

ORDINANCE NUMBER 43

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

WHEREAS, on December 14, 1998, a verified petition signed by all the owners of the real estate hereinafter described requesting annexation of said territory into the City of Arcadia, Missouri, was filed with the city clerk; and

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

WHEREAS, a public hearing concerning said matter was held at the City Hall in Arcadia, Missouri, at the hour of 6:45 p.m. on January 11, 1999; and

WHEREAS, notice of said Public Hearing was given by publication of notice thereof, on December 23, 1998 in the Mountain Echo, a weekly newspaper of general circulation in the County of Iron, State of Missouri; and

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

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

WHEREAS, the Board of Aldermen of the City of Arcadia, 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 Arcadia, Missouri, as follows:

SECTION I: Pursuant to the provision of Section 71.012 *RSMo* 1969 as amended by laws of 1976, the following described real estate is hereby annexed into the City of Arcadia, Missouri, to-wit:

All of a lot or parcel of land lying in Section 5, Township 33 North, Range 4 East, described as follows: Beginning at a point in the center of Stout's Creek, where the south line of Lot 1 of Block "A" of the Harris Addition to the Town of Arcadia,

Missouri, crosses said creek; thence East 390 feet; thence North 244 feet; thence West to the center of said creek; thence up the center of said creek to the point of beginning; being the same land described in deed recorded in Book 61, page 147, Iron County, Missouri, land records.

Also, part of Lots 3 and 4 of the Northwest quarter of Section 5, Township 33 North, Range 4 East, more particularly described as: Beginning at a point in the middle of Stout's Creek (A) from which a sycamore 14 inches in diameter bears North 70 degrees West 25 links; thence North 5.48 chains to the Northeast corner of Lot No. 4 in the Northwest quarter to a stake (c) from which a walnut 20 inches in diameter bears North 52 degrees West 206 links and a walnut 10 inches in diameter bears South 77 degrees 297 links; thence West 25.75 chains to a stake (B) from which a black oak 14 inches in diameter bears South 40 1/2 degrees East 18 links, a white oak 6 inches in diameter bears South 7 degrees East 9 links; thence South 38.50 chains to a point in the middle of Stout's Creek (D) from which a hackberry 2 inches in diameter bears North 2 degrees East 50 links; thence down the middle of Stout's Creek to the beginning, containing 62.70 acres, and being the same tract of land described by deed recorded in Book "W", page 166 of the Iron County, Missouri, land records. EXCEPTING from the above described land the following tracts conveyed by W. D. Fletcher and wife to Ironton Consolidated School District, viz., 25.57 acres described in Book 124, page 608, and .96 acre described in deed at Book 133, page 74; also excepting 6.25 acres sold by W. D. Fletcher and wife to Wm. A. Fletcher, described in deed at Book 127, page 127, Iron County, Missouri, land records.

Also, part of the West half of Lots 3 and 4 of the Northwest quarter of Section 5, Township 33 North, Range 4 East, described as follows: Beginning at a point on the west line of Section 5, which point is South 1 degree East a distance of 507.3 feet from the southwest corner of the West Addition to the City of Ironton; run thence South 1 degree East along the West line of Section 5 a distance of 2341 feet, more or less, to the middle of Stout's Creek; thence eastwardly along the middle of Stout's Creek to the southwest corner of the parcel of land next above described, believed to be 852.72 feet, but be the same more or less; thence North 1 degree 30' West along the west line of the parcel of land next above described 2173 feet, more or less, to a point which is South 89 degrees 15' West a distance of 390 feet and South 1 degree 30' East a distance of 494.5 feet from the southeast corner of the Negro Cemetery, which is recognized as the Northeast

corner of the West half of Lot 4 of the Northwest quarter of Section 5, Township 33 North Range 4 East; thence South 89 degrees 15' West a distance of 8158 feet to the place of beginning, containing 43.15 acres, more or less; EXCEPTING AND RESERVING therefrom all that portion of said tract which is included in the deeds executed by W. D. Fletcher and wife to Ironton Consolidated School, referred to above.

Also, beginning at a point on the West line of Section 5, Township 33 North, Range 4 East, which is 1390 feet South 0 degrees 20' East from the Northeast corner of Lot 4 of the Northeast quarter of Section 6, same Township and Range; and run South along the Section line 1395.3 feet, more or less, to the middle of Stouts Creek, same point being the Southwest corner of the parcel of land next above described; thence westwardly along the center of Stouts Creek approximately 200 feet, but be the same more or less, to the southwest corner of a parcel of land conveyed by Fletcher, et al, to Pope and wife, recorded in Book 94, page 87, Iron County land records; thence North 13 degrees 30' West 976.8 feet to a point; thence North 58 degrees East 522.72 feet to the place of beginning, containing 8.72 acres, and being in the East half of Lot 3 of the Northeast quarter of Section 6, Township 33 North, Range 4 East.

Also, all of Lot 6 of the Delano Subdivision to the Town of Arcadia, Missouri, as laid down upon the plat of A. W. Holloman of the lands of Wm. A. Delano as subdivided and laid off by Wm. A. Delano and Sons, and is part of the East half of Lot 4 of the Northwest quarter of Section 5, Township 33 North, Range 4 East; said plat and survey was made August 6, 1877, and recorded in the office of the Recorder of Deeds for Iron County, Mo., in book for the recording of subdivision of land on page 21. Subject to easement to State Highway Department.

Also, a road easement in the West half of Lot 3 of the Northwest quarter of Section 5, Township 33 North, Range 4 East, being 200 feet in width, the centerline of which begins at a point on the north side of West Walnut Street in the Town of Arcadia, Missouri, 589 feet west of the southeast corner of land shown in the 1928 recorded plat of said Town as Lot No. 32, as measured along the south side of Lots 32 and 33; thence North 7 degrees 25' West for a distance of 163 feet to the center of a concrete underwater bridge across Stout's Creek; thence North 15 degrees West over such underwater bridge for a distance of 32 feet, or to the center of Stouts Creek, whichever is the greater distance, said road running diagonally across Lots No. 33 and 34. In the event of development of property close to this road easement, the

beginning point is to be shifted westwardly along the east bank of Stouts Creek, but always above normal high water.

It is the intention of the parties of the First Part to convey by this deed all interest which William B. Fletcher acquired by descent or by conveyance in land in Iron County, Missouri, whether described herein or not or whether accurately described herein or not.

EXCEPT land sold to the City of Arcadia by deed dated February 8, 1989, recorded in Book 306, page 779, Iron County, Missouri, land records; and also EXCEPT mineral reservation set forth in the said deed recorded in Book 306, page 779.

Hereby releasing any and all rights obtained by the First Parties by virtue of easement dated August 2, 1992, and recorded in Book 322, at page 131, Iron County, Missouri, land records.

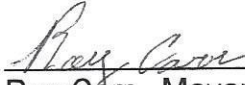
(Description supplied)

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

SECTION III: The City Clerk of the City of Arcadia, Missouri, hereby is ordered to cause three certified copies of this Ordinance to be filed with the Iron County Clerk.

SECTION IV: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Read three times and passed this 25th day of January, 1999.



Roy Carr - Mayor of the City of
Arcadia, Missouri

ATTEST:



Mary Johnson - City Clerk