erb Industrial Equipment.

---

**FINANCIAL IMPACT**

Rhodes Properties, L.C. is paying \$14,636.16 for the property. The City will pay the recording fee.

---

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance authorizing the Mayor to execute a Special Warranty Deed to Rhodes Properties, L.C. for property along the right of way on Southern Expressway.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Southern Expressway Rhodes Special Warranty Deed.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Southern Expressway Rhodes SWD.pdf</a>	Southern Expressway - SWD
<input type="checkbox"/> <a href="#">Southern Expressway - Agreement - Rhodes.pdf</a>	Sales Agreement
<input type="checkbox"/> <a href="#">37423-Rhodes Properties-New Parcel.pdf</a>	plat

BILL NO. 19-73

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL WARRANTY DEED TO RHODES PROPERTIES, L.C., FOR PROPERTY ALONG SOUTHERN EXPRESSWAY RIGHT OF WAY, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The Mayor, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a Special Warranty Deed to Rhodes Properties, L.C., for property along Southern Expressway right of way, in the City and County of Cape Girardeau, Missouri, more particularly described as follows:

PART OF OUTLOT NO. 61, UNITED STATES PRIVATE SURVEY NO. 2199, TOWNSHIP 30 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1 OF SIX THIRTY THIRD SUBDIVISION, A SUBDIVISION ON FILE IN THE CAPE GIRARDEAU COUNTY LAND RECORDS IN BOOK 18 AT PAGE 91; THENCE SOUTH 77°26'30'' WEST ALONG THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY, 721.09 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF CORPORATE CIRCLE DRIVE AND THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY; THENCE LEAVING SAID INTERSECTION POINT, NORTH 09°47'57'' EAST, 53.53' FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LENGTH OF 29.51 FEET (THE CHORD OF SAID ARC BEARS NORTH 43°37'13'' EAST, 27.83 FEET); THENCE NORTH 77°26'30'' EAST 677.61 FEET; THENCE SOUTH 12°33'30'' EAST, 65.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.05 ACRES (45,952 SQUARE FEET), MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS AND RIGHT OF WAYS OF RECORD.

In addition, the City Manager is authorized to execute all accompanying documents.

ARTICLE 2. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

---

Bob Fox, Mayor

ATTEST:

---

Gayle Conrad, City Clerk

---

## SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That on this \_\_\_\_ day of \_\_\_\_\_, 2019, **THE CITY OF CAPE GIRARDEAU, MISSOURI**, a **Municipal Corporation organized and existing under the laws of the State of Missouri**, of the County of Cape Girardeau in the State of Missouri, **GRANTOR**, in consideration of Ten Dollars (\$10.00) and other valuable consideration, to it paid by **Rhodes Properties, L.C.**, a **Missouri Limited Liability Company**, of the County of Cape Girardeau, in the State of Missouri, **GRANTEE**, (mailing address of said first named grantee is: 2075 Corporate Circle, Cape Girardeau, MO the receipt whereof is hereby acknowledged, and by virtue and pursuance of an **ORDINANCE OF THE CITY COUNCIL OF SAID CITY**, does by these presents, **SELL AND CONVEY** unto the Grantee, its successors and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the City and County of Cape Girardeau and State of Missouri, to-wit:

PART OF OUTLOT NO. 61, UNITED STATES PRIVATE SURVEY NO. 2199, TOWNSHIP 30 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1 OF SIX THIRTY THIRD SUBDIVISION, A SUBDIVISION ON FILE IN THE CAPE GIRARDEAU COUNTY LAND RECORDS IN BOOK 18 AT PAGE 91; THENCE SOUTH 77°26'30" WEST ALONG THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY, 721.09 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF CORPORATE CIRCLE DRIVE AND THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY; THENCE LEAVING SAID INTERSECTION POINT, NORTH 09°47'57" EAST, 53.53' FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LENGTH OF 29.51 FEET (THE CHORD OF SAID ARC BEARS NORTH 43°37'13" EAST, 27.83 FEET); THENCE NORTH 77°26'30" EAST 677.61 FEET; THENCE SOUTH 12°33'30" EAST, 65.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.05 ACRES (45,952 SQUARE FEET), MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS AND RIGHT OF WAYS OF RECORD.

**TO HAVE AND TO HOLD** the same, together with all rights, privileges, appurtenances, and immunities thereto belonging or in anywise appertaining unto the said Grantee, and unto its successors and assigns, **FOREVER**, the said Grantor hereby covenanting that the above described premises are free and clear of all encumbrances done or suffered by the Grantor, and that it will Warrant and Defend the title to the said premises unto the Grantee and Grantee's successors and assigns, **FOREVER**, against the lawful claims of all persons claiming through the Grantor.

WITNESS the hand of the Grantor the day and year first above written.

THE CITY OF CAPE GIRARDEAU, MISSOURI

(Seal)

By: \_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle L. Conrad, City Clerk

STATE OF MISSOURI                    )  
  )  
COUNTY OF CAPE GIRARDEAU        )        ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared **Bob Fox**, to me personally known, who being duly sworn did say that he is **Mayor of the City of Cape Girardeau, Missouri**, a municipal corporation of the State of Missouri, and that the seal affixed to this instrument is the official seal of said City, and that the said instrument was signed and sealed in behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

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

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

My commission expires:

## AGREEMENT FOR THE SALE OF REAL PROPERTY

Rhodes Properties, L.C.  
Southern Expressway Right of Way

The undersigned, **THE CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation organized and existing under the laws of the State of Missouri, of the County of Cape Girardeau in the State of Missouri hereinafter called the "Seller", in consideration of the mutual covenants and agreements herein set forth, agrees to convey to **RHODES PROPERTIES, L.C.**, a Missouri Limited Liability Company, hereinafter called the "Buyer", and Rhodes Properties, L.C. agrees to accept, FEE SIMPLE INTEREST in and to the following described land, and all rights, hereditaments, easements and appurtenances thereunto belonging, located in the City and County of Cape Girardeau, State of Missouri, bounded and described as set forth in Exhibit A attached hereto and made a part hereof.

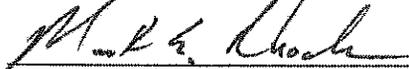
The terms and conditions of this Agreement are as follows:

1. Within 30 days of the full execution of this Agreement, Rhodes Properties, L.C. agrees to pay the sum of \$14,636.16 to the City of Cape Girardeau for the land described in Exhibit A (Right of Way). The Seller shall execute and deliver a good and sufficient Special Warranty Deed conveying said land, with the hereditaments and appurtenances thereunto belonging to Buyer, in fee simple, free and clear from all liens and encumbrances. Closing to take place on or before May 31, 2019, unless the Seller and Buyer mutually agree to a different date.
2. It is agreed that the City will defray the expenses incident to the preparation and recordation of the deed to the City.
3. The City of Cape Girardeau, Missouri represents that no elected City official or City employee shall be admitted to or share any part of this Agreement, or to any benefits that may arise therefrom.
4. The terms and conditions aforesaid are to apply to and bind the heirs, executors, administrators, successors and assigns of the Buyer.
5. All terms and conditions with respect to this Agreement are expressly contained herein and the Buyer agrees that no representative or agent of the City has made any representation or promise with respect to this Agreement not expressly contained within.

*Signature page to follow*

IN WITNESS WHEREOF, the undersigned has executed this Agreement this 29<sup>th</sup> day of April, 2019

Rhodes Properties, L.C.



Mark E. Rhodes, Manager

STATE OF MISSOURI )

) ss.

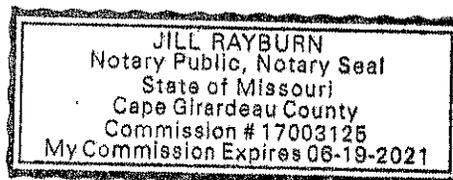
COUNTY OF CAPE GIRARDEAU )

BE IT REMEMBERED, that on this 29<sup>th</sup> day of April, 2019 before me, the undersigned notary public, personally appeared Mark E. Rhodes, who being by me duly sworn, did state that he is a Manager of Rhodes Properties, L.C. a Missouri Limited Liability Company, and that within instrument was executed on behalf of said Rhodes Properties. L.C., a Missouri Limited Liability Company, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

  
Notary Public

My Commission Expires: 06-19-2021



IN WITNESS WHEREOF, the undersigned has executed this agreement this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019

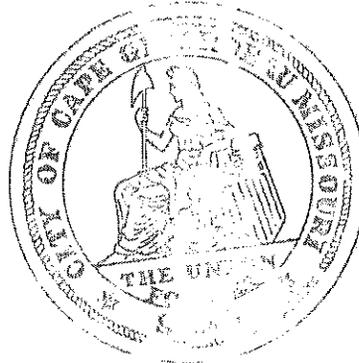
CITY OF CAPE GIRARDEAU, MISSOURI

\_\_\_\_\_  
Scott A. Meyer, City Manager

ATTEST:

\_\_\_\_\_  
Bruce Taylor, Deputy City Clerk

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF CAPE GIRARDEAU )



BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared Scott A. Meyer, who, being by me duly sworn, did state that he is the City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation, and that the seal affixed to the within instrument is the official seal of said City, and that the within instrument was executed on behalf of said City by authority of its City Council, and that said instrument was executed as the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

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

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

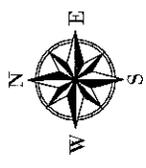
Exhibit A

PART OF OUTLOT NO. 61, UNITED STATES PRIVATE SURVEY NO. 2199, TOWNSHIP 30 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1 OF SIX THIRTY THIRD SUBDIVISION, A SUBDIVISION ON FILE IN THE CAPE GIRARDEAU COUNTY LAND RECORDS IN BOOK 18 AT PAGE 91; THENCE SOUTH  $77^{\circ}26'30''$  WEST ALONG THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY, 721.09 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF CORPORATE CIRCLE DRIVE AND THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY; THENCE LEAVING SAID INTERSECTION POINT, NORTH  $09^{\circ}47'57''$  EAST, 53.53' FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LENGTH OF 29.51 FEET (THE CHORD OF SAID ARC BEARS NORTH  $43^{\circ}37'13''$  EAST, 27.83 FEET); THENCE NORTH  $77^{\circ}26'30''$  EAST 677.61 FEET; THENCE SOUTH  $12^{\circ}33'30''$  EAST, 65.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.05 ACRES (45,952 SQUARE FEET), MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS AND RIGHT OF RECORD.

# PARCEL ADDITION FOR RHODES PROPERTIES, L.C.

A PART OF OUTLOT 61, UNITED STATES PRIVATE SURVEY NO. 2199 IN TOWNSHIP 30 NORTH RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI

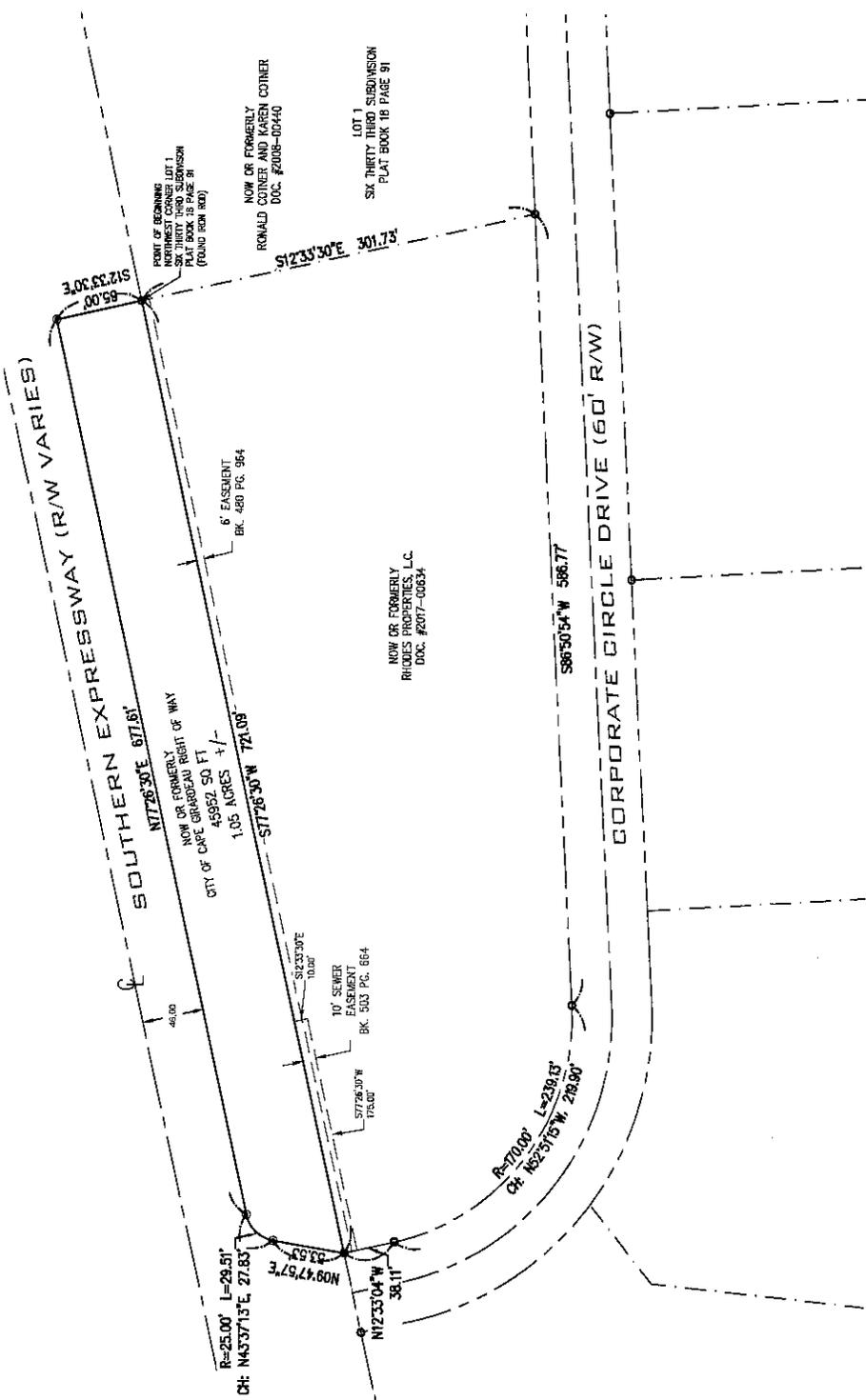


NORTH ORIENTATION FROM MISSOURI STATE PLANE COORDINATE SYSTEM

### Description of Survey

A PART OF OUTLOT NO. 61, UNITED STATES PRIVATE SURVEY NO. 2199, TOWNSHIP 30 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1 OF SIX THIRTY THIRD SUBDIVISION, A SUBDIVISION ON FILE IN THE CAPE GIRARDEAU COUNTY LAND RECORDS IN BOOK 18 AT PAGE 91; THENCE SOUTH 77°26'30" WEST ALONG THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY, 721.08 FEET TO THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF CORPORATE CIRCLE DRIVE AND THE EXISTING SOUTH RIGHT OF WAY OF SOUTHERN EXPRESSWAY, 53.83 FEET; SAID INTERSECTION POINT, NORTH 89°47'57" EAST, 53.83 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A LENGTH OF 28.61 FEET (THE CHORD OF SAID ARC BEARS NORTH 43°37'13" EAST, 27.83 FEET; THENCE NORTH 77°26'30" EAST 677.81 FEET; THENCE SOUTH 12°33'30" EAST, 66.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.05 ACRES (49,952 SQUARE FEET), MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS AND RIGHT OF WAYS OF RECORD.



NOW OR FORMERLY RHODES PROPERTIES, L.C. DOC. #2077-00534

6' EASEMENT BK. 480 PG. 964

NOW OR FORMERLY CITY OF CAPE GIRARDEAU RIGHT OF WAY 49952 SQ FT 1.05 ACRES +/-

NOW OR FORMERLY SOUTHERN EXPRESSWAY (R/W VARIES)

386°50'54\"/>

NOW OR FORMERLY RONALD CUTNER AND KAREN CUTNER DOC. #2008-00440

LOT 1 SIX THIRTY THIRD SUBDIVISION PLAT BOOK 18 PAGE 91

### Floodplain Note

NO PORTION OF THE PROPERTY FALLS WITHIN THE 100 YEAR FLOODPLAIN AS INDICATED ON THE FLOODPLAIN MAP OF THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, NO. 200303C 0208 E WITH AN EFFECTIVE DATE OF SEPTEMBER 28, 2011.

### Legend

- BOUNDARY LINE
- ADJACENT PROPERTY LINES
- CENTERLINE OF ROAD
- R/W LINE
- EASEMENT LINES
- FOUND 1/2\"/>

### GRAPHIC SCALE



THIS SURVEY OF A TRACT OF URBAN PROPERTY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR PROPERTY SURVEYING IN THE STATE OF MISSOURI AS MADE EFFECTIVE JUNE 30, 2017.

ANDREW BLATTNER  
RECORDER OF DEEDS  
CAPE GIRARDEAU COUNTY, MISSOURI

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AND DULY RECORDED IN DOC. NO. \_\_\_\_\_

## KOEHLER

Professional Engineers & Land Surveyors

194 Coker Lane  
Cape Girardeau, Missouri 63701  
Ph: (573) 335 - 3026 Fax: (573) 335 - 3049  
PLS CORPORATE LICENCE NO. 000262

DRWING NO.	DRWING DATE	DRWING DATE	DRWING NO.
ASCH JANSEN	ROONEY AMOS	4-24-2019	37423
REV/DATE	DESCRIPTION	INITIALS	

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-105**

---

**SUBJECT**

A Resolution acknowledging receipt of annexation petitions from various property owners and setting a public hearing regarding the proposed annexations.

**EXECUTIVE SUMMARY**

The City received annexation petitions for the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane. These properties are contiguous to each other and the city limits. The attached resolution acknowledges receipt of the petitions and sets a public hearing for June 17, 2019.

**BACKGROUND/DISCUSSION**

The City received annexation petitions for the properties at 4195 Stone Crest (owned by the City of Cape Girardeau, Missouri), 4196 Stone Crest (owned by Ryland R. Meyr), and 4150 Thousand Oaks Lane (owned by the Revocable Trust Agreement of Jerad Busch and Heather Busch dated January 19, 2017). These properties are contiguous to each other and the city limits and can therefore be annexed at this time.

In order to move forward with annexation of the properties, the City Council must pass a resolution acknowledging receipt of the annexation petitions and setting a public hearing on the proposed annexation and zoning of the properties. The attached resolution acknowledges receipt of the petitions and sets a public hearing for June 17, 2019.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution acknowledging receipt of annexation petitions for the properties at 4195 Stone Crest, 4196 Stone Crest, and 4150 Thousand Oaks Lane and setting a public hearing regarding the proposed annexations for June 17, 2019.

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Acknowledge Annexation Petitions 4150 Thousand Oaks 4195 4195 4196 Stone Crest .doc</a>	Resolution
<input type="checkbox"/> <a href="#">Map - 4195 Stone Crest - LaSalle Water Tank.pdf</a>	Annexation Map - 4195 Stone Crest
<input type="checkbox"/> <a href="#">Annexation Petition - 4195 Stone Crest - Signed.pdf</a>	Annexation Petition - 4195 Stone Crest
<input type="checkbox"/> <a href="#">Map - 4196 Stone Crest - Meyr.pdf</a>	Annexation Map - 4196 Stone Crest
<input type="checkbox"/> <a href="#">Recorded Annexation Petition - 4196 Stone Crest (Meyr).pdf</a>	Annexation Petition - 4196 Stone Crest
<input type="checkbox"/> <a href="#">Map - Thousand Oaks Lane - Busch.pdf</a>	Annexation Map - 4150 Thousand Oaks Lane
<input type="checkbox"/> <a href="#">Recorded Annexation Petition - 4150 Thousand Oaks Lane.pdf</a>	Annexation Petition - 4150 Thousand Oaks Lane

BILL NO. 19-76

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ACKNOWLEDGING RECEIPT OF  
ANNEXATION PETITIONS FROM VARIOUS PROPERTY  
OWNERS AND SETTING A PUBLIC HEARING  
REGARDING THE PROPOSED ANNEXATIONS

---

WHEREAS, petitions for voluntary annexation have been presented to the City Council of Cape Girardeau, Missouri, requesting that certain properties be annexed into the City of Cape Girardeau, Missouri; and

WHEREAS, said petitions have been presented in accordance with Chapter 71.012 Revised Statutes of Missouri, which statute provides for voluntary annexation upon request of the affected property owners; and

WHEREAS, it is the desire of the City Council of Cape Girardeau, Missouri, to consider whether such areas should be annexed into the City of Cape Girardeau, Missouri.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. That the City Council of Cape Girardeau, Missouri, hereby accepts and receives petitions for voluntary annexation of certain real estate, described as follows:

City of Cape Girardeau, Missouri  
4195 Stone Crest Legal Description:

THAT PART OF FRACTIONAL SECTION 3 AND THAT PART OF FRACTIONAL SECTION 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

COMMENCE AT A SQUARE CUT STONE WITH CROSS CUT MARK MARKING THE SOUTHWEST CORNER OF FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF FRACTIONAL SECTION 10; THENCE SOUTH 04°58'46" WEST ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10, 69.78 FEET TO A FOUND 5/8" ROD; THENCE LEAVING SAID LINE AND ALONG THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 278 AT PAGE 10 IN THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, SOUTH 88°28'34" EAST, 654.32 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 01°31'20" EAST, 208.71 FEET; THENCE SOUTH 88°28'41," EAST, 208.71 FEET; THENCE SOUTH 01°31'20" WEST, 208.71 FEET TO SAID SOUTH LINE; THENCE WITH SAID SOUTH LINE, NORTH 88°28'41" WEST, 208.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.0 ACRE, MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS OF RECORD.

Also,

Ryland R. Myer

4196 Stone Crest Legal Description:

THAT PART OF THE FRACTIONAL SECTIONS 3 & 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SQUARE CUT STONE WITH CROSS CUT MARK, MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 10, THENCE WITH THE WEST LINE OF SAID FRACTIONAL SECTION 10, SOUTH 04°56'59" WEST, 69.75 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 88°28'36" EAST, 512.72 FEET TO THE SOUTHEAST CORNER OF ROCK GARDENS SUBDIVISION ON FILE IN THE CAPE GIRARDEAU LAND RECORDS IN DOCUMENT #2017-02114, BEING THE POINT OF BEGINNING; THENCE WITH THE EAST LINE OF SAID SUBDIVISION, NORTH 01°29'01" EAST, 378.24 FEET; THENCE NORTH 04°45'44" EAST, 322.43 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION AND BEING A POINT ON THE SOUTH RIGHT OF WAY OF LASALLE AVENUE; THENCE WITH SAID SOUTH RIGHT OF WAY, ALONG THE ARC OF A NON-TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1565.00 FEET, A LENGTH OF 82.05 FEET (THE CHORD OF SAID ARC BEARS SOUTH 73°27'17" EAST, 82.04 FEET); THENCE SOUTH 71°57'10" EAST, 263.39 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY, SOUTH 01°29'01" WEST, 395.27 FEET TO THE NORTHEAST CORNER OF A 1 ACRE TRACT AS RECORDED IN DOC. #2015-04873; THENCE NORTH 88°28'36" WEST, 208.71 FEET TO THE NORTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE SOUTH 01°31'25" WEST, 208.71 FEET TO THE SOUTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE NORTH 88°28'36" WEST, 141.26 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.20 ACRES, MORE OR LESS, AND BEING SUBJECT TO AN ACCESS AND UTILITY EASEMENT ON FILE IN SAID LAND RECORDS IN DOCUMENT #2017-04988 AND ANY OTHER EASEMENTS OR RIGHT OF WAYS OF RECORD.

Also,

Revocable Trust Agreement of Jerad Busch and Heather Busch  
dated January 19, 2017

4150 Thousand Oaks Lane Legal Description:

That part of the Fractional Sections 3 & 10, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a square cut stone with cross cut mark, marking the Southwest corner of said Fractional Section 3 and the Northwest corner of said Fractional Section 10, thence with the West line of said Fractional Section 10, South 04°56'59" West, 69.75 feet; thence leaving said West line, South 88°28'36" East, 862.69 feet to the Southeast corner of a 1 acre tract as recorded in Document # 2015-04873 of the County Land Records, being the Point of Beginning; thence North 01°31'25" East, 208.71 feet to the Northeast corner of said 1 acre tract; thence North 01°29'01" East, 395.27 feet to a point on the South right of way of LaSalle Avenue; thence with said South right of way, South 71°57'10" East, 997.02 feet; thence leaving said South right of way, South 60°53'56" West, 531.22 feet; thence South 88°59'58" West, 104.67 feet; thence South 01°19'19" West, 45.19 feet; thence North 88°28'36" West, 394.04 feet to the Point of Beginning, and containing 8.08 acres, more or less.

ARTICLE 2. Be it further resolved that in accordance with Chapter 71.012 RSMo it is now ordered that a public hearing be set for June 17, 2019, at which hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexations.

ARTICLE 3. It is further resolved that notice of said public hearing be published in a newspaper of general circulation qualified to publish legal matters not less than seven (7) days prior to June 17, 2019.

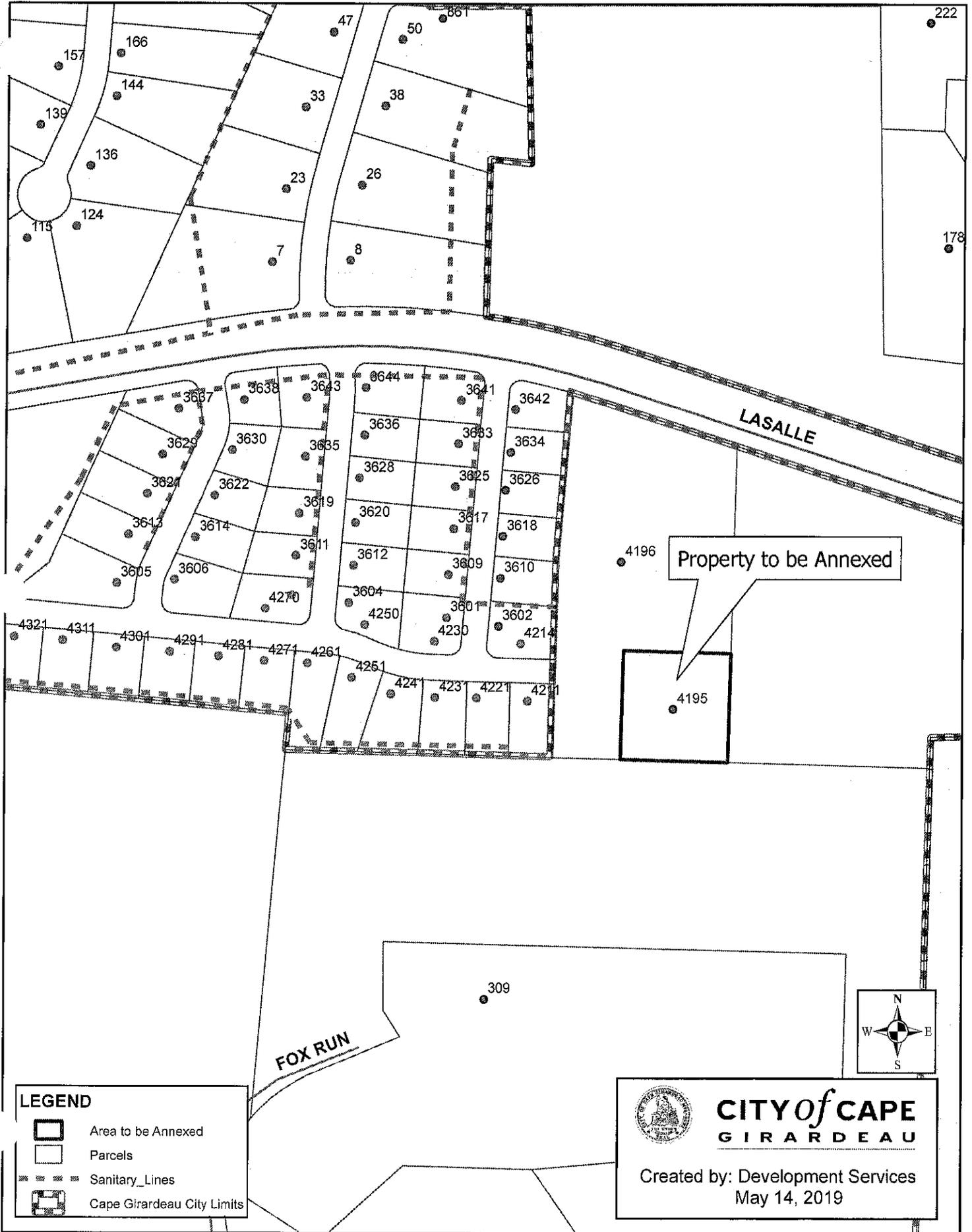
PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

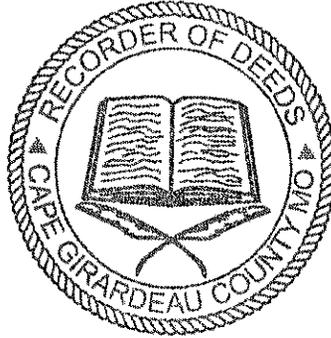
# Petition for Annexation - 4195 Stone Crest City of Cape Girardeau LaSalle Water Tank Property



CG



8 2 2 2 9 0 7  
Tx:4120729



**DOCUMENT #  
2018-09705**

**ANDREW DAVID BLATTNER  
RECORDER OF DEEDS  
CAPE GIRARDEAU COUNTY, MO  
RECORDED ON  
09/25/2018 03:03:14 PM  
REC FEE: 30.00  
PAGES: 3**

**RECORDER OF DEEDS  
COVER PAGE**

**Title of Document:** Annexation Petition

**Date of Document:** September 21, 2017

**Grantor(s) Name & Address:** Ryland R. Meyr  
4196 Stone Crest  
Cape Girardeau, MO 63701

**Grantee(s) Name & Address:** City of Cape Girardeau  
401 Independence Street  
Cape Girardeau, MO 63703

**Legal Description:** See page 1 of Annexation Petition

**Reference Book & Page, if Required:**

IN RE: ANNEXATION

RYLAND R. MEYR, Petitioner.

**PETITION FOR ANNEXATION**

1. Comes now Ryland R. Meyr, and states that he is the owner of all fee interest of record of the following described real property, being in Cape Girardeau County, Missouri:

THAT PART OF THE FRACTIONAL SECTIONS 3 & 10, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

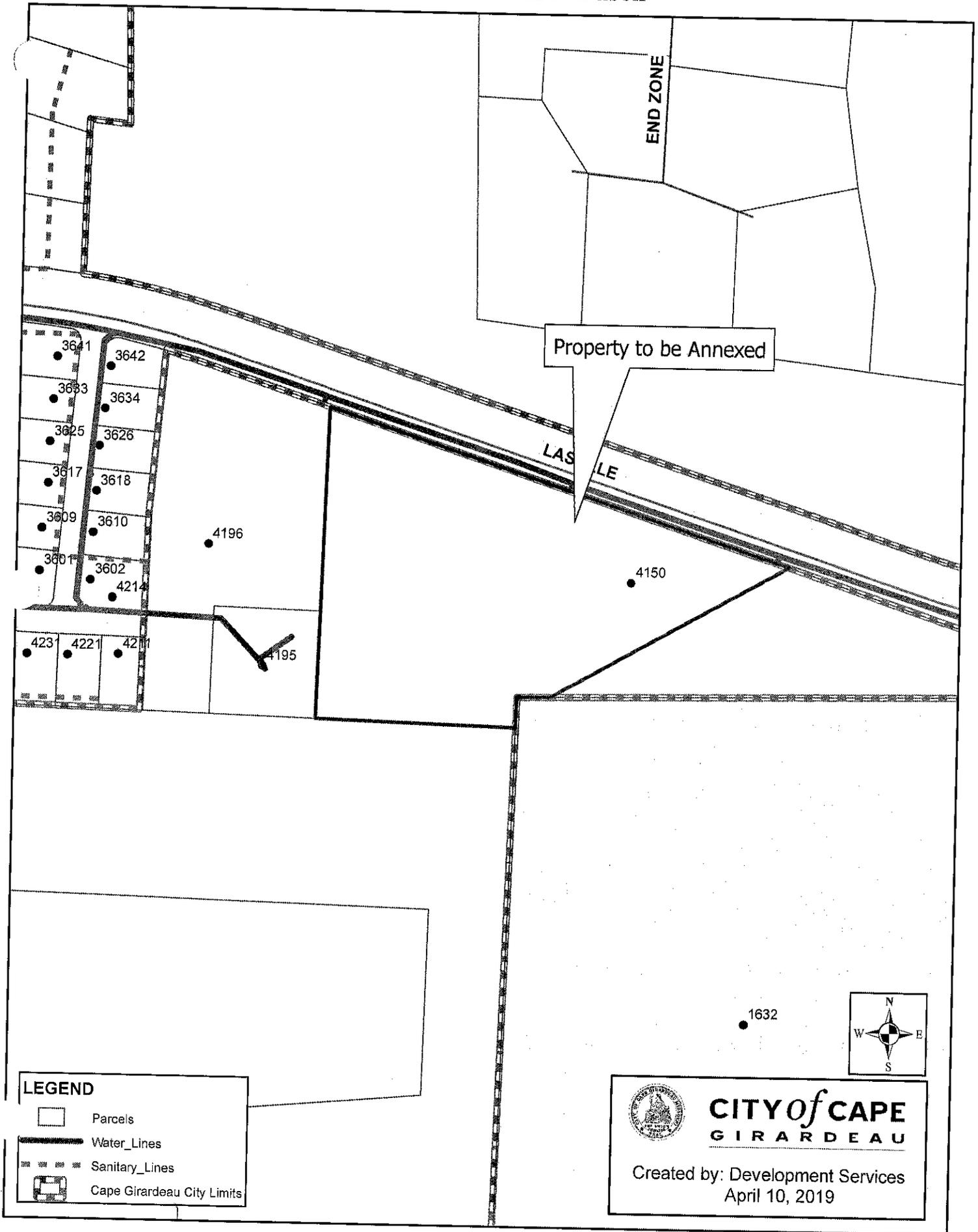
COMMENCING AT A SQUARE CUT STONE WITH CROSS CUT MARK, MARKING THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 3 AND THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 10, THENCE WITH THE WEST LINE OF SAID FRACTIONAL SECTION 10, SOUTH 04°56'59" WEST, 69.75 FEET; THENCE LEAVING SAID WEST LINE, SOUTH 88°28'36" EAST, 512.72 FEET TO THE SOUTHEAST CORNER OF ROCK GARDENS SUBDIVISION ON FILE IN THE CAPE GIRARDEAU LAND RECORDS IN DOCUMENT #2017-02114, BEING THE POINT OF BEGINNING; THENCE WITH THE EAST LINE OF SAID SUBDIVISION, NORTH 01°29'01" EAST, 378.24 FEET; THENCE NORTH 04°45'44" EAST, 322.43 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION AND BEING A POINT ON THE SOUTH RIGHT OF WAY OF LASALLE AVENUE; THENCE WITH SAID SOUTH RIGHT OF WAY, ALONG THE ARC OF A NON-TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1565.00 FEET, A LENGTH OF 82.05 FEET (THE CHORD OF SAID ARC BEARS SOUTH 73°27'17" EAST, 82.04 FEET); THENCE SOUTH 71°57'10" EAST, 263.39 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY, SOUTH 01°29'01" WEST, 395.27 FEET TO THE NORTHEAST CORNER OF A 1 ACRE TRACT AS RECORDED IN DOC. #2015-04873; THENCE NORTH 88°28'36" WEST, 208.71 FEET TO THE NORTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE SOUTH 01°31'25" WEST, 208.71 FEET TO THE SOUTHWEST CORNER OF SAID 1 ACRE TRACT; THENCE NORTH 88°28'36" WEST, 141.26 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.20 ACRES, MORE OR LESS, AND BEING SUBJECT TO AN ACCESS AND UTILITY EASEMENT ON FILE IN SAID LAND RECORDS IN DOCUMENT #2017-04988 AND ANY OTHER EASEMENTS OR RIGHT OF WAYS OF RECORD.

2. Ryland R. Meyr does hereby petition to have the above described real property annexed to and included within the city limits of the City of Cape Girardeau, Missouri.
3. This Petition shall be a continuing obligation running with the land, and shall bind the subsequent owners and their heirs, executors, administrators, successors, assigns, and/or legal representatives. It is understood that this instrument will be recorded in the Office of the Recorder of Deeds of Cape Girardeau County and shall be of record.

WHEREFORE, Ryland R. Meyr agrees that the city limits of the City of Cape Girardeau, Missouri should be extended by ordinance to include the above described real property, and that the City should take whatever action necessary to facilitate said annexation.



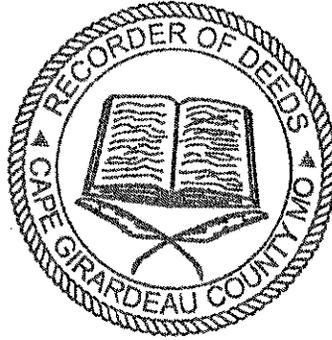
# Petition for Annexation - 4150 Thousand Oaks Lane Jerad and Heather Busch



CG



8 2 4 2 1 8 7  
Tx:4127633



DOCUMENT #  
2019-03115

ANDREW DAVID BLATTNER  
RECORDER OF DEEDS  
CAPE GIRARDEAU COUNTY, MO  
RECORDED ON  
04/09/2019 12:17:10 PM  
REC FEE: 30.00  
PAGES: 3

**RECORDER OF DEEDS  
COVER PAGE**

**Title of Document:** Annexation Petition  
**Date of Document:** April 2, 2019  
**Grantor(s) Name & Address:** Jerad and Heather Busch  
518 Monterra  
Cape Girardeau, MO 63701  
**Grantee(s) Name & Address:** City of Cape Girardeau  
401 Independence Street  
Cape Girardeau, MO 63703  
**Legal Description:** See page 1 of Annexation Petition  
**Reference Book & Page, if Required:**

IN RE: ANNEXATION

REVOCABLE TRUST AGREEMENT OF JERAD BUSCH AND HEATHER BUSCH DATED  
JANUARY 19, 2017, Petitioners.

