

# REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~Ord No.: 4613

Sponsor(s): None

Date: April 7, 2014

SUBJECT	Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance  Project/Title: Blue Mountain Air, Inc / Polymathic Properties, Inc Case No. RZ-2014-503																			
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1" data-bbox="324 493 1201 808"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td></td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> <td></td> </tr> <tr> <td></td> <td>TO ACCT</td> <td></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> OTHER FINANCIAL INFORMATION:  <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: _____ Estimated Use: \$ _____  Prior Year Budget (if applicable): _____ Prior Year Actual Amount Spent (if applicable): _____		Amount authorized by this legislation this fiscal year:		\$	Amount previously authorized this fiscal year:		\$	Total amount authorized after this legislative action:		\$	Amount budgeted for this item * (including transfers):		\$	Source of funding (name of fund) and account code number; FROM / TO	FROM ACCT			TO ACCT	
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PRIOR LEGISLATION	Prior ordinances and (date): _____ Prior resolutions and (date): _____																			
CONTACT INFORMATION	RLA drafted by Randy Diehl, Planning and Zoning Coordinator, 881-4577																			
REQUEST SUMMARY	Requesting a change of zoning from District AG (Agricultural) on a 3.00 ± acre tract to District RE (Residential Estates). The 3.00 ± acres are to be platted into a one lot subdivision, Easley Acres. The 3.00 ± acres are located in Section 8, Township 47, Range 30, Jackson County, Missouri aka 28915 E. Easley Road, and specifically described on Attachment to RLA-1. Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements. The Jackson County Plan Commission voted 7 to 0 to recommend <u>APPROVAL</u> to the County Legislature.																			
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)																			
ATTACHMENTS	See Attachment to RLA-2																			
REVIEW	<table border="1" data-bbox="311 1696 1546 1957"> <tr> <td>Department Director:</td> <td>Date: 03/28/2014</td> </tr> <tr> <td>Earl Newill, Acting Director <i>Earl Newill</i></td> <td></td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date:</td> </tr> <tr> <td>Division Manager: <i>[Signature]</i></td> <td>Date: <i>5/2/14</i></td> </tr> <tr> <td>County Counselor's Office:</td> <td>Date:</td> </tr> </table>		Department Director:	Date: 03/28/2014	Earl Newill, Acting Director <i>Earl Newill</i>		Finance (Budget Approval): <i>If applicable</i>	Date:	Division Manager: <i>[Signature]</i>	Date: <i>5/2/14</i>	County Counselor's Office:	Date:								
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Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

**ATTACHMENT TO RLA-2:**

Attachments

Plan Commission Public Hearing Summary from March 20, 2014

Location Map

Staff report

Names/Addresses of surrounding property owners

Map showing current zoning districts in area

Application

Plat of Easley Acres

Photo of area looking South

## Jackson County Plan Commission Summary of Public Hearing

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**Date:** March 20, 2014

**Place:** Independence City Hall  
111 E. Maple, Independence, MO

**Attendance:** Chairman Antey  
Mrs. Querry  
Mr. Gibler  
Mr. Pointer  
Mr. Haley  
Mr. Crawford  
Mrs. Mershon

**Staff:** Randy Diehl  
Jay Haden  
Joan Dickey  
Kristen Geary  
Chris Jenkins

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

At 8:30 am Chairman Antey called to order the March 20, 2014 meeting of the Plan Commission and asked that the roll call be taken. Mr. Tarpley & Mr. Akins were absent.

### **Approval of Record**

Chairman Antey asked for a motion to approve the record of January 16, 2014. Mr. Pointer made a motion to approve. Mr. Haley seconded the motion. Voice vote.

Minutes of the January 16, 2014 Plan Commission meeting approved, 7-0.

### **Public Hearings**

Chairman Antey swore in all persons present who would like to give testimony at the public hearings.

### **RE: RZ-2014-503**

Requesting a change of zoning from District AG (Agricultural) on a 3.00 ± acre tract to District RE (Residential Estates). The 3.00 ± acres are located in Section 8, Township 47, Range 30, Jackson County, Missouri aka 28915 E. Easley Road.

**Applicant:** Blue Mountain Air, Inc / Polymathic Properties, Inc

**Location:** 28915 E. Easley Road, lying in Section 8, Township 47,

## Jackson County Plan Commission Summary of Public Hearing

Range 30, Jackson County, Missouri.

**Area:** 3.00 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)

**Purpose:** The 3.00 acres to be platted as Easley Acres

**Current Land Use and Zoning in the Area:**

Zoning in the area is primarily agricultural. Property sizes range from 2 acres to 10 acres and larger tracts, containing single family residences.

