**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 2. PLATS ACCEPTED**

**Sec. 26-276. Accepting the dedication of streets, alleys, and ways contained**

**within Coleman's Fifth Subdivision.**

(a) The City of Potosi does by this Ordinance accept the dedication of all public streets, alleys, roads, highways and other thoroughfares contained within Coleman's Fifth Subdivision of part of U.S. Survey No. 430, Township 37 North, Range 2 East, now a part of the City of Potosi, Missouri, according to the official plat thereof on file in the office of the recorder of deeds of Washington County, Missouri.

(b) From and after the effective date of this Ordinance all of such streets, alleys, roads, highways and other thoroughfares shall be and remain public ways, and the property of the City of Potosi, Missouri. (Ord. 280, §§1-2; 3-3- 52)

**Sec. 26-277. Accepting the dedication to public use of the streets, alleys, highways,**

**and thoroughfares of the subdivision known as Lankford's Subdivision.**

The City of Potosi, Missouri does hereby accept the dedication to public use of the streets, alleys, highways and thoroughfares of the subdivision known as the Lankford's Subdivision now part of the City of Potosi, Missouri, according to the official plat thereof on file and of record in the office of recorder of deeds in Washington County, Missouri. (Ord. 288, §1, 11-10-52.)

**Sec. 26-278. Accepting the plat of Coleman's Seventh Subdivision.**

whereas, a tract of land within the City of Potosi, Missouri, has heretofore been subdivided, platted, dedicated and the said plat filed in the office of the recorder of deeds of Washington County, Missouri, and

whereas, the said tract of land has been denominated Coleman's Seventh Subdivision to the City of Potosi, Missouri, and

whereas, the said tract of land has not heretofore been accepted by the City of Potosi, Missouri. (Ord. 362, 3-28-58.)

**Sec. 26-279. Accepting dedication of streets, roads, alleys and adjacent sidewalks and**

**all storm and sanitary sewers within the housing authority of the City of**

**Potosi and known as "Luther Jenkins Heights".**

whereas, the City of Potosi entered into a cooperation agreement with the housing authority of the City of Potosi on the 20th day of October, 1964, with subsequent amendments; and

*(Revised 3/03)*

542.39

whereas, said cooperation agreement provided that upon request of the housing authority of the City of Potosi, the City of Potosi would accept dedication of certain facilities; and

whereas, the housing authority has made such request;

now, therefore, The City of Potosi hereby accepts dedication by the housing authority of the City of Potosi, to the City of Potosi, all interior streets, roads, alleys, and adjacent sidewalks and all storm and sanitary sewers within the area known as the "Luther Jenkins Heights" and more particularly described in the official plat filed in the office of the recorder of deeds of Washington County, Missouri, in Plat Book 6 at page 28. (Ord. 565, 8-24-81.)

**Secs. 26-280 to 26-290. Reserved.**

*(Revised 3/03)*

542.40

**ARTICLE II**

**SUBDIVISIONS**

**DIVISION 3. STREET NAMES**

**Sec. 26-291. Naming a new city street as "Brown Drive".**

(a) In connection with the completion of a new shoe factory and occupancy of said building by the Brown Shoe Company and improvements thereto a new street has been created.

(b) This new street extends generally northward as a prolongation of Highway "P" at the latter's intersection with Highway "8" to the new factory building as an entrance and exist thereto and therefrom.

(c) This new street or avenue or thoroughfare as above referred to shall hereafter be known as "Brown Drive" as a courtesy and recognition of said Brown Shoe Company by the City of Potosi from and after the passage of this Ordinance. (Ord. 406, §§1-3; 3-18-64.)

**Sec. 26-292. Opening and construction of a street in Blount Estate and**

**naming the street "Patterson Drive".**

(a) The board of aldermen of the City of Potosi, Missouri, does hereby declare that it is necessary and proper to open and construct a street, together with utilities, which has been dedicated to said city and is located in the Blount Estate, North Hills Plat, Town Plat Book page 24. Said street shall extend in a generally northward direction and be intersected by Elm Street on the south and Olive Street on the north.

(b) This newly opened and constructed street as above referred to shall hereafter be known as "Patterson Drive" as a courtesy to Harry D. Patterson, Jr. from and after the passage of this Ordinance. (Ord. 499, §§1-2; 10-1-75.)

**Sec. 26-293. Renaming Brown Drive to Trimfoot Drive.**

(a) The Board of Aldermen of the City of Potosi, Missouri, being cognizant of the beneficial effect upon the City brought about by development of local industry, and employment opportunities created by the commencement of a manufacturing enterprise by Trimfoot Shoe Company, does hereby declare that it is expedient and proper to change the name of that public street heretofore known as and name Brown Drive, in its entirety, to Trimfoot Drive.

(b) The name of that public street of the City of Potosi, Missouri, heretofore known as and named Brown Drive is hereby changed, in its entirety, to Trimfoot Drive. (Ord. 590, §§1-2, 2-9-87.)

*(Revised 3/03)*

542.41

**Sec. 26-294. Changing the name of Trimfoot Drive to Red Wing Drive.**

(a) The board of aldermen of the City of Potosi, Missouri, being cognizant of the beneficial effect upon the City brought about by development of local industry, and employment opportunities created by the commencement of a manufacturing enterprise by Red Wing Shoe Company, does hereby declare that it is expedient and proper to change the name of that public street heretofore known as and named Trimfoot Drive, in its entirety, to Red Wing Drive.

(b) The name of that public street of the City of Potosi, Missouri, heretofore known as and named Trimfoot Drive is hereby changed, in its entirety, to Red Wing Drive.

(c) This Ordinance shall be in full force and effect from and after its passage and approval and its recording in the Recorder's Office of Washington County, Missouri. (Ord. 658, §§1-3)

**Secs. 26-295 to 26-300. Reserved.**

*(Revised 3/03)*

542.42

**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 4. VACATED STREETS AND ALLEYS**

**Sec. 26-301. Vacating a portion of Jackson Street, from Upper Street**

**eastwardly to the line of the Handkerchief Tract.**

(a) The board of aldermen of the City of Potosi, Missouri, does hereby declare that it is necessary and expedient to vacate a portion of Jackson Street beginning at Upper Street and running eastwardly to the line of the Handkerchief Tract.

(b) Said portion of said street is hereby vacated.

(c) The said board of aldermen does hereby declare that this form of vacation of said street is made in conformity with the purported vacation of the said portion of the said street dated October 3, 1949, which may have been imperfectly done. (Ord. 282, §§1-3, 5-12-52.)

**Sec. 26-302. Vacating the alley lying in Block One of the North Hills Subdivision.**

(a) The board of aldermen of the City of Potosi, Missouri, does hereby declare that it is necessary and expedient to vacate the alley located in Block One of North Hills Subdivision of the City of Potosi, as shown on a plat thereof filed in the office of the recorder of deeds of Washington County, Missouri.

(b) The mayor of the City of Potosi shall be, and he hereby is, authorized to sign, on behalf of the city, a quit-claim deed releasing any interest of the city in and to the said alley.