**PETITION FOR ANNEXATION**

1. Come now Jerad and Heather Busch, Trustees of the Revocable Trust Agreement of Jerad Busch and Heather Busch Dated January 19, 2017, and state that they are the owners of all fee interest of record of the following described real property, being in Cape Girardeau County, Missouri:

That part of the Fractional Sections 3 & 10, Township 31 North, Range 13 East of the Fifth Principal Meridian, County of Cape Girardeau, State of Missouri, being more particularly described as follows: Commencing at a square cut stone with cross cut mark, marking the Southwest corner of said Fractional Section 3 and the Northwest corner of said Fractional Section 10, thence with the West line of said Fractional Section 10, South 04°56'59" West, 69.75 feet; thence leaving said West line, South 88°28'36" East, 862.69 feet to the Southeast corner of a 1 acre tract as recorded in Document # 2015-04873 of the County Land Records, being the Point of Beginning; thence North 01°31'25" East, 208.71 feet to the Northeast corner of said 1 acre tract; thence North 01°29'01" East, 395.27 feet to a point on the South right of way of LaSalle Avenue; thence with said South right of way, South 71°57'10" East, 997.02 feet; thence leaving said South right of way, South 60°53'56" West, 531.22 feet; thence South 88°59'58" West, 104.67 feet; thence South 01°19'19" West, 45.19 feet; thence North 88°28'36" West, 394.04 feet to the Point of Beginning, and containing 8.08 acres, more or less.

2. Jerad and Heather Busch do hereby petition to have the above described real property annexed to and included within the city limits of the City of Cape Girardeau, Missouri.
3. This Petition shall be a continuing obligation running with the land, and shall bind the subsequent owners, their heirs, executors, administrators, successors, assigns, and/or legal representatives. It is understood that this instrument will be recorded in the Office of the Recorder of Deeds of Cape Girardeau County and shall be of record.

WHEREFORE, Jerad and Heather Busch agree that the city limits of the City of Cape Girardeau, Missouri should be extended by ordinance to include the above described real property, and that the City should take whatever action necessary to facilitate said annexation.

IN WITNESS WHEREOF, the undersigned have executed this Petition on this April day of April, 2019.

*(Signatures on the following page)*



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-106**

**SUBJECT**

A Resolution authorizing the City Manager to execute a Performance Guarantee Agreement with Collins Mill Development Group, LLC, for Collins Mill Subdivision - Phase 3, in the City of Cape Girardeau, Missouri.

**EXECUTIVE SUMMARY**

The attached resolution authorizes the City Manager to execute a performance guarantee agreement for public sidewalk improvements in Collins Mill Subdivision - Phase 3.

**BACKGROUND/DISCUSSION**

Collins Mill Development Group, LLC, developer of Collins Mill Subdivision, has submitted public improvement plans for Phase 3 of the subdivision. The plans have been approved by the City's engineering staff. Per Section 25-1308 of the City Code, all of the public improvements for a subdivision (or phase) must be completed and/or covered under a performance guarantee agreement in order for the City Council to review a record plat of that subdivision (or phase). The developer has chosen to execute a performance guarantee agreement for the sidewalks only (and complete the rest of the public improvements). As part of the agreement, the developer has obtained an irrevocable letter of credit in the amount of \$37,620.00 based on a cost estimate prepared by the City's engineering staff. The agreement (with the cost estimate) is attached.

**FINANCIAL IMPACT**

Per the agreement, if the developer does not complete the sidewalks in two years, the City may complete them and draft (receive payment) from the developer's letter of credit to recover its costs.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution authorizing the City Manager to execute the performance guarantee agreement for Collins Mill Subdivision - Phase 3.

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>Performance Guarantee Agreement Collins Mill Dev Group Collins Mill Subdivision.doc</u>	Resolution
<input type="checkbox"/> <u>Performance Guarantee Agreement Collins Mill Subdivision Phase 3 (sidewalks only) Partially Executed.pdf</u>	Collins Mill Subdivision Phase 3 - Performance Guarantee Agreement

BILL NO. 19-79

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PERFORMANCE GUARANTEE AGREEMENT WITH COLLINS MILL DEVELOPMENT GROUP, LLC, FOR COLLINS MILL SUBDIVISION - PHASE 3, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a Performance Guarantee Agreement with Collins Mill Development Group, LLC, for Collins Mill Subdivision - Phase 3, in the City of Cape Girardeau, Missouri. The Agreement shall be in substantially the form attached hereto, which document is hereby approved by the City Council, and incorporated herein by reference, with such changes therein as shall be approved by the officers of the City executing the same.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

## PERFORMANCE GUARANTEE AGREEMENT

This Performance Guarantee Agreement, hereinafter referred to as "Agreement", is made and entered into this 9<sup>th</sup> day of May, 2019, by and between COLLINS MILL DEVELOPMENT GROUP, LLC, a Missouri Limited Liability Company, having its principal office and place of business at 2722 County Road 318, Cape Girardeau, Missouri 63701, hereinafter referred to as "Developer", and the CITY OF CAPE GIRARDEAU, MISSOURI, a Missouri Municipal Corporation, hereinafter referred to as "City".

### WITNESSETH:

WHEREAS, the Developer is the owner of Collins Mill Subdivision – Phase 3, a proposed subdivision located within the City of Cape Girardeau, Missouri; and

WHEREAS, the Developer proposes to meet the ordinance requirements of the City with respect to the posting of this Agreement prior to the approval by the City of the plat proposed for said subdivision.

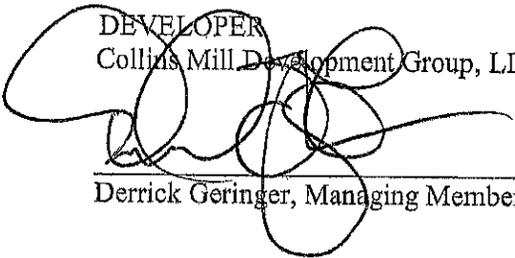
NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and agreements contained herein, the Developer and the City stipulate and agree as follows:

1. The Developer has submitted to the City a record plat of Collins Mill Subdivision – Phase 3, hereinafter referred to as "Proposed Subdivision", with request that said plat be approved by the City. The Developer has also submitted improvement plans and specifications for the Proposed Subdivision, which have been approved by the City.
2. An Irrevocable Letter of Credit, hereinafter referred to as "Letter of Credit", has been issued for the cost of the improvements in the Proposed Subdivision by MRV Banks, hereinafter referred to as "Financial Institution". The Letter of Credit is attached to this Agreement as "Exhibit A" and made a part hereof as though fully set out herein. The Letter of Credit is a commitment to the Developer from the Financial Institution that it will serve as the primary lender for the development of the Proposed Subdivision and commits itself for enough funds to complete the improvements in the Proposed Subdivision. Further, the Letter of Credit lists the City as the Beneficiary and provides for payment of funds to the City in the event the Developer is found to be in default under this Agreement.
3. A copy of the most recent financial statement of the Financial Institution is made available for the purpose of guaranteeing to the City that the Financial Institution, as the issuer of the Letter of Credit to the Developer, has sufficient resources with which to uphold its guarantee.
4. The City may, from time to time, authorize a reduction in the balance of the Letter of Credit and shall do so by written notification from the City's Administrative Officer.

5. Upon approval by the City through its Administrative Officer for the release of the remaining balance of the Letter of Credit, this Agreement shall be terminated and the Developer and the Financial Institution shall be released from any further obligation to the City insofar as the provisions of this Agreement are concerned.
6. If, after two (2) years from the date of this Agreement, all the improvements shown on the approved improvement plans and specifications have not been completed, the City may request payment from the balance of the Letter of Credit as required in order to complete the improvements. Said request for payment shall be per the terms of the Letter of Credit.
7. This Agreement shall not in any fashion be construed to limit the powers, rights, or duties of the City, but shall be construed in the light of the applicable City ordinances.
8. No part of this Agreement may be assigned by the Developer without first obtaining the express written consent of such assignment by the City, but the City agrees not to unreasonably withhold such consent.

IN WITNESS WHEREOF, the Developer and the City have executed this Agreement as of the above date.

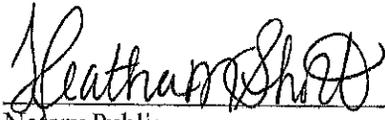
*(Signatures on following pages)*

DEVELOPER  
Collins Mill Development Group, LLC  
  
Derrick Geringer, Managing Member

STATE OF Missouri )  
COUNTY OF Cape Girardeau ) ss.

On this 9 day of May, 2019, before me personally appeared Derrick Geringer, Managing Member of Collins Mill Development Group, LLC, a Missouri Limited Liability Company, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as the free act and deed of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

  
Notary Public

Name/My Commission Expires: Heather M Short / August 26, 2021



HEATHER M. SHORT  
My Commission Expires  
August 26, 2021  
Cape Girardeau County  
Commission #13470577

CITY  
City of Cape Girardeau, Missouri

(Seal)

\_\_\_\_\_  
Scott A. Meyer, City Manager

ATTEST:

\_\_\_\_\_  
Bruce Taylor, Deputy City Clerk

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF CAPE GIRARDEAU        )

On this this \_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared Scott A. Meyer, City Manager of the City of Cape Girardeau, Missouri, a Missouri Municipal Corporation, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that the foregoing instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged that he executed the same as the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

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

Name/My Commission Expires:

EXHIBIT A  
IRREVOCABLE LETTER OF CREDIT  
*(on following pages)*



MAINTENANCE GUARANTEE  
IRREVOCABLE LETTER OF CREDIT  
COLLINS MILL DEVELOPMENT GROUP, LLC

DATE: April 18, 2019

FROM: MRV BANKS

1505 N MT AUBURN RD  
CAPE GIRARDEAU, MO 63701

TO: COLLINS MILL DEVELOPMENT GROUP, LLC  
2722 COUNTY RD 318  
CAPE GIRARDEAU, MO 63701

AND

CITY OF CAPE GIRARDEAU, MO – BENEFICIARY  
CAPE GIRARDEAU, MO

We hereby establish our irrevocable letter of credit in your favor in the amount of \$37,620.00. This amount is available upon demand and approval of the beneficiary, the City of Cape Girardeau, Missouri, for the cost associated with the installation, completion and maintenance of public sidewalks, according to the final plat, improvement plans, and specifications as approved by the City of Cape Girardeau, Missouri.

Pursuant to city code regarding improvement guarantees, this irrevocable letter of credit is being provided by the developer as guarantee that said installation will be completed. This irrevocable letter of credit represents ten (10) percent of the total cost of the improvements and shall expire immediately following two (2) years from the acceptance of completed improvements of Collins Mill Subdivision by the City of Cape Girardeau, Missouri, unless, at least thirty (30) days prior to the expiration date, written notification has been given to the developer and the entity issuing the guarantee of outstanding items of repair or completion that have not yet been resolved. This letter of credit will automatically be extended for one (1) year from the expiration date, and likewise thereafter one (1) year from any such extended expiration date, unless MRV Banks notifies the City in writing at least thirty (30) days prior to the expiration date or extended expiration date that it has elected to not extend the letter of credit any further. When released, this irrevocable letter of credit shall be returned directly to the issuing entity.

MRV Banks

Robbie Guard, Market President



Telephone: 573-334-7811 • E-mail: [rguard@mrvbanks.com](mailto:rguard@mrvbanks.com)



State of Missouri )  
 )SS  
County of Cape Girardeau )

On this 18<sup>th</sup> day of April, 2019, before me, the undersigned notary public, personally appeared Robbie Guard, Market President of MRV Banks, known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

(Seal)

MAUREEN SCHMITZ  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
My Commission Expires: May 20, 2021  
Commission #13483697

Maureen Schmitz  
Notary Public

Collins Mill Development Group, LLC

Derrick Geringer, Managing Member, Collins Mill Development Group, LLC

State of Missouri )  
 )SS  
County of Cape Girardeau )

On this 18<sup>th</sup> day of April, 2019, before me, the undersigned notary public, personally appeared Derrick Geringer, Managing Member of Collins Mill Development Group, LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

(Seal)

MAUREEN SCHMITZ  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
My Commission Expires: May 20, 2021  
Commission #13483697

Maureen Schmitz  
Notary Public

City of Cape Girardeau, Missouri

Public Works Director (to be signed only if accessed)

State of Missouri )  
 )SS  
County of Cape Girardeau )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

(Seal)

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

EXHIBIT B  
DESCRIPTION OF IMPROVEMENTS  
*(on following page)*



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

19-107

**SUBJECT**

A Resolution authorizing application to the Missouri Department of Economic Development under the 2019 Community Facility Grant on behalf of the Community Caring Council and authorizing the City Manager to execute all necessary grant program documents.

**EXECUTIVE SUMMARY**

The attached resolution authorizes the City to apply for a 2019 Community Facility (CDBG) Grant on behalf of the Community Caring Council. The Community Caring Council is proposing to renovate the former police station at 40 South Spring Street in order to relocate their current facility and expand their services to better serve the community.

**BACKGROUND/DISCUSSION**

The Community Caring Council is proposing to renovate the former police station at 40 South Spring Street in order to relocate their current facility and expand their services to better serve the community. The total project cost is estimated at \$750,000. The Community Caring Council has asked the City to apply for a 2019 Community Facility (CDBG) Grant on its behalf to cover a portion of the cost. If the grant is awarded, the project will benefit Limited Clientele/100% Low and Moderate Income persons.

**FINANCIAL IMPACT**

Of the \$750,000 total project cost, the grant would cover \$500,000 with the remaining \$250,000 being provided by the Community Caring Council as a match. The Community Caring Council's resolution authorizing the grant application is attached. No City funds would be involved.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution authorizing the City to apply for 2019 Community Facility Grant funds on behalf of the Community Caring Council for the renovation of the former police station.

**ATTACHMENTS:**

Name:	Description:
<a href="#">Grant Application Community Caring Council 2019 Community Facility Grant.doc</a>	Resolution
<a href="#">Board Resolution.pdf</a>	CCC Resolution Authorizing Grant Application

BILL NO. 19-85

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT UNDER THE 2019 COMMUNITY FACILITY GRANT ON BEHALF OF THE COMMUNITY CARING COUNCIL, AND TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

---

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City Manager, for and on behalf of the City of Cape Girardeau, Missouri, is hereby authorized to execute a grant application to the Missouri Department of Economic Development under the 2019 Community Facility Grant on behalf of the Community Caring Council, and is hereby authorized to execute all necessary grant documents. A summary of said grant application is attached to this Resolution and made a part hereof.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk



This Resolution was passed by the Community Caring Council DBA Community Partnership of Southeast Missouri Board of Directors on May 15, 2019, by a majority of affirmative votes (a quorum).

**BE IT RESOLVED:**

The Community Caring Council DBA Community Partnership of Southeast Missouri intends to seek funding through the Community Development Block Grant Program as a Sub-Applicant of the City of Cape Girardeau, which will be the Applicant.

Melissa Stickel, Executive Director, is hereby authorized to prepare and submit documents which are necessary in applying for funding, and to implement activities pursuant to the proposed CDBG activities.

Community Caring Council DBA Community Partnership of Southeast Missouri will dedicate \$250,000 of local cash funds to be used in this project.

**IN WITNESS WHEREOF**, the undersigned Secretary does hereby memorialize the foregoing resolutions adopted by the Board of Directors as of the date first written above.

**COMMUNITY CARING COUNCIL DBA COMMUNITY PARTNERSHIP OF  
SOUTHEAST MISSOURI,**  
a Missouri nonprofit corporation

By:

  
Janice Jones, Secretary

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-084**

---

**SUBJECT**

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Approval of the Partial Release of Performance Guarantee Agreement for Deerfield Estates Phase 1.

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**EXECUTIVE SUMMARY**

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The attached document releases a portion of the performance guarantee amount for public improvements in Deerfield Estates Phase 1. Staff recommends approval of the partial release document, by motion.

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**BACKGROUND/DISCUSSION**

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On August 7, 2018, the City entered into a Performance Guarantee Agreement with Drury Properties, Inc. for public improvements in Deerfield Estates Phase 1. Most of the improvements have been completed, and Drury Properties, Inc. is requesting the City execute a Partial Release of Performance Guarantee Agreement in order to reduce the letter of credit balance. The Engineering Services Division has determined that 95% of the letter of credit balance can be released at this time.

The attached Partial Release of Performance Guarantee Agreement releases \$1,777,139.35 of the \$1,870,673.00 letter of credit balance. The Performance Guarantee Agreement is also attached, for reference.

---

**STAFF RECOMMENDATION**

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Staff recommends approval of the Partial Release of Performance Guarantee Agreement for Deerfield Estates Phase 1.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>Partial Release of Performance Guarantee Agreement - Deerfield Estates Phase 1 - April 2019.pdf</u>	Partial Release of Performance Guarantee Agreement - Deerfield Estates Phase 1
<input type="checkbox"/> <u>Performance Guarantee Agreement Deerfield Estates Phase 1 Fully Executed.pdf</u>	Performance Guarantee Agreement - Deerfield Estates Phase 1

**PARTIAL RELEASE OF PERFORMANCE GUARANTEE AGREEMENT**  
**DEERFIELD ESTATES PHASE 1**

This Partial Release is made this \_\_\_\_ day of \_\_\_\_\_, 2019, by the CITY OF CAPE GIRARDEAU, MISSOURI, 401 Independence Street, Cape Girardeau, MO 63703, hereinafter referred to as "City", to DRURY PROPERTIES, INC., hereinafter referred to as "Developer".

**WITNESSETH:**

On August 7, 2018, the City and the Developer entered into a Performance Guarantee Agreement for public improvements in Deerfield Estates Phase 1, in the City of Cape Girardeau, Missouri.

The City Council of the City of Cape Girardeau, Missouri, has determined that a portion of the work covered by the Performance Guarantee Agreement for public improvements in said subdivision, as set out in the improvement plans and specifications therefore, has been satisfactorily completed.

NOW, THEREFORE, in consideration of the satisfactory completion of a portion of the public improvements set forth in the plans and specifications for said subdivision, the City hereby authorizes the release of **\$1,777,139.35** of the \$1,870,673.00 secured amount pursuant to the Performance Guarantee Agreement. The Developer is hereby discharged from said portion of its obligations to the City under the Performance Guarantee Agreement but is specifically not released and not discharged from the remainder of its obligations with respect to the Performance Guarantee Agreement, which will remain in effect until the balance of the public improvements have been completed satisfactorily.

IN WITNESS WHEREOF, this Partial Release has been executed on the above date.

CITY OF CAPE GIRARDEAU, MISSOURI

\_\_\_\_\_  
Scott A. Meyer, City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

{NOTARY ON FOLLOWING PAGE}

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF CAPE GIRARDEAU )

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared Scott A. Meyer, who, being by me duly sworn, did state that he is the City Manager of the City of Cape Girardeau, Missouri, a Municipal Corporation, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged said instrument to be the free act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

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

Name/My Commission Expires:

## PERFORMANCE GUARANTEE AGREEMENT

This Performance Guarantee Agreement, hereinafter referred to as "Agreement", is made and entered into this 7<sup>th</sup> day of August, 2018, by and between DRURY PROPERTIES, INC., a Missouri Corporation, having its principal office and place of business at 863 North State Highway 125, Springfield, Missouri 65802, hereinafter referred to as "Developer", and the CITY OF CAPE GIRARDEAU, MISSOURI, a municipal corporation, hereinafter referred to as "City".

### WITNESSETH:

WHEREAS, the Developer is the owner of Deerfield Estates Phase 1, a proposed subdivision located within the City of Cape Girardeau, Missouri, and has submitted to the City improvement plans and specifications, which have been approved by the City, and has submitted a record plat with request that said plat and the plans and specifications for the improvements in the proposed subdivision be accepted and approved by the City; and

WHEREAS, the Developer proposes to meet the ordinance requirements of the City with respect to the posting of this Agreement prior to the approval by the City of the plat proposed for said subdivision,

NOW, THEREFORE, In consideration of the foregoing and of the mutual promises and agreements contained herein, the parties to this Agreement stipulate and agree as follows:

1. The Developer has submitted to the City a record plat of Deerfield Estates Phase 1, hereinafter referred to as "Proposed Subdivision", with request that said plat be approved by the City. The Developer has also submitted improvement plans for the Proposed Subdivision, which have been approved by the City.
2. An Irrevocable Standby Letter of Credit, hereinafter referred to as "Letter of Credit", has been issued for the cost of the improvements in the Proposed Subdivision by BancorpSouth Bank, hereinafter referred to as "Financial Institution". The Letter of Credit is attached to this Agreement as "Exhibit A" and made a part hereof as though fully set out herein. The Letter of Credit is a commitment to the Developer from the Financial Institution that it will serve as the primary lender for the development of the Proposed Subdivision and commits itself for enough funds to complete the improvements in the Proposed Subdivision. Further, the Letter of Credit lists the City as the Beneficiary and provides for payment of funds to the City in the event the Developer is found to be in default under this Agreement.
3. A copy of the most recent financial statement of the Financial Institution is made available for the purpose of guaranteeing to the City that the Financial Institution, as the issuer of the Letter of Credit to the Developer, has sufficient resources with which to uphold its guarantee.

4. The City may, from time to time, authorize a reduction in the balance of the Letter of Credit and shall do so by written notification from the City's Administrative Officer.
5. Upon approval by the City through its Administrative Officer for the release of the remaining balance of the Letter of Credit, this Agreement shall be terminated and the Developer and the Financial Institution shall be released from any further obligation to the City insofar as the provisions of this Agreement are concerned.
6. If, after two (2) years from the date of this Agreement, all the improvements shown on the approved improvement plans and specifications have not been completed, the City may request payment from the balance of the Letter of Credit as required in order to complete the improvements. Said request for payment shall be per the terms of the Letter of Credit.
7. This Agreement shall not in any fashion be construed to limit the powers, rights, or duties of the City, but shall be construed in the light of the applicable City ordinances.
8. No part of this Agreement may be assigned by the Developer or the Financial Institution without first obtaining the express written consent of such assignment by the City, but the City agrees not to unreasonably withhold such consent.

IN WITNESS WHEREOF, the parties have executed this Agreement in triplicate as of the date first above written.





EXHIBIT A  
IRREVOCABLE STANBY LETTER OF CREDIT  
*(on following pages)*



# BancorpSouth Bank

## Irrevocable Standby Letter of Credit

BancorpSouth Bank  
Tupelo, Mississippi

**Issue Date:** July 31, 2018

**Letter of Credit Number:** 866000973611

**Expiration Date:** July 27, 2019

**Beneficiary:** City of Cape Girardeau, Missouri  
City Hall  
401 Independence Street  
Cape Girardeau, Missouri 63703

**Applicant:** Drury Properties, Inc.  
863 N. State Highway 125  
Springfield, Missouri 65802

**Amount (figures):** USD \$1,870,673.00

**Amount (words):** One Million Eight Hundred Seventy Thousand Six Hundred Seventy Three and No/100 US Dollars

**RE:** Deerfield Estates Phase 1 Subdivision

Dear Sir or Madam:

We hereby open our Irrevocable Standby Letter of Credit in your favor for the account of the above Applicant, up to the aggregate amount specified above available to you as Beneficiary by your sight draft(s) drawn on us under the terms and conditions stated herein below.

Draft(s) drawn on us must be in the form of Exhibit "A" hereto, must bear on its face the words, "Drawn under BancorpSouth Bank Irrevocable Standby Letter of Credit Number 866000973611 dated July 31, 2018" and must be appropriately completed and signed or endorsed by your representative, and must be accompanied by the following:

1. A statement executed by Beneficiary stating: "The undersigned hereby certifies that Drury Properties, Inc. is in default under the terms of that certain contractual agreement, between City of Cape Girardeau, Missouri and Drury Properties, Inc. and that the applicable period to cure such default has expired."
2. The original of this Irrevocable Standby Letter of Credit and any amendments thereto.

The proceeds of draft(s) drawn hereunder must be credited to amounts owed to you by the Applicant.

Partial drawings are permitted.

2778 West Jackson Street, Building C, Tupelo, Mississippi 38801

This Irrevocable Standby Letter of Credit may not be assigned or transferred.

We do hereby engage with you that draft(s) drawn hereunder and under the terms and conditions provided herein will be duly honored if drawn on us and presented to us at the following address: BancorpSouth Bank, 2778 West Jackson Street, Building C, Tupelo, MS 38801, Attention: Trade Finance Department, on or before 2:00 P.M. Central Time at said location on or before the Expiration Date (whether the original Expiration Date provided above or any extended or final expiration date as provided herein), at which time this Irrevocable Standby Letter of Credit expires. We will not honor any drafts drawn hereunder after the Expiration Date and time.

The Expiration Date of this Irrevocable Standby Letter of Credit shall automatically be extended for one (1) year from the Expiration Date, and likewise thereafter for one (1) year from any such extended expiration date, unless not less than Thirty (30) days prior to the Expiration Date or any such extended expiration date we shall send written notice that we have elected not to extend or further extend the expiration of this Irrevocable Standby Letter of Credit. Notwithstanding anything in the foregoing sentence to the contrary, in no event, and without further notice from us, shall the expiration of this Irrevocable Standby Letter of Credit be automatically extended beyond July 27, 2023 (the "Final Expiration Date"), on which date this Irrevocable Standby Letter of Credit, if not previously expired, shall finally expire without the necessity of any notice to you thereof.

This Irrevocable Standby Letter of Credit sets forth in full the terms of our undertaking and this undertaking shall not in any way be modified, amended or amplified by reference to any document, instrument, or agreement which may be referred to herein or in which this Irrevocable Standby Letter of Credit is referenced or to which this Irrevocable Standby Letter of Credit relates. No such reference shall be deemed to incorporate herein by reference any document, instrument, or agreement.

This undertaking is issued subject to the International Standby Practices 1998.

**BANCORPSOUTH BANK**

BY: 

David E. Ferrell

**ITS: Senior Vice President**

2778 West Jackson Street. Building C. Tupelo, Mississippi 38801

EXHIBIT A

SIGHT DRAFT

TO: BancorpSouth Bank  
2778 West Jackson Street  
Building C  
Tupelo, Mississippi 38801  
Attention: Trade Finance Department

\_\_\_\_\_  
(Date)

Drawn under BancorpSouth Bank Irrevocable Standby Letter of Credit Number  
\_\_\_\_\_ dated \_\_\_\_\_, \_\_\_\_\_.

DRAFT AMOUNT (in words):

\_\_\_\_\_ and \_\_\_/100's Dollars

DRAFT AMOUNT (in figures): \$ \_\_\_\_\_

REMITTANCE ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
AT SIGHT PAY TO THE ORDER OF THE UNDERSIGNED BENEFICIARY, AT  
THE REMITTANCE ADDRESS SPECIFIED ABOVE, THE DRAFT AMOUNT  
SPECIFIED ABOVE.

BENEFICIARY:

City of Cape Girardeau, Missouri

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

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

2778 West Jackson Street. Building C. Tupelo, Mississippi 38801

**Staff:** Casey Brunke P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-108**

---

**SUBJECT**

Acceptance of public improvements to serve the 2200 Block of Walnut Street, in the City of Cape Girardeau, Missouri.

---

**BACKGROUND/DISCUSSION**

Mike and Bonnie Smith constructed public improvements to serve the 2200 Block of Walnut Street. The improvements consisted of water, sanitary sewer, and street infrastructure.

Water

183 LF of 8 inch C-900 PVC Water Line  
6" x 8" Water Main Reducer

Sanitary Sewer

1 - 4 foot Standard Manhole  
230 LF of 8 inch SDR-35 PVC Sanitary Sewer Main

Paving

143 LF of Walnut Street Concrete Extension

The improvements are complete and ready to be accepted into the City's system. These improvements were inspected by City Staff and were completed generally in accordance with the approved plans.

---

**FINANCIAL IMPACT**

The improvements were installed by private contract. Once accepted into the City's system, the City will be responsible for routine maintenance and, if necessary, any repairs.

---

**STAFF RECOMMENDATION**

Staff recommends the Council accept, by motion, the public improvements to serve the 2200 Block of Walnut Street into the City's System.

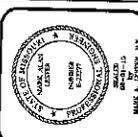
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**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">1167-585 Walnut Street Improvements for the 2200 Block.pdf</a>	Walnut Street Improvements for the 2200 Block


**GLD, Inc.**  
 Engineering Consultants  
 2018 Kevin Drive, Cape Charles, VA 23042  
 Phone: 513-332-8200 • Email: glde@glde.com

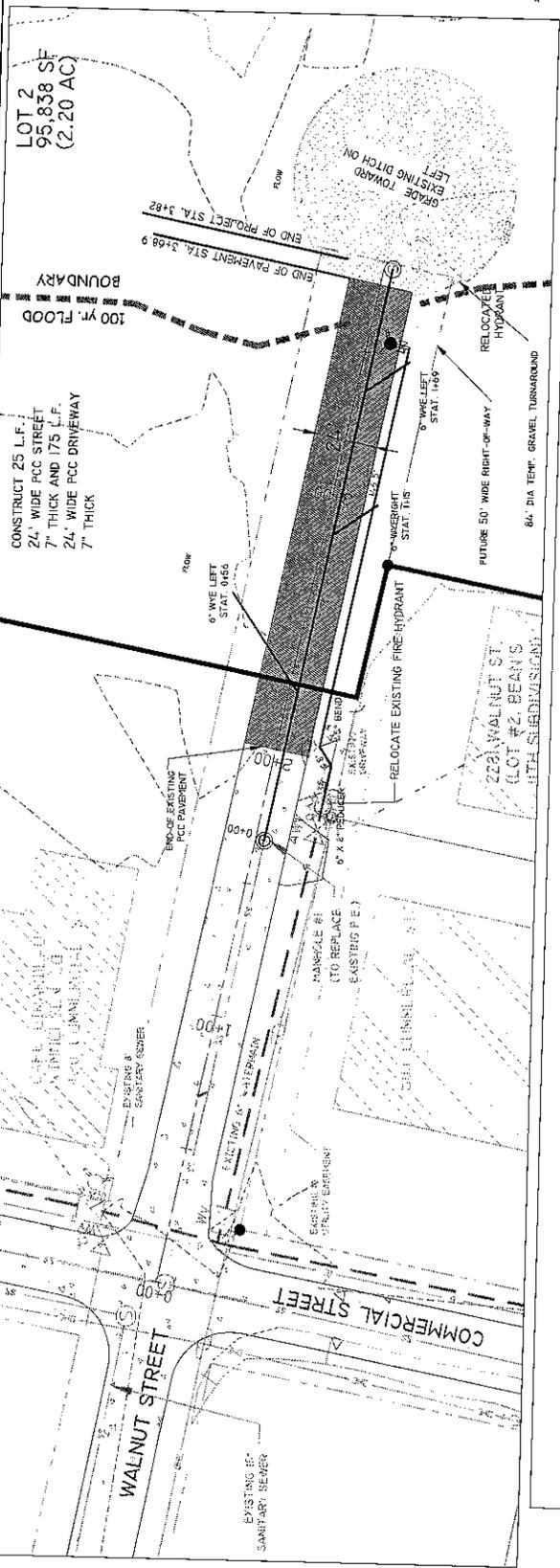
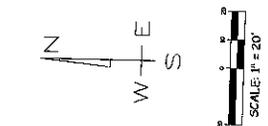
**IMPROVEMENTS FOR  
 THE 2200 BLOCK OF  
 WALNUT STREET**



NO.	DATE	BY
1.	07/15	ML
2.	09/15	ML
3.	02/16	ML
4.	03/16	ML

PROJECT NO.	15023
DATE	05/29/15
DRAWN BY	ML
CHECKED BY	CI
SHEET NO.	CI
SHEET RANGE	

ALL PROJECT IMPROVEMENTS  
 WITHIN THE BOUNDARY OF THE  
 PUBLIC RIGHT-OF-WAY SHALL BE  
 FOR PUBLIC USE.

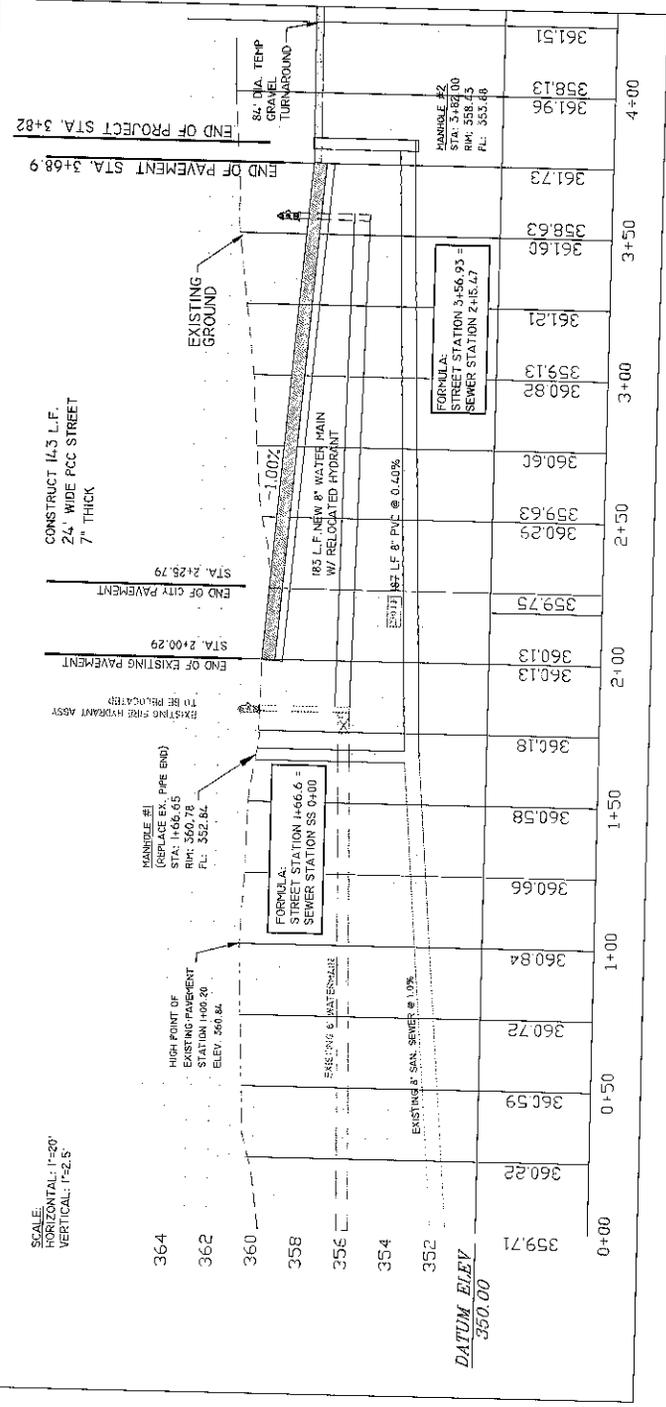


SANITARY SEWER INFORMATION

MANHOLE #	VALVE ET	OTHER	INVERT	OUTLET	INVERT	DATE
1	14442	110	310.8	310.8	224.0	2012
2	14442	110	310.8	310.8	224.0	2012

V.P.E. TABLE

STATION	DIRECTION	LOT	STATION	STATION
1150	WEST	43	1150	1150
1150	WEST	25	1150	1150
1150	WEST	25	1150	1150



**RECORD DRAWING**  
 PROJECT #167  
 PLAN #585

---

**Staff:** Kelly Green P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-083**

---

**SUBJECT**

Acceptance of public improvements to serve Deerfield Estates Phase 1, in the City of Cape Girardeau.

---

**BACKGROUND/DISCUSSION**

Drury Properties, Inc. (Mitch Drury) constructed public improvements to serve the Deerfield Estates Phase 1 (County Road 313). The improvements consisted of water, sanitary sewer, storm sewer, street and sidewalk infrastructure.

**Water**

11 Fire Hydrant Assemblies  
3965 LF of 8 inch C-900 PVC Water Main

**Sanitary Sewer**

33 Standard Manholes  
5873 LF of 8 inch SDR-35 PVC Sanitary Sewer Main

**Storm Sewer**

20 Catch Basins within the ROW  
3 Junction Boxes within the ROW  
168 LF of 15 inch RCP Storm Pipe  
496 LF of 15 inch HDPP Storm Pipe  
288 LF of 18 inch RCP Storm Pipe  
213 LF of 18 inch HDPP Storm Pipe  
213 LF of 24 inch HDPP Storm Pipe  
62 LF of 36 inch RCP Storm Pipe  
306 LF of 36 inch HDPP Storm Pipe

**Streets**

1750 LF of Kingston Avenue Concrete Street Extension  
1025 LF of Chardonnay Lane Concrete Street Extension  
600 LF of Doe Run Concrete Street Extension  
200 LF of Payton Court Concrete Street Extension  
200 LF of Clayton Court Concrete Street Extension

**Sidewalks**

7550 LF of 4 inch thick Concrete Sidewalk  
33 ADA Ramps

Per the Performance Guarantee Agreement, if the developer does not complete all the streetlights in two years, as approved by Resolution on 8-6-18 (unless otherwise amended by City Council), the City may complete the outstanding improvements and draw from the developer's letter of credit to cover costs.

The improvements as detailed above are complete and ready to be accepted into the City's system. These improvements were inspected by City Staff and were completed generally in accordance with the approved plans.

## FINANCIAL IMPACT

---

The improvements were installed by private contract. Once accepted into the City's system, the City will be responsible for routine maintenance and, if necessary, any repairs.

## STAFF RECOMMENDATION

---

Staff recommends the Council accept, by motion, the public improvements to serve Deerfield Estates Phase 1 into the City's System.

