



Board of Aldermen Request for Action

MEETING DATE: 12/5/2023

DEPARTMENT: Development

AGENDA ITEM: Bill No. 3019-23, Annexation 809 Second Creek Road. 1st Reading

REQUESTED BOARD ACTION:

A motion to approve Bill No. 3019-23 to annex 809 Second Creek Road for first reading by title only.

SUMMARY:

Approving this ordinance would annex this property into the city limits. The property is contiguous to the City of Smithville and constitutes part of an island completely surrounded by the city limits. The property is a single-family home located on a .88 acre lot.

The application to annex this land was submitted by the property owners in order to connect to the existing city sewers.

PREVIOUS ACTION:

None.

A public hearing was advertised in the paper more than seven days in advance of the hearing (November 23) and less than 60 days have elapsed since the application was submitted (November 6) in compliance with §71.012 RSMo.

POLICY ISSUE:

Annexation

FINANCIAL CONSIDERATIONS:

N/A

ATTACHMENTS:

- ☒ Ordinance
- ☐ Resolution
- ☒ Staff Report
- ☐ Other:

- ☐ Contract
- ☐ Plans
- ☐ Minutes

**AN ORDINANCE ANNEXING CERTAIN ADJACENT TERRITORY
INTO THE CITY OF SMITHVILLE, MISSOURI**

WHEREAS, on the 6th day of November 2023, a verified petition was signed by all owners of the real estate hereinafter described, requesting annexation of said territory into the City of Smithville, Missouri and filed with the City Clerk; and

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

WHEREAS, a public hearing concerning said matter was held at City Hall in Smithville, Missouri, at the hour of 7 p.m. on the 5th day of December 2023; and

WHEREAS, notice of said public hearing was given by publication of notice hereof on the 23rd of November 2023 in the Courier Tribune, a weekly newspaper of general circulation, in the County of Clay, State of Missouri; and

WHEREAS, at said public hearing all interested persons, corporation or political subdivisions were afforded the opportunity to present evidence regarding the proposed annexation, and whereas no written objection to the proposed annexation was filed with the Board of Aldermen of the City of Smithville, Missouri, within fourteen (14) days after the public hearing; and

WHEREAS, the Board of Aldermen of the City of Smithville, Missouri, does find and determine that said annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City is able to furnish normal municipal services to said area within a reasonable time after annexation.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF SMITHVILLE, MISSOURI AS FOLLOWS:**

SECTION 1. Pursuant to the provisions of Section 71.012 RSMo 1969, as amended by laws of 1976, the following described real estate is hereby annexed into the City of Smithville, Missouri, to wit:

All that part of the South one-half of the Southeast Quarter of Section 22, Township 53 North, Range 33 West in Clay County, Missouri, described as follows: Beginning at a point on the North line of the South one-half of the

Southeast Quarter of said Section 22 which is North 89 degrees 30 minutes East, a distance of 282.70 feet from the Northwest corner of the South one-half of the Southeast Quarter of said Section 22; thence South 0 degrees 42 minutes 02 seconds East, a distance of 414.89 feet; thence North 89 degrees 30 minutes East and parallel with the North line of the South one-half of the Southeast Quarter of said Section 22, a distance of 105.00 feet; thence North 0 degrees 42 minutes 02 seconds West, a distance of 414.85 feet to a point on the North line of the South one-half of the Southeast Quarter of said Section 22; thence South 89 degrees 30 minutes West along the North line of the South one-half of the Southeast Quarter of said Section 22, a distance of 105.00 feet to the Point of Beginning. Subject to that part in the roadways and any easements and restrictions of record.

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

SECTION 3. The City Clerk of the City of Smithville, Missouri, is hereby ordered to cause three (3) certified copies of this ordinance to be filed with the Clay County Clerk.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor, only if no written objection is received within fourteen (14) days of the public hearing as provided by Section 71.012.

PASSED THIS 19th DAY OF DECEMBER 2023.

Damien Boley, Mayor

ATTEST

Linda Drummond
City Clerk

First Reading: 12/05/2023

Second Reading 12/19/2023



Voluntary Annexation

Staff Report

November 27, 2023

Annexation of Parcel Id #05-504-00-02-004.01

Bill No. 3019-23

Application for Voluntary Annexation of Land to the City

Code Sections: State Law Section 71-012 Annexation

Property Information: Address: 809 Second Creek Road
Owner: Connie Murphy, Trustee

Notice Date: November 23, 2023

GENERAL DESCRIPTION:

The applicant seeks to annex 809 Second Creek Road into the city to be able to connect to the city sewers.



COMPLIANCE WITH COMPREHENSIVE PLAN

Voluntary annexation is a request by a property owner and is subject to the discretion of the City. The Comprehensive Plan currently identifies certain areas that can be considered for annexation. The subject property is part of an island of unincorporated land completely surrounded by the city limits.

CONTIGUOUS AND COMPACT

Property meets the State law requirement of 15% of the boundary be contiguous.

ABILITY TO PROVIDE SERVICES

All utilities and services are provided at this time.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed annexation.

Respectfully Submitted,

Zoning Administrator