(c) Said alley is hereby vacated. (Ord. 329-A, §§1-3, 4-20-56.)

**Sec. 26-303. Declaring a certain portion of Prospect Street closed.**

(a) In the exercise of the police power and for the protection of the public health and safety an emergency is hereby declared to exist during the construction of the new Potosi High School Building requiring the closing of Prospect Street from the public between its intersection with South Lead Street and its intersection with South Mine Street.

(b) The said portion of Prospect Street between its intersection with South Lead Street and South Mine Street is hereby declared to be closed to the public and to all persons other than those actively engaged in the construction of the school building for such period of time as may be required to complete construction of the said school building.

(c) It is hereby declared to be unlawful for any person not so engaged in construction work on the said school building to enter upon, drive a vehicle upon or cause a vehicle to be driven upon the passage and approval of this Ordinance until the said school building shall have been completed.

*(Revised 12/05)*

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(d) Any person who shall violate the terms of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00), or by imprisonment in the city jail for a period not to exceed thirty days, or by both such fine and imprisonment. (Ord. 351, §§1-4, 5-57.)

**Sec. 26-304. Vacating a portion of Limestone Street: Providing for the reversion to the**

**owners of the adjacent lots proportion as it was taken from them.**

(a) The board of aldermen of the City of Potosi, Missouri, in accord with the powers given them by the Revised Statutes of Missouri, does hereby declare that it is deemed necessary or expedient to vacate that part of Limestone Street in the City of Potosi as hereinafter legally described; and that upon such vacation, the same shall revert to the owners of the adjacent lots in proportion as it was taken from them.

(b) The legal description of that part of said Limestone Street to be vacated is as follows:

Begin at the southeast corner of Block Ten (10) of J. J. Coleman's First Subdivision to the City of Potosi, thence south 38° west to the northeast corner of Lot Seventy-Nine (79) of the Old Town of Potosi; thence north 52° west 125 feet to the northwest corner of said Lot 79; thence north 38° east (var. 4) to a point in the north right-of-way line of said Limestone Street; and thence south 52° east 125 feet to the place of beginning.

(c) The above described portion of said Limestone Street is hereby vacated and same reverted to the owners of the adjacent lots in proportion as it was taken from them. (Ord. 401, §§1-3, 9-4-63.)

**Sec. 26-305. Vacating an existing thirty foot alley between Cedar Street and Elm Street,**

**lying between Lots 14, 13, 12, 11, 10, 9 and Lots 15, 16, 17, 18, 19, 20 of**

**Blount Subdivision.**

(a) The board of aldermen of the City of Potosi, Missouri, does hereby declare that it is necessary and expedient to vacate the alley described in the caption hereof.

(b) The alley described in the caption hereof is hereby vacated. (Ord. 496, §§1-2, 8-5-75.)

**Sec. 26-306. Vacating a portion of Blount Street and a portion of Galena Alley: Providing**

**for the reversion to the owners of the adjacent lots in proportion as it was taken from them.**

(a) The board of aldermen of the City of Potosi, Missouri, in accord with the powers given them by the Revised Statutes of Missouri, does hereby declare that it is deemed necessary and expedient to vacate those parts of certain streets and alleys in the City of Potosi, Missouri as hereinafter legally described; and that upon such vacation, the same shall revert to the owners of the adjacent lots in proportion as it was taken from them.

*(Revised 12/05)*

542.44

(b) The legal description of that part of Blount Street to be vacated is as follows:

Begin at the east right-of-way of Austin Street to the west right-of-way of Madonna Street, and this section to be vacated is bordered on the south by Lots #6 and #10, and on the north by Lots #7, #8 and #9.

(c) The legal description of that part of Galena Alley to be vacated is as follows:

Begin at the south right-of-way of the above mentioned Blount Street to the north right-of-way of Hall Street, and this section to be vacated is bordered on the west by Lots #2, #3, #4, #5 and #6, and on the east by Lots #10, #11, #12, #13 and #14.

(d) The City of Potosi does hereby reserve an unconditional utility easement in the original 15' right-of-way beginning at the east right-of-way of Hall Street and extending northward a distance of 88 feet to the west corner of Lot #13.

(e) The above described portion of said Blount Street and Galena Alley is hereby vacated and same reverted to the owners of the adjacent lots in proportion as it was taken from them. (Ord. 578, §§1-5, 3-26-84.)

**Sec. 26-307. Vacating a portion of Walnut Alley: Providing for the reversion to the**

**owners of the adjacent lots in proportion as it was taken from them.**

(a) The Board of Aldermen of the City of Potosi, Missouri, in accord with the powers given them by the Revised Statutes of Missouri, does hereby declare that it is deemed necessary or expedient to vacate that part of Walnut Alley in the City of Potosi as hereinafter legally described; and that upon such vacation, the same shall revert to the owners of the adjacent lots in proportion as it was taken from them.

(b) The legal description of that part of said Walnut Alley to be vacated is as follows:

That part of Walnut Alley situated in the Old Town of Potosi, as shown on the Plat thereof on file in the office of the Recorder of Deeds of Washington County, Missouri, described as follows: Begin at the Southeast corner of Lot Ninety-one (91) of the Old Town of Potosi, thence North 39 degrees East 134 feet to a point; thence South 51 degrees East 15 feet to a point; thence South 39 degrees West 134 feet to a point on the North line of Clark Street; thence North 51 degrees West 15 feet along said line to the point of beginning.

(c) The above described portion of said Walnut Alley is hereby vacated and same reverted to the owners of the adjacent lots in proportion as it was taken from them; Provided, that the city retains the right to maintain, operate, repair and replace, by itself or by any licensee or a holder of a franchise from the city, any poles, wires, pipes, conduits, sewer mains, water mains, or any other facility or equipment for the maintenance or operation of utility now located in the street or portion thereof vacated by this ordinance. (Ord. 591, §§1-3; 2-9-87)

*(Revised 11/06)*

542.45

**Sec. 26-308. Vacating a portion of West Breton Street: Providing for the reversion**

**to the owners of the adjacent lots in proportion as it was taken from them.**

(a) The legal description of that part of said West Breton Street to be vacated is as follows:

That part of West Breton Street that runs from the intersection of the eastern boundary of Lead Street and Breton Street, westward to the western terminus of Breton Street. Currently the vacated street is bounded on the South by a parcel of real estate owned by Wilma Loomis (formerly owned by Sam Thurman) and on the north by Lots 1, 2, 19 and 20, Old Towne of Potosi.

(b) The above described portion of said West Breton Street is hereby vacated and the same reverts to the owners of the adjacent lots in proportion as it was taken from them. (Ord. 665, §§2-3)

**Sec. 26-309. Vacating an existing alley between Market Street and Clark Street, lying**

**between Lot 23, 24, 25, 26 and Lots 35, 36, 37 and 38 of the Old Town of**

**Potosi now the City of Potosi, in Washington County, Missouri.**

(a) That the alley described in the caption of this ordinance shall be and is hereby vacated.