### **ATTACHMENTS:**

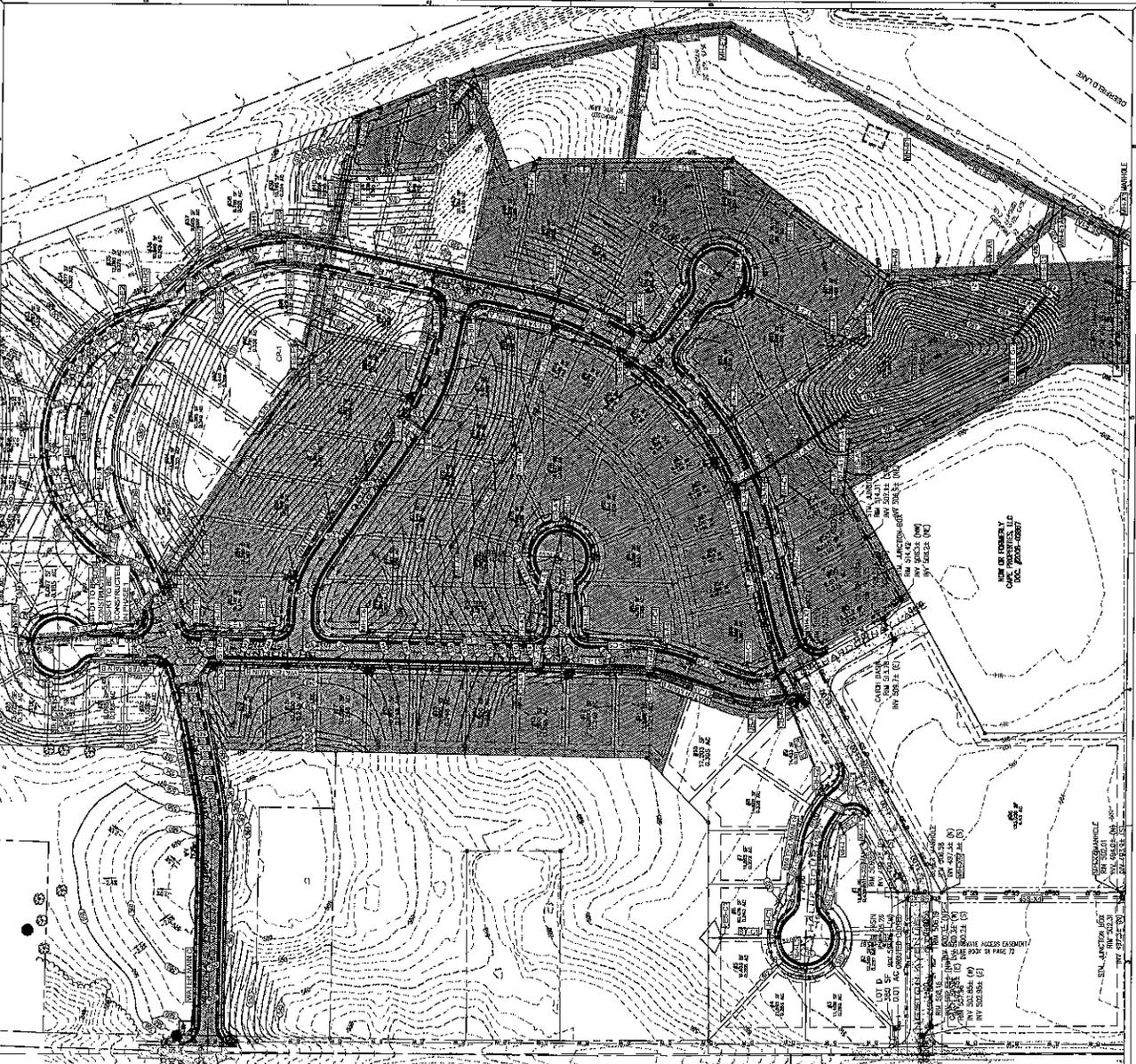
Name:	Description:
<input type="checkbox"/> <a href="#">36853_Deerfield_as_built_(1).pdf</a>	36853 Deerfield as built (1)
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<input type="checkbox"/> <a href="#">36853_Deerfield_as_built_(3).pdf</a>	36853 Deerfield as built (3)







DATE	DESCRIPTION



NORTH ARROW FROM  
 MISSOURI STATE PLANE COORDINATE SYSTEM  
 INFORMATION HEREON WAS PROVIDED BY THE CITY OF CAPE GIRARDEAU  
 IN ACCORDANCE WITH THE MISSOURI TITLE SYSTEM

LEGEND

- SANITARY SEWER
- SANITARY SEWER MANHOLE
- WATER MAIN
- WATER MAIN MANHOLE
- STORM SEWER
- STORM SEWER MANHOLE
- AS-BUILT UTILITY
- AS-BUILT WATER
- PROPOSED
- STORM SEWER MANHOLE

HORIZONTAL SCALE  
 1" = 40'

**RECORD DRAWING NOTES**

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON HAS BEEN VERIFIED IN THE FIELD AND IS CONSIDERED TO BE RECORD INFORMATION. THE SANITARY SEWER WE INFORMATION INDICATED HEREON WAS PROVIDED BY THE CITY OF CAPE GIRARDEAU INSPECTORS, AND IS SUBJECT TO ANY INCONGRUITIES IN THOSE NOTES.

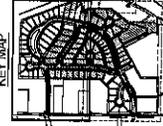
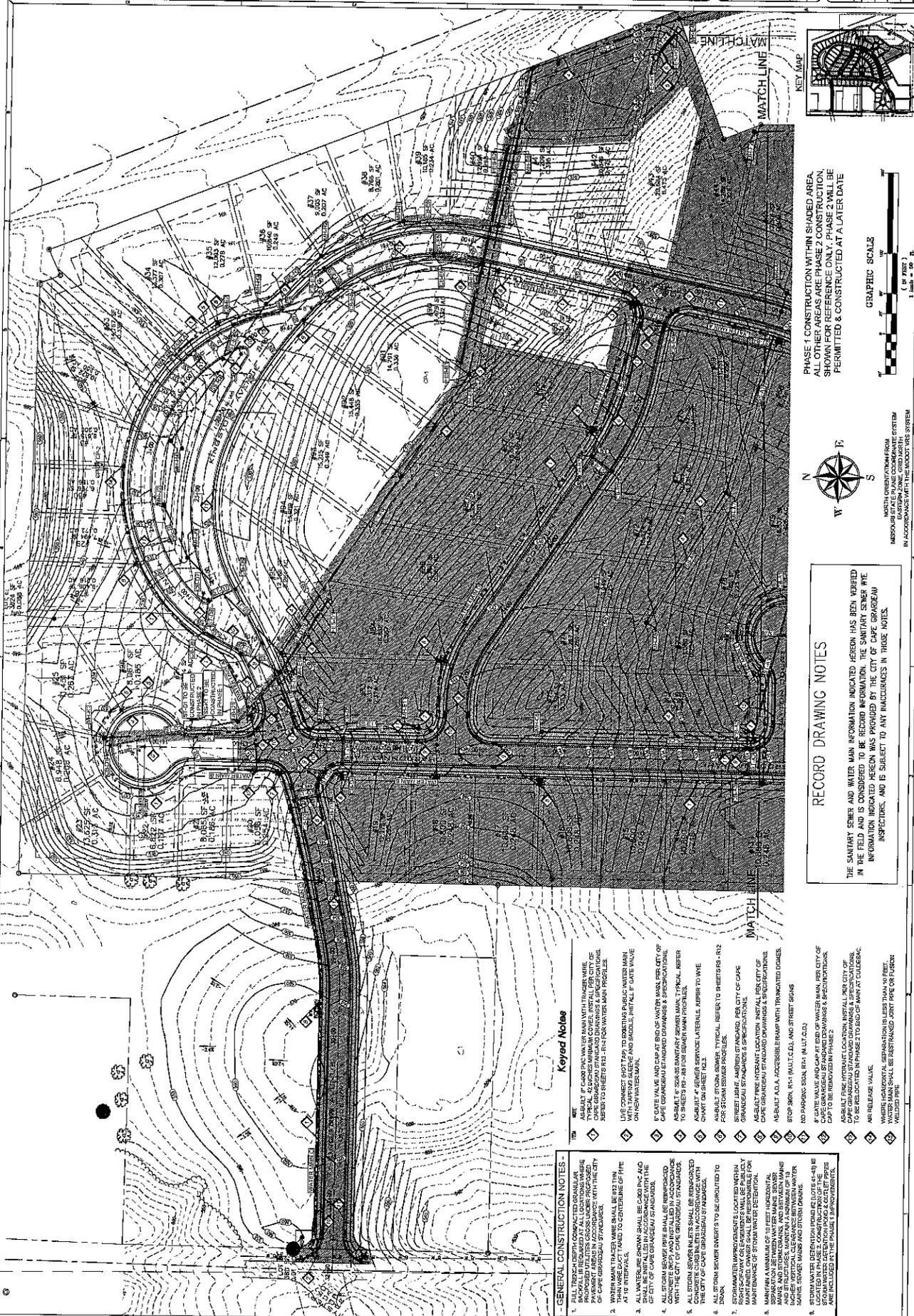
PHASE 1 CONSTRUCTION WITHIN SHADED AREA. ALL OTHER AREAS ARE PHASE 2 CONSTRUCTION. SEE PLAN FOR REFERENCE ONLY. PHASE 2 WILL BE PERMITTED & CONSTRUCTED AT A LATER DATE.



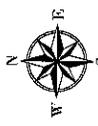
DATE	DESCRIPTION

DATE	DESCRIPTION

R2.1



PHASE 1 CONSTRUCTION WITHIN SHADED AREA.  
ALL OTHER AREAS ARE PHASE 2 CONSTRUCTION,  
SHOWN FOR REFERENCE ONLY. PHASE 2 WILL BE  
PERMITTED & CONSTRUCTED AT A LATER DATE



NOTES: ORIENT FROM PERMITS  
EASTERN ZONE GRID NORTH SYSTEM  
IN ACCORDANCE WITH THE MDDOT VRS SYSTEM

**RECORD DRAWING NOTES**

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREIN HAS BEEN VERIFIED IN THE FIELD AND IS CONSIDERED TO BE RECORD INFORMATION. THE SANITARY SEWER PIPE INFORMATION INDICATED HEREIN WAS PROVIDED BY THE CITY OF CAPE CHARLES INSPECTORS, AND IS SUBJECT TO ANY DISCREPANCIES IN THOSE NOTES.

- GENERAL CONSTRUCTION NOTES:**
1. ALL TRENCHES SHALL BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL TO THE FINISH GRADE OF THE PAVEMENT AREAS IN ACCORDANCE WITH THE CITY OF CAPE CHARLES STANDARDS.
  2. TRENCHES SHALL BE 18" DEEP WITH 18" MINIMUM COVER AT 10' INTERVALS.
  3. ALL WATERLINE SHOWN SHALL BE CAPED PVC AND CITY OF CAPE CHARLES STANDARDS.
  4. ALL STORM SEWER SHALL BE 18" DIA. AND SHALL BE 18" DEEP WITH 18" MINIMUM COVER AT 10' INTERVALS.
  5. ALL STORM SEWER SHALL BE 18" DIA. AND SHALL BE 18" DEEP WITH 18" MINIMUM COVER AT 10' INTERVALS.
  6. ALL STORM SEWER SHALL BE 18" DIA. AND SHALL BE 18" DEEP WITH 18" MINIMUM COVER AT 10' INTERVALS.
  7. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
  8. MANHOLES SHALL BE 18" DIA. AND SHALL BE 18" DEEP WITH 18" MINIMUM COVER AT 10' INTERVALS.
  9. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
  10. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
  11. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
  12. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
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  18. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
  19. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
  20. STORMWATER INFLOW PREVENTERS SHALL BE PLACED AT ALL POINTS OF ENTRY INTO THE SEWER SYSTEM.
- Keyed Notes:**
1. AS-BUILT OF CATCH BASIN WITH TRAP AND 18" DIA. SANITARY SEWER MAIN SHALL BE PERMITTED BY THE CITY OF CAPE CHARLES STANDARDS.
  2. AS-BUILT OF 18" DIA. SANITARY SEWER MAIN SHALL BE PERMITTED BY THE CITY OF CAPE CHARLES STANDARDS.
  3. AS-BUILT OF 18" DIA. SANITARY SEWER MAIN SHALL BE PERMITTED BY THE CITY OF CAPE CHARLES STANDARDS.
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  20. AS-BUILT OF 18" DIA. SANITARY SEWER MAIN SHALL BE PERMITTED BY THE CITY OF CAPE CHARLES STANDARDS.



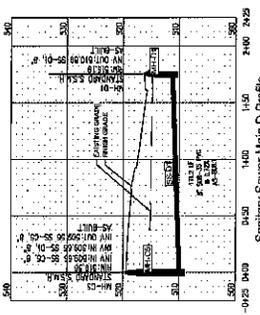
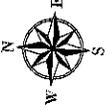
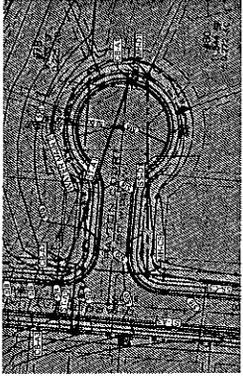




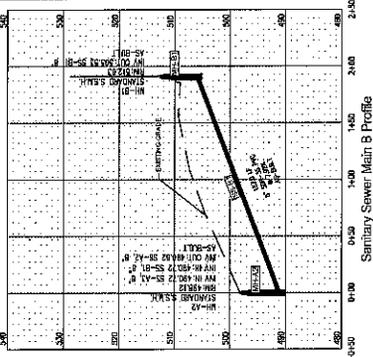
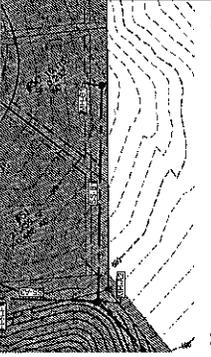


DATE	12/15/11
DESIGNED BY	DRURY PROPERTIES
CHECKED BY	DRURY PROPERTIES
CONTRACT NO.	DRURY PROPERTIES
PROJECT NO.	DRURY PROPERTIES
CONTRACTOR	DRURY PROPERTIES
CONSTRUCTION	DRURY PROPERTIES
CONTRACT VALUE	DRURY PROPERTIES
DATE	DRURY PROPERTIES

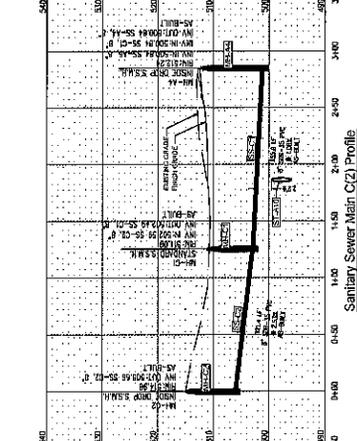
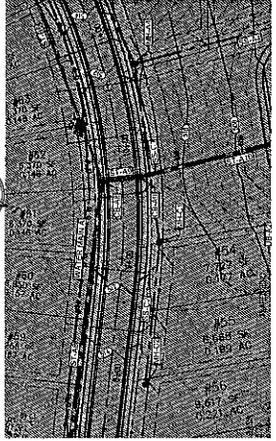
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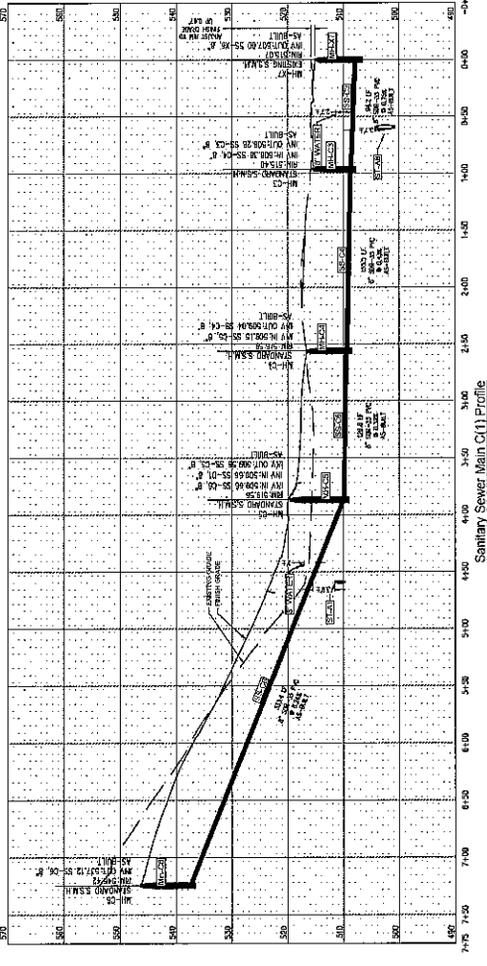
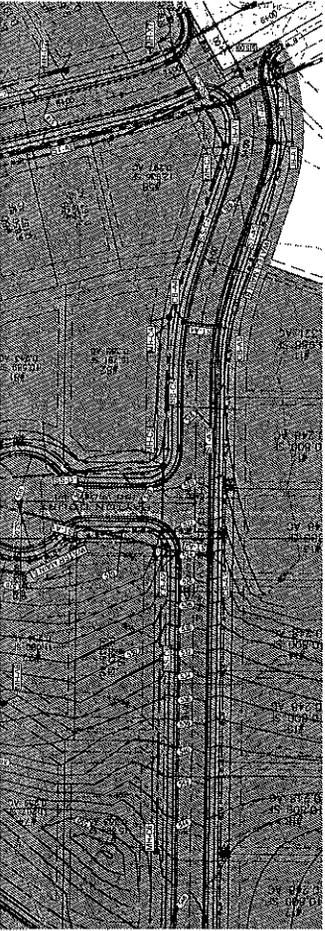
Sanitary Sewer Main D Profile



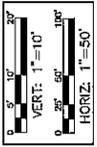
Sanitary Sewer Main B Profile



Sanitary Sewer Main C12 Profile



Sanitary Sewer Main C11 Profile















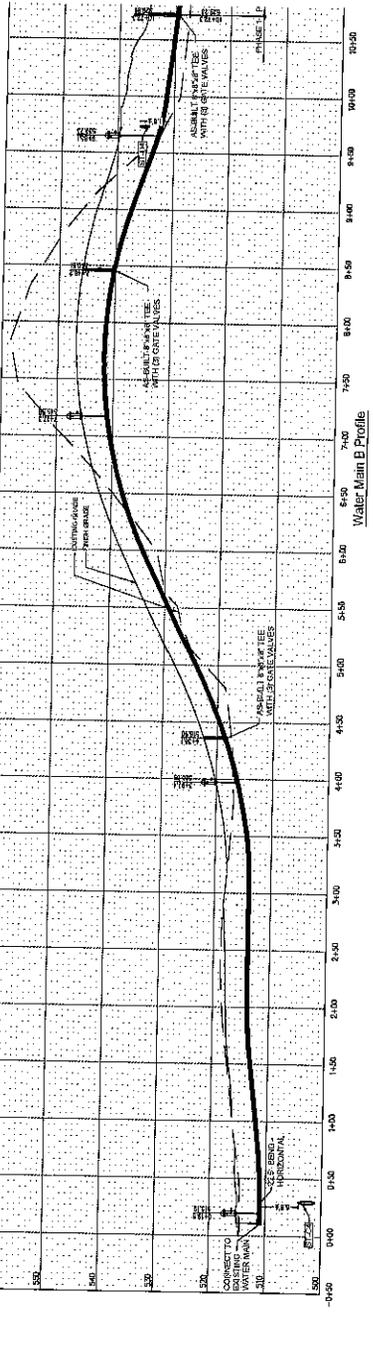
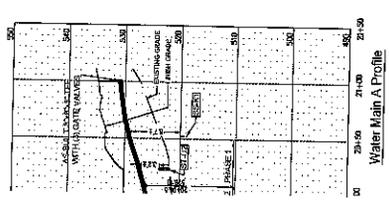
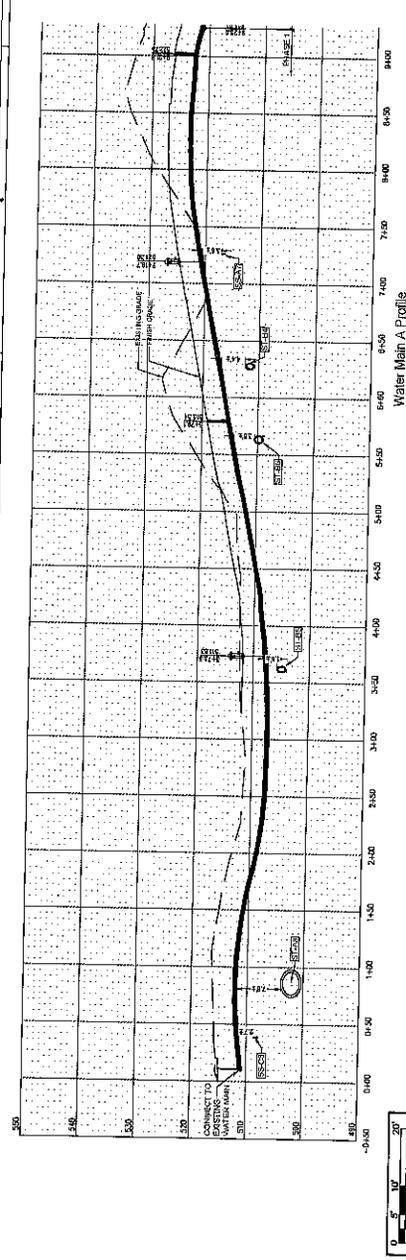






NO.	DATE	DESCRIPTION
1		PRELIMINARY PROFILES
2		AS-BUILT
3		CONNECTIONS TO EXISTING MAIN
4		CONNECTIONS TO EXISTING MAIN
5		CONNECTIONS TO EXISTING MAIN
6		CONNECTIONS TO EXISTING MAIN
7		CONNECTIONS TO EXISTING MAIN
8		CONNECTIONS TO EXISTING MAIN
9		CONNECTIONS TO EXISTING MAIN
10		CONNECTIONS TO EXISTING MAIN

PROJECT NO.	DATE
DESIGNED BY	DATE
CHECKED BY	DATE
SCALE	DATE





**Staff:** Kelly Green P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-085**

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**SUBJECT**

Acceptance of public improvements to serve Kensington Place Subdivision, in the City of Cape Girardeau.

**BACKGROUND/DISCUSSION**

Drury Properties, Inc. (Mitch Drury) constructed public improvements to serve the Kensington Place Subdivision, Lampe Road (County Road 313). The improvements consisted of sanitary sewer, storm sewer, water and street infrastructure.

**Sanitary Sewer**

19 - Standard Manholes  
3,689 LF of 8 inch SDR-35 PVC Sanitary Sewer Main

**Storm Sewer**

6 - Single Catch Basins  
67 LF of 15 inch RCP Pipe  
214 LF of 24 inch RCP Pipe  
41 LF of 24 inch CMP Pipe  
32 LF of 30 inch RCP Pipe

**Water**

2794 LF of 8" C-900 PVC Water Line  
7 Gate Valves  
4 Fire Hydrant Assemblies

**Streets**

647 LF of Kingston Avenue  
213 LF of Chardonay Lane

The improvements are complete and ready to be accepted into the City's system. These improvements were inspected by City Staff and were completed generally in accordance with the approved plans.

**FINANCIAL IMPACT**

The improvements were installed by private contract. Once accepted into the City's system, the City will be responsible for routine maintenance and, if necessary, any repairs.

**STAFF RECOMMENDATION**

Staff recommends the Council accept, by motion, the public improvements to serve Kensington Place Subdivision into the City's System.

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> Kensington As-Builts for Novus attachment 4-26-19.pdf	Kensington Place Subdivision As-Blts 4-26-19



RECORD DRAWING NOTES

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON HAS BEEN VERIFIED IN THE FIELD AND IS CONSIDERED TO BE ACCURATE INFORMATION. THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON WAS PROVIDED BY THE CITY OF CAMDEN ENGINEERS, AND IS SUBJECT TO ANY MODIFICATIONS IN THESE NOTES.

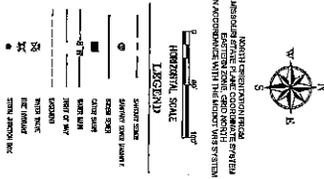
STORMWATER INTERFERENCES LOCATED WITHIN RIGHTS-OF-WAY OR OTHER ADJACENT AREAS SHALL BE MAINTAINED BY THE DEVELOPER OR TRUSTEES OF THE SUBDIVISION.

QUANTITIES

ITEM NO.	DESCRIPTION	UNIT	QUANTITY
1	CONCRETE	CU YD	12.00
2	STEEL	TONS	1.50
3	PIPE	LINEAL FEET	1000.00
4	MANHOLE	NO. OF	10.00
5	VALVE	NO. OF	5.00
6	GRASS	SQ YD	500.00
7	PAVING	SQ YD	200.00
8	LANDSCAPING	SQ YD	100.00
9	UTILITIES	LINEAL FEET	500.00
10	DEMOLITION	SQ YD	50.00
11	CONCRETE	CU YD	5.00
12	STEEL	TONS	0.50
13	PIPE	LINEAL FEET	100.00
14	MANHOLE	NO. OF	2.00
15	VALVE	NO. OF	1.00
16	GRASS	SQ YD	100.00
17	PAVING	SQ YD	50.00
18	LANDSCAPING	SQ YD	20.00
19	UTILITIES	LINEAL FEET	100.00
20	DEMOLITION	SQ YD	10.00

QUANTITIES

ITEM NO.	DESCRIPTION	UNIT	QUANTITY
21	CONCRETE	CU YD	10.00
22	STEEL	TONS	1.00
23	PIPE	LINEAL FEET	800.00
24	MANHOLE	NO. OF	8.00
25	VALVE	NO. OF	4.00
26	GRASS	SQ YD	400.00
27	PAVING	SQ YD	150.00
28	LANDSCAPING	SQ YD	70.00
29	UTILITIES	LINEAL FEET	400.00
30	DEMOLITION	SQ YD	20.00



STORMWATER DETENTION SCHEDULE

PIPE SIZE (IN)	LENGTH (FEET)	DIAMETER (IN)	DEPTH (IN)
18	100	18	48
24	150	24	48
30	200	30	48
36	250	36	48
42	300	42	48
48	350	48	48
54	400	54	48
60	450	60	48
66	500	66	48
72	550	72	48
78	600	78	48
84	650	84	48
90	700	90	48
96	750	96	48
102	800	102	48
108	850	108	48
114	900	114	48
120	950	120	48
126	1000	126	48
132	1050	132	48
138	1100	138	48
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150	1200	150	48
156	1250	156	48
162	1300	162	48
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186	1500	186	48
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270	2200	270	48
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612	5050	612	48
618	5100	618	48
624	5150	624	48
630	5200	630	48
636	5250	636	48
642	5300	642	48
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714	5900	714	48
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726	6000	726	48
732	6050	732	48
738	6100	738	48
744	6150	744	48
750	6200	750	48
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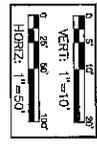
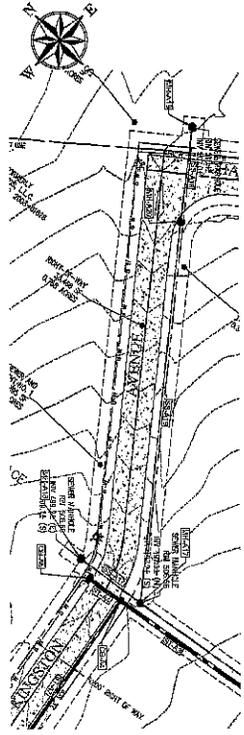
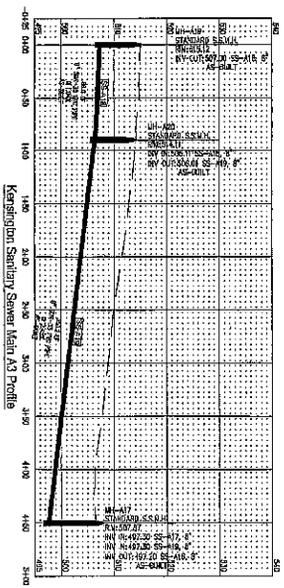
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30	200	30	48
36	250	36	48
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48	350	48	48
54	400	54	48
60	450	60	48
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240	1950	240	48
246	2000	246	48
252	2050	252	48
258	2100	258	48
264	2150	264	48
270	2200	270	48









**RECORD DRAWING NOTES**

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON HAS BEEN OBTAINED IN THE FIELD AND IS CONSIDERED TO BE RECORD INFORMATION. THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON WAS PROVIDED BY THE CITY OF CAPE GIRARD AND THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS, AND IS SUBJECT TO ANY INADVERTENCES IN THESE NOTES.

NO.	DATE	DESCRIPTION
1		PRELIMINARY PLAN
2		FINAL PLAN
3		REVISIONS
4		REVISIONS
5		REVISIONS
6		REVISIONS
7		REVISIONS
8		REVISIONS
9		REVISIONS
10		REVISIONS

NO.	DATE	DESCRIPTION
1		PRELIMINARY PLAN
2		FINAL PLAN
3		REVISIONS
4		REVISIONS
5		REVISIONS
6		REVISIONS
7		REVISIONS
8		REVISIONS
9		REVISIONS
10		REVISIONS



**RECORD PLANS**  
**KENSINGTON PLACE**  
 DRURY PROPERTIES, INC. C/O: MITCH DRURY  
 863 NORTH STATE HIGHWAY 125, SPRINGFIELD, MO. 65802

**KE KOEHLER**  
 ENGINEERING AND LAND SURVEYING, INC.

Civil Engineering and Surveying Services  
 194 Carter Lane • Cape Girardeau, MO 65711  
 Phone: 573.335.3000 • Fax: 573.335.3000  
 www.ke-dilcoeng.net



NO.	DATE	REVISIONS

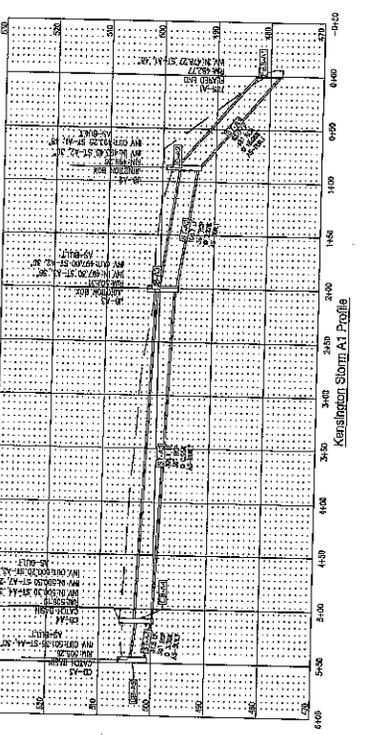
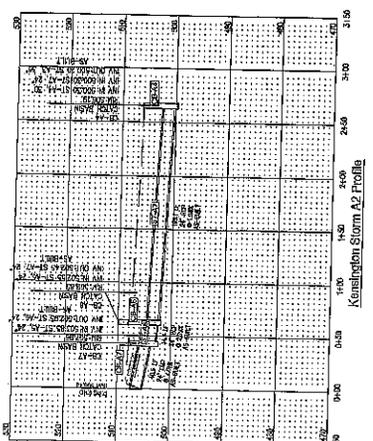
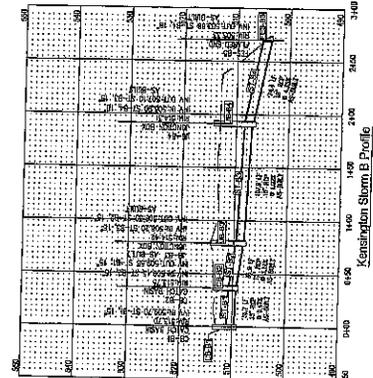
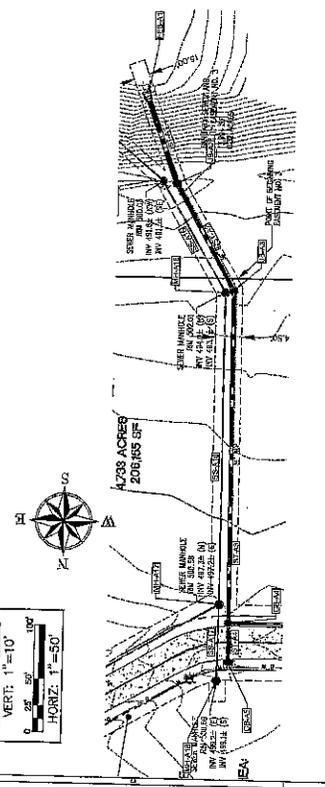
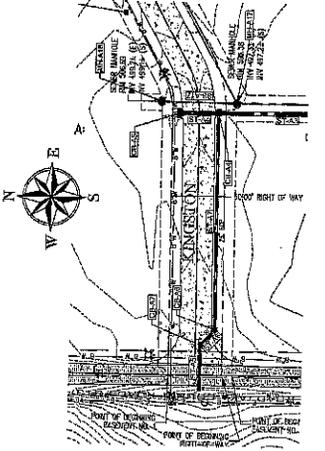
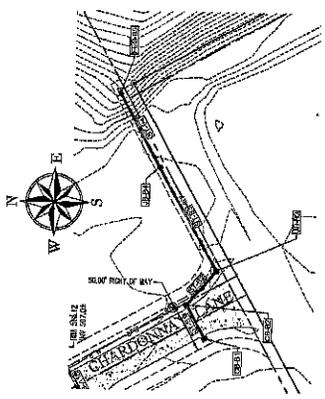
ST. CHARLES NUMBER 418  
 PLANS AND PROFILES

DATE: 11/11/11  
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 CHECKED BY: [blank]  
 PROJECT NO.: [blank]  
 SHEET NO.: [blank]  
 TOTAL SHEETS: [blank]

**R7**

**RECORD DRAWING NOTES**

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON HAS BEEN VERIFIED IN THE FIELD AND IS CONSIDERED TO BE CORRECT INFORMATION. THE SANITARY AND WATER INFORMATION INDICATED HEREON WAS PROVIDED BY THE CITY OF CAPE GIRARD, MISSOURI INSPECTORS, AND IS SUBJECT TO ANY INACCURACIES IN THOSE NOTES.





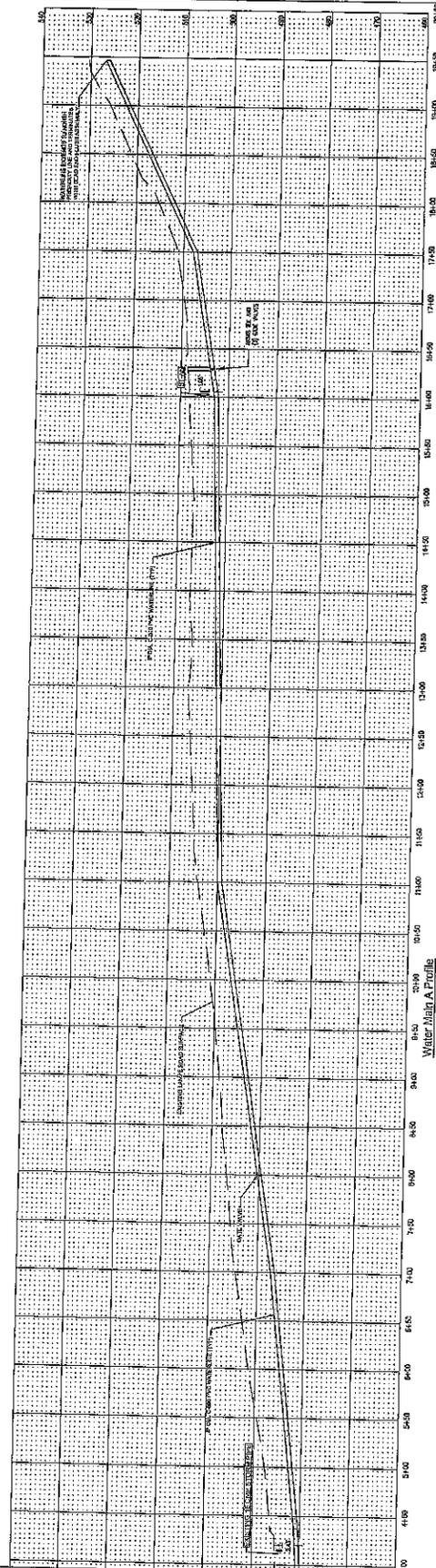
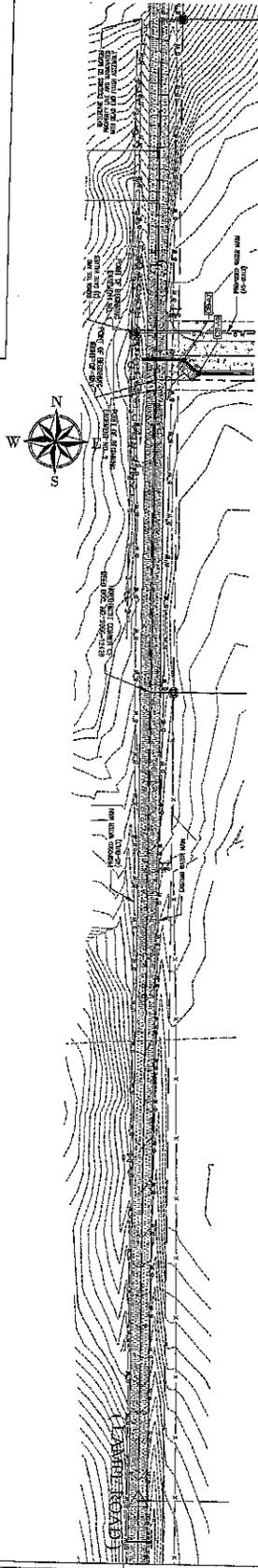


NO.	DATE	DESCRIPTION
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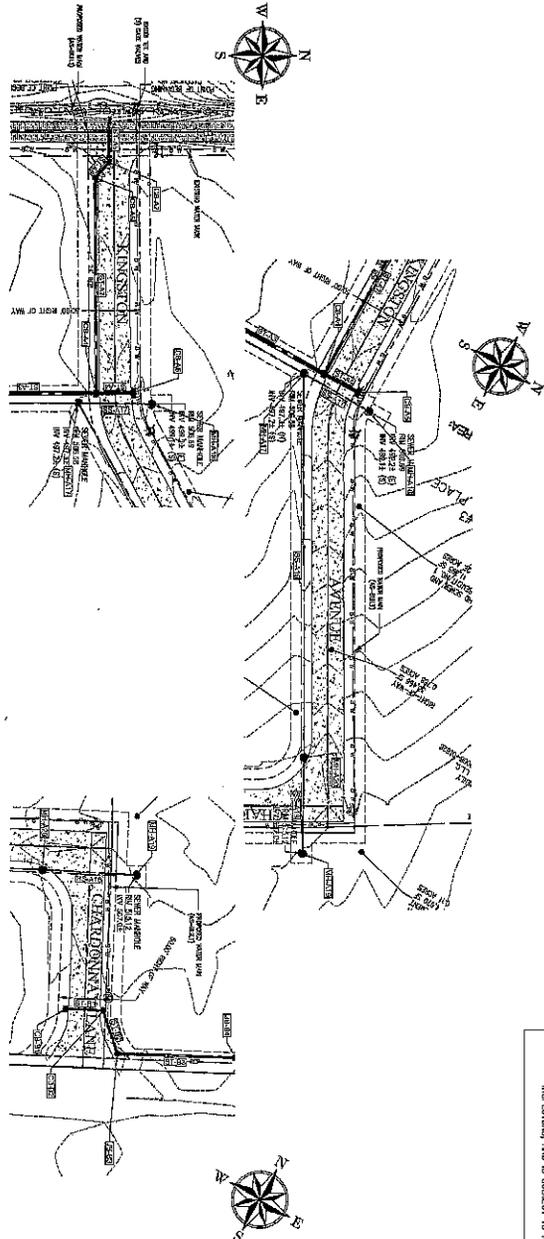
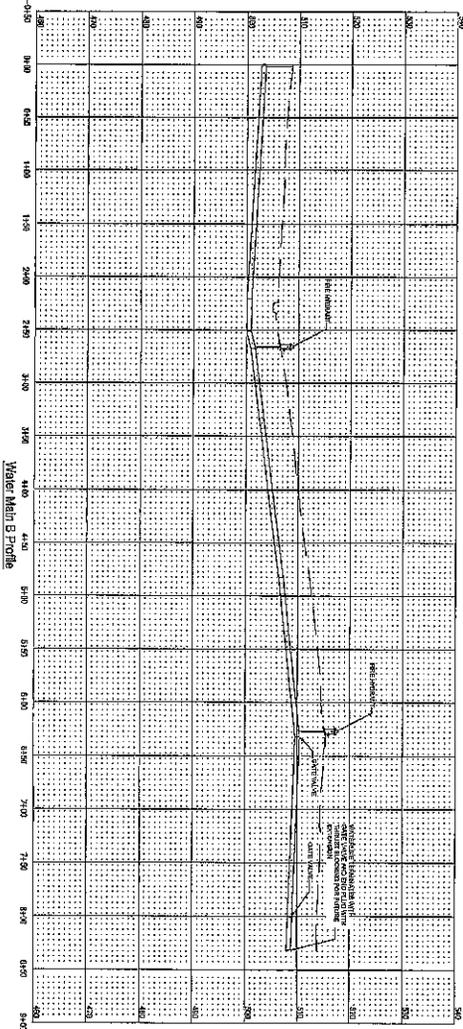
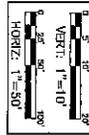
WATERMAIN A PLAN AND PROFILE	
DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
PROJECT NO.	NO.
R9	

**RECORD DRAWING NOTES**

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON HAS BEEN VERIFIED IN THE FIELD AND IS CONSIDERED TO BE RECORD INFORMATION. THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON WAS PROVIDED BY THE CITY OF CAPE CHARLES INSPECTORS, AND IS SUBJECT TO ANY AMENDMENTS IN THOSE NOTES.



