

**ORDINANCE NO. 4121**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF CLINTON, MISSOURI.**

**WHEREAS**, Pursuant to RSMo 71.012, Michael C. Duncan and Sarah Duncan did request that certain land be annexed within the Corporate limits of the City of Clinton; and

**WHEREAS**, the Clinton Planning Commission did hold a public hearing on April 3, 2023, which was not less than fourteen (14) days nor more than sixty (60) days after receipt of the petition, and after providing for notice of the hearing in a newspaper of general circulation authorized to publish legal notices; and

**WHEREAS**, the Clinton Planning Commission did, on April 3, 2023, recommend approval of the annexation request by a vote of 6 Yeas, 0 Nays, 0 Abstentions and 3 Absent; and

**WHEREAS**, all statutory requirements have been met;

**NOW THEREFORE BE IT ORDAINED** by the City Council of Clinton, Missouri as follows:

**Section 1:** The City Council of Clinton, Missouri determines that the annexation requested is reasonable and necessary to the proper development of the City and the City has the ability to furnish normal municipal services to the area within a reasonable time.

**Section 2:** The City of Clinton hereby annexes into the corporate limits of the City of Clinton the property commonly known as 1208 North Vansant Road, which is legally described as follows:

*Lot Seven (7) of Prairie View Estates, a subdivision of Henry County, Missouri, according to the recorded plat thereof. Subject to easements, restrictions and reservations of record, if any. Recorded by the Henry County Recorder on April 16, 1990, Book G, Page 53.*

**Section 3:** The City of Clinton hereby accepts a Deed Restriction, pertaining to future street and curb/gutter improvements, recording said document as an encumbrance on the current property owners and all future owners of the property.

**Section 4:** The property shall be zoned R-1 Single Family Residential.

**Section 5:** The roadway to the north of the annexed property was established and installed pursuant to a private subdivision covenant recorded at Book 625, Page 1376 of the Deed Records of Henry County. The roadway is not accepted into the City street system and remains a private roadway. Any reference to public dedication on this roadway on prior plats did not result in any public entity opening this roadway. To the extent that any public right of way existed in this location, exists presently in this location, or is encompassed by operation of law in this annexation, the same is hereby vacated by the City and left subject to the aforesaid subdivision covenant.

**Section 6:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 7:** This ordinance shall be effective immediately upon its passage and approval as provided by law.

Read the first time this 18<sup>th</sup> day of April, 2023.

Read a second time and approved this 2<sup>nd</sup> day of May, 2023.

*Carla Moberly*

Carla Moberly, Presiding Officer

ATTEST:

6 Ayes: Roger House, Austin Jones, Shelley Nelson, Martha Nichols, Debbie Smith and Daniel Wilson

0 Nays

2 Absent: Gene Henry and Cameron Jackson

*Wendee Seaton*

Wendee Seaton, City Clerk

*Carla Moberly*

Carla Moberly, Mayor



Recorded in Henry County, Missouri



Recording Date/Time: 05/04/2023 at 09:57:13 AM

Book: 2023 Page: 1273

Instr #: 202301273

Pages: 4

Fee: \$33.00 S 20230001401



Gail A. Perryman  
Recorder of Deeds

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## **RESTRICTIVE COVENANT TO RUN WITH THE LAND**

WHEREAS, Sarah Duncan and Michael C. Duncan, also known as Casey Duncan, Grantor/Grantee herein, whose address is: 1208 North Vansant Road, Clinton Missouri 64735, are the owners of real estate legally described herein;

WHEREAS, Sarah Duncan and Michael C. Duncan have petitioned the City of Clinton to annex the real estate legally described herein into the City of Clinton, Missouri; and

NOW, THEREFORE, BE IT AGREED by Sarah Duncan and Michael C. Duncan, as follows:

1. Sarah Duncan and Michael C. Duncan hereby agree to place this restrictive covenant to run with the land and specifically upon the following-described real estate:

**Lot Seven, Prairie View Estates, a subdivision in Henry County, Missouri.  
Subject to easements, restrictions and reservations of record, if any.**

2. Sarah Duncan and Michael C. Duncan agree at such time as the then present owner of the above-described real estate are notified by the City of Clinton that the portion of Vansant Road, which is located within the City Limits of Clinton, Missouri, running adjacent and contiguous to the above-described real estate will be improved by a curb and guttering, then and in that event, within sixty (60) days after such notification, the then present landowner shall begin to either cause curb and guttering to be installed on that portion of Vansant Road, or shall pay to have curb and guttering installed on that portion of Vansant Road.

3. Sarah Duncan and Michael C. Duncan hereby agree and state that this Restrictive Covenant shall run with the land and be binding upon any and all subsequent landowners.

ALL ENTERED INTO THIS 18<sup>th</sup> DAY OF April, 2023.



Sarah Duncan



Michael C. Duncan

STATE OF MISSOURI

} SS

COUNTY OF HENRY

On this 18<sup>th</sup> day of April, 2023, before me personally appeared Sarah Duncan and Michael C. Duncan, to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledge that he/she/they executed the same as his/her/their free act and deed.

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



NOTARY PUBLIC

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

JANICE K. EVERSOLE  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Henry County  
My Commission Expires: June 21, 2026  
Commission #14434899