(b) That the City of Potosi, Missouri hereby reserves an easement over and across said described alley, in perpetuity, for the purposes of provisions of utility service to the residents of the City of Potosi, Missouri.

(c) That the utility services shall include gas, water, sewer, electrical, telephone and any other utility consistent with governmental needs. (Ord. 670, §§1-3)

**Sec. 26-310. Vacating an existing street known as Hillside Drive between Hornsey and**

**Wolf Streets located in Block 31 of North Hills Subdivision in the City of**

**Potosi, Washington County, Missouri, as platted and recorded in Town Plat**

**Book at pages 23 and 24 in the Washington County Recorder's Office, the**

**twenty foot (20') right-of-way reverting to Lots 18, 19, 20, 21, 22, 23, 24, 25,**

**26, 27 and 10 respectively in Block 31 located along the existing platted**

**street.**

(a) That the street described in the caption of this Section shall be and is hereby vacated. (Ord. 706, §1)

(b) That the City of Potosi, Missouri hereby reserves an easement over and across said described street, in perpetuity, for the purposes of provisions of utility service to the residents of the City of Potosi, Missouri. (Ord. 706, §2)

(c) That the utility services shall include gas, water, sewer, electrical, telephone and any other utility consistent with governmental needs. (Ord. 706, §3)

*(Revised 11/06)*

542.46

**Sec. 26-311. Vacating a section of the alley between Casey and Hall Streets and**

**accreting the property to Lots 4, 5, 6, 7, 8, and 9 of Townsend’s**

**Second Addition.**

(a) That portion of the alley between Hall and Casey Street in Townsend’s Second Addition to the City of Potosi, bordering Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 shall be declared unnecessary and closed, and the alley is abandoned by the City of Potosi, Missouri.

(b) The description of the portion of the alley hereby abandoned is as follows:

From a limestone monument marking “Corner 2” of U.S. Survey 430, Township 37 North, Range 2 East, as shown in Plat Book 16 at Page 49 and 50; thence South 68 degrees 44’ 58” East 3652.88 feet to a point on the right of way of High Street in the City of Potosi, Missouri; thence North 38 degrees 37’ 59” West 300.13 feet to a set No. 4 Rebar; thence North 49 degrees 42’ 27” East 166.04 feet to a set No. 4 Rebar and the point of beginning; thence South 38 degrees 37’ 50” East 300.12 feet along the back lot lines of Lots 15, 14, 13, 12, 11, and 10 to a point on the edge of the pavement of Casey Street; thence South 49 degrees 42’ 27” West 16 feet to a point on the edge of the pavement of Casey Street; thence North 38 degrees 37’ 59” West 300.12 feet along the back lot lines of Lots 9, 8, 7, 6, 5, and 4 to a point; thence North 49 degrees 42’ 27” East 16 feet to the point of beginning.

(c) The City orders the land in the abandoned portion of the alley accreted to the back sides of Lots 4, 5, 6, 7, 8, and 9. (Ord. 932, §§1-3)

**Sec. 26-312. Approving the Abandonment of a portion of platted roadway,**

**known as Hillside Drive and authorizing the Mayor to execute**

**deeds conveying said roadway to adjacent land owners, in the**

**City of Potosi.**

1. After Public Hearing, the Board of Aldermen find that the portion of the platted roadway, known as Hillside Drive in the North Hills Subdivision, between its intersection with Lawrence Street and the eastern boundary of Lot 4, Block 21 of the North Hills Subdivision, has not been opened or improved by the City, and that there are no plans for opening said street, and that the platted street is not necessary for the public need, and therefore declare the road abandoned.
2. The Board of Aldermen hereby authorizes the Mayor to execute Quit Claim Deeds to the owners of the adjacent property within the North Hills subdivision, upon the owners reimbursing the City for the time spent by City Attorney in determining the legal descriptions for those deeds.

(Ord. 1028, §§1-2)

**Secs. 26-313 to 26-340. Reserved.**

*(Revised 10/11)*

542.46.1

*(Revised 10/11)*

542.46.2

**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 5. LAND ACQUISITION**

**Sec. 26-341. Accepting the donation of real estate owned by Herbert W. Sayers and**

**Thirza M. Sayers, his wife, to the city.**

Whereas, the City of Potosi has publicized its desire to acquire real estate and improvements for exclusively public purposes.

Whereas, the City of Potosi, having been informed that Herbert W. Sayers and Thirza M. Sayers, his wife, own real estate and improvements within the City of Potosi, has inquired of said Herbert W. Sayers and Thirza M. Sayers, of their feeling as to donating said real estate to the city.

Whereas, Herbert W. Sayers and Thirza M. Sayers, his wife, have delivered to the City of Potosi a deed of gift, and have manifested their intention to give to the City of Potosi a parcel of real estate together with improvements thereon to be used in furthering the municipal interest for exclusively public purposes.

Now Therefore, Be it Ordained by the City of Potosi, Missouri, as follows:

(a) ***Acceptance of donation of real estate -*** The board of aldermen of the City of Potosi hereby accepts the donation of real estate situated in the county of Washington, state of Missouri, described as:

Part of Lot 59 Old Village Mine A Breton and part of U.S. Survey No. 1848, Township 37, N. Range Two (2) east of 5th P.M. described as follows, to-wit: Begin on the east side of Lawrence Street 240 feet north 35 degrees east from the intersection of Lawrence Street and High Street, a 1/2" pipe elbow on end, (place of beginning of land hereby described) thence north 35 degrees east to the south line of St. Louis I.M. & S. Railroad Company right-of-way, thence eastwardly with the south line of said railroad company land to eastern boundary line of land now or formerly owned by John H. Swift, thence south 35 degrees west 450 feet to corner; thence north 60 degrees west parallel with High Street to place of beginning.

Subject to building lines, easements, conditions, and restrictions of record.

Together with all improvements thereon, and said city further accepts the delivery of a deed of gift as indica of the transfer of said property from Herbert W. Sayers and Thirza M. Sayers, his wife.

(b) ***Authority -*** The board of aldermen of the City of Potosi hereby finds that it has statutory authority to receive said property by gift pursuant to 79.010 RSMo.

(c) ***Purpose -*** The board of aldermen of the City of Potosi, Missouri, declare that said real estate together with improvements shall be used to the benefit of the City of Potosi, for exclusively public purposes.

(d) ***Recognition -*** The board of aldermen hereby empowers the mayor of the City of Potosi to make such recognition of the Sayers pertinent to said gift as the mayor may deem warranted.

*(Revised 12/05)*

542.47

(e) ***Effectiveness -*** This Ordinance shall be in full force and effect from and after its passage and approval. (Ord. 495, §§1-5, 12-22-76.)