Water Main A Profile



**RECORD DRAWING NOTES**

THE SANITARY SEWER AND WATER MAIN INFORMATION INDICATED HEREON HAS BEEN VERIFIED IN THE FIELD AND IS CONSIDERED TO BE CORRECT INFORMATION. THE SANITARY SEWER AND INFORMATION INDICATED HEREON WAS PROVIDED BY THE CITY OF SAPE GROUND INSPECTORS, AND IS SUBJECT TO ANY INCONGRUITIES IN THEIR NOTES.

NO.	DATE	DESCRIPTION
1		PREPARED BY CITY ENGINEER
2		REVISIONS TO THIS DRAWING
3		REVISIONS TO THIS DRAWING
4		REVISIONS TO THIS DRAWING

**RECORD PLANS**  
**KENSINGTON PLACE**  
 DRURY PROPERTIES, INC. C/O: MITCH DRURY  
 863 NORTH STATE HIGHWAY 125, SPRINGFIELD, MO. 65802

**KE KOEHLER**  
 ENGINEERING AND LAND SURVEYING, INC.

Civil Engineering and Surveying Services  
 194 South Tower - Suite 3000  
 Springfield, MO 65811  
 Phone: 671.385.3726 - Fax: 672.225.2048  
 www.koehlerengineering.com

**Staff:** Kelly Green P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-090**

---

**SUBJECT**

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An Ordinance accepting Permanent Sanitary Sewer Easements for Deerfield Off Site, located in the City of Cape Girardeau, MO from Drury Southwest, Inc., a Missouri Corporation, of the County of Cape Girardeau, State of Missouri.

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**EXECUTIVE SUMMARY**

---

Drury Southwest, Inc., a Missouri Corporation, of the County of Cape Girardeau, State of Missouri, and owners of Deerfield Off Site have donated the permanent sanitary sewer and utility easements to the City of Cape Girardeau.

---

**BACKGROUND/DISCUSSION**

---

The easements are necessary to grant the City the right to excavate, build, construct, operate, maintain, and repair the sanitary sewers and utilities and their related components in the easement areas. The attached Sanitary Sewer Easements are listed as Easements 1 through 4 for Deerfield Off site, Easements 5 and 6 are for Kensington Subdivision.

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**STAFF RECOMMENDATION**

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Staff recommends Council approve the attached Ordinance accepting Permanent Sanitary Sewer and Utility Easements for Deerfield Off Site, located in the city of Cape Girardeau, MO from Drury Southwest, Inc., a Missouri Corporation, of the County of Cape Girardeau, State of Missouri.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Perm Sanitary Sewer Easements 4 Drury Deerfield Off Site.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Drury Southwest Executed Easement.pdf</a>	Drury Southwest Easements
<input type="checkbox"/> <a href="#">36853-Drury Southwest Tract-Easement Exhibit revised03-20-2019 (2).pdf</a>	Exhibit

AN ORDINANCE ACCEPTING FOUR PERMANENT  
SANITARY SEWER EASEMENTS FOR DEERFIELD  
OFF SITE, FROM DRURY SOUTHWEST, INC.,  
IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE  
GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City of Cape Girardeau, Missouri,  
hereby accepts, and agrees to accept four Permanent  
Sanitary Sewer Easements from Drury Southwest Inc., a  
Missouri Corporation, for Deerfield Off Site, in the City  
of Cape Girardeau, Missouri, described as follows:

Sanitary Sewer Easement 1:

A 20' WIDE STRIP OF LAND BEING PART OF THE  
NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31  
NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL  
MERIDIAN, IN THE CITY AND COUNTY OF CAPE  
GIRARDEAU, STATE OF MISSOURI, THE SAID 20' WIDE  
STRIP BEING 10' PARALLEL AND ADJACENT TO EITHER  
SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

Commencing from the Southeast corner of Lot #1 of  
Kensington Place - Phase One recorded in Plat  
Book 24 at Page 72 of the Cape Girardeau County  
Land Records; thence North 89°38'03" East, 112.54  
feet; thence North 21°29'17" East, 81.72 feet;  
thence South 54°22'10" East, 80.69 feet to the  
Point of Beginning; thence North 26°38'28" East,  
364.49 feet; thence North 28°10'58" East, 336.99  
feet; thence North 05°53'52" West, 138.65 feet;  
thence North 13°27'22" West, 281.05 feet to the  
Point of Termination and containing 22,441 square  
feet, more or less.

The sidelines of said easement being prolonged  
and shortened to terminate with the North line of  
this tract of land recorded in Book 526, Page  
532.

Sanitary Sewer Easement 2:

A 20' WIDE STRIP OF LAND BEING PART OF THE  
NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31  
NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL

MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, THE SAID 20' WIDE STRIP BEING 10' PARALLEL AND ADJACENT TO EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

Commencing from the Southeast corner of Lot #1 of Kensington Place - Phase One recorded in Plat Book 24 at Page 72 of the Cape Girardeau County Land Records; thence North 89°38'03" East, 112.54 feet; thence North 21°29'17" East, 81.72 feet; thence North 00°36'33" West, 318.30 feet; thence North 36°27'23" East, 310.87 feet; thence North 00°36'33" West, 169.87 feet to the Point of Beginning; thence South 82°50'01" East, 195.92 feet to the Point of Termination containing 3,701 square feet, more or less.

The sidelines of said easement being prolonged and shortened to terminate with the west line of this tract of land recorded in Book 526, Page 532.

Sanitary Sewer Easement 3:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing from the Southeast corner of Lot #1 of Kensington Place - Phase One recorded in Plat Book 24 at Page 72 of the Cape Girardeau County Land Records; thence North 89°38'03" East, 112.54 feet; thence North 21°29'17" East, 81.72 feet; thence North 00°36'33" West, 165.64 feet to the Point of Beginning; thence continue North 00°36'33" West, 152.66 feet; thence North 36°27'23" East, 16.59 feet; thence South 00°36'33" East, 55.22 feet; thence South 02°29'04" East, 126.51 feet; thence North 42°30'03" West, 21.18 feet to the Point of Beginning containing 1,901 square feet, more or less.

Sanitary Sewer Easement 4:

A 20' WIDE STRIP OF LAND BEING PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL

MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, THE SAID 20' WIDE STRIP BEING 10' PARALLEL AND ADJACENT TO EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

Commencing from the Southeast corner of Lot #1 of Kensington Place - Phase One recorded in Plat Book 24 at Page 72 of the Cape Girardeau County Land Records; thence North 89°38'03" East, 112.54 feet; thence North 21°29'17" East, 81.72 feet; thence North 00°36'33" West, 150.66 feet to the Point of Beginning; thence South 42°30'03" East, 159.11 feet to the Point of Termination containing 2,968 square feet, more or less.

The sidelines of said easement being prolonged and shortened to terminate with the west line of this tract of land recorded in Book 526, Page 532.

ARTICLE 2. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

## PERFORMANCE GUARANTEE AGREEMENT

This Performance Guarantee Agreement, hereinafter referred to as "Agreement", is made and entered into this 9<sup>th</sup> day of May, 2019, by and between COLLINS MILL DEVELOPMENT GROUP, LLC, a Missouri Limited Liability Company, having its principal office and place of business at 2722 County Road 318, Cape Girardeau, Missouri 63701, hereinafter referred to as "Developer", and the CITY OF CAPE GIRARDEAU, MISSOURI, a Missouri Municipal Corporation, hereinafter referred to as "City".

### WITNESSETH:

WHEREAS, the Developer is the owner of Collins Mill Subdivision – Phase 3, a proposed subdivision located within the City of Cape Girardeau, Missouri; and

WHEREAS, the Developer proposes to meet the ordinance requirements of the City with respect to the posting of this Agreement prior to the approval by the City of the plat proposed for said subdivision.

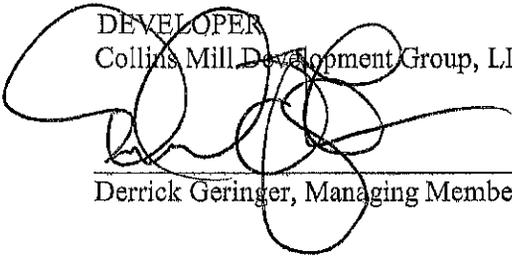
NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and agreements contained herein, the Developer and the City stipulate and agree as follows:

1. The Developer has submitted to the City a record plat of Collins Mill Subdivision – Phase 3, hereinafter referred to as "Proposed Subdivision", with request that said plat be approved by the City. The Developer has also submitted improvement plans and specifications for the Proposed Subdivision, which have been approved by the City.
2. An Irrevocable Letter of Credit, hereinafter referred to as "Letter of Credit", has been issued for the cost of the improvements in the Proposed Subdivision by MRV Banks, hereinafter referred to as "Financial Institution". The Letter of Credit is attached to this Agreement as "Exhibit A" and made a part hereof as though fully set out herein. The Letter of Credit is a commitment to the Developer from the Financial Institution that it will serve as the primary lender for the development of the Proposed Subdivision and commits itself for enough funds to complete the improvements in the Proposed Subdivision. Further, the Letter of Credit lists the City as the Beneficiary and provides for payment of funds to the City in the event the Developer is found to be in default under this Agreement.
3. A copy of the most recent financial statement of the Financial Institution is made available for the purpose of guaranteeing to the City that the Financial Institution, as the issuer of the Letter of Credit to the Developer, has sufficient resources with which to uphold its guarantee.
4. The City may, from time to time, authorize a reduction in the balance of the Letter of Credit and shall do so by written notification from the City's Administrative Officer.

5. Upon approval by the City through its Administrative Officer for the release of the remaining balance of the Letter of Credit, this Agreement shall be terminated and the Developer and the Financial Institution shall be released from any further obligation to the City insofar as the provisions of this Agreement are concerned.
6. If, after two (2) years from the date of this Agreement, all the improvements shown on the approved improvement plans and specifications have not been completed, the City may request payment from the balance of the Letter of Credit as required in order to complete the improvements. Said request for payment shall be per the terms of the Letter of Credit.
7. This Agreement shall not in any fashion be construed to limit the powers, rights, or duties of the City, but shall be construed in the light of the applicable City ordinances.
8. No part of this Agreement may be assigned by the Developer without first obtaining the express written consent of such assignment by the City, but the City agrees not to unreasonably withhold such consent.

IN WITNESS WHEREOF, the Developer and the City have executed this Agreement as of the above date.

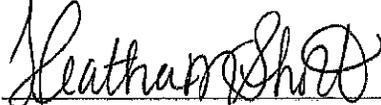
*(Signatures on following pages)*

DEVELOPER  
Collins Mill Development Group, LLC  
  
Derrick Geringer, Managing Member

STATE OF Missouri )  
COUNTY OF Cape Girardeau ) ss.

On this 9 day of May, 2019, before me personally appeared Derrick Geringer, Managing Member of Collins Mill Development Group, LLC, a Missouri Limited Liability Company, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as the free act and deed of said Limited Liability Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

  
Notary Public

Name/My Commission Expires: Heather M Short / August 26, 2021



HEATHER M. SHORT  
My Commission Expires  
August 26, 2021  
Cape Girardeau County  
Commission #13470577

CITY  
City of Cape Girardeau, Missouri

(Seal)

\_\_\_\_\_  
Scott A. Meyer, City Manager

ATTEST:

\_\_\_\_\_  
Bruce Taylor, Deputy City Clerk

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF CAPE GIRARDEAU        )

On this this \_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared Scott A. Meyer, City Manager of the City of Cape Girardeau, Missouri, a Missouri Municipal Corporation, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that the foregoing instrument was signed and sealed on behalf of said City by authority of its City Council, and acknowledged that he executed the same as the free act and deed of said City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid, the date first above written.

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

Name/My Commission Expires:

EXHIBIT A  
IRREVOCABLE LETTER OF CREDIT  
*(on following pages)*



MAINTENANCE GUARANTEE  
IRREVOCABLE LETTER OF CREDIT  
COLLINS MILL DEVELOPMENT GROUP, LLC

DATE: April 18, 2019

FROM: MRV BANKS  
1505 N MT AUBURN RD  
CAPE GIRARDEAU, MO 63701

TO: COLLINS MILL DEVELOPMENT GROUP, LLC  
2722 COUNTY RD 318  
CAPE GIRARDEAU, MO 63701  
AND  
CITY OF CAPE GIRARDEAU, MO -- BENEFICIARY  
CAPE GIRARDEAU, MO

We hereby establish our irrevocable letter of credit in your favor in the amount of \$37,620.00. This amount is available upon demand and approval of the beneficiary, the City of Cape Girardeau, Missouri, for the cost associated with the installation, completion and maintenance of public sidewalks, according to the final plat, improvement plans, and specifications as approved by the City of Cape Girardeau, Missouri.

Pursuant to city code regarding improvement guarantees, this irrevocable letter of credit is being provided by the developer as guarantee that said installation will be completed. This irrevocable letter of credit represents ten (10) percent of the total cost of the improvements and shall expire immediately following two (2) years from the acceptance of completed improvements of Collins Mill Subdivision by the City of Cape Girardeau, Missouri, unless, at least thirty (30) days prior to the expiration date, written notification has been given to the developer and the entity issuing the guarantee of outstanding items of repair or completion that have not yet been resolved. This letter of credit will automatically be extended for one (1) year from the expiration date, and likewise thereafter one (1) year from any such extended expiration date, unless MRV Banks notifies the City in writing at least thirty (30) days prior to the expiration date or extended expiration date that it has elected to not extend the letter of credit any further. When released, this irrevocable letter of credit shall be returned directly to the issuing entity.

MRV Banks

Robbie Guard, Market President



Telephone: 573-334-7811 · E-mail: [rguard@mrvbanks.com](mailto:rguard@mrvbanks.com)



State of Missouri )  
 )SS  
County of Cape Girardeau )

On this 18<sup>th</sup> day of April, 2019, before me, the undersigned notary public, personally appeared Robbie Guard, Market President of MRV Banks, known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

(Seal)

MAUREEN SCHMITZ  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
My Commission Expires: May 20, 2021  
Commission #13483697

Maureen Schmitz  
Notary Public

[Signature]  
Collins Mill Development Group, LLC

Derrick Geringer, Managing Member, Collins Mill Development Group, LLC

State of Missouri )  
 )SS  
County of Cape Girardeau )

On this 18<sup>th</sup> day of April, 2019, before me, the undersigned notary public, personally appeared Derrick Geringer, Managing Member of Collins Mill Development Group, LLC, known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

(Seal)

MAUREEN SCHMITZ  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
My Commission Expires: May 20, 2021  
Commission #13483697

Maureen Schmitz  
Notary Public

City of Cape Girardeau, Missouri

\_\_\_\_\_  
Public Works Director (to be signed only if accessed)

State of Missouri )  
 )SS  
County of Cape Girardeau )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument and acknowledge that he executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

(Seal)

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

EXHIBIT B  
DESCRIPTION OF IMPROVEMENTS  
*(on following page)*



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**Staff:** W. Victor Brownlees - Deputy  
**Agenda:** Finance Director.  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-109**

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**SUBJECT**

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This ordinance appropriates expenditure related to eight grants that were not included in the adopted budget for the fiscal year ending June 30, 2019.

**EXECUTIVE SUMMARY**

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Previously the City had accepted eight grants. None of the revenues or expenditures related to these grants was anticipated in the 2018-2019 adopted budget. This ordinance would appropriate the following expenditures:

1. \$153,900 for construction, costs, ad hoc costs and internal engineering charges for sidewalk upgrades on Independence Street.
2. \$88,889 for the costs of an Air Service study for Cape Girardeau Regional Airport.
3. \$17,090 for maintenance and enhancement of an interoperable communication vehicle for use in emergencies/disasters.
4. \$9,411 for equipment to enhance search and rescue operations.
5. \$18,232 for equipment used by the City's Critical Response Team.
6. \$17,090 for costs associated with updating security of the Cape PD patrol fleet.
7. \$84,850 for costs of flood buy-out properties.
8. \$151,657 for costs related to an Emergency Solutions grant.

**BACKGROUND/DISCUSSION**

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This ordinance would appropriate amounts totaling \$541,119 in respect of eight grants, all of which the City has been in receipt of in previous years. Only \$67,759 of these costs will not be funded by grant revenues – these will be funded by other budget savings or general fund balances.

None of these grants or expenditures had been anticipated in the 2018-2019 budget.

**FINANCIAL IMPACT**

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Only \$67,759 of these costs will not be funded by grant revenues – these will be funded by other budget savings or general fund balances.

**STAFF RECOMMENDATION**

Staff recommend approval of this ordinance.

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>APPROPRIATION FOR GRANT FUNDED EXPENDITURES 2019.docx</u>	Ordinance

BILL NO. 19-75

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROPRIATING FUNDS FOR  
CERTAIN GRANT FUNDED EXPENDITURES FOR THE  
FISCAL YEAR ENDING JUNE 30, 2019

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates One Hundred Fifty-three Thousand Nine Hundred Dollars (\$153,900.00) from the Transportation Trust Fund 5 for construction costs, and internal engineering charges, for sidewalk upgrades on Independence Street during the fiscal year ending June 30, 2019.

ARTICLE 2. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates Eighty-eight Thousand Eight Hundred Eighty-nine Dollars (\$88,889.00) from the Airport Fund for the costs of an Air Service study for the Cape Girardeau Regional Airport during the fiscal year ending June 30, 2019.

ARTICLE 3. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates Seventeen Thousand Ninety Dollars (\$17,090.00) from the General Fund (Public Safety) for maintenance and enhancement of an interoperable communication vehicle for use in emergencies and disasters during the fiscal year ending June 30, 2019.

ARTICLE 4. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates Nine Thousand Four Hundred Eleven Dollars (\$9,411.00) from the General Fund (Public Safety) for equipment to enhance search and rescue operations during the fiscal year ending June 30, 2019.

ARTICLE 5. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates Eighteen Thousand Two Hundred Thirty-two Dollars (\$18,232.00) from the General Fund (Public Safety) for equipment used by the City's Critical Response Team during the fiscal year ending June 30, 2019.

ARTICLE 6. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates Seventeen Thousand Ninety Dollars (\$17,090.00) from the General Fund (Public Safety) for costs associated with updating security of the City's Police

Department patrol fleet during the fiscal year ending June 30, 2019.

ARTICLE 7. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates Eighty-four Thousand Eight Hundred Fifty Dollars (\$84,850.00) from the Health Fund for costs of flood buy-out properties during the fiscal year ending June 30, 2019.

ARTICLE 8. The City Council of the City of Cape Girardeau, Missouri, hereby appropriates One Hundred Fifty-one Thousand Six Hundred Fifty-seven Dollars (\$151,657.00) from the General Fund (Development Services) for costs related to an Emergency Solutions Grant during the fiscal year ending June 30, 2019.

ARTICLE 9. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-110**

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**SUBJECT**

An Ordinance authorizing the issuance of Special Tax Bills on properties for the demolition of dangerous buildings under the provisions of Chapter 7 of the Code of Ordinances of the City of Cape Girardeau, Missouri.

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**EXECUTIVE SUMMARY**

The attached ordinance authorizes the issuance of special tax bills to recover costs incurred by the City in demolishing condemned structures.

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**BACKGROUND/DISCUSSION**

A structure at 2827 South Sprigg Street was condemned on May 6, 2013. The City sent a letter to the property owner notifying him of the condemnation and his responsibilities under Chapter 7, Article VII of the Code of Ordinances. After the owner failed to respond by the deadline, the City held a public hearing, and the Building Supervisor issued an order to demolish the structure by December 23, 2013. The owner failed to comply with the order. As provided for in the Code, the City hired a contractor to demolish the structure at a cost of \$500.00, for which a special tax bill must now be issued. A structure at 2829 South Sprigg Street was condemned on May 6, 2013. The City sent a letter to the property owner notifying him of the condemnation and his responsibilities under Chapter 7, Article VII of the Code of Ordinances. After the owner failed to respond by the deadline, the City held a public hearing, and the Building Supervisor issued an order to demolish the structure by December 23, 2013. The owner failed to comply with the order. As provided for in the Code, the City hired a contractor to demolish the structure at a cost of \$500.00 for which a special tax bill must now be issued. The attached ordinance authorizes the issuance of special tax bills to recover costs incurred by the City in demolishing the condemned structures on these properties. The contractor's invoice for the demolition of the structures is also attached.

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**FINANCIAL IMPACT**

Each special tax bill will bear an interest rate of eight percent (8%) annually on the outstanding balance until it is paid in full.

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**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance authorizing special tax bills to be issued for the demolition of dangerous buildings at 2827 South Sprigg Street, and 2729 South Sprigg Street.

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**ATTACHMENTS:**

Name:	Description:
 <a href="#">Ord Special Tax Bills 2827 2829 South Sprigg Street.doc</a>	Ordinance
 <a href="#">Contractor s Invoice.pdf</a>	Contractor's Invoice

BILL NO. 19-77

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SPECIAL TAX BILL FOR PROPERTIES LOCATED AT 2827 & 2829 SOUTH SPRIGG STREET, FOR THE DEMOLITION OF DANGEROUS BUILDINGS UNDER THE PROVISIONS OF CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI

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WHEREAS, the Building Supervisor of the City of Cape Girardeau, Missouri, issued Orders causing certain dangerous buildings to be demolished; and

WHEREAS, the City of Cape Girardeau did cause said buildings to be demolished in accordance with the Orders, thereby incurring certain expenses; and

WHEREAS, the Building Supervisor authorized the issuance of certain tax bills for said expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. There is hereby levied, and the City Clerk is hereby authorized and ordered to place on file, a Special Tax Bill issued in accordance with the Order of the Building Supervisor which shall be a lien against the following described properties in accordance with law, in the following amount, until paid or collected by the City of Cape Girardeau, Missouri:

Parcel No. 206120001008000000

Property Address: 2827 & 2829 South Sprigg Street

The West One Half of the South One Half of a tract of land in Survey No. 812 confirmed to John Saviour, Alias Seavers, in Township 30 North, Range 13 East in Cape Girardeau County, Missouri, conveyed to Alfred Pieronett to Jacob Shelton by deed dated March 17, 1883 and recorded in Book 14 at page 274 in the office of the Recorder of Cape Girardeau County, Missouri, and conveyed also by Wm. D. Shelton, devisee in the Will of William D. Shelton to Leon Jones and Myra Jones by deed dated April 26, 1923, recorded in Book 77 at page 124 of the land records of Cape Girardeau County, Missouri, said West One Half of said South One Half of said tract being particularly described as follows: Begin at the northeast corner of a certain 36.45 acre tract described in a deed to William B. Wilson dated July 27, 1889, and recorded in

the Recorder's Office in Jackson, Missouri, in Book 21 at page 375 and run South with the east line of said 36.45 acre tract, 640 feet; thence West, 62.5 feet for a beginning place of the tract to be described; thence continue West for a distance of 62.5 feet to the southwest corner of the above mentioned tract; thence North with the west line of said tract for a distance of 160 feet; thence East and parallel with the south line of said tract for a distance of 62.5 feet; thence South and parallel with the east line to beginning.

ARTICLE 2. Said Special Tax Bill shall bear an interest rate of eight per cent (8%) per annum.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

Eagle Excavating LLC  
 931 County Road 366  
 Jackson MO 63755  
 (573) 204-8981  
 CompasK@Yahoo.com

# Invoice

Date	Invoice #
4/25/2019	2950

**Bill To**

City of Cape Girardeau  
 401 Independence  
 Cape Girardeau, Mo 63703

*PO# 190917*

Terms	Due Date
Net 10	4/30/2019

Date of Service	Machine	Description	Hou...	Rate	Op/Dri...	Total
4/23/2019	Contract	Contract Service - Demolition of 2827 & 2829 South Sprigg	1	1,000.00		1,000.00

Thank you for your business.

**Total**

**\$1,000.00**

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-111**

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**SUBJECT**

An Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Fences.

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**EXECUTIVE SUMMARY**

The attached ordinance amends the fence regulations in the Development Code (Chapter 25 of the Code of Ordinances).

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**BACKGROUND/DISCUSSION**

Attached is an amendment to the Development Code (Chapter 25 of the Code of Ordinances) regarding fences. Currently, Section 25-604 of the Code treats all front yards the same for the purposes of regulating fence height and surface (for non-rural estate residential uses, the maximum height is 3 feet and the minimum open surface ratio is 50%). Any yard between a street and a principal structure is considered a front yard per the Code. Over the years, staff has received complaints from owners of residential corner lots and through lots because they aren't allowed to have a privacy fence in their non-primary front yard (i.e. the "side" front yard or "rear" front yard). This is particularly problematic when an owner wishes to replace an aging privacy fence constructed prior to the current restrictions, which apply if more than 30% of the fence area is repaired or replaced.

The amendment establishes two types of front yards for residential uses (excluding rural estate residential, which is already permitted a higher fence in the front yard). The two types are primary front yard and secondary front yard. A primary front yard is defined as the front yard of a lot or, in the case of a lot with more than one front yard, the front yard to which the main entrance of the principal dwelling is oriented. A secondary front yard is defined as any front yard that is not a primary front yard. Fences in a primary front yard are subject to the current restrictions (maximum height of 3 feet and minimum open surface ratio of 50%) while fences in a secondary front yard are subject to the same restrictions as fences in the rear and side yards (maximum height of 6 feet and no minimum open surface ratio). The amendment also includes minor changes to this section for purposes of clarity and consistency.

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**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the amendment.

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**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its May 8, 2019 meeting, recommended approval of the amendment with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

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**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Amending_CH_25-Fences.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Chapter_25_Amendment_Regarding_Fences_(Edits_Copy)_-May_8_2019.pdf</a>	Chapter 25 Amendment Regarding Fences (Edits Copy)
<input type="checkbox"/> <a href="#">Chapter_25_Amendment_Regarding_Fences_(Clean_Copy)_-May_8_2019.pdf</a>	Chapter 25 Amendment Regarding Fences (Clean Copy)

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING FENCES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. Section 25-604 of Article VI of Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, reading as follows:

Sec. 25-604. - Height and surface requirements.

(a) Fences shall comply with the height and surface standards in the following table:

Use Type	Location	Height	Surface
Agricultural and rural estate residential <sup>1</sup>	Front yard	Maximum of five (5) feet	Minimum of 50% open
	Rear and side yards	Maximum of six (6) feet	
Residential, non-rural estate	Front yard	Maximum of three (3) feet	Minimum of 50% open
	Rear and side yards	Maximum of six (6) feet	
Commercial	Front yard <sup>2</sup>	Maximum of four (4) feet	Minimum of 50% open
	Rear and side yards	Maximum of eight (8) feet	
Manufacturing/industrial	All yards	Maximum of eight (8) feet	
Playground, as part of a school or park	Front yard	Maximum of six (6) feet	Minimum of 75% open

	Rear and side yards	Maximum of six (6) feet	
Athletic field	Front yard	Maximum of twelve (12) feet <sup>3</sup>	Minimum of 75% open
	Rear and side yards	Maximum of twelve (12) feet <sup>3</sup>	
Tennis court	All yards	Maximum of twelve (12) feet	Minimum of 50% open
Swimming pool	All yards	Minimum of four (4) feet	In accordance with section 13-37 of the City Code

<sup>1</sup> Rural estate residential shall mean a residential use in a rural estate residential district.

<sup>2</sup> Chain link fences in the front yard are prohibited.

<sup>3</sup> Baseball backstops are exempted.

(b) For any use not specifically listed in the foregoing table, the standards of the most similar use specifically listed shall apply, as determined by the city manager.

(c) Fence height shall be measured from the ground to the highest point of the boards, pickets, panels, or other elements between the vertical supports. Posts and other vertical supports, including any finials, shall be permitted to extend above the fence height by no more than fifteen (15) percent. The creation of mounds, slopes or terraces to elevate the ground at the fence line above the adjacent yard is prohibited.

~~is hereby repealed in its entirety~~ and a new Section 25-604 of Article VI of Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, is hereby enacted in lieu thereof, in words and figures, to read as follows, to-wit:

Sec. 25-604. - Height and surface requirements.

(a) Fences shall comply with the height and surface standards in the following table:

Use Type	Location	Height	Surface
Agricultural and rural estate residential <sup>1</sup>	Front yard	Maximum of five (5) feet	Minimum of fifty percent (50%) open
	Rear and side yards	Maximum of six (6) feet	
Residential, non-rural estate	Front yard, primary <sup>2</sup>	Maximum of three (3) feet	Minimum of fifty percent (50%) open
	Front yard, secondary <sup>3</sup>	Maximum of six (6) feet	
	Rear and side yards	Maximum of six (6) feet	
Commercial	Front yard <sup>4</sup>	Maximum of four (4) feet	Minimum of fifty percent (50%) open
	Rear and side yards	Maximum of eight (8) feet	
Manufacturing/industrial	All yards	Maximum of eight (8) feet	
Playground, as part of a school or park	Front yard	Maximum of six (6) feet	Minimum of seventy-five percent (75%) open
	Rear and side yards	Maximum of six (6) feet	
Athletic field	Front yard	Maximum of twelve (12) feet <sup>5</sup>	Minimum of seventy-five percent (75%) open
	Rear and side yards	Maximum of twelve (12) feet <sup>5</sup>	
Tennis court	All yards	Maximum of twelve (12) feet	Minimum of fifty percent (50%) open
Swimming pool	All yards	In accordance with chapter 7, article IIIa of the City Code	In accordance with chapter 7, article IIIa of the City Code

<sup>1</sup> Rural estate residential shall mean a residential use in a rural estate residential district.

<sup>2</sup> Primary front yard shall mean the front yard of a lot or, in the case of a lot with more than one (1) front yard, the front yard to which the main entrance of the principal dwelling is oriented.

<sup>3</sup> Secondary front yard shall mean any front yard that is not a primary front yard.

<sup>4</sup> Chain link fences in the front yard are prohibited.

<sup>5</sup> Baseball backstops are exempted.

(b) For any use not specifically listed in the foregoing table, the standards of the most similar use specifically listed shall apply, as determined by the city manager.

(c) Fence height shall be measured from the ground to the highest point of the boards, pickets, panels, or other elements between the vertical supports. Posts and other vertical supports, including any finials, shall be permitted to extend above the fence height by no more than fifteen (15) percent. The creation of mounds, slopes or terraces to elevate the ground at the fence line above the adjacent yard is prohibited.

ARTICLE 2. 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.

ARTICLE 3. It is the intention of the governing body and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Cape Girardeau, Missouri, and the sections of this Code may be renumbered to accomplish such intention.

ARTICLE 4. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

Sec. 25-604. - Height and surface requirements.

(a) Fences shall comply with the height and surface standards in the following table:

Use Type	Location	Height	Surface
Agricultural and rural estate residential <sup>1</sup>	Front yard	Maximum of five (5) feet	Minimum of fifty percent (50%) open
	Rear and side yards	Maximum of six (6) feet	
Residential, non-rural estate	Front yard, primary <sup>2</sup>	Maximum of three (3) feet	Minimum of fifty percent (50%) open
	Front yard, secondary <sup>3</sup>	Maximum of six (6) feet	
	Rear and side yards	Maximum of six (6) feet	
Commercial	Front yard <sup>4</sup>	Maximum of four (4) feet	Minimum of fifty percent (50%) open
	Rear and side yards	Maximum of eight (8) feet	
Manufacturing/industrial	All yards	Maximum of eight (8) feet	
Playground, as part of a school or park	Front yard	Maximum of six (6) feet	Minimum of seventy-five percent (75%) open
	Rear and side yards	Maximum of six (6) feet	
Athletic field	Front yard	Maximum of twelve (12) feet <sup>5</sup>	Minimum of seventy-five percent (75%) open
	Rear and side yards	Maximum of twelve (12) feet <sup>5</sup>	

Tennis court	All yards	Maximum of twelve (12) feet	Minimum of fifty percent (50%) open
Swimming pool	All yards	In accordance with chapter 7, article IIIa of the City Code	In accordance with chapter 7, article IIIa of the City Code

<sup>1</sup> Rural estate residential shall mean a residential use in a rural estate residential district.

<sup>2</sup> Primary front yard shall mean the front yard of a lot or, in the case of a lot with more than one (1) front yard, the front yard to which the main entrance of the principal dwelling is oriented.

<sup>3</sup> Secondary front yard shall mean any front yard that is not a primary front yard.

<sup>4</sup> Chain link fences in the front yard are prohibited.

<sup>5</sup> Baseball backstops are exempted.

(b) For any use not specifically listed in the foregoing table, the standards of the most similar use specifically listed shall apply, as determined by the city manager.

(c) Fence height shall be measured from the ground to the highest point of the boards, pickets, panels, or other elements between the vertical supports. Posts and other vertical supports, including any finials, shall be permitted to extend above the fence height by no more than fifteen (15) percent. The creation of mounds, slopes or terraces to elevate the ground at the fence line above the adjacent yard is prohibited.

**TEXT TO BE DELETED IS SHOWN IN STRIKETHROUGH**

**TEXT TO BE ADDED IS SHOWN IN RED**

**ARTICLE AND/OR SECTION TITLES AFFECTED BY THIS AMENDMENT: None**

Sec. 25-604. - Height and surface requirements.

(a) Fences shall comply with the height and surface standards in the following table:

Use Type	Location	Height	Surface
Agricultural and rural estate residential <sup>1</sup>	Front yard	Maximum of five (5) feet	Minimum of fifty percent (50%) open
	Rear and side yards	Maximum of six (6) feet	
Residential, non-rural estate	Front yard, primary <sup>2</sup>	Maximum of three (3) feet	Minimum of fifty percent (50%) open
	Front yard, secondary <sup>3</sup>	Maximum of six (6) feet	
	Rear and side yards	Maximum of six (6) feet	
Commercial	Front yard <sup>4</sup>	Maximum of four (4) feet	Minimum of fifty percent (50%) open
	Rear and side yards	Maximum of eight (8) feet	
Manufacturing/industrial	All yards	Maximum of eight (8) feet	
Playground, as part of a school or park	Front yard	Maximum of six (6) feet	Minimum of seventy-five percent (75%) open
	Rear and side yards	Maximum of six (6) feet	
Athletic field	Front yard <sup>5</sup>	Maximum of twelve (12) feet	Minimum of seventy-five percent (75%) open
	Rear and side yards <sup>5</sup>	Maximum of twelve (12) feet	

Tennis court	All yards	Maximum of twelve (12) feet	Minimum of fifty percent (50%) open
Swimming pool	All yards	Minimum of four (4) feet In accordance with chapter 7, article IIIa of the City Code	In accordance with section <del>13-37</del> chapter 7, article IIIa of the City Code

<sup>1</sup> Rural estate residential shall mean a residential use in a rural estate residential district.

<sup>2</sup> Primary front yard shall mean the front yard of a lot or, in the case of a lot with more than one (1) front yard, the front yard to which the main entrance of the principal dwelling is oriented.

<sup>3</sup> Secondary front yard shall mean any front yard that is not a primary front yard.

<sup>24</sup> Chain link fences in the front yard are prohibited.

<sup>35</sup> Baseball backstops are exempted.

(b) For any use not specifically listed in the foregoing table, the standards of the most similar use specifically listed shall apply, as determined by the city manager.

(c) Fence height shall be measured from the ground to the highest point of the boards, pickets, panels, or other elements between the vertical supports. Posts and other vertical supports, including any finials, shall be permitted to extend above the fence height by no more than fifteen (15) percent. The creation of mounds, slopes or terraces to elevate the ground at the fence line above the adjacent yard is prohibited.

**Staff:** Kelly Green P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-112**

**SUBJECT**

An Ordinance accepting a Temporary Construction Easement from D.L.G, LLC a Missouri Limited Liability Company for 1001 N. Kingshighway St for the Hopper Road Box Culvert Project, in the City of Cape Girardeau, Missouri.

**BACKGROUND/DISCUSSION**

City Staff has identified that a Temporary Construction Easement is necessary to complete the Hopper Road Box Culvert project

**FINANCIAL IMPACT**

There will be no financial impact as the Temporary Construction Easement is being donated.

**STAFF RECOMMENDATION**

Staff recommends approval of the Ordinance accepting the Temporary Construction Easement for the Hopper Road Box Culvert Project.

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>Temporary Construction Easement- D.L.G. 1001 N Kingshighway Hopper Road Box Culvert Project.doc</u>	Ordinance
<input type="checkbox"/> <u>1001 N. Kingshighway TCE Executed.pdf</u>	TCE DLG

BILL NO. 19-80

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING A TEMPORARY  
CONSTRUCTION EASEMENT FROM D.L.G., LLC,  
FOR 1001 NORTH KINGSHIGHWAY FOR THE  
HOPPER ROAD BOX CULVERT PROJECT, IN THE  
CITY OF CAPE GIRARDEAU, MISSOURI

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE  
GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City of Cape Girardeau, Missouri,  
hereby accepts, and agrees to accept a Temporary  
Construction Easement from D.L.G., LLC, a Missouri Limited  
Liability Company, for 1001 North Kingshighway for the  
Hopper Road Box Culvert Project, in the City of Cape  
Girardeau, Missouri, described as follows:

A PART OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1  
AS RECORDED IN PLAT BOOK NO. 19 AT PAGE NO. 2 OF  
THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE,  
CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF  
MISSOURI BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT NO. 2,  
HARRIS KFC SUBDIVISION NO. 1, SAID CORNER ALSO  
BEING ON THE NORTH RIGHT OF WAY LINE OF HOPPER  
ROAD; THENCE S 83° 02' 24" E, 16.11 FEET ALONG  
SAID NORTH RIGHT OF WAY LINE; THENCE LEAVING SAID  
LINE, N 41° 27' 06" W, 82.48 FEET; THENCE S 48°  
31' 05" W, 4.39 FEET TO THE WEST LINE OF LOT NO.  
2, HARRIS KFC SUBDIVISION NO. 1; THENCE S 36° 20'  
14" E, 70.71 FEET ALONG SAID WEST LINE TO THE  
POINT OF BEGINNING, CONTAINING 596 SQUARE FEET,  
MORE OR LESS.

Also;

A PART OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1  
AS RECORDED IN PLAT BOOK NO. 19 AT PAGE NO. 2 OF  
THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE,  
CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF  
MISSOURI BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY  
LINE OF HOPPER ROAD FROM WHICH THE SOUTHWEST

CORNER OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1 BEARS, N 83° 02' 24" W, 63.45 FEET ; THENCES 83° 02' 24" E, 20.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE; THENCE LEAVING SAID LINE, N 06° 57' 36" E, 14.45 FEET; THENCE N 83° 02' 24" W, 20.00 FEET; THENCE S 06° 57' 36" W, 14.45 FEET TO THE POINT OF BEGINNING, CONTAINING 289 SQUARE FEET, MORE OR LESS.

Also;

A PART OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1 AS RECORDED IN PLAT BOOK NO. 19 AT PAGE NO. 2 OF THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF HOPPER ROAD WITH THE WEST RIGHT OF WAY LINE OF KINGSHIGHWAY; THENCE N 83° 02' 24" W, 40.92 FEET ALONG THE NORTH RIGHT OF WAY LINE OF HOPPER ROAD; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N 06° 57' 36" E, 6.34 FEET; THENCE S 83° 02' 24" E, 34.95 FEET TO THE WEST RIGHT OF WAY LINE OF KINGSHIGHWAY; THENCE S 36° 20' 14" E, 8.71 FEET TO THE POINT OF BEGINNING, CONTAINING 241 SQUARE FEET, MORE OR LESS.

ARTICLE 2. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**TEMPORARY CONSTRUCTION EASEMENT**  
**1001 N. Kingshighway**  
**Cape Girardeau, Missouri**

KNOW ALL PERSONS BY THESE PRESENTS: **D.L.G., LLC** a Missouri Limited Liability Company, herein referred to as **GRANTOR**, and the **CITY OF CAPE GIRARDEAU**, a Municipal Corporation of the County of Cape Girardeau, State of Missouri, herein referred to as **GRANTEE**:

WITNESSETH, that Grantor, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, to be paid by Grantee, the receipt of which is hereby acknowledged, do by these presents, remise and convey unto Grantee the following TEMPORARY CONSTRUCTION EASEMENT, described as follows and as shown on Exhibit A attached hereto:

A PART OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1 AS RECORDED IN PLAT BOOK NO. 19 AT PAGE NO. 2 OF THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1, SAID CORNER ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF HOPPER ROAD; THENCE S 83° 02' 24" E, 16.11 FEET ALONG SAID NORTH RIGHT OF WAY LINE; THENCE LEAVING SAID LINE, N 41° 27' 06" W, 82.48 FEET; THENCE S 48° 31' 05" W, 4.39 FEET TO THE WEST LINE OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1; THENCE S 36° 20' 14" E, 70.71 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, CONTAINING 596 SQUARE FEET, MORE OR LESS.

Also;

A PART OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1 AS RECORDED IN PLAT BOOK NO. 19 AT PAGE NO. 2 OF THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF HOPPER ROAD FROM WHICH THE SOUTHWEST CORNER OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1 BEARS, N 83° 02' 24" W, 63.45 FEET ; THENCE S 83° 02' 24" E, 20.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE; THENCE LEAVING SAID LINE, N 06° 57' 36" E, 14.45 FEET; THENCE N 83° 02' 24" W, 20.00 FEET; THENCE S 06° 57' 36" W, 14.45 FEET TO THE POINT OF BEGINNING, CONTAINING 289 SQUARE FEET, MORE OR LESS.

Also;

A PART OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1 AS RECORDED IN PLAT BOOK NO. 19 AT PAGE NO. 2 OF THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT NO. 2, HARRIS KFC SUBDIVISION NO. 1, SAID POINT BEING THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF HOPPER ROAD WITH THE WEST RIGHT OF WAY LINE OF KINGSHIGHWAY; THENCE N 83° 02' 24" W, 40.92 FEET ALONG THE NORTH RIGHT OF WAY LINE OF HOPPER ROAD; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, N 06° 57' 36" E, 6.34 FEET; THENCE S 83° 02' 24" E, 34.95 FEET TO THE WEST RIGHT OF WAY LINE OF KINGSHIGHWAY; THENCE S 36° 20' 14" E, 8.71 FEET TO THE POINT OF BEGINNING, CONTAINING 241 SQUARE FEET, MORE OR LESS.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, and construct certain drainage improvements for the Hopper Road Box Culvert Project, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith, as shown on the plans and specification of file in the Office of the City Engineer. Said privilege is valid from the date this easement is accepted by the City Council through the date those improvements are accepted by the City Council.

The undersigned covenants it is the owner in fee simple of the above described property, and has the legal right to convey the same.

*[Remainder of page intentionally left blank. Signature page to follow.]*

IN WITNESS WHEREOF, the undersigned has executed this easement this 5<sup>th</sup> day of March, 2019.

D.L.G., LLC

By: [Signature]

Printed Name: Michael Crouch

Its: member



LORETTA L. KINCAID  
My Commission Expires  
November 28, 2021  
Cape Girardeau County  
Commission #13400043

STATE OF Missouri )  
COUNTY OF Cape Girardeau ) ss.

BE IT REMEMBERED, that on this 5<sup>th</sup> day of March, 2019 before me, the undersigned notary public, personally appeared Michael Crouch, who being by me duly sworn, did state that he/she is the authorized representative for D.L.G., LLC, a Missouri Limited Liability Company, and that said instrument was executed on behalf of said D.L.G., LLC, a Missouri Limited Liability Company, and acknowledged that he/she has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

[Signature]  
Notary Public

My Commission Expires:  
11-28-2021

**TEMPORARY CONSTRUCTION EASEMENT**  
**1001 N. Kingshighway**  
**Cape Girardeau, Missouri**

KNOW ALL PERSONS BY THESE PRESENTS: **D.L.G., LLC** a Missouri Limited Liability Company, herein referred to as **GRANTOR**, and the **CITY OF CAPE GIRARDEAU**, a Municipal Corporation of the County of Cape Girardeau, State of Missouri, herein referred to as **GRANTEE**:

WITNESSETH, that Grantor, in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, to be paid by Grantee, the receipt of which is hereby acknowledged, do by these presents, remise and convey unto Grantee the following **TEMPORARY CONSTRUCTION EASEMENT**, described as follows and as shown on Exhibit A attached hereto:

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Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, and construct certain drainage improvements for the Hopper Road Box Culvert Project, in, on, upon, or across said described property, together with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith, as shown on the plans and specification of file in the Office of the City Engineer. Said privilege is valid from the date this easement is accepted by the City Council through the date those improvements are accepted by the City Council.

The undersigned covenants it is the owner in fee simple of the above described property, and has the legal right to convey the same.

*[Remainder of page intentionally left blank. Signature page to follow.]*

IN WITNESS WHEREOF, the undersigned has executed this easement this 5<sup>th</sup> day of March, 2019.

D.L.G., LLC

By: [Signature]

Printed Name: Michael Crouch

Its: number



LORETTA L. KINCAID  
My Commission Expires  
November 28, 2021  
Cape Girardeau County  
Commission #13400043

STATE OF Missouri )  
COUNTY OF Cape Girardeau ) ss.

BE IT REMEMBERED, that on this 5<sup>th</sup> day of March, 2019 before me, the undersigned notary public, personally appeared Michael Crouch, who being by me duly sworn, did state that he/she is the authorized representative for D.L.G., LLC, a Missouri Limited Liability Company, and that said instrument was executed on behalf of said D.L.G., LLC, a Missouri Limited Liability Company, and acknowledged that he/she has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

[Signature]  
Notary Public

My Commission Expires:

11-28-2021

**Staff:** Kelly Green, P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-113**

---

## **SUBJECT**

An Ordinance accepting a General Warranty Deed from David A. LeGrand, Trustee of the David A. LeGrand and Diane L. LeGrand Revocable Trust Dated August 23, 2000 for property located at 1237 Rear N. Water Street, in the City of Cape Girardeau, Missouri.

---

## **EXECUTIVE SUMMARY**

The attached ordinance conveys Real Estate at 1237 Rear N. Water Street from David A., LeGrand, Trustee of the David A. LeGrand and Diane L. LeGrand Revocable Trust Dated August 23, 2000, to the City of Cape Girardeau.

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## **BACKGROUND/DISCUSSION**

The property located at 1237 Rear N. Water Street adjoins a tract of land already owned by the City of Cape Girardeau. A General Warranty Deed has been prepared for this purpose and is attached.

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## **FINANCIAL IMPACT**

The City will pay \$37,000 for the property along with the title work and the recording fee.

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## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance accepting the General Warranty Deed from David A. LeGrand, Trustee of the David A. LeGrand and Diane L. LeGrand Revocable Trust Dated August 23, 2000, for property located at 1237 Rear N. Water Street.

---

## **ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>General Warranty Deed LeGrands 1237 Rear North Water Street.doc</u>	Ordinance
<input type="checkbox"/> <u>Water N. 1237 Rear Purchase Agreement Executed.pdf</u>	Agreement
<input type="checkbox"/> <u>1237 N. Water Rear - LeGrand GWD.docx</u>	GWD

BILL NO. 19-81

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING A GENERAL WARRANTY DEED FOR PROPERTY LOCATED AT 1237 REAR NORTH WATER STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City of Cape Girardeau, Missouri, hereby accepts, and agrees to accept, a General Warranty Deed from David A. LeGrand, Trustee of the David A. LeGrand and Diane L. LeGrand Revocable Trust Dated August 23, 2000, for property located at 1237 Rear North Water Street, in the City of Cape Girardeau, Missouri, described as follows:

All of the West Seventy Feet (70.0') of Lots Thirteen (13) and Fourteen (14) in block Thirteen (13) of Robertson & Gale's Subdivision in the City of Cape Girardeau in Cape Girardeau County, Missouri as shown by plat recorded in Plat Book 2 at Page 20, land records of Cape Girardeau County, Missouri.

Subject to a 10.00 foot wide strip of land for an access road easement across the North Ten feet (10.0') of the West Seventy Feet (70.00') of Lot Fourteen (14), Block Thirteen (13) of Robertson & Gale's Subdivision in the City of Cape Girardeau in Cape Girardeau County, Missouri.

Subject to Terms, conditions, restrictions, reservations and easements of record, if any.

ARTICLE 2. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**AGREEMENT FOR THE SALE OF REAL PROPERTY**

1237- Rear N. Water Street  
Cape Girardeau, Missouri 63701

The undersigned, **DAVID AL. LEGRAND, TRUSTEE OF THE DAVID A. LEGRAND AND DIANE L. LEGRAND REVOCABLE TRUST DATED AUGUST 23, 2000**, hereinafter called the "Seller", in consideration of the mutual covenants and agreements herein set forth, agrees to sell and convey to the **City of Cape Girardeau**, a Municipal Corporation organized and existing under the laws of the State of Missouri, in the County of Cape Girardeau in the State of Missouri, hereinafter called the "Buyer", and the Buyer agrees to purchase, the fee simple title to the following described land, and all rights, hereditaments, easements and appurtenances thereunto belonging, located in the County of Cape Girardeau, State of Missouri, and more particularly described as:

All of the West Seventy Feet (70.0') of Lots Thirteen (13) and Fourteen (14) in block Thirteen (13) of Robertson & Gale's Subdivision in the City of Cape Girardeau in Cape Girardeau County, Missouri as shown by plat recorded in Plat Book 2 at Page 20, land records of Cape Girardeau County, Missouri.

Subject to a 10.00 foot wide strip of land for an access road easement across the North Ten feet (10.0') of the West Seventy Feet (70.00') of Lot Fourteen (14), Block Thirteen (13) of Robertson & Gale's Subdivision in the City of Cape Girardeau in Cape Girardeau County, Missouri.

Subject to Terms, conditions, restrictions, reservations and easements of record, if any.

The terms and conditions of this agreement are as follows:

1. At the time of closing, the Buyer agrees to pay the sum of \$37,000 to the Seller for the property located at 1237 Rear N. Water Street, Cape Girardeau, Missouri 63701 to be deeded to the City of Cape Girardeau, subject to the City's approval of the Seller's title. Also at the time of closing, the Seller shall execute and deliver a good and sufficient General Warranty Deed conveying said land, with the hereditaments and appurtenances thereunto belonging, to the City of Cape Girardeau, in fee simple, free and clear from all liens and encumbrances.
2. It is agreed that the City will defray the expenses incident to the preparation and recordation of the deed to the City of Cape Girardeau and procurement of the necessary title evidence.
3. The Seller agrees to pay all property taxes for the full tax year, and upon proof of payment, the City agrees to reimburse the Seller for the pro-rata portion of taxes on that which is deeded to the City from the date of possession of such real property by the City.
4. The Seller represents that no elected City official or City employee shall be admitted to or share any part of this agreement, or to any benefits that may arise therefrom.
5. The terms and conditions aforesaid are to apply to and bind the heirs, executors, administrators, successors and assigns of the Seller.
6. All terms and conditions with respect to this agreement are expressly contained herein and the Seller agrees that no representative or agent of the City of Cape Girardeau has

made any representation or promise with respect to this agreement not expressly contained within.

IN WITNESS WHEREOF, the undersigned has executed this Sales Agreement this 2nd day of May, 2019

David A. Legrand  
David A. Legrand

STATE OF Missouri )  
COUNTY OF Cape Girardeau ) ss.

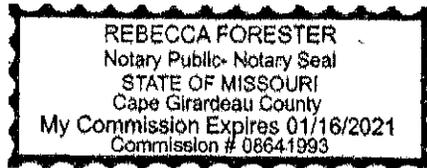
BE IT REMEMBERED, that on this 2<sup>nd</sup> day of May, 2018 ~~2019~~  
before me, the undersigned notary public, personally appeared David Lebrand who being by me duly sworn, did state that he is the authorized representative for DAVID A. LEGRAND, TRUSTEE OF THE DAVID A. LEGRAND AND DIANE L. LEGRAND REVOCABLE TRUST DATED AUGUST 23, 2000 and that the within instrument was executed on behalf of said The Rivers Edge Automotive, LLC, a Missouri Limited Liability Company, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

Rebecca Forester  
Notary Public

My Commission Expires:

1-16-21



[Remainder of page left intentionally blank. Signature page to follow.]

Diane L. Legrand  
Diane L. Legrand

STATE OF Missouri )  
COUNTY OF Cape Girardeau ) ss.

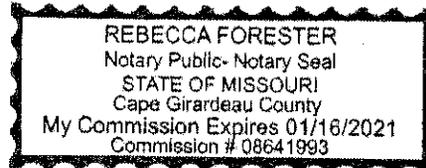
BE IT REMEMBERED, that on this 2nd day of May, 2019 before me, the undersigned notary public, personally appeared Diane Legrand who being by me duly sworn, did state that he is the authorized representative for DAVID A. LEGRAND, TRUSTEE OF THE DAVID A. LEGRAND AND DIANE L. LEGRAND REVOCABLE TRUST DATED AUGUST 23, 2000 and that the within instrument was executed on behalf of said The Rivers Edge Automotive, LLC, a Missouri Limited Liability Company, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

Rebecca Forester  
Notary Public

My Commission Expires:

1-16-21



[Remainder of page left intentionally blank. Signature page to follow.]



---

**Title of Document:**            **General Warranty Deed**

**Date of Document:**            \_\_\_\_\_, 2018

**Grantor:**                        **DAVID A. LEGRAND, TRUSTEE OF THE DAVID A. LEGRAND  
AND DIANE L. LEGRAND REVOCABLE TRUST DATED  
AUGUST 23, 2000**

**Grantor's Address:**            **1237 N. Rear Water Street  
Cape Girardeau, Missouri 63701**

**Grantee:**                        **City of Cape Girardeau**

**Grantee's Address:**            **401 Independence Street  
Cape Girardeau, Missouri 63703**

**Legal Description:**            **See Following Pages**

## GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, that **DAVID A. LEGRAND, TRUSTEE OF THE DAVID A. LEGRAND AND DIANE L. LEGRAND REVOCABLE TRUST DATED AUGUST 23, 2000, GRANTORS**, in consideration of Ten Dollars (\$10.00) and other valuable consideration, to them paid by the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation organized and existing under the laws of the State of Missouri, of the County of Cape Girardeau in the State of Missouri, **GRANTEE**, do by these presents, **GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM** unto the Grantee, its successors and assigns, the following described parcel of land, lying, being and situated in the City and County of Cape Girardeau and State of Missouri, to-wit:

All of the West Seventy Feet (70.0') of Lots Thirteen (13) and Fourteen (14) in block Thirteen (13) of Robertson & Gale's Subdivision in the City of Cape Girardeau in Cape Girardeau County, Missouri as shown by plat recorded in Plat Book 2 at Page 20, land records of Cape Girardeau County, Missouri.

Subject to a 10.00 foot wide strip of land for an access road easement across the North Ten feet (10.0') of the West Seventy Feet (70.00') of Lot Fourteen (14), Block Thirteen (13) of Robertson & Gale's Subdivision in the City of Cape Girardeau in Cape Girardeau County, Missouri.

Subject to Terms, conditions, restrictions, reservations and easements of record, if any.

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

*[Remainder of page left intentionally blank. Signature page to follow.]*



**Staff:** Kelly Green, P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-114**

---

**SUBJECT**

An Ordinance accepting a Permanent Drainage Easement for 2640 Hopper Road from DeJoy's of Shoney's Inc., a Missouri Corporation in the City of Cape Girardeau, Missouri.

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**BACKGROUND/DISCUSSION**

The City will be constructing a box culvert for Hopper Road. A Permanent Drainage Easement is needed to access the box culvert.

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**FINANCIAL IMPACT**

Dejoy's of Shoney's, Inc. a Missouri Corporation have donated the Permanent Drainage Easement to the City.

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**SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

The easement is necessary to grant the City the right to excavate, build, construct, operate, maintain, and repair the drainage system and its related components in the easement area.

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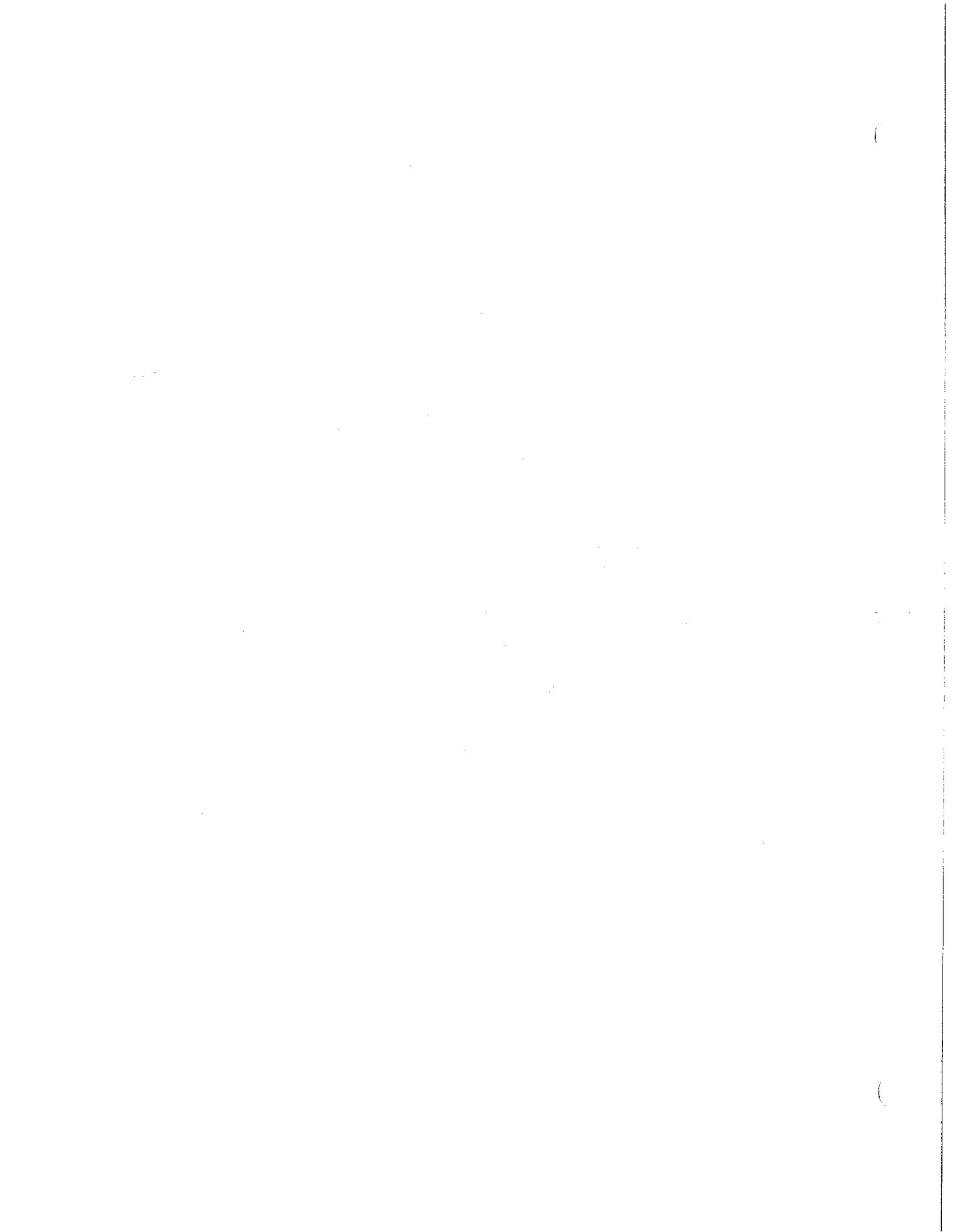
**STAFF RECOMMENDATION**

Staff recommends Council approve the attached Ordinance accepting a Permanent Drainage Easement for 2640 Hopper Road, from Dejoy's of Shoney's; Inc. a Missouri Corporation, in the City of Cape Girardeau, Missouri.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Permanent Drainage Easement - 2640 Hopper Road.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">2640 Hopper Road PDE EXECUTED.pdf</a>	Easement
<input type="checkbox"/> <a href="#">2640 Hopper Road - Easement Exhibit.pdf</a>	exhibit for DeJoys



**PERMANENT DRAINAGE EASEMENT**

2640 Hopper Road  
Cape Girardeau, Missouri

KNOW ALL MEN BY THESE PRESENTS: **DEJOY'S OF SHONEY'S, INC.**, a Missouri Corporation, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

A PART OF LOT NO. 2, SHAWN PLACE AS RECORDED IN PLAT BOOK NO. 20 AT PAGE NO. 96 OF THE LAND RECORDS OF THE COUNTY RECORDER'S OFFICE, CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT NO. 2, SHAWN PLACE, SAID CORNER ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF HOPPER ROAD; THENCE N 83° 02' 24" W, 38.13 FEET ALONG SAID NORTH RIGHT OF WAY LINE; THENCE LEAVING SAID LINE, N 41° 27' 40" W, 41.89 FEET; THENCE N 48° 31' 05" E, 31.62 FEET TO THE EAST LINE OF LOT NO. 2, SHAWN PLACE; THENCE S 36° 20' 14" E, 70.71 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 1,643 SQUARE FEET, MORE OR LESS.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair certain drainage improvements and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission, and authority herein granted are perpetual and shall run with the land.

*[Remainder of page intentionally left blank. Signature page to follow]*

IN WITNESS WHEREOF, the undersigned has executed this easement this 27<sup>th</sup> day of November, 2018

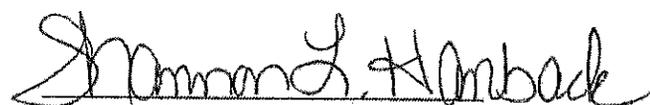
DEJOY'S OF SHONEY'S, INC.

  
Dennis R. Stockard

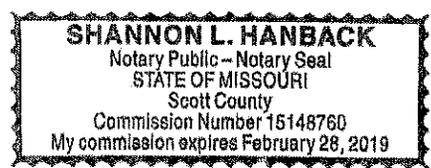
STATE OF MISSOURI )  
                  Scott ) ss.  
COUNTY OF ~~CAPE GIRARDEAU~~ )

BE IT REMEMBERED, that on this 27<sup>th</sup> day of November, 2018 before me, the undersigned notary public, personally appeared Dennis R. Stockard, who being by me duly sworn, did state that he is the authorized representative for DeJoy's of Shoney's, Inc., a Missouri Corporation, and that the within instrument was executed on behalf of said DeJoy's of Shoney's, Inc., a Missouri Corporation, and acknowledged that he has executed the same for the purposes therein contained.

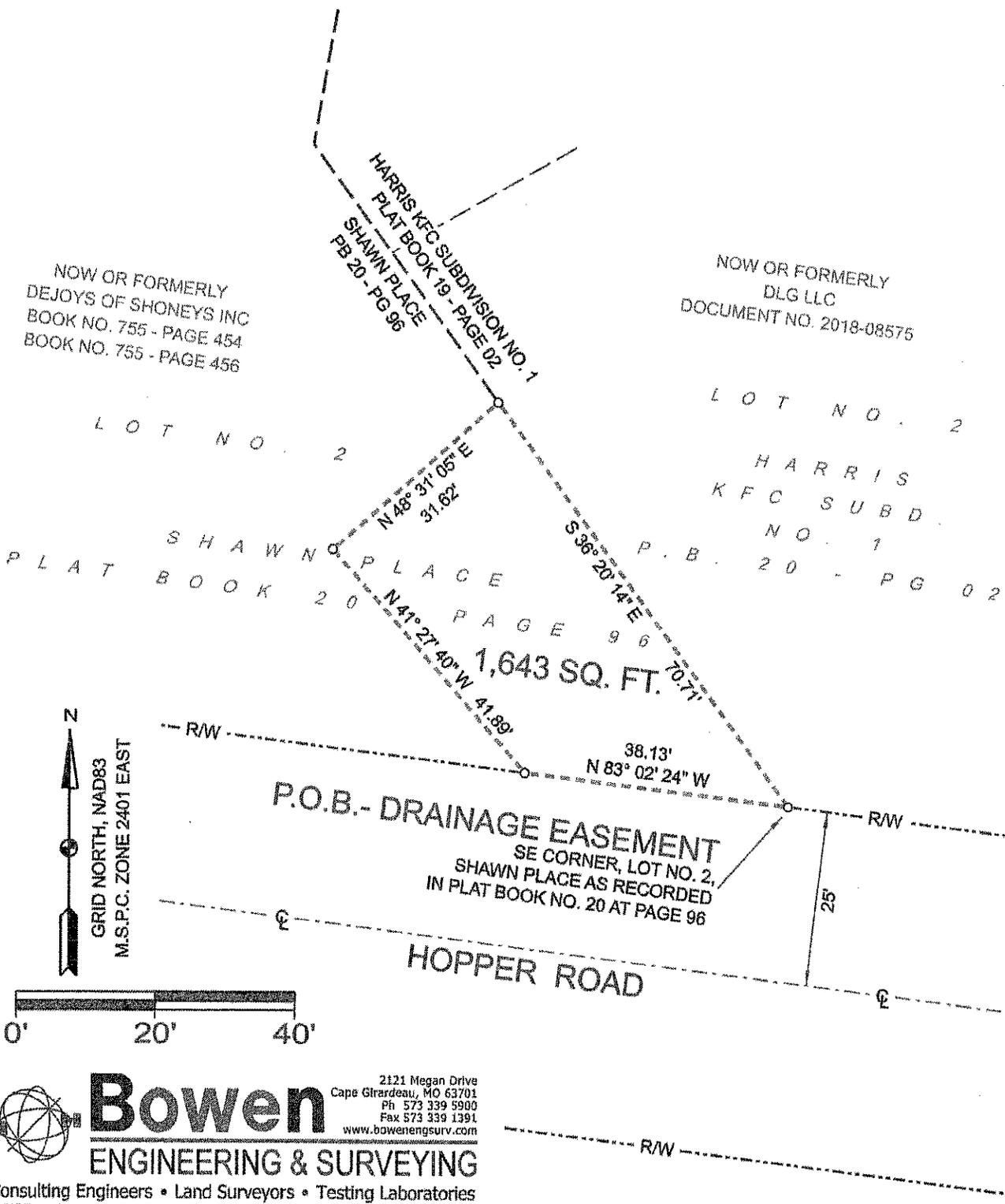
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

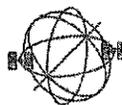
  
Notary Public

My Commission Expires:  
2-28-2019



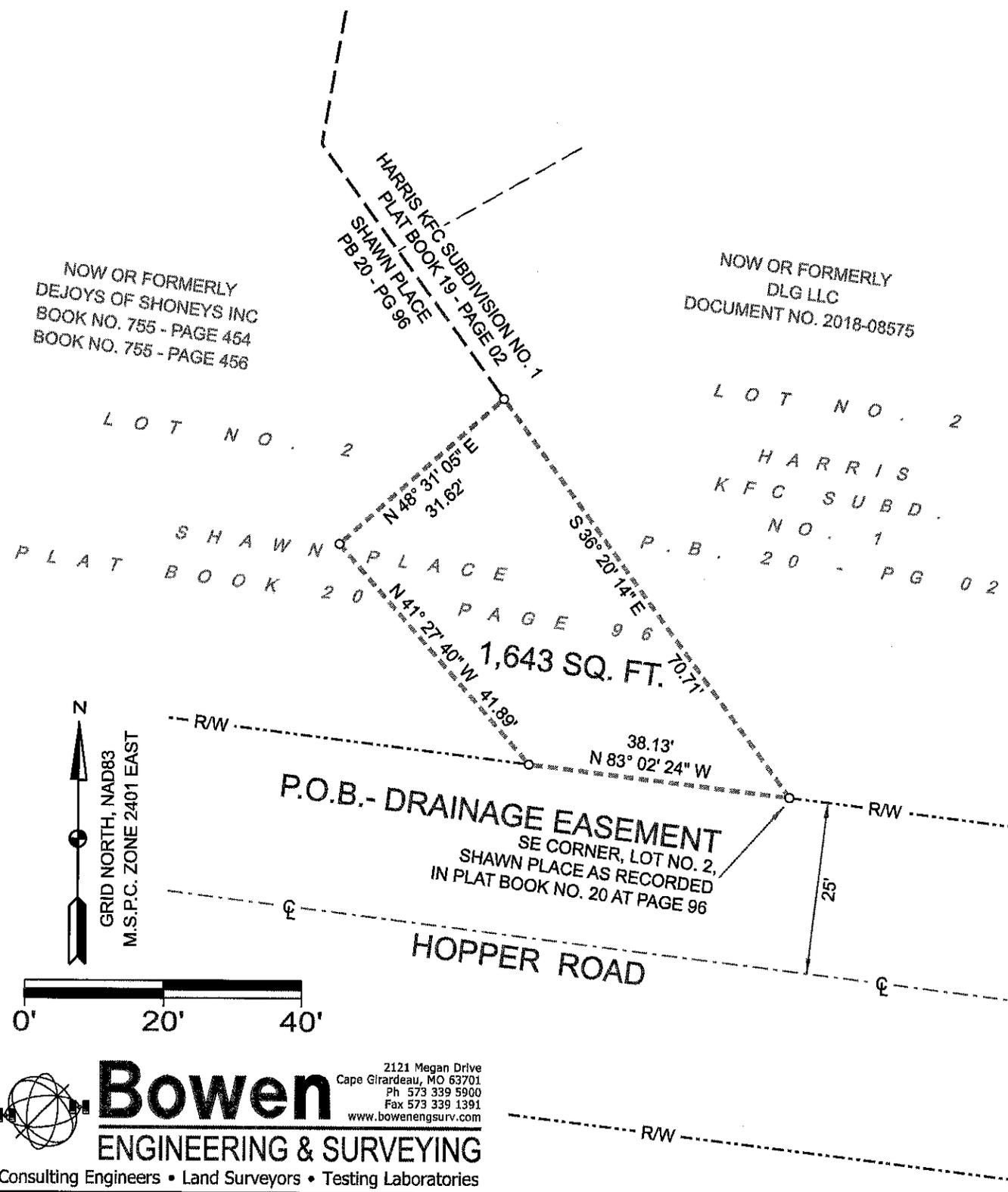
**EASEMENT EXHIBIT**  
**CITY AND COUNTY OF**  
**CAPE GIRARDEAU, MO**

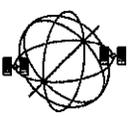



**Bowen**  
 ENGINEERING & SURVEYING  
 Consulting Engineers • Land Surveyors • Testing Laboratories

2121 Megan Drive  
 Cape Girardeau, MO 63701  
 Ph 573 339 5900  
 Fax 573 339 1391  
 www.bowenengsurv.com

EASEMENT EXHIBIT  
 CITY AND COUNTY OF  
 CAPE GIRARDEAU, MO




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 www.bowenengsurv.com

**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-115**

---

## **SUBJECT**

An Ordinance approving the Record Plat of Jones Dunklin Subdivision.

---

## **EXECUTIVE SUMMARY**

The attached ordinance approves a record plat for resubdividing three tracts at 1737 Dunklin Street.

---

## **BACKGROUND/DISCUSSION**

A record plat has been submitted for Jones Dunklin Subdivision, located at 1737 Dunklin Street. The subdivision is zoned R-3 (High Density Single-Family Residential). The plat resubdivides three tracts to form two new lots. The plat shows an exception for the omission of the required 10 foot utility easement along the front and rear lot lines of Lots 1 and 2. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required.

---

## **STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

---

## **BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its May 8, 2019 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

---

## **ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Record Plat Jones Dunklin.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Staff Review-Referral-Action Form.pdf</a>	Jones Dunklin Subdivision - Staff RRA Form
<input type="checkbox"/> <a href="#">Map - Jones Dunklin Subdivision.pdf</a>	Jones Dunklin Subdivision - Map
<input type="checkbox"/> <a href="#">Application - Jones Dunklin Subdivision.pdf</a>	Jones Dunklin Subdivision - Application
<input type="checkbox"/> <a href="#">37431-RESUBDIVISION-Final 1.pdf</a>	Jones Dunklin Subdivision - Record Plat

BILL NO. 19-83

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD PLAT OF  
JONES DUNKLIN SUBDIVISION

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The record plat of Jones Dunklin Subdivision, being a resubdivision of all of Lots 20 and 21 and the west 14 feet of Lot 22 in Block 1 of Kimmel's Addition as recorded in Plat Book 3 at Page 34 of the County Recorder's office in the City and County of Cape Girardeau, State of Missouri, submitted by A. G. Jones Properties L.L.C., bearing the certification of Travis J. Steffens, a Registered Land Surveyor, dated the 9th day of May, 2019, including all variances and exceptions, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**CITY OF CAPE GIRARDEAU, MISSOURI**  
City Staff Review, Referral and Action - Subdivision Application

FILE: Jones Dunklin Subdivision

LOCATION: 1737 Dunklin Street

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted which reconfigures one parcel into two (2) lots at 1737 Dunklin Street. SEE STAFF REPORT FOR MORE DETAILS.