**Secs. 26-342 to 26-362. Reserved.**

*(Revised 12/05)*

542.48

**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 6. EASEMENTS**

**Sec. 26-363. Conveying certain lands as property of the city to the state for a right-of-**

**way for Missouri State Highway No. 8.**

(a) ***Authority and land description -*** For the consideration hereinafter set out the mayor of the City of Potosi, Missouri is authorized to execute and the city clerk to attest on behalf of the said city a deed conveying to the state of Missouri, acting by and through the state highway commission of Missouri the following described real estate, situated in Washington County, Missouri, to-wit:

A parcel of land in U.S. Survey 430, Township 37 North, Range 2 East, Washington County, Missouri.

Beginning at Station 958:82.5 on the centerline of State Highway 8 at its intersection with the southwesterly prolongation of Grantor's northwesterly property line, distant 225 feet southwesterly on said line from an iron pin set at the northwesterly corner of Grantor's land; thence south 52 degrees 33' east, a distance of 799.1 feet to P.I. Station 966:45; thence south 51 degrees 36' east, a distance of 38.4 feet to the intersection of the southerly prolongation of Grantor's easterly property line at Station 966:83.4.

This deed is to convey all of Grantor's land lying between Grantor's southwesterly property line and a line 75 feet perpendicular distance northeasterly of said centerline of Highway 8 from Station 959:20 to Grantor's easterly property line produced southerly at Station 966:83.4, containing 0.499 of an acre, more or less, exclusive of land deeded or dedicated for public use.

Also an easement in a parcel adjoining the first described parcel from Station 961:50 to Station 963:00 - 25 feet northeast, containing 0.086 of an acre, more or less, to provide for channel change in Mine Au Breton Creek and after completion of construction of this project, all right, title, and interest of Grantee shall cease, subject only to the right of the State, if it should so elect, to enter thereon from time to time for the purpose of maintaining said channel change.

(b) ***Uses and conditions -*** The consideration which the city shall receive for the said conveyance is the release by the State Highway Commission of Missouri to the City of Potosi of any interest it may claim in the old road and such other land lying southwest of a line 50 feet perpendicularly distant southwest of and parallel to the centerline of said Route 8 as shown on the plans from Mine Au Breton Creek westerly to opposite Highway Station 961:00; subject, however, to the right of the State Highway Department to enter that area within forty (40) feet west of the centerline of proposed channel change of said Mine Au Breton Creek to a distance 250 feet south of the centerline of said Highway for the purpose of properly maintaining drainage in said channel change, in accordance with a letter received from Robert W. Hodson, Division Engineer of the State Highway Commission of Missouri, which is in words and figures as follows:

*(Revised 12/05)*

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*329 S. Kirkwood Road*

*Kirkwood 22, Missouri*

*April 15, 1953*

*LEGAL: Right-of-way*

*Route 8, Washington County*

*Parcel 15 - City of Potosi*

*Mr. Samuel Richeson*

*Attorney at Law*

*Potosi, Missouri*

*Dear Mr. Richeson:*

*Reference is made to your conversation on April 10, 1953 with Mr. Mauer, division right-of-way agent, relative to the additional land needed from the City of Potosi for the improvement of the above highway in Potosi, Missouri.*

*May I advise that in consideration of the City of Potosi granting to the State Highway Commission such additional lands as may be necessary for the improvement of the above highway across city property this office will recommend that, after completion of construction of the highway, the channel change of Mine Au Breton Creek, and proposed sideroad or street connection as shown on the plans for this improvement, the State Highway Commission release unto the City of Potosi any interest it may claim in the old road and such other land lying southwest of a line 50 feet perpendicular distance southwest of and parallel to the centerline of Route 8 as shown on the plans from Mine Au Breton Creek westerly to opposite Highway Station 961:00; subject, however, to the right of the State Highway Department to enter that area within 40 feet west of the centerline of proposed channel change of said Mine Au Breton Creek to a distance 250 feet south of the centerline of said highway for the purpose of properly maintaining drainage in said channel change. This would permit the City of Potosi to develop this area in any way it saw fit, subject to the right of the State Highway Department to maintain the flow of the water in Mine Au Breton Creek as above outlined.*

*We hope with this recommendation on our part that the necessary conveyance will be forthcoming from the City of Potosi for the additional land required.*

*Very truly yours,*

*/s/Robert W. Hodson*

*ROBERT W. HODSON*

*Division Engineer.*

*cc; Mr. Robert L. Hyder*

*Mr. C.P. Owens*

*(Revised 12/05)*

542.50

(c) ***Effective date -*** This Ordinance shall be in full force from and after its passage and approval.

Passed, approved in force from and after this 11th day of May, 1953. (Ord. 290, §§1-3, 5-11-53.)

**Sec. 26-364. Authorizing the acquisition of sewer easements by condemnation and**

**appropriation on real estate owned by Parkway Development Corporation**

**and additional real estate owned by Clarence Newcomer and Edne Newcomer.**

(a) ***Authority -*** The City of Potosi, Missouri, is hereby authorized to acquire by condemnation proceedings, purchase, comprise and settlement, or otherwise, easements through the hereinafter described tracts of real estate.

(b) ***Land descriptions -*** Tract A is owned by Parkway Development Corporation, a Missouri corporation, and is located in the state of Missouri, county of Washington, as follows, to-wit:

A portion of U.S. Survey No. 3311 and U.S. Survey No. 2148, Township 37 North, Range 2 East, described as follows: Start the survey thereof at the northwest corner of U.S. Survey No. 3311; thence south 18 degrees 10 minutes west 445.3 feet to a point in the southeast right-of-way line of Highway P; thence north 31 degrees 20 minutes east 65 feet to the point of beginning of the tract to be conveyed hereby; thence south 49 degrees east 760 feet to the corner of the tract previously conveyed to Reorganized School District R-3; thence south 19 degrees 30 minutes west 630 feet to the southeast corner of said tract previously conveyed to said School District, being a point on the line dividing the Newcomer Property from the Casey Property; thence south 49 degrees east along the Casey-Newcomer line to its intersection with the westerly line of presently existing State Highway No. 21; thence northwardly along the westerly right-of-way line of State Highway No. 21 to its intersection with the southerly right-of-way line of presently existing State Highway No. 8; thence westwardly along the southerly right-of-way line of presently existing State Highway No. 8 to its intersection with the easterly right-of-way line of Highway P; thence southwardly along the eastwardly right-of-way line of State Highway P to the point of beginning of the tract to be conveyed hereby; containing thirty-six (36) acres, more or less.

Tract B is owned by Clarence Newcomer and Edna Newcomer, his wife, and is located in the state of Missouri, county of Washington, as follows, to-wit:

Beginning at the intersection of the northeast line of U.S. Survey 2148 and the west right-of-way line of State Highway 21; thence south 51 degrees 36 minutes east, 357.10 feet to the northeast corner of the Newcomer property, said corner being located in the center of Breton Creek; thence north 50 degrees west, 1172.82 feet to the intersection of the east right-of-way line of State Highway P; thence southerly along the east right-of-way approximately 1500 feet to a point on the right-of-way; thence leaving the right-of-way, south 48 degrees 24 minutes east, 387.77 feet to a point; thence north 39 degrees 09 minutes east, 1035.57 feet to a point; thence south 49 degrees 45 minutes east, 325.64 feet to a point in the center of Breton Creek, said point marked by an iron stake in the creek bed; thence following the creek north 11 degrees 39 minutes 30 seconds east, 339.81 feet to the point of beginning.