[Signature]  
City Planner

4/25/19  
Date

W. RICH JENNINGS  
City Attorney

APRIL 29, 2019  
Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

[Signature]  
City Manager

April 29, 2019  
Date

**Planning & Zoning Commission**

**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ed Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Derek Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

**VOTE COUNT:** 8 Favor      0 Oppose      0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

Kevin Greaser  
Kevin Greaser  
Planning & Zoning Commission Secretary

**City Council Action**

Ordinance 1<sup>st</sup> Reading \_\_\_\_\_ Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

# Jones Dunklin Subdivision

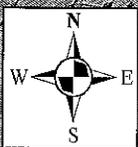


Penny Ave

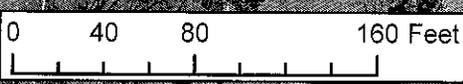
Dunklin St

Penny Ave

Pemiscot St



 **CITY of CAPE GIRARDEAU**  
Created by: Development Services  
Carol Peters  
April 2, 2019



**Legend**

-  Jones Dunklin Subdivision
-  Parcels
-  Lot Line



**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST. CAPE GIRARDEAU, MO 63703 (573) 339-6327

<b>Name of Subdivision</b> Jones Dunklin Subdivision		<b>Type of Plat: Preliminary, Record, or Boundary Adjustment</b> Record Plat	
<b>Applicant</b> Gerald W. Jones, II		<b>Property Owner of Record (if other than Applicant)</b> AG Jones Properties, LLC	
<b>Mailing Address</b> 2832 Walden Blvd.	<b>City, State, Zip</b> Cape Girardeau Mo 63701	<b>Mailing Address</b> 2832 Walden Blvd.	<b>City, State, Zip</b> Cape Girardeau MO, 63701
<b>Telephone</b> 573-270-1496	<b>Email</b> gjones@joneslandmark.com	<b>Telephone</b> 573-270-1496	<b>Email</b> gjones@joneslandmark.com
<b>Contact Person (if Applicant is a Business or Organization)</b>		<i>(Attach additional owners information, if necessary)</i>	
<b>Professional Engineer/Surveyor (if other than Applicant)</b> Travis Steffens, PLS		<b>Developer (if other than Applicant)</b>	
<b>Mailing Address</b> 194 Coker Ln	<b>City, State, Zip</b> Cape Girardeau MO 63701	<b>Mailing Address</b>	<b>City, State, Zip</b>
<b>Telephone</b> 573-335-3026	<b>Email</b> TSteffens2@koehlerengineering.cr	<b>Telephone</b>	<b>Email</b>

**ADDITIONAL ITEMS REQUIRED**

*See Instructions for more information.*

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
  - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
  - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
  - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

*(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)*

- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

Gerald W. Jones II  
 Applicant Signature and Printed Name

3-27-19  
 Date

<b>OFFICE USE ONLY</b>	
Date Received & By <u>3/29/19</u>	MUNIS Application No. <u>8667</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____



**Staff:** Ryan Shrimplin, AICP - City  
**Agenda:** Planner  
5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-116**

---

**SUBJECT**

An Ordinance approving the Record Plat of Collins Mill Subdivision - Phase 3.

---

**EXECUTIVE SUMMARY**

The attached ordinance approves a record plat for the third phase of Collins Mill Subdivision.

---

**BACKGROUND/DISCUSSION**

A record plat has been submitted for Collins Mill Subdivision - Phase 3, located on Collins Mill Road. The subdivision is zoned R-1 (Single-Family Suburban Residential). The plat creates Lots 26 through 41. Right-of-way is being dedicated for two streets (Collins Mill Road and Old Mill Drive). The plat shows an exception for the omission of the required 10 foot utility easement along the rear lot line of Lot 26 and a portion of the rear lot line of Lot 27. Staff supports the exception because there are no existing or proposed City utilities in the locations where the easement is required.

---

**STAFF RECOMMENDATION**

The staff report to the Planning and Zoning Commission recommended approval of the record plat.

---

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its February 14, 2018 meeting, recommended approval of the record plat with a vote of 8 in favor, 0 in opposition, and 0 abstaining.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Record Plat Collins Mill Subdivision - Phase 3.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Staff Review-Referral-Action Form.pdf</a>	Collins Mill Subdivision Phase 3 - Staff RRA Form
<input type="checkbox"/> <a href="#">Map - Collins Mill Subdivision - Phase 3.pdf</a>	Collins Mill Subdivision Phase 3 - Map
<input type="checkbox"/> <a href="#">Application - Collins Mill Phase 3 Record Plat.pdf</a>	Collins Mill Subdivision Phase 3 - Application
<input type="checkbox"/> <a href="#">36251 - Collins Mill Subd. Phase 3 rev04-05-2018.pdf</a>	Collins Mill Subdivision Phase 3 - Record Plat

BILL NO. 19-84

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING THE RECORD PLAT OF  
COLLINS MILL SUBDIVISION - PHASE 3

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The record plat of Collins Mill Subdivision - Phase 3, being that part of the Northwest  $\frac{1}{4}$  of Section 35, Township 31 North, Range 13 East of the Fifth Principal Meridian, in the City and County of Cape Girardeau, State of Missouri, submitted by Collins Mill Development Group, LLC, bearing the certification of Travis J. Steffens, a Registered Land Surveyor, dated May 14, 2019, including all variances and exceptions, is hereby approved.

ARTICLE 2. The City Clerk is hereby directed to sign the record plat with the date of Council approval and affix thereto the seal of the City of Cape Girardeau, Missouri.

ARTICLE 3. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**CITY OF CAPE GIRARDEAU, MISSOURI**  
 City Staff Review, Referral and Action - Subdivision Application

FILE: Collins Mill Subdivision – Phase 3 Record Plat

LOCATION: Old Hopper Road

**STAFF REVIEW & COMMENTS:**

A record plat has been submitted for the next phase of Collins Mill Subdivision along Old Hopper Road. SEE STAFF REPORT FOR MORE DETAILS.

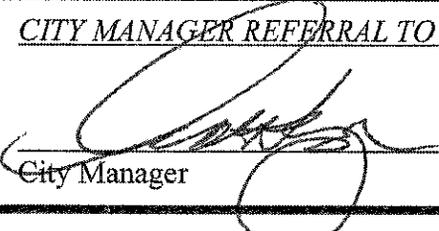
  
 \_\_\_\_\_  
 City Planner

2/5/18  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 City Attorney

2/6/18  
 \_\_\_\_\_  
 Date

**CITY MANAGER REFERRAL TO THE PLANNING AND ZONING COMMISSION:**

  
 \_\_\_\_\_  
 City Manager

2/6/18  
 \_\_\_\_\_  
 Date

***Planning & Zoning Commission***

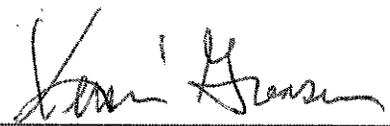
**RECOMMENDED ACTION:**

	Favor	Oppose	Abstain		Favor	Oppose	Abstain
Trae Bertrand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scott McClanahan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Dowdy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bruce Skinner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Glenn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Doug Spooler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Greaser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tom Welch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Koetting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

**VOTE COUNT:** 8 Favor      0 Oppose      0 Abstain

**COMMENTS:**

**CITIZENS COMMENTING AT MEETING:**

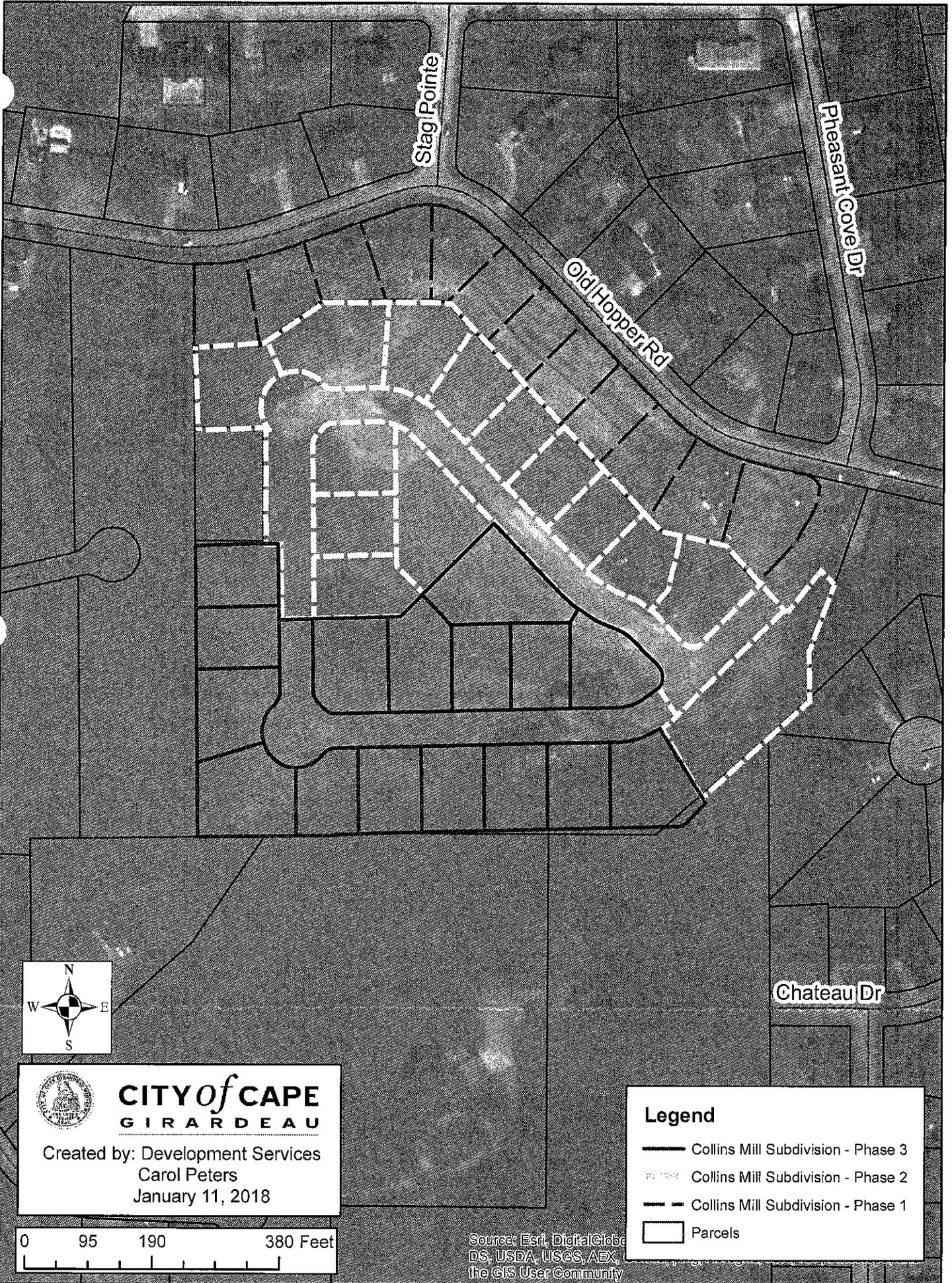
  
 \_\_\_\_\_  
 Kevin Greaser  
 Planning & Zoning Commission Secretary

***City Council Action***

Ordinance 1<sup>st</sup> Reading 05-20-19 Ordinance 2<sup>nd</sup> & 3<sup>rd</sup> Reading: \_\_\_\_\_

ORDINANCE # \_\_\_\_\_ Effective Date: \_\_\_\_\_

# Collins Mill Subdivision - Phase 3





**SUBDIVISION PLAT APPLICATION**  
**CITY of CAPE GIRARDEAU**

DEVELOPMENT SERVICES DEPARTMENT, 401 INDEPENDENCE ST, CAPE GIRARDEAU, MO 63703 (573) 339-6327

<b>Name of Subdivision</b> Collins Mill Subdivision - Phase 3		<b>Type of Plat: Preliminary, Record, or Boundary Adjustment</b> Record Plat	
<b>Applicant</b> Collins Mill Development Group, LLC		<b>Property Owner of Record (if other than Applicant)</b>	
<b>Mailing Address</b> 2722 County Road #318	<b>City, State, Zip</b> Cape Girardeau, MO 63701	<b>Mailing Address</b>	<b>City, State, Zip</b>
<b>Telephone</b> 573.275.1110	<b>Email</b> dgeringer77@gmail.com	<b>Telephone</b>	<b>Email</b>
<b>Contact Person (if Applicant is a Business or Organization)</b> Derrick Geringer, Managing Member		<i>(Attach additional owners information, if necessary)</i>	
<b>Professional Engineer/Surveyor (if other than Applicant)</b> Koehler Engineering & Land Surveying		<b>Developer (if other than Applicant)</b>	
<b>Mailing Address</b> 194 Coker Lane	<b>City, State, Zip</b> Cape Girardeau, Mo 63701	<b>Mailing Address</b>	<b>City, State, Zip</b>
<b>Telephone</b> 573.335.3026	<b>Email</b> mguess@koehlerengineering.com	<b>Telephone</b>	<b>Email</b>

**ADDITIONAL ITEMS  
REQUIRED**

See Instructions for more information.

In addition to this completed application form, the following items must be submitted:

- Review Fee (payable to City of Cape Girardeau)
  - Single-Family or Two-Family Residential: \$20.00 per lot (\$100.00 minimum)
  - Multi-Family Residential: \$20.00 per dwelling unit (\$100.00 minimum)
  - Non-Residential : \$20.00 per acre (\$100.00 minimum)
- Recording Fee Deposit (payable to City of Cape Girardeau)
 

Sheet Size	Record Plat	Boundary Adjustment Plat
18" x 24"	\$44.00	\$24.00
24" x 36"	\$69.00	\$29.00

*(The City reserves the right to issue a partial refund or collect an additional fee if the actual recording cost differs from the deposit amount)*
- Two (2) full size prints of the plat
- Digital file of the plat in .pdf format (can be emailed)

**CERTIFICATION**

I hereby certify that I am the sole Property Owner of Record or an agent duly authorized by the Property Owner(s) of Record to file this application on their behalf. I acknowledge that plats for subdivisions involving public improvements will be held from City Council review until the improvements are completed and ready for acceptance by the City, or an escrow agreement for the improvements is executed. I further acknowledge that plats for subdivisions involving common land and/or elements require the submission of covenants and a deed ensuring the perpetual maintenance and supervision of the common land and/or elements by trustees prior to recording of the record plat.

Applicant Signature and Printed Name

Date

<b>OFFICE USE ONLY</b>	
Date Received & By <u>1-5-18 cp</u>	MUNIS Application No. <u>7282</u>
Planning & Zoning Commission Recommendation _____	Date _____
City Council Final Action _____	Date _____



**Staff:** Kelly Green P.E., City Engineer  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-117**

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**SUBJECT**

An Ordinance accepting four Permanent Sanitary Sewer and Utility Easements for Kensington Place Phase One, located in the city of Cape Girardeau, MO from Drury Property, Inc. and Drury Southwest, Inc.

---

**EXECUTIVE SUMMARY**

We have attached the Sanitary Easement from Drury Southwest that actually contains 4 easements. Easement #5 and #6 are the two easements that are for the Kensington Place Phase One.

---

**BACKGROUND/DISCUSSION**

This bill was previously introduced with its first reading in April, as Bill No 19-54 it was later discovered that ownership had changed. We are now requesting that the previous reading be redacted and introduce this as a first reading

---

**FINANCIAL IMPACT**

The Drury owners of Kensington Place Phase One have donated the Permanent Sanitary Sewer and Utility Easements to the City of Cape Girardeau.

---

**SUSTAINABILITY: ECONOMIC, ENVIRONMENTAL AND SOCIAL IMPACTS**

The easements are necessary to grant the City the right to excavate, build, construct, operate, maintain, and repair the sanitary sewers and utilities and their related components in the easement areas.

---

**STAFF RECOMMENDATION**

Staff recommends Council approve the attached Ordinance accepting Permanent Sanitary Sewer and Utility Easements for Kensington Place Phase One, located in the city of Cape Girardeau, MO from various property owners.

---

**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <a href="#">Easements 4 Kensington.doc</a>	Ordinance
<input type="checkbox"/> <a href="#">Kingston South.pdf</a>	Kingston South
<input type="checkbox"/> <a href="#">Kingston North.pdf</a>	kingston North
<input type="checkbox"/> <a href="#">Drury Southwest Executed Easement.pdf</a>	Drury Southwest Easements
<input type="checkbox"/> <a href="#">Kensington Place - Easement Plans - never accepted.pdf</a>	exhibit for Kensington

BILL NO. 19-86

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING FOUR PERMANENT  
SANITARY SEWER AND UTILITY EASEMENTS FOR  
KENSINGTON PLACE PHASE ONE, FROM DRURY  
PROPERTIES, INC., AND DRURY SOUTHWEST, INC.,  
IN THE CITY OF CAPE GIRARDEAU, MISSOURI

---

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CAPE  
GIRARDEAU, MISSOURI, AS FOLLOWS:

ARTICLE 1. The City of Cape Girardeau, Missouri, hereby  
accepts, and agrees to accept, four Permanent Sanitary Sewer and  
Utility Easements from Drury Properties, Inc., and Drury  
Southwest, Inc., for Kensington Place Phase One, in the City of  
Cape Girardeau, Missouri, described as follows:

Permanent Sewer and Utility Easement:

0 Kingston Ave South

THAT PART OF LOT #2 OF KENSINGTON PLACE - PHASE ONE AS  
RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND  
RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, ALSO  
RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND  
RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF  
SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE  
COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI,  
DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property  
recorded in the Land Records of Cape Girardeau County,  
Missouri in Deed Document No. 2006-12426; Thence North  
00°50'33" West, 304.40 feet, to the point of  
beginning; Thence continue North 00°50'33" West, 10.00  
feet; Thence North 89°01'02" East, 245.18 feet; Thence  
along the arc of a tangent curve to the left, having a  
radius of 125.00 feet and a length of 63.24 feet, (  
the chord of said arc bears North 74°31'22" East,  
62.57 feet); Thence North 60°01'42" East, 283.62 feet;  
Thence along the arc of a tangent curve to the right,  
having a radius of 40.00 feet and a length of 62.83  
feet, ( the chord of said arc bears South 74°58'18"  
East, 56.57 feet); thence South 29°58'18" East, 86.40  
feet; Thence along the arc of a tangent curve to the  
right, having a radius of 59.50 and a length of 50.49  
feet, ( the chord of said arc bears South 05°39'47"  
East, 48.99 feet); Thence South 60°01'42" West, 17.95  
feet; Thence along the arc of a non-tangent curve to  
the Northwest, being concave to the Northeast, having

a radius of 49.50 and a length of 55.64 feet, ( the chord of said arc bears North 02°13'56" East, 52.76 feet); Thence North 29°58'18" West, 86.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 30.00 feet and a length of 47.12 feet, ( the chord of said arc bears North 74°58'18" West, 42.43 feet); Thence South 60°01'42" West, 338.48 feet; Thence South 00°49'59" East, 280.96 feet; Thence South 30°16'17" East, 16.61 feet; Thence South 89°10'16" West, 28.13 feet; Thence North 30°16'17" West, 9.22 feet; Thence North 00°49'59" West, 297.01 feet; Thence South 89°01'02" West, 238.16 feet to the point of beginning and containing 15,585 square feet, or 0.36 acres, more or less.

Permanent Sewer and Utility Easement:

0 Kingston Ave North

THAT PART OF LOT 3 OF KENSINGTON PLACE - PHASE ONE AS RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY , MISSOURI, ALSO PART OF A PROPERTY RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence North 00°50'33" West, 364.40 feet, to the point of beginning; Thence North 00°50'33" West, 10.00 feet; Thence North 89°01'02" East, 245.03 feet; Thence along the arc of a curve to the left, having a radius of 65.00 feet and a length of 2.55 feet, (the chord of said arc bears North 87°53'42" East, 2.55 feet); Thence North 00°50'24" West, 20.01 feet; Thence North 89°09'36" East, 15.00 feet; Thence South 00°50'24" East, 17.61 feet; Thence along the arc of a non-tangent curve to the Northeast, being concave to the Northwest, having a radius of 65.00 feet and a length of 15.11 feet, ( the chord of said arc bears North 66°41'24" East, 15.08 feet); Thence North 60°01'42" East, 383.62 feet; Thence South 29°58'18" East, 50.00 feet; Thence North 60°01'42" East, 18.60 feet; Thence South 29°58'18" East, 20.00 feet; Thence South 60°01'42" West, 18.60 feet; Thence South 29°58'18" East, 116.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 49.50 feet and a length of 38.37 feet, (the chord of said arc bears

South 52°10'49" East, 37.42 feet); Thence North 60°01'42" East, 186.73 feet; Thence South 29°58'18" East, 10.00 feet; Thence South 60°01'42" West, 190.71 feet; Thence along the arc of a non-tangent curve to the Northwest, being concave to the Northeast, having a radius of 59.50 feet and a length of 50.49 feet, (the chord of said arc bears North 54°16'50" West, 48.99 feet); Thence North 29°58'18" West, 176.40 feet; Thence South 60°01'42" West, 373.62 feet; Thence along the arc of a tangent curve to the right, having a radius of 75.00 feet and a length of 37.95 feet, (the chord of said arc bears South 74°31'22" West, 37.54 feet); Thence South 89°01'02 West, 245.05 feet to the point of beginning and containing 11,395 square feet, or 0.26 acres, more or less.

Sanitary Sewer Easement:

THAT PART U.S.P.S. NO. 2241 AND PART OF A PROPERTY LISTED IN DEED DOCUMENT NO. 2006-12426 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence along the North line of said tract, North 89°10'16" East, 242.64 feet, to the point of beginning; Thence North 89°10'16" East, 28.13 feet; Thence South 30°16'17" East, 98.25 feet; Thence South 50°56'05" East, 141.64 feet; Thence South 11°18'51" East, 346.02 feet; Thence South 63°30'02" East, 160.24 feet; Thence South 51°54'39" West, 16.61 feet; Thence North 63°30'02" West, 160.46 feet; Thence North 11°18'51" West, 347.97 feet; Thence North 50°56'05" West, 131.29 feet; Thence South 20°47'29" East, 104.66 feet; Thence South 69°12'31" West, 15.00 feet; Thence North 20°47'29" West, 120.35 feet; Thence North 30°16'17" West, 104.05 feet to the point of beginning and containing 13,994 square feet, or 0.32 acres, more or less.

Sanitary Sewer Easement:

THAT PART OF U.S.P.S. 2241 AND A PROPERTY LISTED IN DEED BOOK 526 AT PAGE 532 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF

CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS  
FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence, along the West line of said property, South 00°50'33" East, 811.67 feet, to a found Cotton Picker Spindle; Thence along the South line of said property North 89°10'16" East, 341.74 feet, to a found 1/2" iron rod; Thence, along the East line of said property, North 51°54'43" East, 349.18 feet, to the point of beginning; Thence North 51°54'39" East, 16.61 feet; Thence South 63°30'02" East, 41.87 feet; Thence North 54°55'06" East, 112.05 feet; Thence North 54°22'42" East, 345.90 feet; Thence North 39°51'19" East, 231.46 feet; Thence North 24°14'38" East, 207.06 feet; Thence South 89°11'25" West, 74.27 feet; Thence North 21°01'30" East, 16.16 feet; Thence North 89°11'25" East, 82.65 feet; Thence South 65°45'22" East, 13.32 feet; Thence South 24°14'38" West, 229.49 feet; Thence South 39°51'19" West, 236.75 feet; Thence South 54°22'42" West, 239.82 feet; Thence North 35°37'18" West, 5.00 feet; Thence South 54°22'42" West, 108.62 feet; Thence South 54°55'06" West, 125.03 feet; Thence South 59°00'01" West, 240.98 feet; Thence South 40°33'03" West, 39.27 feet; Thence South 25°34'20" West, 176.73 feet; Thence South 13°44'09" West, 385.45 feet; Thence South 30°31'37" East, 152.02 feet; Thence South 88°36'14" West, 17.17 feet; Thence North 30°31'37" West, 149.76 feet; Thence North 13°44'09" East, 393.10 feet; Thence North 25°34'20" East, 180.26 feet; Thence North 40°33'03" East, 43.68 feet; Thence North 59°00'01" East, 237.94 feet; Thence North 63°30'02" West, 40.49 feet to the point of beginning and containing 34,288 square feet, or 0.79 acres, more or less.

ARTICLE 2. This ordinance shall be in full force and effect ten days after its passage and approval.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2019.

\_\_\_\_\_  
Bob Fox, Mayor

ATTEST:

\_\_\_\_\_  
Gayle Conrad, City Clerk

**PERMANENT SEWER AND UTILITY EASEMENT**  
**0 Kingston Ave South**

KNOW ALL MEN BY THESE PRESENTS: **Drury Properties, Inc., A Corporation** located in the County Greene, State Of Missouri, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

THAT PART OF LOT #2 OF KENSINGTON PLACE - PHASE ONE AS RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY , MISSOURI, ALSO RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence North 00°50'33" West, 304.40 feet, to the point of beginning; Thence continue North 00°50'33" West, 10.00 feet; Thence North 89°01'02" East, 245.18 feet; Thence along the arc of a tangent curve to the left, having a radius of 125.00 feet and a length of 63.24 feet, ( the chord of said arc bears North 74°31'22" East, 62.57 feet); Thence North 60°01'42" East, 283.62 feet; Thence along the arc of a tangent curve to the right, having a radius of 40.00 feet and a length of 62.83 feet, ( the chord of said arc bears South 74°58'18" East, 56.57 feet); thence South 29°58'18" East, 86.40 feet; Thence along the arc of a tangent curve to the right, having a radius of 59.50 and a length of 50.49 feet, ( the chord of said arc bears South 05°39'47" East, 48.99 feet); Thence South 60°01'42" West, 17.95 feet; Thence along the arc of a non-tangent curve to the Northwest, being concave to the Northeast, having a radius of 49.50 and a length of 55.64 feet, ( the chord of said arc bears North 02°13'56" East, 52.76 feet); Thence North 29°58'18" West, 86.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 30.00 feet and a length of 47.12 feet, ( the chord of said arc bears North 74°58'18" West, 42.43 feet); Thence South 60°01'42" West, 338.48 feet; Thence South 00°49'59" East, 280.96 feet; Thence South 30°16'17" East, 16.61 feet; Thence South 89°10'16" West, 28.13 feet; Thence North 30°16'17" West, 9.22 feet; Thence North 00°49'59" West, 297.01 feet; Thence South 89°01'02" West, 238.16 feet to the point of beginning and containing 15,585 square feet, or 0.36 acres, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

The undersigned covenant that he is the owner in fee simple of the above described property and has the legal right to convey same.

IN WITNESS WHEREOF, the undersigned has executed this easement this 29 day of March, 2019

**Drury Properties, Inc.**

*[Signature]*

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF CAPE GIRARDEAU )

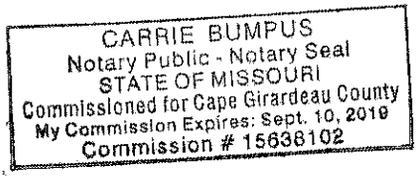
BE IT REMEMBERED, that on this 29 day of March, 2019 before me, the undersigned notary public, personally appeared, Patrick Drury, who being by me duly sworn, did state that he is authorized to sign for **Drury Properties, Inc., A Corporation located in the County Of Greene, State Of Missouri**, and that the within instrument was executed on behalf of Drury Properties, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

*Carrie Bumpus*  
Notary Public

My Commission Expires:

9/10/19



**PERMANENT SEWER AND UTILITY EASEMENT**  
**0 Kingston Ave North**

KNOW ALL MEN BY THESE PRESENTS: **Drury Properties, Inc., A Corporation** located in the County Greene, State Of Missouri, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **CITY OF CAPE GIRARDEAU, MISSOURI**, a Municipal Corporation, hereinafter called the City, the right, privilege, permission and authority to enter on and upon the following described property, which is solely owned by the undersigned located in the City and County of Cape Girardeau, Missouri, to-wit:

THAT PART OF LOT 3 OF KENSINGTON PLACE - PHASE ONE AS RECORDED IN PLAT BOOK 24 AT PAGE 2 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, ALSO PART OF A PROPERTY RECORDED IN DEED DOCUMENT NO. 2008-01829 OF THE LAND RECORDS OF SAID COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence North 00°50'33" West, 364.40 feet, to the point of beginning; Thence North 00°50'33" West, 10.00 feet; Thence North 89°01'02" East, 245.03 feet; Thence along the arc of a curve to the left, having a radius of 65.00 feet and a length of 2.55 feet, (the chord of said arc bears North 87°53'42" East, 2.55 feet); Thence North 00°50'24" West, 20.01 feet; Thence North 89°09'36" East, 15.00 feet; Thence South 00°50'24" East, 17.61 feet; Thence along the arc of a non-tangent curve to the Northeast, being concave to the Northwest, having a radius of 65.00 feet and a length of 15.11 feet, (the chord of said arc bears North 66°41'24" East, 15.08 feet); Thence North 60°01'42" East, 383.62 feet; Thence South 29°58'18" East, 50.00 feet; Thence North 60°01'42" East, 18.60 feet; Thence South 29°58'18" East, 20.00 feet; Thence South 60°01'42" West, 18.60 feet; Thence South 29°58'18" East, 116.40 feet; Thence along the arc of a tangent curve to the left, having a radius of 49.50 feet and a length of 38.37 feet, (the chord of said arc bears South 52°10'49" East, 37.42 feet); Thence North 60°01'42" East, 186.73 feet; Thence South 29°58'18" East, 10.00 feet; Thence South 60°01'42" West, 190.71 feet; Thence along the arc of a non-tangent curve to the Northwest, being concave to the Northeast, having a radius of 59.50 feet and a length of 50.49 feet; (the chord of said arc bears North 54°16'50" West, 48.99 feet); Thence North 29°58'18" West, 176.40 feet; Thence South 60°01'42" West, 373.62 feet; Thence along the arc of a tangent curve to the right, having a radius of 75.00 feet and a length of 37.95 feet, (the chord of said arc bears South 74°31'22" West, 37.54 feet); Thence South 89°01'02" West, 245.05 feet to the point of beginning and containing 11,395 square feet, or 0.26 acres, more or less.

Said right, privilege, permission and authority to enter in and upon said property above described is granted for the purpose of enabling the City, its agents, servants, and assigns to use said property to excavate, build, maintain, construct, operate, and repair utilities and sewer lines and the related components from time to time, in, on, upon, or across said described property, and maintain with all the useful, necessary and proper adjuncts, appurtenances, and appliances in

connection therewith. This easement and the right, privilege, permission and authority herein granted are perpetual and shall run with the land.

The undersigned covenant that he is the owner in fee simple of the above described property and has the legal right to convey same.

IN WITNESS WHEREOF, the undersigned has executed this easement this 29 day of March, 2019

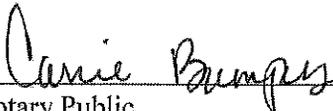
**Drury Properties, Inc.**

  
\_\_\_\_\_

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF CAPE GIRARDEAU    )

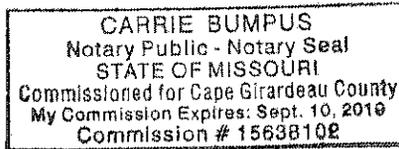
BE IT REMEMBERED, that on this 29 day of March, 2019 before me, the undersigned notary public, personally appeared, Patrick Drury, who being by me duly sworn, did state that he is authorized to sign for **Drury Properties, Inc., A Corporation located in the County Of Greene, State Of Missouri**, and that the within instrument was executed on behalf of Drury Properties, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date last above written.

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

My Commission Expires:

9/10/19



## SANITARY SEWER EASEMENTS

KNOW ALL MEN BY THESE PRESENTS:

THAT Drury Southwest, Inc., a Missouri corporation ("**Grantor**"), in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, does hereby grant and convey to the City of Cape Girardeau, Missouri, a municipal corporation ("**Grantee**"), a non-exclusive easement for the purpose of maintenance and repair of underground sanitary sewers within the boundaries of the land owned by the Grantor located in the County of Cape Girardeau, Missouri, (the "**Easement Area**"), more particularly described as follows:

### DESCRIPTION - EASEMENT 1

A 20' WIDE STRIP OF LAND BEING PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, THE SAID 20' WIDE STRIP BEING 10' PARALLEL AND ADJACENT TO EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

Commencing from the Southeast corner of Lot #1 of Kensington Place - Phase One recorded in Plat Book 24 at Page 72 of the Cape Girardeau County Land Records; thence North 89°38'03" East, 112.54 feet; thence North 21°29'17" East, 81.72 feet; thence South 54°22'10" East, 80.69 feet to the Point of Beginning; thence North 26°38'28" East, 364.49 feet; thence North 28°10'58" East, 336.99 feet; thence North 05°53'52" West, 138.65 feet; thence North 13°27'22" West, 281.05 feet to the Point of Termination and containing 22,441 square feet, more or less. The sidelines of said easement being prolonged and shortened to terminate with the North line of this tract of land recorded in Book 526, Page 532.

**DESCRIPTION - EASEMENT 2**

A 20' WIDE STRIP OF LAND BEING PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, THE SAID 20' WIDE STRIP BEING 10' PARALLEL AND ADJACENT TO EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

Commencing from the Southeast corner of Lot #1 of Kensington Place - Phase One recorded in Plat Book 24 at Page 72 of the Cape Girardeau County Land Records; thence North 89°38'03" East, 112.54 feet; thence North 21°29'17" East, 81.72 feet; thence North 00°36'33" West, 318.30 feet; thence North 36°27'23" East, 310.87 feet; thence North 00°36'33" West, 169.87 feet to the Point of Beginning; thence South 82°50'01" East, 195.92 feet to the Point of Termination containing 3,701 square feet, more or less. The sidelines of said easement being prolonged and shortened to terminate with the West line of this tract of land recorded in Book 526, Page 532.

**DESCRIPTION - EASEMENT 3**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing from the Southeast corner of Lot #1 of Kensington Place - Phase One recorded in Plat Book 24 at Page 72 of the Cape Girardeau County Land Records; thence North 89°38'03" East, 112.54 feet; thence North 21°29'17" East, 81.72 feet; thence North 00°36'33" West, 165.64 feet to the Point of Beginning; thence continue North 00°36'33" West, 152.66 feet; thence North 36°27'23" East, 16.59 feet; thence South 00°36'33" East, 55.22 feet; thence South 02°29'04" East, 126.51 feet; thence North 42°30'03" West, 21.18 feet to the Point of Beginning containing 1,901 square feet, more or less.

**DESCRIPTION - EASEMENT 4**

A 20' WIDE STRIP OF LAND BEING PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI, THE SAID 20' WIDE STRIP BEING 10' PARALLEL AND ADJACENT TO EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

Commencing from the Southeast corner of Lot #1 of Kensington Place - Phase One recorded in Plat Book 24 at Page 72 of the Cape Girardeau County Land Records; thence North 89°38'03" East, 112.54 feet; thence North 21°29'17" East, 81.72 feet; thence North 00°36'33" West, 150.66 feet to the Point of Beginning; thence

South 42°30'03" East, 159.11 feet to the Point of Termination containing 2,968 square feet, more or less. The sidelines of said easement being prolonged and shortened to terminate with the West line of this tract of land recorded in Book 526, Page 532.

**DESCRIPTION - EASEMENT 5**

THAT PART U.S.P.S. NO. 2241 AND PART OF A PROPERTY LISTED IN DEED DOCUMENT NO. 2006-12426 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence along the North line of said tract, North 89°10'16" East, 242.64 feet, to the point of beginning; Thence North 89°10'16" East, 28.13 feet; Thence South 30°16'17" East, 98.25 feet; Thence South 50°56'05" East, 141.64 feet; Thence South 11°18'51" East, 346.02 feet; Thence South 63°30'02" East, 160.24 feet; Thence South 51°54'39" West, 16.61 feet; Thence North 63°30'02" West, 160.46 feet; Thence North 11°18'51" West, 347.97 feet; Thence North 50°56'05" West, 131.29 feet; Thence South 20°47'29" East, 104.66 feet; Thence South 69°12'31" West, 15.00 feet; Thence North 20°47'29" West, 120.35 feet; Thence North 30°16'17" West, 104.05 feet to the point of beginning and containing 13,994 square feet, or 0.32 acres, more or less.

**DESCRIPTION - EASEMENT 6**

THAT PART OF U.S.P.S. 2241 AND A PROPERTY LISTED IN DEED BOOK 526 AT PAGE 532 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 13 EAST, IN THE COUNTY OF CAPE GIRARDEAU, THE STATE OF MISSOURI, DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of a property recorded in the Land Records of Cape Girardeau County, Missouri in Deed Document No. 2006-12426; Thence, along the West line of said property, South 00°50'33" East, 811.67 feet, to a found Cotton Picker Spindle; Thence along the South line of said property North 89°10'16" East, 341.74 feet, to a found 1/2" iron rod; Thence, along the East line of said property, North 51°54'43" East, 349.18 feet, to the point of beginning; Thence North 51°54'39" East, 16.61 feet; Thence South 63°30'02" East, 41.87 feet; Thence North 54°55'06" East, 112.05 feet; Thence North 54°22'42" East, 345.90 feet; Thence North 39°51'19" East, 231.46 feet; Thence North 24°14'38" East, 207.06 feet; Thence South 89°11'25" West, 74.27 feet; Thence North 21°01'30" East, 16.16 feet; Thence North 89°11'25" East, 82.65 feet; Thence South 65°45'22" East, 13.32 feet; Thence South 24°14'38" West, 229.49 feet; Thence South 39°51'19" West, 236.75 feet; Thence South 54°22'42" West, 239.82 feet; Thence North 35°37'18" West, 5.00 feet; Thence South 54°22'42" West, 108.62 feet; Thence South 54°55'06" West, 125.03 feet; Thence South 59°00'01" West, 240.98 feet; Thence South 40°33'03" West, 39.27 feet; Thence South 25°34'20" West, 176.73 feet; Thence South 13°44'09" West, 385.45 feet; Thence South 30°31'37" East, 152.02 feet; Thence South 88°36'14" West, 17.17 feet; Thence North 30°31'37"

feet; Thence North 30°31'37" West, 149.76 feet; Thence North 13°44'09" East, 393.10 feet; Thence North 25°34'20" East, 180.26 feet; Thence North 40°33'03" East, 43.68 feet; Thence North 59°00'01" East, 237.94 feet; Thence North 63°30'02" West, 40.49 feet to the point of beginning and containing 34,288 square feet, or 0.79 acres, more or less.

SAID Easement is granted for the purpose of enabling Grantee, its agents, servants and assigns to use the Easement Areas for the purpose of operation, maintenance and repair of underground sanitary sewer improvements. Grantee shall be responsible for the maintenance, repair, replacement and operation of the underground sanitary sewer and storm sewer improvements and related adjuncts, appurtenances, manholes and appliances in connection therewith located in the Easement Areas, in a first class condition and in compliance with all laws, codes and other governmental requirements.

The grant of this Easement is and shall be subject to any and all matters of record, existing easements, and utilities, and further subject to the right of Grantor, its successors and assigns, tenants, servants, visitors and licensees, to use the Easement Area for any and all lawful purposes connected with the use and enjoyment of the Easement Area, and, the grant of this Easement is and shall be subject to the right of Grantor, its successors and assigns, to grant additional easements in the Easement Area for other purposes and for other utilities, including without limitation, gas, electric, telephone, cable, sewer, drainage, water and storm water sewer easements. Grantee covenants and agrees, subject to §537.610 RSMO, to defend, indemnify and save Grantor, its successors and assigns harmless from any and all cost, claims, damage and expense arising out of or resulting from Grantee's use of the Easement Area or the exercise of the rights, privileges, permission and authority herein granted, including without limitation cost, claims, damage, and expense arising out of or resulting from use by Grantee's agents, servants, assigns, contractors, employees, tenants, licensees and invitees of the Easement Area, or occasioned by the construction of any improvements by Grantee. Grantee covenants and agrees that it will, during the term of this Easement and at termination of this Easement and the rights, privileges, permission and authority herein granted, in whatever manner such termination occurs, repair any damage to Grantor's property and promptly return Grantor's property to the same or better condition as existed as of the Effective Date, free and clear of all claims, liens, charges, and encumbrances, excepting only those which may be placed thereon by Grantor.

The undersigned covenants that it is the owner in fee simple of the above described property and has the legal right to convey same.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 10<sup>th</sup> day of May, 2019.

*[The rest of this page intentionally left blank.  
Signature page to follow.]*

GRANTOR:

DRURY SOUTHWEST, INC.

By: Carolyn F. Bohnert  
Carolyn F. Bohnert, Sr. Vice President

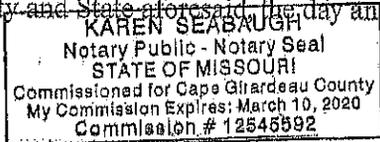
STATE OF MISSOURI

COUNTY OF CAPE GIRARDEAU

)  
) SS.  
)

On this 10<sup>th</sup> day of May, 2019, before me personally appeared Carolyn F. Bohnert, known to me to be the person who executed the foregoing instrument, who, being by me duly sworn, did say that she is the Sr. Vice President of Drury Southwest, Inc., and that said instrument was signed in behalf of said corporation and acknowledged to me that she executed the same for the purposes stated therein and as the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.



Karen Seabaugh  
Notary Public

My commission expires: March 10, 2020



Staff: Bruce Taylor, Deputy City Clerk  
Agenda: 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-118**

**SUBJECT**

Appointment to the Board of Appeals for two terms expiring June 4, 2019.

**EXECUTIVE SUMMARY**

Robert Blasiney has a term on the Board of Appeals that expires June 4, 2019, and Willie Sandin has an alternate term on the Board of Appeals that is set to expire June 4, 2019. A copy of the roster is attached for your review.

With the current makeup of the board, an individual from one of the following professions is eligible to serve: architect, structural engineer, or electrical. The following applicants are qualified to serve on the board.

Robert Blasiney	Electric	city resident
Willie Sandin (alt.)	PE	city resident

**BACKGROUND/DISCUSSION**

The International Building Code (as amended by the city) stipulates that the Board shall consist of seven individuals, not more than two from each of the following professions: (1) registered architect, or builder or superintendent of building construction with 10 years experience; (2) registered design professional with structural engineering or architectural experience; (3) registered design professional with mechanical or plumbing engineering experience, or mechanical or plumbing contractor with 10 years experience; (4) registered design professional with electrical engineering experience or an electrical contractor with 10 years experience; (5) registered design professional with fire protection engineering experience or a fire protection contractor with 10 years experience. If no qualified city residents apply for the board, then qualified applicants who are residents of Cape Girardeau County may be considered. In addition, two alternate members may be appointed and shall possess the qualifications required for board membership. Members serve five year terms.

**ATTACHMENTS:**

Name:	Description:
<a href="#">BoAppeals Roster.docx</a>	Roster
<a href="#">blasiney.robert.07-11-14.1.pdf</a>	Blasiney, Robert
<a href="#">sandin.willie.5-6-14.pdf</a>	Sandin, Willie

**CITY OF CAPE GIRARDEAU, MISSOURI**  
**Roster of Advisory Boards and Committees**  
**April 15, 2019**

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.  
 Members may serve for only three consecutive full terms on the same board or commission effective with terms commencing May 8, 1996.

**Board of Appeals**

	<u><i>Date Appointed</i></u>	<u><i>Date Reappointed</i></u>	<u><i>Term Expires</i></u>
Robert Blasiney (contractor/electric) (served as alternate)	January 20, 2015 October 6, 2014		June 4, 2019
Willie Sandin (PE) (alt.)	January 20, 2015		June 4, 2019
Craig Milde (architect)	November 2, 2015		June 4, 2020
Christopher Johnson (fire prtcn engnr)	November 16, 2015	---	September 4, 2020
Michael Annis (contractor) (Sebek) (served as alternate)	March 4, 2013 April 2, 2001	06/06/16 7/6/04; 5/18/09	June 4, 2021
Melanie Cantrell (structural engineer)	December 15, 2008	6/4/12; 6/05/17	June 4, 2022
Mark Strickland (mechanical) (served as alternate)	October 6, 2014 June 2, 2014	06/05/17	June 4, 2022
Kristen Uhrhan (architect) (alt.)	June 2, 2014	06/04/18	June 4, 2023
Brian Horrell	June 4, 2018	---	June 4, 2023

Serve five year terms, appointed by Council. Of the seven members, no more than two from each of the following professions: (1) Registered design professional that is a registered architect; or a builder or superintendent of building construction with at least 10 years experience 5 of which shall have been in responsible charge of work; (2) Registered design professional with structural engineering or architectural experience; (3) Registered design professional with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with 10 years experience 5 of which shall have been in responsible charge of work; (4) Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years experience 5 of which shall have been in responsible charge of work; (5) registered design professional with fire protection engineering experience; or a fire protection contractor with at least ten years experience 5 of which shall have been in responsible charge of work. If no applications from qualified residents, the qualified applicants from Cape Girardeau County may be considered (Ord. 4567) Meetings held second Thursday at 7:00 p.m. in Council Chambers. Board considers appeals from the building codes. Staff contact – Gary Hill, Building and Code Enforcement Manager. 339-6327.

Name:	Description:
☐ <a href="#">Clark.Lauren.3-26-19.pdf</a>	Clark, Lauren
☐ <a href="#">Gannon.Cindy.07-03-18.pdf</a>	Gannon, Cindy
☐ <a href="#">Hendrix.Anne.1-15-19.pdf</a>	Hendrix, Anne
☐ <a href="#">Markin.Ken.10-10-18.pdf</a>	Markin, Ken
☐ <a href="#">Mckeever.Michael.03-13-19.pdf</a>	McKeever, Michael
☐ <a href="#">CITY OF CAPE GIRARDEAU.pdf</a>	Historic Preservation Commission Roster
☐ <a href="#">roster_attendance.hpc.pdf</a>	Historic Preservation Commission Attendance Roster

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**Staff:** Bruce Taylor, Deputy City Clerk  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**19-119**

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**SUBJECT**

Appointment of three members to the Historic Preservation Commission for terms expiring April 16, 2022.

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**EXECUTIVE SUMMARY**

The terms of Charlotte Young Slinkard, Robert Komorech and Parker Butler are set to expire April 16, 2019. Due to term limits, Charlotte Young Slinkard and Robert Komorech are ineligible to serve another term. Parker Butler does not wish to seek reappointment.

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**BACKGROUND/DISCUSSION**

Regarding membership on the Commission, Section 30-117 of the City Code states, "...the members to be residents of the city, all of whom shall be appointed by and approved by the city council. The council shall make every effort to appoint persons with a demonstrated interest in the historical preservation of the city. To the extent available, the preservation commission shall include professional members representing such disciplines as architecture, law, real estate, history and or any other field related to historic preservation." Members on the commission serve three-year terms.

A copy of the roster is attached for your information. The following individuals have expressed interest in on the Historic Preservation Commission, and their board applications are attached for your review.

Applicant	Ward	Citizen Academy Graduate
Lauren Clark	5	No
Cindy Gannon	4	No
Anne Hendrix	5	No
Ken Markin	3	Yes
Michael McKeever	6	No

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**FINANCIAL IMPACT**

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**BOARD OR COMMISSION RECOMMENDATION**

The Historic Preservation Commission recommends appointing Lauren Clark, Anne Hendrix and Michael McKeever for terms expiring April 16, 2022.

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**ATTACHMENTS:**

**CITY OF CAPE GIRARDEAU, MISSOURI**  
**Roster of Advisory Boards and Committees**  
**April 15, 2019**

All members of Advisory boards must be residents of the City of Cape Girardeau unless otherwise noted.  
Members may serve for only three consecutive full terms on the same board or commission  
effective with terms commencing May 8, 1996.

**Historic Preservation Commission**

	<b><u>Date Appointed</u></b>	<b><u>Date Reappointed</u></b>	<b><u>Term Expires</u></b>
Bonnie Kipper	June 1, 2015	6/5/17	April 16, 2020
Alyssa Phares	May 16, 2011	5/5/14; 6/5/17	April 16, 2020
Reanne Spears	June 16, 2018	---	April 16, 2020
Brianna DeWitt	June 5, 2017	04/16/18	April 16, 2021
Michael Cervantes	October 16, 2017	04/16/18	April 16, 2021
Ken Markin	April 15, 2019	---	April 16, 2021
Vacant*			April 16, 2022
Vacant*			April 16, 2022
Vacant*			April 16, 2022
Felix Kinsley (honorary) (Town Crier/honorary)	June 6, 2005		N/A

Serve three year terms, appointed by Council. To the extent available members shall include professional members representing such disciplines as architecture, law, real estate, history, or any other field related to historic preservation. Meetings held third Wednesday at 7:00 p.m. in Council Chambers. Commission administers the Historic Preservation Ordinance and applications for landmarks and historical districts. Staff contact – Ryan Shrimplin, City Planner 339-6327 [Ord. 3841, 8/20/07, members reduced from 11 to 9].

# HISTORIC PRESERVATION COMMISSION Attendance Record

Ordinance effective 4/13/00

P = present, A = absent

2019 3rd Wednesday	Jan 16	Feb 20	Mar 20	Apr 17	May 1	Jun 19	Jul 17	Aug 21	Sep 18	Oct 16	Nov 20	Dec 18	1st letter	2nd letter	3rd letter	termi- nated
Butler, Parker	A	P	P	<b>N</b>	<b>O</b>								07/20/18	01/20/19		04/16/19
Cervantez, Michael	P	P	A	<b>O</b>	<b>O</b>											
DeWitt Brianna	P	P	P	<b>O</b>	<b>O</b>											
Darby, Mary	A	P	P	<b>M</b>	<b>O</b>								01/18/18	12/31/18		01/22/19
Grantham, Tom	P	P	P	<b>M</b>	<b>O</b>											
Kinsley, Felix (honorary)	P	P	P	<b>E</b>	<b>O</b>											
Kipper, Bonnie	P	P	P	<b>E</b>	<b>O</b>											
Komorech, Robert	P	P	P	<b>E</b>	<b>O</b>											
Komorech, Robert	P	P	P	<b>E</b>	<b>O</b>											
Markin, Ken				<b>I</b>	<b>E</b>											
Phares Alyssa	P	P	P	<b>I</b>	<b>O</b>											
Slinkard, Charlotte	P	P	P	<b>I</b>	<b>O</b>											
Spears, Raeanne	A	P	P	<b>G</b>	<b>O</b>								01/20/19			04/16/19

2018 3rd Wednesday	Jan 17	Feb 21	Mar 21	Apr 18	May 16	Jun 20	Jul 18	Aug 15	Sep 19	Oct 17	Nov 21	Dec 19	1st letter	2nd letter	3rd letter	termi- nated
Butler, Parker	A	P	A	P	<b>N</b>	P	A	P	<b>N</b>	P	<b>N</b>	P	07/20/18			
Cervantez, Michael	P	P	P	A	<b>N</b>	A	P	P	<b>N</b>	P	<b>N</b>	P				
DeWitt Brianna	P	A	P	P	<b>O</b>	P	P	P	<b>O</b>	P	<b>O</b>	P				
Darby, Mary	A	P	P	P	<b>O</b>	P	P	P	<b>O</b>	A	<b>O</b>	A	01/18/18	11/01/18		12/27/18
Giebler, Sharon	A	P	A	<b>M</b>	<b>E</b>	<b>E</b>	<b>E</b>	<b>E</b>	<b>M</b>	<b>E</b>	<b>E</b>	<b>E</b>				04/02/18
Grantham, Tom	P	P	P	P	<b>E</b>	P	P	P	<b>E</b>	P	<b>E</b>	P				
Kinsley, Felix (honorary)	P	P	P	P	<b>E</b>	P	P	P	<b>E</b>	P	<b>E</b>	P				
Kipper, Bonnie	P	P	P	P	<b>E</b>	P	P	P	<b>E</b>	P	<b>E</b>	P				
Komorech, Robert	P	P	P	P	<b>E</b>	P	P	P	<b>E</b>	P	<b>E</b>	P				
Phares Alyssa	P	P	A	P	<b>E</b>	P	A	P	<b>E</b>	P	<b>E</b>	P				
Slinkard, Charlotte	P	P	P	P	<b>E</b>	P	P	A	<b>E</b>	P	<b>E</b>	P				
Spears, Raeanne				<b>G</b>	<b>O</b>		A	P	<b>G</b>	P	<b>G</b>	A				

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Transportation Trust Fund (TTF ) Committee Appointments

**EXECUTIVE SUMMARY**

The Transportation Sales Tax (0.5%, a half-cent) is set to expire in December 2020. The sales tax revenues are collected into Transportation Trust Fund (TTF). Voters have approved this sales tax every five years since its initial approval in 1995. Originally, TTF projects were mostly new or expansion of major streets, and the TTF Committee was a sub-committee of the Planning and Zoning Commission. More recently, the Citizens has expressed the desire to maintain and improve existing roadways, and identified projects have been more focused on maintenance, to include secondary thoroughfares and neighborhood streets. In order to receive project recommendations less focused on new or major roads, it has been recommended that the TTF Committee include, not only Planning and Zoning Commission members, but additional citizens appointed by the City Council. The Committee will automatically disband after the successful passage of the sales tax extension or the last available election date prior to the current tax sunset.

**BACKGROUND/DISCUSSION**

The Transportation Trust Fund (TTF ) is established to manage the proceeds of the Transportation Sales Tax (0.5%, a half-cent dollar spent) voted on by the citizens of Cape Girardeau. All TTF revenue goes into this Fund solely used to complete identified transportation improvement projects.

TTF projects are funded on a "pay-as-you-go" basis, so that no money is borrowed to fund the projects. Because it is a sales tax, it spreads the cost of improvement projects to everyone who uses the streets instead of just Cape Girardeau property owners. All projects are included to maintain quality City streets. The TTF was first approved by voters in 1995 for TTF-1. The tax was extended by voters in 2000 for TTF-2; in 2005 for TTF-3; 2010 for TTF-4; and again in 2015 for TTF-5.

**BOARD OR COMMISSION RECOMMENDATION**

Mayor Bob Fox recommends the appointment of Harry Rediger, John Voss, Jeff Glenn, Doug Spooler, Kevin Greaser, Bruce Kinner, Trae Bertrand and Tamara Zellars-Buck, to the Transportation Trust Fund (TTF ) Committee.

**PUBLIC OUTREACH**

The Transportation Trust Fund (TTF ) Committee will have meetings open to the public, with meeting notices posted prior to meetings. The Committee's recommendations will be presented to the City Council in writing during a public Council meeting.

**ATTACHMENTS:**

Name:	Description:
No Attachments Available	

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**Staff:** John Richbourg, Finance Director  
**Agenda:** 5/20/2019

**MEMORANDUM**  
Cape Girardeau City Council

**19-011**

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**SUBJECT**

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Revenue and Expense Summaries for July 2018 - March 2019

**EXECUTIVE SUMMARY**

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Revenues of funds supported by the General Fund are currently projected to be only \$1,198 more than original projections used for 2018 – 2019 budget. Current projected revenues include \$284,776 and \$104,320 in general and airport fund grant revenues that had not been included in original projections. This additional revenue will be used to support additional estimated expenditures totaling \$284,776 and \$114,500 from the general and airport funds, respectively. Current projected general fund revenues also include \$156,941 from sales of City assets. \$90,000 of the proceeds of the asset sales that related to sale of fire truck were subsequently used to replace a twenty-five year old service vehicle and additional turn-out gear for fire. These two items were not included in the original budget.

Excluding the impact in the difference in grant revenue and proceeds of asset sales detailed above, current revenues would be projected to be \$477,898 or 1.86% less than original projected 2018 – 2019 revenues. The 4 most significant remaining impacts to the differences from the original revenue projections are sales tax, franchise licenses, general fund charges for services, and fines and forfeitures which are projected to exceed or (be less than) the original projections by (\$60,000), (\$135,000), (\$117,660) and (\$54,500), respectively.

Total personnel costs during the first nine months of the current year of the funds supported by the General Fund were 77.33% of the adopted budget. Last year the City had spent 75.45% of the adopted budget during the first nine months. Total personnel costs of these funds are currently projected to end the year around \$113,803 over the original budget. Public safety salaries are projected to end the year around \$359,539 over the original budget while the remaining divisions are projected to end the year around \$245,736 under the original budget.

Total operating expenses of the funds supported by the General Fund during the first nine months of the current year amounted to 76.30% of the adopted budget compared to 76.33% of the actual total operating expenses for the first nine months of previous year. Unreserved General Fund balances at the end of last year were \$3,279,166. The 2018 -2019 budget proposed reducing this balance to \$2,706,487. The unreserved General Fund balances amount could decline to approximately \$2 million by the end of the current year. This is at the lower end of the range of Unreserved General Fund balances that management desires to maintain.

**BACKGROUND/DISCUSSION**

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The attached summaries contain financial activity between July 1, 2018 and March 31, 2019 from the General, Airport, Parks and Recreation, Golf, SportPlex, and Sporting Complexes funds. The operations of these funds are partially subsidized by revenues from other funds.

The attached Revenue Summary contains actual revenue and budget data from the current and previous years. The last two columns of this summary show the current estimates of revenues for fiscal year ending June 30, 2019 and the amount by which they vary from the original projected revenues. A discussion of some of the more significant revenue items and budget variances follows.

As a result of less than anticipated sales tax performance during the 2017 – 2018 budget year, sales tax revenue needed to increase \$175,464 or 1.67% during the current year to meet projected revenues included in the 2018 – 2019 budget. Sales tax revenue currently projected for the 2018 – 2019 budget is 1.11% more than the 2017 – 2018 actual revenue.

Franchise tax revenue is currently projected to be approximately \$364,600 (7.06%) less than the previous year and approximately \$135,000 or 2.73% below the current year’s budget. Current projected revenues from electric utility, natural gas utility, telephone, and water and sewer are expected to fall short of projected revenues included in the 2018 – 2019 adopted budget by approximately \$42,750 (1.51%), \$14,000 (2.15%), \$81,050 (23.42%), and \$2,200 (0.31%), respectively. Current projected revenue from cable is expected to be \$5,000 (1.23%) more than projected revenues included in the 2018 – 2019 adopted budget. Franchise revenue from telephone were significantly impacted by the discontinuance of duplicate payments during the current year by two providers totally \$55,000. Revenues from Ameren were negatively impacted by rate increases during the current year.

Revenues from General Fund service charges are currently projected to be approximately \$6,591(.48%) less than the previous year and approximately \$117,660 or 7.93% less the current year’s budget. Internal service charges charged to capital projects are currently projected to be approximately 56,189 (12.97%) less than the previous year and approximately \$209,300 or 35.69% less the current year’s budget. Other service charges are currently projected to be approximately \$49,598 (5.28%) more than the previous year and approximately \$91,640 or 10.22% more the current year’s budget. The amount of engineering salaries being charged out to capital projects has declined significantly over the past two years.

Fine and forfeiture revenue is currently projected to be approximately \$57,554 (9.59%) more than the previous year but approximately \$54,500 or 7.65% below the current year’s budget. Traffic cases handled by Municipal Court were 14.8% more during the first ten months of the current fiscal year compared to the same time frame in the previous year.

The attached Expense Summary shows the YTD expenses of each major expense category in each division and the percentage of budget that has been spent for each major expense category. Footnotes on page 5 give explanations for expenditures that seem excessively high or low when compared to the adopted budget.

**GENERAL DIRECTION**

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**ATTACHMENTS:**

Name:	Description:
<input type="checkbox"/> <u>REVENUE AND EXPENSE SUMMARIES 3-31-19.pdf</u>	REVENUE AND EXPENSE SUMMARIES 3-31-19

CITY OF CAPE GIRARDEAU - REVENUE SUMMARY OF FUNDS SUPPORTED BY GENERAL FUND MARCH 31, 2019

	LAST YEAR'S ANNUAL REVENUE	LAST YEAR'S YTD REVENUE	LAST YEAR'S YTD/ANNUAL	THIS YEAR'S BUDGET	THIS YEAR'S YTD REVENUE	THIS YEAR'S YTD/BUDGET	CURRENT PROJECTED REVENUE	FAVORABLE (UNFAVORABLE) VARIANCE
<b>GENERAL FUND</b>								
PROPERTY TAXES	1,927,802.74	1,884,347.44	97.75%	1,963,700.00	1,919,048.42	97.73%	1,960,100.00	(3,600.00)
SALES TAX	10,514,535.73	7,850,924.86	74.67%	10,690,000.00	7,819,573.29	73.15%	10,630,000.00	(60,000.00)
OTHER TAXES	158,455.54	121,751.95	76.84%	160,700.00	105,721.00	65.79%	140,622.00	(20,078.00)
<b>TOTAL TAXES</b>	<b>12,600,794.01</b>	<b>9,857,024.27</b>	<b>78.23%</b>	<b>12,814,400.00</b>	<b>9,844,342.71</b>	<b>76.82%</b>	<b>12,730,722.00</b>	<b>(83,678.00)</b>
GENERAL BUSINESS LICENSES	1,315,760.84	1,284,466.55	97.62%	1,365,300.00	1,326,354.83	97.15%	1,357,250.00	(8,050.00)
FRANCHISE LICENSES	5,166,950.44	3,844,207.32	74.40%	4,937,350.00	3,552,725.91	71.96%	4,802,350.00	(135,000.00)
OTHER LICENSES & PERMITS	333,466.17	195,151.17	58.52%	349,850.00	167,198.80	47.79%	306,832.00	(43,018.00)
<b>TOTAL LICENSES &amp; PERMITS</b>	<b>6,816,177.45</b>	<b>5,323,825.04</b>	<b>78.11%</b>	<b>6,652,500.00</b>	<b>5,046,279.54</b>	<b>75.86%</b>	<b>6,466,432.00</b>	<b>(186,068.00)</b>
TOTAL INTERGOVERNMENTAL	897,241.36	581,877.24	64.85%	605,781.00	428,996.61	70.82%	890,782.00	285,001.00
TOTAL CHARGES FOR SERVICES	1,371,879.49	1,000,671.07	72.94%	1,482,948.00	1,008,251.14	67.99%	1,365,288.00	(117,660.00)
TOTAL FINES & FORFEITURES	600,446.25	456,559.50	76.04%	712,500.00	498,417.43	69.95%	658,000.00	(54,500.00)
INTEREST INCOME	106,382.10	72,654.74	68.30%	99,200.00	72,580.02	73.17%	99,450.00	250.00
OTHER MISCELLANEOUS	347,612.30	257,662.06	74.12%	347,148.00	322,244.67	92.83%	380,573.00	33,425.00
<b>TOTAL MISCELLANEOUS</b>	<b>453,994.40</b>	<b>330,316.80</b>	<b>72.76%</b>	<b>446,348.00</b>	<b>394,824.69</b>	<b>88.46%</b>	<b>480,023.00</b>	<b>33,675.00</b>
TOTAL OTHER FINANCING SOURCES	396,044.90	350,732.45	88.56%	14,000.00	166,833.18	1191.67%	171,641.00	157,641.00
<b>TOTAL GENERAL FUND REVENUE</b>	<b>23,136,577.86</b>	<b>17,901,006.37</b>	<b>77.37%</b>	<b>22,728,477.00</b>	<b>17,387,945.30</b>	<b>76.50%</b>	<b>22,762,888.00</b>	<b>34,411.00</b>
<b>AIRPORT FUND</b>								
TOTAL NET MARGIN ON FRO SALES	399,912.37	276,495.96	69.14%	415,300.00	324,200.45	78.06%	446,800.00	31,500.00
TOTAL NET REVENUE (COST) OF AIR SHOW	0.00	0.00	0.00%	0.00	2,716.39	0.00%	0.00	0.00
<b>TOTAL INTERGOVERNMENTAL</b>	<b>881,818.98</b>	<b>846,108.00</b>	<b>95.95%</b>	<b>167,000.00</b>	<b>389,580.00</b>	<b>233.28%</b>	<b>271,320.00</b>	<b>104,320.00</b>
TOTAL OTHER REVENUE	455,934.65	391,043.29	85.77%	396,148.00	296,066.88	74.74%	384,668.00	(11,280.00)
<b>TOTAL AIRPORT FUND REVENUE</b>	<b>1,737,686.00</b>	<b>1,513,647.25</b>	<b>87.11%</b>	<b>978,448.00</b>	<b>1,012,563.72</b>	<b>103.49%</b>	<b>1,102,988.00</b>	<b>124,540.00</b>

REVENUE SUMMARY MARCH 31, 2019

CITY OF CAPE GIRARDEAU - REVENUE SUMMARY OF FUNDS SUPPORTED BY GENERAL FUND MARCH 31, 2019

	LAST YEAR'S ANNUAL REVENUE	LAST YEAR'S YTD REVENUE	LAST YEAR'S YTD/ANNUAL	THIS YEAR'S BUDGET	THIS YEAR'S YTD REVENUE	THIS YEAR'S YTD/BUDGET	CURRENT PROJECTED REVENUE	FAVORABLE (UNFAVORABLE) VARIANCE
<b>PARKS &amp; RECREATION FUND</b>								
ARENA BUILDING CHARGES	66,777.00	43,717.00	65.47%	65,000.00	45,227.13	69.56%	66,500.00	1,500.00
OSAGE BUILDING CHARGES	307,694.01	230,816.83	75.02%	318,000.00	235,286.88	73.99%	306,750.00	(11,250.00)
SEAWEE PARK COMMUNITY CENTER CHARGES	59,885.53	47,757.69	79.75%	52,600.00	32,302.26	61.41%	42,850.00	(9,750.00)
CENTRAL POOL CHARGES	119,908.31	48,023.42	40.05%	125,634.00	39,680.58	31.58%	111,350.00	(14,284.00)
FAMILY AQUATIC CENTER CHARGES	661,896.07	378,633.00	57.20%	695,250.00	326,383.14	46.94%	636,100.00	(59,150.00)
RECREATION CHARGES	243,810.46	212,043.83	86.97%	306,425.00	255,760.65	83.47%	289,659.00	(16,766.00)
TOTAL USER CHARGES	1,459,971.38	960,991.77	65.82%	1,562,909.00	934,640.64	59.80%	1,453,209.00	(109,700.00)
TOTAL OTHER REVENUE	52,058.83	39,497.20	75.87%	40,443.00	37,115.71	91.77%	49,668.00	9,225.00
<b>TOTAL PARK &amp; RECREATION FUND REVENUE</b>	<b>1,512,030.21</b>	<b>1,000,488.97</b>	<b>66.17%</b>	<b>1,603,352.00</b>	<b>971,756.35</b>	<b>60.61%</b>	<b>1,502,877.00</b>	<b>(100,475.00)</b>
<b>GOLF COURSE FUND</b>								
TOTAL USER CHARGES	491,821.43	359,023.38	73.00%	535,747.00	379,276.53	70.79%	509,700.00	(26,047.00)
TOTAL OTHER REVENUE	2,911.00	2,974.69	102.19%	2,375.00	4,126.39	173.74%	4,075.00	1,700.00
<b>TOTAL GOLF COURSE FUND REVENUE</b>	<b>494,732.43</b>	<b>361,998.07</b>	<b>73.17%</b>	<b>538,122.00</b>	<b>383,402.92</b>	<b>71.25%</b>	<b>513,775.00</b>	<b>(24,347.00)</b>
<b>SPORTSLEX FUND</b>								
TOTAL USER CHARGES	430,686.69	297,083.52	68.98%	525,485.00	375,257.95	71.41%	511,916.00	(13,569.00)
TOTAL OTHER REVENUE	36,266.76	16,474.52	45.43%	0.00	20,707.03	0.00%	33,700.00	33,700.00
<b>TOTAL SPORTSLEX FUND REVENUE</b>	<b>466,953.45</b>	<b>313,558.04</b>	<b>67.15%</b>	<b>525,485.00</b>	<b>395,964.98</b>	<b>75.35%</b>	<b>545,616.00</b>	<b>20,131.00</b>
<b>SPORTING COMPLEXES FUND</b>								
TOTAL USER CHARGES	349,759.33	145,145.97	41.50%	388,916.00	154,695.05	39.78%	330,613.00	(58,303.00)
TOTAL OTHER REVENUE	5,897.30	5,739.89	97.33%	1,525.00	2,059.76	135.07%	2,550.00	1,025.00
<b>TOTAL SPORTING COMPLEXES FUND REVENUE</b>	<b>355,656.63</b>	<b>150,885.86</b>	<b>42.42%</b>	<b>390,441.00</b>	<b>156,754.81</b>	<b>40.15%</b>	<b>333,163.00</b>	<b>(57,278.00)</b>

CITY OF CAPE GIRARDEAU - REVENUE SUMMARY OF FUNDS SUPPORTED BY GENERAL FUND MARCH 31, 2019

	LAST YEAR'S ANNUAL REVENUE	LAST YEAR'S YTD REVENUE	LAST YEAR'S YTD/ANNUAL	THIS YEAR'S BUDGET	THIS YEAR'S YTD REVENUE	THIS YEAR'S YTD/BUDGET	CURRENT PROJECTED REVENUE	FAVORABLE (UNFAVORABLE) VARIANCE
TOTAL REVENUE IN FUNDS SUPPORTED BY GENERAL FUND REVENUES	26,741,930.70	20,566,028.45	76.91%	25,700,718.00	19,529,020.18	75.99%	25,701,916.00	1,198.00
TOTAL REVENUE IN FUNDS SUPPORTED BY PARKS / STORMWATER SALES TAX	494,732.43	361,998.07	73.17%	538,122.00	383,402.92	71.25%	513,775.00	(24,347.00)
TOTAL REVENUE IN FUNDS SUPPORTED BY RESTAURANT TAX REVENUES	466,953.45	313,558.04	67.15%	525,485.00	395,964.98	75.35%	545,616.00	20,131.00

(1) PROJECTED REVENUE BASED ON TREND OF ACTUAL REVENUE ALREADY COLLECTED FOR THE CURRENT YEAR.

(2) \$55,000 OF THE VARIANCE RESULTS FROM THE DISCONTINUANCE OF DOUBLE PAYMENTS OF TWO TELEPHONE SERVICE PROVIDERS DURING THE CURRENT YEAR.  
\$56,750 OF THE VARIANCE RESULTS FROM LOWER PROJECTED REVENUES FROM AMEREN DE RESULTING FROM RATE REDUCTIONS MADE DURING THE YEAR.

(3) PROJECTED CALCULATION ASSUMES ALL POLICE OPERATING GRANTS WILL BE COLLECTED. PROJECTION INCLUDES \$284,776 IN GRANTS NOT INCLUDED IN ORIGINAL BUDGET.  
THESE GRANTS WILL PRODUCE ADDITIONAL UNBUDGETED OPERATING AND CAPITAL EXPENSES APPROXIMATELY THE SAME AMOUNT OF THE ADDITIONAL GRANT REVENUE.

(4) INCLUDES \$209,300 NEGATIVE VARIANCE FOR DEVELOPMENT SERVICES' INTERNAL CHARGES CHANGED TO CAPITAL PROJECTS. POSITIVE VARIANCES FROM FEES CHARGED BY  
ENGINEERING (44,550) AND POLICE (25,250) TO EXTERNAL USERS AND BY THE STREET (29,300) TO OTHER CITY DIVISIONS OFFSET A PORTION OF THIS NEGATIVE VARIANCE.

(5) INCLUDES RECEIVING \$24,500 MORE REBATES FROM THE CITY'S PURCHASING CARD PROGRAM THAN WAS ORIGINALLY ANTICIPATED.

(6) \$156,941.00 OF THE VARIANCE REFLECTS PROCEEDS FROM DISPOSITION OF VARIANCE ASSETS \$90,000 OF THE PROCEEDS REFLECTING THE SALES OF A FIRE TRUCK WERE SUBSEQUENTLY  
USED TO PURCHASE UNBUDGETED CAPITAL ITEMS COSTING \$90,000.

(7) PROJECTION INCLUDES \$104,320 IN GRANTS NOT INCLUDED IN ORIGINAL BUDGET. THESE GRANTS WILL PRODUCE ADDITIONAL OPERATING AND CAPITAL EXPENSES OF APPROXIMATELY  
\$114,500 THAT WERE NOT INCLUDED IN THE ORIGINAL BUDGET.

(8) PROJECTION INCLUDES \$5,000 IN OPERATING CONTRIBUTIONS AND \$27,500 FOR SIGN SPONSORSHIPS NOT INCLUDED IN THE ORIGINAL BUDGET.