The City of Potosi, Missouri is authorized to acquire a 20 foot easement through each of said tracts A and B.

*(Revised 3/03)*

542.51

(c) ***Purpose -*** The aforesaid easements are to be used by the City of Potosi, Missouri, for the purpose of installing, laying, maintaining, operating and removing sewer pipes, manholes, gaslines and other equipment convenient or necessary to the operation of its sewer and gas systems. The City of Potosi shall have the reasonable right of ingress and egress to and on said easements for any of the aforesaid purposes.

(d) ***Conditions -*** Any and all excavations made in connection with use of said easements by the City of Potosi will be filled as soon as reasonably possible and the surface restored so far as reasonably possible to the same condition as it was before. Nothing will be installed by the City of Potosi, its agents, or employees above the surface of said easements on any part of the aforesaid tracts of real estate except that sewer manholes may terminate at or near the surface of said easements.

(e) ***Uses -*** The acquisition of the above described easements are necessary for the construction and operation of a sewer system needed in and for the City of Potosi, Missouri.

(f) ***Acquisition procedure -*** The city's engineer and special counsel are hereby authorized to take all steps necessary to acquire the aforesaid easements and rights of ingress and egress including, not by way of limitation, the authority to acquire all appropriate appraisals of value, and damage, if any, and to institute, maintain and conclude, by trial or compromised settlement, proceedings in the nature of condemnation on behalf of the City of Potosi in the circuit court of Washington County, Missouri.

(g) ***Compensation -*** Compensation for the conveyance of said easements by Parkway Development Corporation and Clarence Newcomer and Edna Newcomer, his wife, shall be as follows:

Parkway Development Corporation shall be granted by the city two sewer connections to the line within the acquired easement without initial connection fee to the city.

Mr. and Mrs. Newcomer shall be granted jointly by the city two sewer connections to the line within the acquired easement without initial connection fee to the city.

(h) ***Effectiveness -*** It being an emergency that these easements be acquired in order to proceed with the Municipal Park sewer extension plan, this Ordinance shall be in effect from and after its passage and approval. (Ord. 520, §§1-8, 11-77.)

**Sec. 26-365. Indemnification agreement with the Washington County Mercantile Bank**

**for the obstruction of a sewer line easement.**

(a) The mayor of the City of Potosi shall be and is hereby empowered to enter into an agreement with the Washington County Mercantile Bank to allow same to construct a building over and upon a city sewer line easement and indemnifying the city for all inspection, maintenance and repair costs of said line.

(b) This Ordinance shall be in full force and effect from and after its passage and approval. (Ord. 532, §§1-2, 7-10-78.)

*(Revised 3/03)*

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**Sec. 26-366. Acquisition of sewer easements by condemnation and appropriation on real**

**estate owned by Stephen T. and Jacqueline Richards and George B. and**

**Rebecca Richards and an additional tract owned by Lillian T. Richards and James Taylor Richards.**

(a) ***Authority -*** The City of Potosi, Missouri, is hereby authorized to acquire by negotiated purchase, condemnation proceedings, or by compromise and settlement, or otherwise, easements through the hereinafter described tracts of real estate.

(b) ***Land description -*** One of the aforesaid tracts of land is owned by Stephen T. Richards and Jacqueline Richards his wife and George B. Richards and Rebecca Richards his wife, and is located in Washington County, Missouri, and is partially described in a deed recorded in Book 156 at page 67 of the Land Record of Washington County, Missouri and said tract is subject to a lien for such taxes as may be due Clarence Newcomer, Collector of Revenue of Washington County, Missouri; that the City of Potosi, Missouri, is authorized to acquire easements through the entire aforesaid tract of real estate as follows:

A part of lot 26 of Jones Addition to the City of Potosi, Missouri, being a strip of land twenty (20) feet in width and no more than ten (10) feet either side of a center line running from a point in Laurel Street thence southerly across said lot 26 to the southerly boundary thereof and a forty (40) foot temporary construction easement, twenty (20) feet from each side of said center line during the initial construction.

(c) ***Appraisal -*** The City of Potosi, Missouri has caused to be made, by a competent real estate appraiser, an appraisal of the real estate described in subsection (b), hereof, and has given the owners thereof or their representatives an opportunity to accompany the appraiser during the inspection of said property; which appraisal, as to all of the real estate described in subsection (b) herein, determined the fair market value of said real estate for its highest and best use prior to the city's acquisition of said easements and rights of ingress and egress and determined said fair market value after the acquisition of said easements and rights of ingress and egress by said city and determined the value of special benefits to be conferred upon said real estate by reason of the city's acquisition of said easements and installation of sewer lines thereon available for service to said real estate under Rules, Regulations, Charges and Ordinances of the city then pertaining; and the City of Potosi does hereby approve said appraisal which determined that the difference in said before market value and said after market value to be zero due to special benefits to said real estate; and the City of Potosi does hereby establish as an amount which it believes to be just compensation for the acquisition of said easements the sum of $1.00 and said city does hereby ratify prior offers made to said owners by agents of the city.

(d) ***Determination of compensation -*** The City of Potosi does hereby set forth the basis for the amount estimated to be just compensation for the acquisition of the easements described in subsection (b) and rights of ingress and egress thereto:

(1) Identification of real property and particular interest being acquired: the same are described in subsection (b) hereof and rights of ingress and egress thereto.

(2) Only sewer easements and rights of ingress and egress are being acquired as aforesaid.

(3) No buildings, structures, fixtures, removable building equipments, trade fixtures or other improvements are a part of the interest in real estate being acquired.

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(4) No real property improvements, including fixtures, owned by persons other than the owner of said tract named herein are being acquired.

(5) No personal property is located on the easements being acquired and no personal property is being acquired.

(6) The City of Potosi's determination of just compensation is based on fair market value of said tract of land before the acquisition of said easements and rights of ingress and egress less the fair market value of said land after the acquisition of said easements and rights of ingress and egress less the value of special benefits conferred on said tract of real estate by the acquisition of said easements and the installation of a sewer system upon said easements by the city and the availability of sewer service to said tract under the terms and conditions of city ordinances, charges, rules and regulations then in effect; the City of Potosi's determination of just compensation is not less than that determined by its approved appraisal of damages and disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired.

(e) ***Land description -*** One of the aforesaid tracts of land is owned by Lillian T. Richards and James Taylor Richards being both single persons and is located in Washington County, Missouri and is described by deed recorded in Book 161 at page 285 of the Office of the Recorder of Deeds of Washington County, Missouri; and said tract is subject to a lien for such taxes as may be due Clarence Newcomer, Collector of Revenue of Washington County, Missouri; that the City of Potosi, Missouri, is authorized to acquire easements through the aforesaid tract of real estate as follows:

A part of lots 22 and 24 of Jones Addition to the City of Potosi, Missouri, being a strip of land twenty (20) feet in width and no more than ten (10) feet either side of a center line running from a point in Laurel Street thence northerly across said lots 22 and 24 to the north boundary of lot 22 at Wreath Street and a forty (40) foot temporary construction easement, twenty (20) feet from each side of said center line during the initial construction.

(f) ***Appraisal -*** The City of Potosi, Missouri has caused to be made, by a competent real estate appraiser, an appraisal of the real estate described in subsection (e) hereof, and has given the owners thereof or their representative an opportunity to accompany the appraiser during the inspection of said property; which appraisal, as to all of the real estate described in subsection (e) herein, determined the fair market value of said real estate for its highest and best use prior to the city's acquisition of said easements and rights of ingress and egress by said city and determined the value of special benefits to be conferred upon said real estate by reason of the city's acquisition of said easements and installation of sewer lines thereon available for service to said real estate under Rules, Regulations, Charges and Ordinances of the city then pertaining; and the City of Potosi does hereby approve said appraisal which determined that the difference in said before market value and said after market value to be zero due to special benefits to said real estate and the City of Potosi does hereby establish as an amount which it believes to be just compensation for the acquisition of said easements the sum of $1.00 and said city does hereby ratify prior offers made to said owners by agents of the city.

(g) ***Determination of compensation -*** The City of Potosi does hereby set forth the basis for the amount estimated to be just compensation for the acquisition of the easements described in subsection (e) and rights of ingress and egress thereto:

(1) Identification of real property and particular interest being acquired: the same are described in subsection (e) hereof and rights of ingress and egress thereto.

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(2) Only sewer easements and rights of ingress and egress are being acquired as aforesaid.

(3) No buildings, structures, fixtures, removable building equipment, trade fixtures or other improvements are a part of the interest in real estate being acquired.

(4) No real property improvements, including fixtures, owned by persons other than the owner of said tract named herein are being acquired.

(5) No personal property is located on the easements being acquired and no personal property is being acquired.

(6) The City of Potosi's determination of just compensation is based on fair market value of said tract of land before the acquisition of said easements and rights of ingress and egress less the fair market value of said land after the acquisition of said easements and rights of ingress and egress less the value of special benefits conferred on said tract of real estate by the acquisition of said easements and the installation of a sewer system upon said easements by the city and the availability of sewer service to said tract under the terms and conditions of City Ordinances, Charges, Rules and Regulations then in effect; the City of Potosi's determination of just compensation is not less than that determined by its approved appraisal of damages and disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired.

(h) ***Uses -*** The aforesaid easements, and rights of ingress and egress thereto, are to be used by the City of Potosi, Missouri, for the purpose of installing, laying, maintaining, operating and removing sewer pipes, manholes and other equipment convenient or necessary to the operation of its sewer system. The owners of these tracts of real estate upon which said easements, and rights of ingress and egress thereto, are located, their heirs, successors and assigns, shall retain whatever rights they had in the aforementioned property subject only to said easements and shall retain the right to use said property in any way which will not endanger or interfere with the installation, laying, construction, maintenance, operation or removal of said sewer pipes, manholes and other sewer system equipment; provided, however, that the City of Potosi shall have the reasonable right of ingress and egress to and on said easement for any of the aforesaid purposes.

(i) ***Conditions -*** Any and all excavations made in connection with use of said easements by the City of Potosi will be filled as soon as reasonably possible and the surface restored so far as reasonably possible to the same condition as it was before. Nothing will be installed by the City of Potosi, its agents, or employees above the surface of said easements on any part of the aforesaid tract of real estate except that sewer manholes may terminate at or near the surface of said easements.

(j) ***Necessity of acquisition -*** The acquisition of the above described easements and ingress and egress thereto are necessary for the construction and operation of a sewer system needed in and for the City of Potosi, Missouri.

(k) ***Purpose -*** The acquisition of the above described easements and rights of ingress and egress through the aforesaid described tracts of real estate will inure to the benefit and is for the benefit of the City of Potosi, Missouri, at large.

(l) ***Benefits to owners -*** That the owners of the herein stated tracts of land shall especially benefit from the granting of said easement and installation of said sewer pipes, manholes and equipment along and through their property because improved sewers will thereafter be available for

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their use upon proper application being made by them or their successors to the City of Potosi herein for such purpose and subject to such ordinances, rules, regulations and charges as may then pertain and the City of Potosi does hereby establish said right.

(m) ***Condemnation procedure -*** The City of Potosi has in good faith attempted to secure from each of the owners of said tracts of land the easements herein described by negotiation and agreement; and the City of Potosi does find that the City of Potosi and each of said landowners have not been able to agree upon the proper compensation to be paid for said easements and rights of ingress and egress and that said landowners have refused and continue to refuse to grant any such easements and rights of ingress and egress to the City of Potosi; and the city's attorney is hereby authorized to take all steps necessary to acquire the aforesaid easements and rights of ingress and egress thereto by the institution, maintenance and conclusion, trial or compromise settlement, proceedings in the nature of condemnation on behalf of the City of Potosi in the circuit court of Washington County, Missouri or in any other court to which the same may be removed; that the City of Potosi does hereby acquire for itself, its successors and assigns, under acquisition and appropriation by condemnation, right-of-way and easements consisting of the right to construct, install, operate and maintain sewer pipes, manholes and other equipment convenient or necessary to the operation of its sewer system underground across the tracts of real estate as herein described.

(n) ***Payment of compensation -*** The City of Potosi is hereby authorized to pay any agreed purchase price as set forth herein; is hereby authorized to deposit in court for the benefit of the owners of land of amounts not less than said approved appraisal amounts of said just compensation; and is hereby authorized to make payment of any awards of compensation in a condemnation proceeding for any of said easements and rights of ingress and egress.

(o) ***Severability -*** In the event any part of this Ordinance or any section thereof is determined by any court of competent jurisdiction to be ineffective or invalid, said determination shall not effect the validity or effectiveness of any other part or section of this Ordinance.

(p) ***Effective date -*** It being an emergency that these easements be acquired in order to proceed with the Potosi sewer project, this Ordinance shall be in effect from and after the date of its passage and approval. (Ord. 533, §§1-16, 8-14-78.)

**Sec. 26-367. Accepting the easement deed and dedication of a sewer system from Dale E.**

**Nicholson and Juanita Nicholson, his wife, and Mary Nicholson, to the city;**

**and prescribing the use.**

(a) ***Acceptance -*** The board of aldermen of the City of Potosi, Missouri, hereby accepts the easement deed and sewer dedication dated the 29th day of March, 1983, from Dale E. Nicholson and Juanita N. Nicholson, his wife, and Mary Nicholson, upon the conditions and for the uses hereinafter provided.