CITY OF CAPE GIRARDEAU - EXPENSE SUMMARY BY GENERAL FUND EXPENSES - MARCH 2019

GENERAL FUND	PERSONNEL SERVICES	CONTRACTUAL SERVICES	SUPPLIES & MATERIALS	GENERAL OPERATING	TOTAL OPERATING	TOTAL OPERATING	SPECIAL PROJECTS	CAPITAL OUTLAY	DEBT SERVICE	TOTAL EXPENSES	TOTAL EXPENSES
CITY COUNCIL	9,742.00 7,276.59 74.69%	51,335.00 10,827.41 21.09%	6,750.00 242.96 3.60%	7,775.00 3,434.81 44.18%	75,602.00 21,781.77 28.81%	66,437.83 86,965.90 99.27%	- - 0.00%	- - 0.00%	- - 0.00%	75,602.00 21,781.77 28.81%	66,437.83 86,965.90 99.27%
CITY MANAGER'S OFFICE	458,127.00 329,533.45 71.93%	19,001.00 14,815.73 77.97%	1,190.00 486.03 40.84%	15,015.00 10,011.54 66.68%	493,333.00 354,846.75 71.93%	491,867.70 356,364.69 72.45%	- - 0.00%	- - 0.00%	- - 0.00%	493,333.00 354,846.75 71.93%	491,867.70 356,364.69 72.45%
PUBLIC INFORMATION OFFICE	141,912.00 106,776.71 75.24%	28,024.00 18,286.48 65.25%	8,400.00 2,678.11 31.88%	7,600.00 2,113.96 27.82%	185,936.00 129,855.26 69.84%	183,370.65 140,898.34 76.84%	- - 0.00%	- - 0.00%	- - 0.00%	185,936.00 129,855.26 69.84%	183,370.65 140,898.34 76.84%
CITY ATTORNEY	262,723.00 201,730.36 76.78%	15,820.00 21,604.72 136.57%	22,634.00 15,610.73 68.53%	7,700.00 6,275.62 81.51%	308,877.00 244,121.45 79.04%	300,015.83 226,537.00 75.51%	- - 0.00%	- - 0.00%	- - 0.00%	308,877.00 244,121.45 79.04%	300,015.83 226,537.00 75.51%
HUMAN RESOURCES	254,655.00 194,163.71 76.25%	91,937.00 79,884.61 85.87%	1,950.00 225.74 11.59%	6,401.00 3,528.92 55.13%	354,943.00 277,782.98 78.26%	360,130.93 286,677.84 79.60%	200.00 - 0.00%	- - 0.00%	- - 0.00%	355,143.00 277,782.98 78.22%	360,130.93 286,677.84 79.60%
FINANCE	562,329.00 414,001.00 74.96%	187,205.00 137,173.79 73.27%	1,925.00 1,593.21 82.76%	5,665.00 2,367.24 41.79%	747,124.00 555,135.24 74.30%	644,892.68 495,290.71 76.80%	- - 0.00%	- - 0.00%	- - 0.00%	747,124.00 555,135.24 74.30%	644,892.68 495,290.71 76.80%
MUNICIPAL COURT	263,571.00 200,851.64 76.20%	47,567.00 35,853.36 75.37%	4,318.00 4,741.42 109.81%	14,320.00 8,988.34 62.63%	329,776.00 250,414.75 75.93%	330,222.02 246,036.86 74.51%	- - 0.00%	- - 0.00%	- - 0.00%	329,776.00 250,414.75 75.93%	330,222.02 246,036.86 74.51%
GENERAL FACILITIES MAINTENANCE	152,368.00 120,430.80 79.02%	22,310.00 31,196.72 139.83%	44,912.00 31,940.54 71.12%	60.00 - 0.00%	219,678.00 183,588.08 83.56%	213,918.57 162,800.05 76.10%	- - 0.00%	- - 0.00%	- - 0.00%	219,678.00 183,588.08 83.56%	213,918.57 162,800.05 76.10%
INTERDEPARTMENTAL SERVICE	- - 0.00%	104,522.00 76,903.67 73.58%	9,601.00 7,714.86 80.36%	26,560.00 59,538.46 224.17%	140,683.00 144,157.19 102.47%	306,864.36 123,199.17 40.28%	771,364.00 768,017.48 99.57%	- - 0.00%	- - 0.00%	912,047.00 912,174.67 100.01%	311,956.57 128,917.31 41.33%
PLANNING SERVICES	268,378.00 200,388.57 75.23%	95,275.00 81,536.00 85.59%	1,200.00 311.32 26.94%	4,150.00 1,381.08 33.28%	367,003.00 283,616.97 77.28%	361,837.85 274,081.94 75.75%	1,500.00 85,222.65 5681.50%	- - 0.00%	- - 0.00%	368,503.00 368,839.52 100.09%	497,331.31 347,378.98 69.85%

(7)

CITY OF CAPE GIRARDEAU - EXPENSE SUMMARY OF FUNDS SUPPORTED BY GENERAL FUND EXPENSES - MARCH 2016

	PERSONNEL SERVICES	CONTRACTUAL SERVICES	SUPPLIES & MATERIALS	GENERAL OPERATING	TOTAL OPERATING	TOTAL OPERATING	SPECIAL PROJECTS	CAPITAL OUTLAY	DEBT SERVICE	TOTAL EXPENSES	TOTAL EXPENSES
INSPECTION	480,914.00	64,213.00	9,423.00	15,685.00	570,235.00	546,141.06	-	-	-	570,235.00	546,141.06
	352,373.80	47,456.22	5,834.02	5,797.99	411,462.03	412,937.98	-	-	-	411,462.03	412,937.98
	73.27%	73.90%	61.91%	36.97%	72.16%	75.81%	0.00%	0.00%	0.00%	72.16%	75.61%
ENGINEERING	1,024,029.00	120,997.00	34,036.00	23,905.00	1,202,969.00	1,140,531.30	-	-	-	1,202,969.00	1,140,531.30
	720,316.53	81,600.97	25,767.66	11,696.49	839,383.85	875,049.81	-	-	-	839,383.85	875,049.81
	70.34%	67.44%	75.70%	48.93%	69.78%	76.72%	0.00%	0.00%	0.00%	69.78%	76.72%
MASS TRANSPORTATION	-	-	-	-	-	-	110,000.00	-	-	110,000.00	110,000.00
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	82,500.00	-	-	82,500.00	82,500.00
	-	-	-	12,760.00	12,760.00	17,922.26	5,000.00	-	-	17,750.00	24,177.82
	0.00%	0.00%	0.00%	2,500.00	2,500.00	17,922.26	2,604.86	-	-	7,044.11	19,777.87
	0.00%	0.00%	0.00%	19.61%	19.61%	100.00%	52.10%	1,939.25	0.00%	39.69%	81.80%
ECONOMIC DEVELOPMENT	-	-	800.00	-	800.00	608.01	151,196.00	-	-	151,993.00	157,681.07
	0.00%	0.00%	40.93%	0.00%	327.42	461.08	104,555.89	-	-	104,863.31	58,204.23
	-	-	-	0.00%	40.93%	75.71%	68.15%	0.00%	0.00%	69.01%	36.94%
POLICE	7,131,855.00	799,198.00	486,963.00	52,150.00	8,470,126.00	8,394,406.56	198,760.00	45,500.00	-	8,714,396.00	8,611,367.44
	5,777,009.10	659,922.73	392,531.79	51,914.67	6,881,378.29	6,417,590.49	155,296.11	46.00	-	7,034,720.40	6,516,762.54
	81.00%	82.58%	80.61%	98.55%	81.24%	76.45%	77.13%	0.10%	0.00%	80.73%	75.65%
FIRE	4,913,845.00	318,676.00	236,632.00	25,160.00	5,494,214.00	5,560,263.00	5,000.00	12,795.00	-	5,514,009.00	5,621,171.28
	3,943,175.28	208,628.27	220,090.89	16,400.21	4,388,494.65	4,276,252.96	27,307.54	27,763.69	-	4,443,666.78	4,309,430.72
	80.25%	65.55%	92.23%	65.18%	79.85%	76.91%	548.15%	216.99%	0.00%	80.59%	76.61%
	1,178,078.00	628,919.00	893,574.00	15,075.00	2,713,646.00	2,569,074.04	(9)	0.00%	-	2,713,646.00	3,567,994.39
	897,850.48	457,029.81	552,567.71	21,268.49	1,920,784.87	1,920,784.87	-	-	-	1,928,706.49	1,934,590.22
	76.21%	72.90%	61.84%	141.02%	71.07%	75.06%	0.00%	0.00%	0.00%	71.07%	54.22%
STREET MAINTENANCE	1,108,836.00	241,286.00	162,782.00	7,135.00	1,520,041.00	1,489,110.12	1,500.00	-	-	1,521,541.00	1,496,563.76
	860,416.87	159,953.55	118,509.10	4,931.74	1,143,813.26	1,096,867.12	72.70	37,669.10	-	1,181,475.06	1,106,857.12
	77.60%	66.29%	72.80%	69.12%	75.25%	73.79%	4.85%	0.00%	0.00%	77.65%	73.88%
CEMETERY	151,189.00	35,707.00	12,758.00	-	199,654.00	193,061.50	-	-	-	199,654.00	193,061.50
	110,095.82	22,602.88	6,157.47	-	138,859.27	136,915.86	-	-	-	138,859.27	136,915.86
	72.82%	63.30%	48.26%	0.00%	69.65%	70.92%	0.00%	0.00%	0.00%	69.65%	70.92%
CONTINGENCY	120,000.00	50,000.00	-	50,000.00	220,000.00	-	30,000.00	-	-	250,000.00	-
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-	-	200,000.00	-
	-	-	-	-	-	-	-	-	-	200,000.00	-
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	80.00%	0.00%

CITY OF CAPE GIRARDEAU - EXPENSE SUMMARY OF FUNDS SUPPORTED BY GENERAL FUND EXPENSES - MARCH 2019

	PERSONNEL SERVICES	CONTRACTUAL SERVICES	SUPPLIES & MATERIALS	GENERAL OPERATING	TOTAL OPERATING	TOTAL OPERATING	SPECIAL PROJECTS	CAPITAL OUTLAY	DEBT SERVICE	TOTAL EXPENSES	TOTAL EXPENSES
TRANSFERS OUT (EXCLUDING OPERATING TRANSFERS)	-	-	-	-	-	-	-	47,495.00	-	47,495.00	901,723.60
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	-	65,157.65
TOTAL GENERAL FUND	18,470,582.00	2,919,862.00	1,941,640.00	297,105.00	23,629,390.00	23,159,677.27	1,274,517.00	105,790.00	-	25,009,667.00	25,772,447.31
	14,436,367.73	2,146,457.21	1,387,231.18	211,119.56	18,180,205.68	17,534,614.93	1,223,577.13	267,337.94	-	19,671,120.75	17,972,041.48
	78.16%	73.48%	71.44%	71.06%	76.94%	75.71%	96.00%	252.71%	0.00%	78.65%	69.73%
AIRPORT FUND	576,974.00	240,402.00	146,216.00	21,120.00	984,712.00	970,801.65	301,000.00	2,900.00	-	1,288,612.00	1,684,127.84
AIRPORT (EXCLUDING COST OF AIR SHOW)	432,362.22	249,178.23	118,532.85	25,918.76	825,012.06	769,500.55	550.00	80,623.28	570.51	906,755.85	1,165,142.99
	74.94%	103.65%	79.70%	127.46%	83.78%	79.28%	0.18%	2780.11%	****	70.37%	61.84%
	(12)	(12)	(13)	(13)	(14)	(15)	(16)				
AIRPORT FBO OPERATIONS (EXCLUDING COST OF SALES)	296,699.00	97,930.00	28,934.00	9,500.00	432,963.00	418,987.05	-	-	-	432,963.00	418,987.05
	229,357.79	66,086.15	20,876.91	281.52	316,605.37	314,451.82	-	-	-	316,605.37	314,451.82
	77.33%	67.49%	72.15%	2.96%	73.13%	75.05%	0.00%	0.00%	0.00%	73.13%	75.05%
TOTAL AIRPORT FUND	873,573.00	338,332.00	175,150.00	30,620.00	1,417,675.00	1,389,786.70	301,000.00	2,900.00	-	1,721,575.00	2,303,114.89
	661,740.01	315,267.36	137,409.76	27,200.28	1,141,517.43	1,083,952.37	550.00	80,623.28	570.51	1,223,361.22	1,479,994.61
	75.75%	93.18%	78.45%	88.83%	80.53%	77.89%	0.18%	2780.11%	****	71.06%	64.24%
PARKS AND RECREATION FUND	165,833.00	22,837.00	68,745.00	1,151.00	258,666.00	254,733.76	-	-	-	259,666.00	254,733.76
ARENA BUILDING	119,568.66	24,033.18	51,658.00	497.43	195,777.46	194,832.22	-	11,450.00	-	207,227.46	194,832.22
	72.11%	104.78%	74.07%	43.22%	75.40%	75.50%	0.00%	****	0.00%	79.81%	76.50%
	(17)	(17)	(18)	(19)	(19)	(19)	(19)				
OSAGE PARK BUILDING	449,619.00	53,368.00	114,654.00	1,800.00	619,639.00	639,036.45	-	-	-	619,639.00	663,353.43
	344,989.01	31,718.22	76,978.98	1,424.83	456,111.04	462,943.87	-	17,808.66	-	472,920.00	463,343.85
	76.70%	59.44%	67.14%	79.16%	73.46%	76.23%	0.00%	****	0.00%	76.32%	69.85%
SHAWNEE PARK BUILDING	112,953.00	20,420.00	36,180.00	2,116.00	171,649.00	159,101.47	500.00	-	-	172,149.00	171,682.32
	71,250.10	15,454.98	23,243.56	1,529.61	111,468.25	119,716.16	600.00	-	-	112,086.25	119,719.16
	63.08%	75.73%	64.28%	72.29%	64.95%	75.25%	120.00%	0.00%	0.00%	65.11%	69.73%
CENTRAL POOL	250,191.00	26,147.00	109,750.00	1,575.00	387,663.00	356,818.76	1,500.00	-	-	368,183.00	356,832.13
	184,352.26	15,848.86	91,924.43	942.47	283,048.02	276,120.75	90.39	-	-	293,136.41	276,120.75
	73.68%	60.61%	83.76%	59.84%	75.59%	77.43%	6.03%	0.00%	0.00%	75.35%	77.36%
CAPE SPLASH	451,377.00	46,777.00	85,130.00	1,500.00	584,784.00	582,589.33	1,400.00	-	-	586,184.00	597,297.49
	324,517.53	2,190.10	62,850.67	775.10	390,333.40	669,035.76	1.97	-	-	390,335.37	659,095.80
	71.90%	4.68%	73.93%	51.67%	66.75%	113.12%	0.14%	0.00%	0.00%	66.59%	110.35%

CITY OF CAPE GIRARDEAU - EXPENSE SUMMARY OF FUNDS SUPPORTED BY GENERAL FUND EXPENSES - MARCH 2019

	PERSONNEL SERVICES	CONTRACTUAL SERVICES	SUPPLIES & MATERIALS	GENERAL OPERATING	TOTAL OPERATING	TOTAL OPERATING	SPECIAL PROJECTS	CAPITAL OUTLAY	DEBT SERVICE	TOTAL EXPENSES	TOTAL EXPENSES
RECREATION	527,180.00	46,936.00	7,950.00	8,650.00	590,316.00	540,648.75	97,560.00	-	-	688,476.00	640,586.34
	395,536.24	36,039.86	5,919.15	8,974.03	446,469.28	424,622.06	109,287.06	-	-	555,756.34	510,915.43
	75.03%	76.79%	74.45%	101.40%	75.56%	78.54%	112.02%	0.00%	N/A	80.72%	79.76%
CULTURAL EVENTS	-	28,920.00	1,750.00	250.00	28,920.00	28,175.04	19,000.00	-	-	47,920.00	47,371.22
	0.00%	14,022.88	298.90	206.26	14,526.15	7,063.29	17,800.00	-	-	32,928.15	26,094.97
		52.09%	17.08%	82.50%	50.24%	28.06%	93.69%	0.00%	0.00%	67.48%	55.08%
TOTAL PARKS AND RECREATION FUND	1,957,363.00	243,503.00	425,139.00	17,242.00	2,643,237.00	2,677,903.56	119,960.00	-	-	2,763,187.00	2,731,661.69
	1,440,213.89	139,318.19	312,873.69	14,349.73	1,906,756.60	2,144,287.62	121,779.42	29,256.96	-	2,063,793.98	2,250,172.18
	73.58%	57.21%	73.59%	83.23%	72.14%	83.18%	106.52%	***	N/A	74.69%	82.37%
GOLF COURSE FUND	258,084.00	70,460.00	94,752.00	200.00	423,476.00	396,443.37	-	-	-	423,476.00	396,443.37
	194,286.91	57,496.80	70,354.50	100.00	322,240.21	296,069.35	-	-	-	322,240.21	295,069.35
	75.29%	81.80%	74.25%	50.00%	76.09%	74.43%	0.00%	0.00%	0.00%	76.09%	74.43%
PRO SHOP	123,001.00	25,752.00	6,540.00	4,190.00	159,483.00	147,628.74	5,000.00	-	-	164,483.00	151,051.50
	88,610.65	17,196.66	4,891.28	3,763.06	114,461.84	109,631.21	3,648.18	-	-	118,109.82	112,023.88
	72.04%	66.78%	74.79%	89.81%	71.77%	74.26%	72.96%	0.00%	0.00%	71.81%	74.16%
TOTAL GOLF COURSE FUND	381,085.00	96,212.00	101,292.00	4,380.00	582,959.00	544,072.11	5,000.00	-	-	587,959.00	547,494.87
	262,687.56	74,695.46	75,245.78	3,863.06	436,701.85	404,700.56	3,648.18	-	-	440,350.03	407,093.23
	74.24%	77.84%	74.29%	88.00%	74.91%	74.38%	72.96%	0.00%	0.00%	74.89%	74.36%
SPORTSPLEX	438,404.00	122,932.00	163,235.00	6,353.00	719,924.00	696,673.95	31,810.00	-	-	750,734.00	751,828.73
	301,045.16	86,893.01	113,654.43	2,606.94	506,199.54	515,352.44	26,469.65	-	-	532,669.19	534,109.51
	68.95%	72.31%	74.17%	41.03%	70.41%	74.08%	83.21%	0.00%	0.00%	70.95%	71.06%
TOTAL INDOOR SPORTS COMPLEX FUND	436,404.00	122,932.00	163,235.00	6,353.00	718,924.00	696,673.95	31,810.00	-	-	750,734.00	751,828.73
	301,045.16	86,893.01	113,654.43	2,606.94	506,199.54	516,352.44	26,469.65	-	-	532,669.19	534,109.51
	68.96%	72.31%	74.17%	41.03%	70.41%	74.08%	83.21%	0.00%	0.00%	70.95%	71.06%
SPORTING COMPLEXES	642,337.00	138,601.00	182,075.00	2,306.00	965,319.00	961,073.51	83,030.00	-	-	1,048,349.00	1,067,922.78
	430,478.88	96,467.55	106,506.58	1,852.65	639,303.66	678,148.43	35,779.29	-	-	671,082.95	717,850.44
	67.02%	69.60%	58.50%	80.34%	65.81%	70.56%	43.09%	0.00%	0.00%	64.01%	67.22%
TOTAL SPORTS COMPLEXES FUND	642,337.00	138,601.00	182,075.00	2,306.00	965,319.00	961,073.51	83,030.00	-	-	1,048,349.00	1,067,922.78
	430,478.88	96,467.55	106,506.58	1,852.65	639,303.66	678,148.43	35,779.29	-	-	671,082.95	717,850.44
	67.02%	69.60%	58.50%	80.34%	65.81%	70.56%	43.09%	0.00%	0.00%	64.01%	67.22%

TOTAL ALL FUNDS SUPPORTED BY GENERAL FUND REVENUES	PERSONNEL SERVICES	CONTRACTUAL SERVICES	SUPPLIES & MATERIALS	GENERAL OPERATING	TOTAL OPERATING	TOTAL OPERATING	SPECIAL PROJECTS	CAPITAL OUTLAY	DEBT SERVICE	TOTAL EXPENSES	TOTAL EXPENSES
22,761,314.00	3,859,442.00	2,976,731.00	358,017.00	29,957,504.00	29,320,189.10	1,815,317.00	108,690.00	31,881,511.00		33,174,470.27	
17,552,771.33	2,860,098.80	2,132,921.42	260,992.21	22,806,783.76	22,361,056.35	1,417,803.67	377,220.18	24,602,378.12	670.51	23,360,861.65	
77.12%	74.11%	71.61%	72.90%	76.13%	76.24%	78.10%	347.06%	77.17%	***	70.42%	

NOTES:  
 (1) SHADDED AREAS REPRESENT EXPENSES FROM FISCAL YEAR ENDING JUNE 30, 2018. TOP NUMBER IS LAST YEARS' ACTUAL. SECOND NUMBER IS ACTIVITY FROM JULY 1, 2017 TO DECEMBER 31, 2017. PERCENTAGE IS PERCENTAGE OF LAST YEARS' EXPENSES SPENT THROUGH DECEMBER 31, 2017.

(2) UNSHADED AREAS REPRESENT EXPENSES FROM FISCAL YEAR ENDING JUNE 30, 2019. TOP NUMBER IS CURRENT YEARS' ORIGINAL UNADJUSTED BUDGET. SECOND NUMBER IS ACTIVITY FROM JULY 1, 2018 TO DECEMBER 31, 2018. PERCENTAGE IS PERCENTAGE OF THIS YEARS' BUDGET SPENT.

(3) LEGAL EXPENSES FOR TELECOMMUNICATION AND MEDICAL MARIJUANA ISSUES FAR EXCEEDED THE ORIGINAL BUDGET - \$8,867.50.

(4) UNEXPECTED REPAIRS AT CITY HALL: (1) ALARM REPAIR - \$4,884.00 (2) ROOF REPAIR - \$8,356.00.

(5) LIABILITY CLAIM FOR FALL AT CAPAHA FIELD - \$40,000.00.

(6) PAYMENT HAS BEEN MADE FOR LAGERS UP GRADE - \$763,056.00.

(7) INCLUDES UNBUDGETED EMERGENCY SOLUTIONS GRANT EXPENSES TOTALING \$84,442.61.

THESE EXPENSES WILL BE COVERED BY GRANT REVENUE NOT INCLUDED IN PROJECTED REVENUES OF THE ORIGINAL BUDGET.

(8) INCLUDES UNBUDGETED SEMO RPC GRANT EXPENSES TOTALING \$27,307.54.

THESE EXPENSES WILL BE COVERED BY GRANT REVENUE NOT INCLUDED IN PROJECTED REVENUES OF THE ORIGINAL BUDGET.

(9) INCLUDES UNBUDGETED SEMO RPC CAPITAL GRANT EXPENSES TOTALING \$17,690.09.

THESE EXPENSES WILL BE COVERED BY GRANT REVENUE NOT INCLUDED IN PROJECTED REVENUES OF THE ORIGINAL BUDGET.

(10) INCLUDES EXPENSES FOR UNBUDGETED DAMAGE TO LIGHT POLES TOTALING \$11,628.00.

(11) UNBUDGETED PURCHASE OF PROPERTY AT 1237 N. WATER - \$37,307.00.

(12) NO BUDGET FOR AIRPORT ADVERTISING GRANT EXPENSES WHICH ARE 90% REIMBURSABLE - \$62,745.05.

THE GRANT REVENUE WAS NOT INCLUDED IN PROJECTED REVENUES OF THE ORIGINAL BUDGET.

(13) EDUCATION & TRAINING LINE ITEM IS OVER BUDGET BY 44% - \$4,430.00.

(14) HARDWARE AND INSTALLATION COSTS OF THE GATE ACCESS SYSTEM NOT INCLUDED IN THE ORIGINAL BUDGET - \$30,704.00.

INSURANCE PROCEEDS RECEIVED IN THE PREVIOUS YEAR WERE USED TO PAY FOR THESE COSTS.

(15) INCLUDES \$15,093.00 IN EXPENSES TO IMPROVE THE LIGHTING ON RUNWAY 10/28 WHICH ARE 95% REIMBURSEABLE FROM A FAA GRANT.

THESE EXPENSES WILL BE COVERED BY GRANT REVENUE NOT INCLUDED IN PROJECTED REVENUES OF THE ORIGINAL BUDGET.

(16) PURCHASED GARAGE DOOR FOR NEW ARFF VEHICLE, NO BUDGET - \$18,723.45.

(17) UNBUDGETED EXPENSE OF \$7,201.50 FOR NEW A.C. BRASE GENERATOR. THIS EXPENSE WILL BE COVERED BY PARKS / STORMWATER SALES TAXES.

(18) REPLACED HEAT PUMP SYSTEM FOR A.C. BRASE WHICH WAS UNBUDGETED - \$11,450.00. THIS EXPENSE WILL BE COVERED BY PARKS / STORMWATER SALES TAXES.

(19) INCLUDES UNBUDGETED REPLACEMENT COST OF NEW FLOOR AT OSAGE - \$17,808.86. THIS EXPENSE WILL BE COVERED BY PARKS / STORMWATER SALES TAXES.

(20) BOTH SPECIAL EVENT AND LEAGUE COSTS ARE OVER BUDGET WITH THE ADDITIONAL AMOUNT TO BE PAID BY PARTICIPANTS - \$14,129.34.

(21) INCLUDES EXPENSES RELATED TO THE FOURTH OF JULY 2018 CELEBRATION TOTALING \$17,500.00.

**Staff:** John Richbourg  
**Agenda:** 5/20/2019

**MEMORANDUM**  
Cape Girardeau City Council

**19-012**

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**SUBJECT**

Delivery of 2019 - 2020 Proposed Budget

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**EXECUTIVE SUMMARY**

A copy of the proposed 2019 - 2020 City Budget will be available on the City's web site and Open Budget (Socrata) before noon on Monday. The only changes that were made to the proposed budget since the Council retreat were the addition of \$80,000 for police and airport liability insurance inadvertently left out of the original proposed budget. We have cut \$80,000 in the contingency budget to fund this addition.

Please let Gayle know if you desire a hard copy of the proposed budget. A hard copy will be available at the Council meeting.

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**BACKGROUND/DISCUSSION**

A public hearing on the proposed budget will be held on June 3, 2019. Final approval of the proposed budget will be at the June 17, 2019 Council meeting.

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**GENERAL DIRECTION**

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**ATTACHMENTS:**

Name:	Description:
No Attachments Available	

**Staff:**  
**Agenda:** 5/20/2019

**AGENDA REPORT**  
Cape Girardeau City Council

**SUBJECT**

Advisory Board Minutes

- Board of Adjustment Minutes, February 7, 2019
- Historic Preservation Committee Minutes, February 20, 2019
- Historic Preservation Committee Minutes, March 20, 2019
- Planning and Zoning Commission Minutes, April 10, 2019
- Tree Board Minutes, February 1, 2019
- Tree Board Minutes, April 5, 2019

**ATTACHMENTS:**

Name:	Description:
<a href="#">SEMPO Minutes TPC 2019 03 06 DRAFT.pdf</a>	SEMPO Technical Planning Committee Minutes
<a href="#">SEMPO Minutes Board 2019 03 20 DRAFT_(2).pdf</a>	SEMPO Board of Directors Minutes
<a href="#">Board of Adjustment Minutes 02-07-19.pdf</a>	Board of Adjustment Minutes
<a href="#">Historic Preservation Commission Minutes 02-20-19.pdf</a>	Historic Preservation Minutes
<a href="#">Historic Preservation Commission Minutes 03-20-19.pdf</a>	Historic Preservation Minutes
<a href="#">KCB-Minutes-March- 2019.pdf</a>	Keep Cape Beautiful Minutes
<a href="#">Planning Zoning Commission Minutes 04-10-19.pdf</a>	Planning and Zoning Commission Minutes
<a href="#">Tree Advisory Board Minutes 2-11-19 - APPROVED.pdf</a>	Tree Board Minutes
<a href="#">Tree Advisory Board Minutes 4-05-19 - DRAFT.pdf</a>	Tree Board Minutes

## TREE ADVISORY BOARD MEETING February 11, 2019

The City of Cape Girardeau Tree Advisory Board held their regular meeting on February 11, 2019, at 12:00 noon at the Osage Centre.

### **Present:**

Jennifer Behnken, Chairman  
Dr. Sven Svenson, Vice Chairman  
Robert Harris, Board Member  
Laura Klipfel, Board Member

Dr. Beverly Evans, Board Member  
Stan Polivick, Public Works Director/Member  
Brock Davis, Parks Division Manager  
Julia Jones, Director of Parks & Recreation

### **Absent:**

### **Staff Present:**

Stacey Welter, Recording Secretary

### **Guests:**

Bonnie Svenson – Keep Cape Beautiful Committee  
Leah Schumacher – SEMO Hort Club President

### **OPENING**

Chairman Behnken called the meeting to order. She welcomed our guests, Bonnie Svenson and Leah Schumacher. Mrs. Svenson was representing the Keep Cape Beautiful Committee. That committee received grant funding for trails. The tree panels will be bought from this account. Miss Schumacher was at the meeting representing the SEMO Hort Club. She will report on SEMO Tree Campus USA.

### **MINUTES**

Chairman Behnken requested the approval of the December 10, 2018, minutes. Vice Chair Svenson made a motion; seconded by Robert Harris to approve the minutes. Motion passed with no one opposed.

### **NEW BUSINESS**

#### **A. Arbor Day Observation – Friday, April 5, 2019**

Chairman Behnken reminded the board that Arbor Day planting would be Friday April 5<sup>th</sup>. At that meeting they would be planting trees along the trail behind the Osage Centre. The trees would be in conjunction with the Tree Interpretive Panels. The board would plant the trees first and then have their regular meeting and meal afterwards. Laura Klipfel stated that Ameren UE would be able to help with tree costs again this year. Director Jones said that the size and tree type still need to be determined. The board had a discussion about tree types and how many to plant. Trees suggested were Service Berry, Dogwood, and different types of shade trees. Whichever tree they plant, they would like for that tree to be easily purchased by the public. Dr. Svenson suggested having a QR code on the panels that would take them to the Tree Board site on the website.

**B. Presentation of Tree Interpretive Panel Ideas for Cape LaCroix Trail Display**

Chairman Behnken explained that there would be three themes to the panels: Tree Benefits, Tree and Leaf Identification, and Tree Care. She handed out an example of what the panels will look like. The committee liked the look and thought it was easy to understand and interpret. She said that the tree panels would not have to be done by Arbor Day but they would like to plant the trees at that time. Director Jones would like to have the panels completed by summer. She hopes that school groups would come out for educational purposes. The panels will be 24 x 36in. The parks maintenance guys will be able to weld and install the panels. Director Jones is working on another Keep America Beautiful Grant that has to be completed by September. Director Jones will send the panel designs to Chairman Behnken in a PDF.

**C. Friends of the Parks Day and the Great Cape Cleanup – April 27, 2019**

Manager Brock Davis reported that the event would be coming up on April 27. There is a flyer in their packets. He would like the board to pass this information along to any groups or individuals who would like to volunteer. Some of the board members mentioned that there is street litter that is getting pretty bad. Mrs. Svenson said that KCB will be focusing on that for Friends of Parks Day. Miss Schumacher also stated that the Hort Club would be helping clean up the community gardens that day as well.

**OLD BUSINESS**

**A. SEMO Tree Campus USA Update**

Miss Schumacher is looking for candidates to help identify trees on campus. She would like to go out once a week to get this accomplished. The Tree Board will give them support when needed. Dr. Svenson mentioned that it has been difficult to keep this program going because it is student driven and students come and go. They talked about adding an officer position for Tree City USA to help with keeping someone constant.

**B. Final Review of Official Public Tree Species List for City Council Approval**

Chairman Behnken asked the board to review the revised tree list. She then asked for a motion to approve the current tree list. Stan Polivick made a motion seconded by Brock Davis. Motion approved.

**REPORTS**

**A. Staff Briefs / Project Updates**

Staff Briefs were handed out to the board members informing them of the upcoming events and projects in the Parks & Recreation Department through April 2019.

Chairman Behnken explained the Emerald Ash Borer has been confirmed in Cape Girardeau County. If anyone would like to learn more, there will be a free presentation held at the Nature Center on March 12<sup>th</sup> and March 30<sup>th</sup>.

Parks Division Manager Brock Davis reported that the skate park sidewalks were completed, but the rain is postponing other projects to be completed.

Public Works Director Stan Polivick reported that they have begun the Arena Ditch Project. The rain has also delayed this project as well.

Parks Director Julia Jones reported that the Capaha Ballfield Project is still under way, and it is a little behind schedule. The pond renovations will be the next phase of the park. They are working on submitting a grant application with the conservation department. If the grant is awarded the conservation department would pay up to 75% of the costs.

## **OTHER BUSINESS**

### **A. Next Board Meeting**

The next board meeting will be held on Friday, April 5, 2019. They will begin planting around 10:00am and after that they will meet inside the Osage Centre for their regular meeting.

## **ADJOURNMENT**

There being no other business to come before the board, Vice Chairman Svenson made a motion to adjourn the meeting; seconded by Stan Polivick. Motion passed with no one opposed. The meeting was adjourned.

Transcribed by:  
Stacey Welter, Recording Secretary

# CITY *of* CAPE GIRARDEAU

PARKS & RECREATION DEPARTMENT

(DRAFT)

## TREE ADVISORY BOARD MEETING

April 5, 2019

The City of Cape Girardeau Tree Advisory Board held their regular meeting on April 5, 2019, beginning with tree planting at 10:00 a.m. along the Cape LaCroix Trail near the Osage Trailhead in conjunction with the observance of Arbor Day. The meeting followed at the Osage Centre.

### Present:

Jennifer Behnken, Chairman  
Dr. Sven Svenson, Vice Chairman  
Robert Harris, Board Member

Laura Klipfel, Board Member  
Brock Davis, Parks Division Manager  
Julia Jones, Director of Parks & Recreation

### Absent:

Dr. Beverly Evans, Board Member  
Stan Polivick, Public Works Director/Member

### Staff Present:

Diane Boyer, Recording Secretary

### Guests:

Bonnie Svenson	Anastasia Miller
Leah Schumacher	Kelly Hurley
Kendall Volkerding	Logan McKay
Sharon Metzger	

## OPENING

Chairman Behnken called the meeting to order and thanked our guests along with Chris Nugent from Ameren Missouri for helping the board plant 21 trees in observance of Arbor Day. The project was funded partially by the grant received by the Keep Cape Beautiful Committee as well as a donation from Ameren Missouri to provide tree education to the citizens of Cape Girardeau and visitors to our Cape LaCroix Trail.

## MINUTES

Chairman Behnken requested the approval of the February 11, 2019, minutes. Parks Division Manager Davis made a motion; seconded by Vice Chairman Svenson to approve the minutes. Motion passed with no one opposed.

## NEW BUSINESS

There was no new business to bring before the board for discussion.

**OLD BUSINESS**

**A. Update on "Next Steps" for the KCB Tree Planting Project**

Chairman Behnken reported the design for the interpretive panels has been created for the Keep Cape Beautiful Committee to review. The design will be finalized via email by the next meeting in June. Parks Maintenance Staff will fabricate the interpretive panel holders and attach them. The project must be complete before September.

**B. Tree City USA Confirmation**

Parks Division Manager Davis confirmed the City of Cape Girardeau's re-certification has been approved. We are officially in our 21<sup>st</sup> year.

**C. Friends of the Parks Day & The Great Cape Clean Up – April 27, 2019**

Parks Division Manager Davis reported the Parks & Recreation Department's 34<sup>th</sup> Annual Friends of the Parks Day and the Great Cape Cleanup will be held April 27<sup>th</sup>. Registration will begin at 8:30 a.m. at Capaha Park with the work projects beginning at 9:00 a.m. Lunch will be provided for the volunteers. The SEMO Hort Club will be helping with the Community Gardens. The Missouri Department of Conservation will again be doing creek cleanup.

**REPORTS**

**A. Staff Briefs / Project Updates**

Staff Briefs were handed out to the board members informing them of the upcoming events and projects in the Parks & Recreation Department through June 2019. Capaha Ballfield renovations are still in progress. They are going very well. The project must be completed by June 1<sup>st</sup> for the Catfish Wood Bat League. Parks Maintenance Staff continues to work on Capaha Park Phase 2 projects installing the new Splash Pad as well as the new restroom and has even begun working on some Phase 3 projects.

Parks Division Manager Davis invited the board to the Grand Opening of the Cape Noon Optimist Wheel Park. The ribbon cutting will be held April 30<sup>th</sup> at 5:00 p.m.

**OTHER BUSINESS**

**A. Next Board Meeting**

The next board meeting will be held on June 10, 2019, at 12:00 p.m. at the Osage Centre.

**ADJOURNMENT**

There being no other business to come before the board, Parks Division Manager Davis made a motion to adjourn the meeting; seconded by Vice Chairman Svenson. Motion passed with no one opposed. The meeting was adjourned.

Transcribed by:  
Diane Boyer, Recording Secretary

## PLANNING & ZONING COMMISSION

### MEETING MINUTES

April 10, 2019

City Hall – Council Chambers

Present: Larry Dowdy, Jeff Glenn, Kevin Greaser, Derek Jackson, Patrick Koetting, Bruce Skinner, Doug Spooler, Ed Thompson

Absent: Thomas J. Welch

Staff Present: Carol Peters, Ryan Shrimplin

#### Call to Order

Chairman Glenn called the meeting to order at 7:00 p.m.

#### Approval of Minutes

The minutes of the March 13, 2019 meeting were unanimously approved upon motion made by Mr. Koetting and seconded by Mr. Dowdy.

#### REZONINGS, SPECIAL USE PERMITS, AND EXCEPTIONS

1. A public hearing was held on the request of Beth McFerron to rezone property at 3269 Hopper Road from R-1 (Single-Family Suburban Residential District) to C-1 (General Commercial District). Mr. Spooler abstained from the discussion and vote on this agenda item for business reasons. Ms. McFerron was in attendance to answer any questions. A staff report was submitted to the Commission, which recommended approval of the rezoning request.

Chairman Glenn opened the public hearing. Dr. Steven Schoolman, 571 Super Bowl Drive, Jackson, MO, expressed his support of the rezoning request and stated that he would like to purchase the property for the new location of Southeast Missouri Oral & Maxillofacial Surgery Center. Seeing no other appearances to speak, Chairman Glenn closed the public hearing. A motion was made by Mr. Koetting and seconded by Mr. Greaser to recommend approval of the rezoning request. The motion passed with a roll call vote of 7 in favor, 0 in opposition, and 1 abstaining. (*Aye: Dowdy, Glenn, Greaser, Jackson, Koetting, Skinner, Thompson; Abstain: Spooler*)

2. A public hearing was held on the request of Ken's Cape Cleaners for an exception from Development Code Section 25-805, bufferyards, at 2591 Independence Street. A staff report was submitted to the Commission, which contained the following findings of fact:

Criterion #1: As part of the exception request, a substantial equivalent is proposed. "Substantial equivalent" means an alternate design, method or feature that accomplishes the same purpose as the applicable Development Code requirement.

Finding: The proposed fence qualifies as a substantial equivalent because it would screen the commercial development from the adjacent residential property in the

same manner as the bufferyard plantings. While the commercial development would be closer to the residential property, the fence would mitigate the visual and noise impacts.

Criterion #2: Approval of the exception request is consistent with the general spirit and intent of the Development Code.

Finding: The proposed substantial equivalent ensures fairness among property owners and tenants, which makes approval of the exception request consistent with the general spirit and intent of the Development Code.

Based on the above findings, staff recommended approval of the exception request.

Chairman Glenn opened the public hearing. Seeing no appearances to speak, he closed the public hearing. Mr. Shrimplin reported that he received a call from a representative of Cape Church of the Nazarene, 2601 Independence Street, regarding the exception request. The caller asked about the design of the proposed fence and how far it would extend along the property line. After receiving the answers to his questions, he expressed no concerns with the request. A motion was made by Mr. Skinner and seconded by Mr. Koetting to approve the exception request. The motion passed with a roll call vote of 8 in favor, 0 in opposition, and 0 abstaining. (*Aye: Dowdy, Glenn, Greaser, Jackson, Koetting, Skinner, Spooler, Thompson*)

#### SUBDIVISION PLATS

3. The record plat of 1704 David Subdivision was reviewed by the Commission. The plat combines two (2) tracts to form one (1) new lot. A staff report was submitted to the Commission, which recommended approval of the record plat, subject to staff's comments being successfully addressed. A motion was made by Mr. Koetting and seconded by Mr. Greaser to recommend approval of the record plat, subject to the condition in the staff report. The motion passed with a roll call vote of 8 in favor, 0 in opposition, and 0 abstaining. (*Aye: Dowdy, Glenn, Greaser, Jackson, Koetting, Skinner, Spooler, Thompson*)
4. The record plat of C & T Seib Subdivision was reviewed by the Commission. The plat combines two (2) tracts to form one (1) new lot. A staff report was submitted to the Commission, which recommended approval of the record plat. A motion was made by Mr. Dowdy and seconded by Mr. Jackson to recommend approval of the record plat. The motion passed with a roll call vote of 8 in favor, 0 in opposition, and 0 abstaining. (*Aye: Dowdy, Glenn, Greaser, Jackson, Koetting, Skinner, Spooler, Thompson*)

#### OTHER ITEMS AND COMMUNICATION

5. Cape Vision 2040 Comprehensive Plan Presentation

Mr. Shrimplin gave a presentation on the new comprehensive plan, named Cape Vision 2040. He explained that the draft plan is still being reviewed and edited by staff. Once the draft is revised and resubmitted, an open house and a public hearing at a Planning & Zoning Commission meeting will be scheduled. The final plan will then be prepared for adoption by the Commission.

Commission Communication

There were no communication items from the Commission.

Staff Communication

Mr. Shrimplin gave the following updates:

- Update on items from previous Commission meetings going on to City Council
  - The Chateau at Ramsay's Run Planned Development – Council held the public hearing on April 1, 2019 but did not vote on the ordinance approving the rezoning and the preliminary development plan due to outstanding staff comments on the plan.
  - Liberty Subdivision Record Plat – First, second, and third readings were approved on April 1, 2019.
  - Haarg Development Subdivision Record Plat – First reading was approved on April 1, 2019.
  - Scheibe Garden Subdivision Record Plat – The plat is being held due to outstanding staff comments.
  - Chapter 30 Amendment Regarding Guest Houses – First reading was approved on April 1, 2019.
  
- Update on Transportation Trust Fund (TTF) Projects
  - West End Boulevard from Rose Street to Bertling Street – The bid documents are being prepared. Construction will start later this year.
  - Independence Street from Gordonville Road/East Rodney Drive to Caruthers Avenue – The final report to be available soon.
  - 2019 Concrete Street Repair – The contract was awarded to Nip Kelley Equipment Company.
  - Main Street from Roberts Street to Cape Rock Drive – BFA was selected as the design consultant. Staff is reviewing the task order.
  - 2019 Asphalt Overlay – The project has been advertised for bids. The bid opening is scheduled for late April.
  - 2019 LED Streetlight Conversion – The contract awarded to KT Power Systems.

Adjournment

There being no further business, the Commission voted unanimously to adjourn the meeting at 7:50 p.m. upon a motion made by Mr. Koetting and seconded by Mr. Spooler.

Respectfully submitted,

  
Kevin Greaser  
Secretary