(b) ***Uses and conditions -*** The sewer system, and connections or modifications hereafter added or made, are accepted for such time only as the same shall be in full compliance with all of the ordinances, requirements and regulations of the city, state and federal departments and agencies having authority over sewer system operations and maintenance of clean water; and until the city shall take action to divest itself of control and ownership of said system. The city retains and reserves the unconditional right, power and privilege of such a divestiture, relinquishment of authority,

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rescission and termination of said easement and dedication, by publication of notice in a Washington County newspaper for two consecutive weeks. Thereafter, the city shall have the right, power, and privilege to disconnect said system from the city sewer system, and to discontinue sewer service to all persons and property affected thereby.

Persons using said sewer system shall be required to pay all fees and charges provided by the ordinances and enactments of the city; and the city does hereby reserve the power and authority to discontinue the service of any persons failing so to do.

(c) ***Authority -*** The board of aldermen of the City of Potosi hereby finds that it has statutory authority to receive and hold said property, pursuant to Section 79.010 Revised Statutes of Missouri.

(d) ***Purpose -*** The board of aldermen of the city declares that the property herein described shall be used for exclusively public purposes.

(e) ***Effective date -*** This Ordinance shall be in full force and effect from and after its passage and approval; and until its repeal, revocation or rescission as herein provided. (Ord. 574, §§1-5, 7-25-83.)

**Sec. 26-368. Accepting the dedication of a twenty foot (20') utility easement dated June**

**1987, prepared by land surveyor Fred. A. Robinson for Richard L. Boyer,**

**at the request of the Housing Authority of the City of Potosi.**

WHEREAS, The City of Potosi entered into a Cooperation Agreement with the Housing Authority of the City of Potosi on the 20th day of October, 1964, with subsequent amendments; and

WHEREAS, Said Cooperation Agreement provided that upon request of the Housing Authority of the City of Potosi, the City of Potosi would accept dedication of certain facilities; and

WHEREAS, the Housing Authority has made the request that the City of Potosi accept the following:

A 20 foot utility easement on the Potosi Housing Project (M21-1) the centerline of said easement is hereby described as follows:

COMMENCING at the old concrete Monument Cor. #2 of USS Survey #430; thence South 39° 15' West, 50.00 feet to the North line of Richard Boyer land found in Book 190 at page 269 of the Records Office in Washington County, Missouri; thence North 59° 30" West, 60.00 feet to the point of Beginning of said centerline; thence North 24° 08' 30" East, 210.00 feet to the South line of Citadel Street and said centerline there terminating.

It is intended at the Point of terminus that the entire width of 20 feet of the above described parcel be bounded by the South line of Citadel Street.

NOW, THEREFORE, The City of Potosi does hereby accept dedication by the Housing Authority of the City of Potosi, to the City of Potosi, that certain twenty foot (20') utility easement dated June 1987, prepared by land surveyor Fred A. Robinson for Richard L. Boyer, as described in the preceding paragraph hereof.

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This Ordinance shall be in full force and effect from and after the date of its passage and approval. (Ord. 598, 6-22-87)

**Secs. 26-369 to 26-390 Reserved.**

*(Revised 3/03)*

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**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 7. PUBLIC LAND TRANSFERS**

**Sec. 26-391. Sale of city real estate situated in Block 14 of North Hills Subdivision to**

**Edna Crippen.**

(a) It is hereby declared that the real estate hereinafter described is not needed for any city purchase and that the price hereinafter set out is a reasonable price and represents the true value of the premises hereinafter described.

(b) The board of aldermen does hereby accept the proposal of Edna Crippen to purchase from the said City of Potosi, Missouri the following described real estate, situated in the City of Potosi, Washington County, Missouri, to-wit:

Lots Number 12, 13 and 14 of Block No. 14 of North Hills Subdivision of the City of Potosi, Missouri.

(c) The purchase price for the said property shall be the sum of three hundred dollars ($300.00).

(d) Upon payment of the purchase price to the city clerk, the mayor and city clerk are directed to prepare, execute and acknowledge on behalf of the said city a quit-claim deed conveying all of the right, title and interest of the City of Potosi in and to the said premises to Edna Crippen for the price of three hundred dollars ($300.00).

(e) This Ordinance shall be in full force from and after its passage and approval. (Ord. 313, §§1-5, 3-14-55.)

**Sec. 26-392. Sale of city real estate, situated between Lots 78 and 79 of the Old Town of**

**Potosi and Block 10 of J.J. Coleman's First Subdivision, to Robert L.**

**Carr.**

Whereas, the members of the board of aldermen find and agree that a certain parcel of land situated between Lots 78 and 79 of the Old Town of Potosi and Block 10 of J.J. Coleman's First Subdivision to the City of Potosi is not, and will not become, of any use for the purpose for which it was dedicated, to-wit: an extension of Limestone Street, and

Whereas, the described real estate was dedicated to the public use for street purposes and accepted as such by the City of Potosi, which said acceptance is hereby ratified and affirmed, and

Whereas, Robert L. Carr has offered to purchase from the City of Potosi, that part of the described land which cannot be used for street purposes, for a purchase price of two hundred dollars ($200.00), which the board of aldermen finds to be a fair and reasonable price;

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Now, Therefore, be it ordained by the board of aldermen of the City of Potosi, Missouri, that the mayor of the said city shall be, and he hereby is, authorized and empowered to execute and to deliver to Robert L. Carr, on behalf of the City of Potosi, upon payment in full of the aforesaid purchase price, a quit-claim deed conveying that parcel of real estate in Potosi, Washington County, Missouri, described as:

Begin at the southeast corner of Block 10 of J.J. Coleman's First Subdivision to the City of Potosi, thence south 38° west twenty feet to the point of beginning of the tract to be conveyed; thence south 38° west thirty feet to the northeast corner of Lot 79 of the Old Town of Potosi, thence north 52° west 125 feet to the northwest corner of said Lot 79; thence north 38° east, variation 4°, thirty feet to a corner (iron pin), thence south 52° east, variation 4°, 125 feet to the point of beginning of the tract to be conveyed.

This Ordinance shall be in full force and effect from and after the date of its passage and approval. (Ord. 352, 5-17-57.)

**Sec. 26-393. Approving sale of property to Otho Jenkins and Daisy Jenkins.**

(a) The board of aldermen of the City of Potosi, Missouri, does hereby approve the 1967 purchase of the following described real estate by Otho Jenkins and Daisy Jenkins from the City of Potosi, Missouri, to-wit:

All of Lots Thirty (30), Thirty-one (31), Thirty-two (32) and Thirty-three (33) of Block Fourteen (14) of North Hills addition to the City of Potosi, Missouri as same is on file in the office of the recorder of deeds of Washington County, Missouri, subject to the zoning and housing ordinances of the City of Potosi as to that portion laying within the city limits of said city.

(b) Said above described real estate is hereby declared to belong to Otho Jenkins and Daisy Jenkins. (Ord. 510, §§1-2, 9-13-76.)

**Sec. 26-394. Authorizing a deed of conveyance to the Comfort Window Co., Inc. of land**

**and improvements from the City of Potosi as approved by voters on April 5,**

**1983.**

whereas, the City of Potosi, accepted the donation of real property from Herbert W. Sayers and Thirza M. Sayers, his wife, by Ordinance No. 495 of said city; and

whereas, the voters of the City of Potosi, voting on April 5, 1983, authorized the board of aldermen of the city to give and donate a portion of the real property received as aforesaid from Herbert W. Sayers and Thirza M. Sayers;

now, therefore, be it ordained by the city of potosi, missouri, as follows:

(a) The board of aldermen of the City of Potosi do hereby authorize the mayor of said city to execute and deliver to Comfort Window Co., Inc., that parcel and tract of real property which was described on the ballot at the election of April 5, 1983, by which the voters approved the proposition, to-wit:

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A parcel of land lying in U.S. Survey 1848 in the City of Potosi, Missouri, and described as follows: Begin 240 feet North 34 degrees 36 minutes east from the intersection of the north line of High Street and the east line of Lawrence Street. Said point is an iron pin on the east line of Lawrence Street; run thence from said point of beginning south 53 degrees 12 minutes east 393 feet to an iron pin; thence north 34 degrees 36 minutes east 275.55 feet to an iron rod; thence north 63 degrees 57 minutes west 280.65 feet to an iron rod; thence south 25 degrees 05 minutes west and on a line parallel to the back wall of the Senior Citizens Building and being 4 feet right angle distance to said wall a distance of 167.97 feet to a bolt in the center of a concrete walk; thence south 64 degrees 49 minutes east 21.62 feet along the center of said walk to an iron rod driven at the end of said walk; thence south 25 degrees 05 minutes west 38.7 feet to an iron rod; thence north 53 degrees 12 minutes west 170.77 feet to an iron rod on the east line of Lawrence Street; thence south 34 degrees 36 minutes west 25 feet to the point of beginning, containing 1.56 acres, more or less.

Also conveying an easement for roadway purposes and described as follows: Begin at the northwest corner of the property herein described and run thence north 62 degrees 33 minutes west 116.08 feet to a point on the east line of Lawrence Street; thence south 34 degrees 36 minutes west 30.2 feet; thence south 62 degrees, 33 minutes east 121.07 feet; thence north 25 degrees 05 minutes east 30 feet to the point of beginning.

(b) The mayor of Potosi is authorized and directed to deliver the described deed of conveyance at the time and place of closing of the loan or loans by which Comfort Window Co., Inc., proposes to finance the industrial development of the property.

(c) The board of aldermen of the City of Potosi hereby finds that it has authority from the voters of the City of Potosi to authorize the mayor of said city to execute and deliver the deed of conveyance of real property herein described. (Ord. 572, §§1-3, 5-9-83.)

**Secs. 26-395 to 26-409. Reserved.**

*(Revised 3/03)*

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**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 8**

**SPECIAL USE PERMIT**

**Sec. 26-410. Special use permit - procedure**

(a) The City Attorney shall draft any and all Special Use Permits (SUP) and Conditional Use Permits (CUP) for any property recommended by the Board of Planning and Zoning or the Board of Adjustment, and approved by a majority vote of the Board of Aldermen, limiting the business use to only that specific use applied for and no other, limiting the area upon the property where such business may be engaged, limiting the time of operation and the operation of the business, providing such permit is to the named individual only and is not transferable in any way to any other person or owner of the property, and providing a sunset provision on said use. The Mayor shall be authorized to sign said permits without further action by the Board of Aldermen after execution by the property owners of the SUP or CUP drafted by the City Attorney. The City Clerk shall keep a record of all such CUPs or SUPs granted. (Ord. 757, §§1-2; Ord. 985, §1)

**Secs. 26-511 to 26-530. Reserved.**

*(Revised 02/09)*

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**ARTICLE III**

**SUBDIVISIONS**

**DIVISION 9. AMENDMENTS TO THE**

**OFFICIAL ZONING DISTRICTS MAP**

**Sec. 26-510. Rezoning Lots Eighteen (18) and Nineteen (19) of Block Five (5) of**

**Deane's Addition from Residential to Light Commercial.**

(a) Lots Eighteen (18) and Nineteen (19) of Block Five (5) of Deane's Addition to the City of Potosi lie within the area designated as "Residential" and across the street from the area designated as "Commercial" under the zoning ordinances of the City of Potosi.

(b) Alphonso Coleman and wife, the present owners made application to the zoning commission to reclassify these two lots to light commercial use so as to permit the operation of a beauty shop or parlor within said residential building; said application was denied by said zoning commission.

(c) After being denied their permit by said zoning commission the above owners appealed their decision to the board of aldermen of said city as provided for in said ordinances, and said board is of the opinion that said rezoning is in order and decided to permit said use as a beauty shop or parlor.

(d) The real estate above described is after the passage of this Ordinance rezoned from residential to light commercial for use solely as a beauty shop or parlor or salon in addition to the residential use in the balance of said buildings, with the proviso that, in the event said beauty shop is discontinued or stopped, then said real estate must once again revert to full residential use only. (Ord. 405, §§1-4, 3-18-64.)

**Sec. 26-511. Rezoning Parkway Subdivision.**

The Zoning Map of the City of Potosi, Missouri is amended, changing the zoning of Parkway Subdivision, which description is shown on the attached Plat, from a zoning classification of C-1 to a classification of C-2, finding that the recommendations of the Zoning Board are reasonable, that the change promotes the current and prospective business uses currently therein existing and that there will be negligible negative impact to the surrounding areas. This change is ordered to be made to all zoning maps of the City of Potosi, Missouri, (Ord. 912, §1)

**Sec. 26-512. Rezoning Lots 5, 6, 7, and 8 of Block 7 in John J. Coleman’s First Subdivision.**

The Zoning Map of the City of Potosi, Missouri is amended, changing the zoning of Lots 5, 6, 7 and 8 in Block 7 in John J. Coleman’s 1st subdivision of the City of Potosi, which description is shown on the attached Plat, from a zoning classification of C-2 to a classification of R-2, finding that the recommendations of the Zoning Board are reasonable, that the change promotes the current and prospective and historical uses currently therein existing, that the current use of part of one lot as a resale shop will have grand fathered status as long as owned by the current owner and in use continuously as currently used, and that there will be negligible negative impact to the surrounding areas. This change is ordered to be made to all zoning maps of the City of Potosi, Missouri. (Ord. 915, §1)

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**Sec. 26-513. Rezoning section of Jefferson Street from CC to R-2.**

(a) The zoning map is changed to reflect the zoning of Jefferson Street between the streets of Lead and Mill Streets from CC to R-2 and the City map is ordered to be corrected to reflect the change in zoning.

(b) All existing uses not consistent with the new zoning that existed prior to the change in zoning and were existing and in use at the time of the change, shall be allowed to continue as a Conditional Use Permit for the same or similar use, and in the same buildings, or replacement buildings, should the existing building be deemed destroyed through no act or omission of owner or occupant thereof. (Ord. 949, §§1-2)

**Secs. 26-514 to 26-549. Reserved.**

*(Revised 11/07)*

542.66