To the North across Easley Road is Easley Estates. This development was established in 1977 and the last plat was recorded in 1996. Lot sizes range from 2.5 to 5.00 acres in size. Directly across the road is Willow Oak Estates, platted in 1994. These three range from 2.00 to 10.00 acres in size. Both Easley Estates and Willow Oak Estates are within District AG (Agricultural). To the East is Eagle Crest Estates, rezoned to District RE (Residential Estates) in 2003. The first phase was also platted in 2003 and contains 14 lots. Farther to the East is Windmill Ridge Estates, rezoned to District RE in 2004 and platted into 13 lots.

**Comments:** Polymathic Properties, Inc took title to the property in 2012 (2012E0126797). A search through Recorder of Deeds shows that the 3.00 ± acres was separated from the larger tract of land in 2000 (20010078478). In 2009 the property was then subject to a Successor Trustee's Deed Under Foreclosure (2009E0074243). A single family residence is on the 3.00 acres.

The applicant wishes to rezone and plat the three acres into a one lot subdivision, Easley Acres, in order to bring it into compliance with the Unified Development Code.

The proposed subdivision and lot size are compatible with adjacent uses.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT). The RE (Residential Estates) District is appropriate in the Urban Development Tier.

**Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2014-503

## **Jackson County Plan Commission Summary of Public Hearing**

Chairman Antey: How was the 3 acres separated from the larger tract in 2000 done and not rezoned?

Randy Diehl: It was an illegal split, unbeknownst to us. The current owner took title to it and wanted to bring it into compliance.

Chairman Antey: Ok. Instead of Legal Non-Compliance, this is Illegal Non-Compliance and this will be bringing it into compliance.

Randy Diehl: The recorders office records any document brought into them, they are not going to police all 14 zoning districts. The new owners were working with us and we said that we will need to bring it into compliance by platting and rezoning.

Chairman Antey: That is understandable. Are there any other questions from staff?

Mr. Crawford: So, do you think there are a lot of properties out there like this?

Randy Diehl: I'm sure there have to be some.

Scott George: We run across them from time to time. When we do, we say "ok, time out, before we do anything else we need to bring this into compliance."

Mr. Crawford: This is one of the first times I ever remember something like this happening.

Randy Diehl: It's rare, but I'm sure there are some out there.

Chairman Antey: That is why the date of 2000 stood out to me because it was after the UDC. Any other questions for staff?

Mrs. Mershon: So the land around it, is it in compliance?

Randy Diehl: Yes, it is over 10 acres and it is still zoned AG.

Mr. Crawford: It should be about 37 acres.

Chairman Antey: Thank you. Is the applicant present today? Please come forward, state your name and address for the record.

Casey Killian: I'm with Realty Platinum Professionals on behalf of the owners.

Chairman Antey: Do you have anything to add to the staff presentation?

Casey Killian: It sounds like he pretty much covered it all. The previous owner of the property, before it was foreclosed on, illegally cut the property off. I think there

## Jackson County Plan Commission Summary of Public Hearing

was roughly about 90 acres total and they replotted the property on their own. I'm guessing so that they would only foreclose on the section that was replotted. We are also having trouble with getting a septic tank fixed because the neighbor now is complaining that the septic tank drains onto his property and we are being told there is not enough room to put another septic tank for the house there.

Chairman Antey: Any questions for the applicants' representative? Is there anyone else who is present today who would like to speak in favor of this application? Is there anyone who would like to speak who is opposed to or has questions concerning this application?

Mrs. Mershon motioned to take this under advisement. Mr. Crawford seconded.  
Motion Carried 7 – 0.

Mr. Pointer: I see the sewer system creating a problem here.

Mr. George: Steve Schnell, our wastewater treatment coordinator, has been working with them as far as locating a new site for the wastewater system. We believe that there is room there. It is not going to be the most cost efficient for them, because it will have to be pumped back up to the front of the lot for the lateral fields, but Steve is working with them on that and obviously that is one condition that will have to be met to get everything done. Our understanding is that when they split the lot illegally they actually took out part of the lateral field.

Randy Diehl: There is room in the front that we will have on the plat.

Mr. George: The permitting side of that is done administratively and Steve is working with them to get it wrapped up.

Mr. Crawford: If I understand this right, by looking at it, there has been some school busses parked on the lateral field?

Mr. George: I can't comment on that one, as far as the exact location.

Chairman Antey: It appears as though the representative has more information. We can reopen the public hearing if I have a motion to do so.

Mrs. Mershon: Is that our problem if they have a problem with the sewer. If they want to rezone the 3 acres....

Chairman Antey: Well the rezoning isn't dependant upon the sewer. If they don't it is not going to be worth....

Mrs. Mershon: ...but that is not what we need to think about.

## Jackson County Plan Commission Summary of Public Hearing

Chairman Antey: That is not our charge, right.

Mrs. Mershon moved to approve RZ-2014-503, Mr. Crawford 2<sup>nd</sup>.

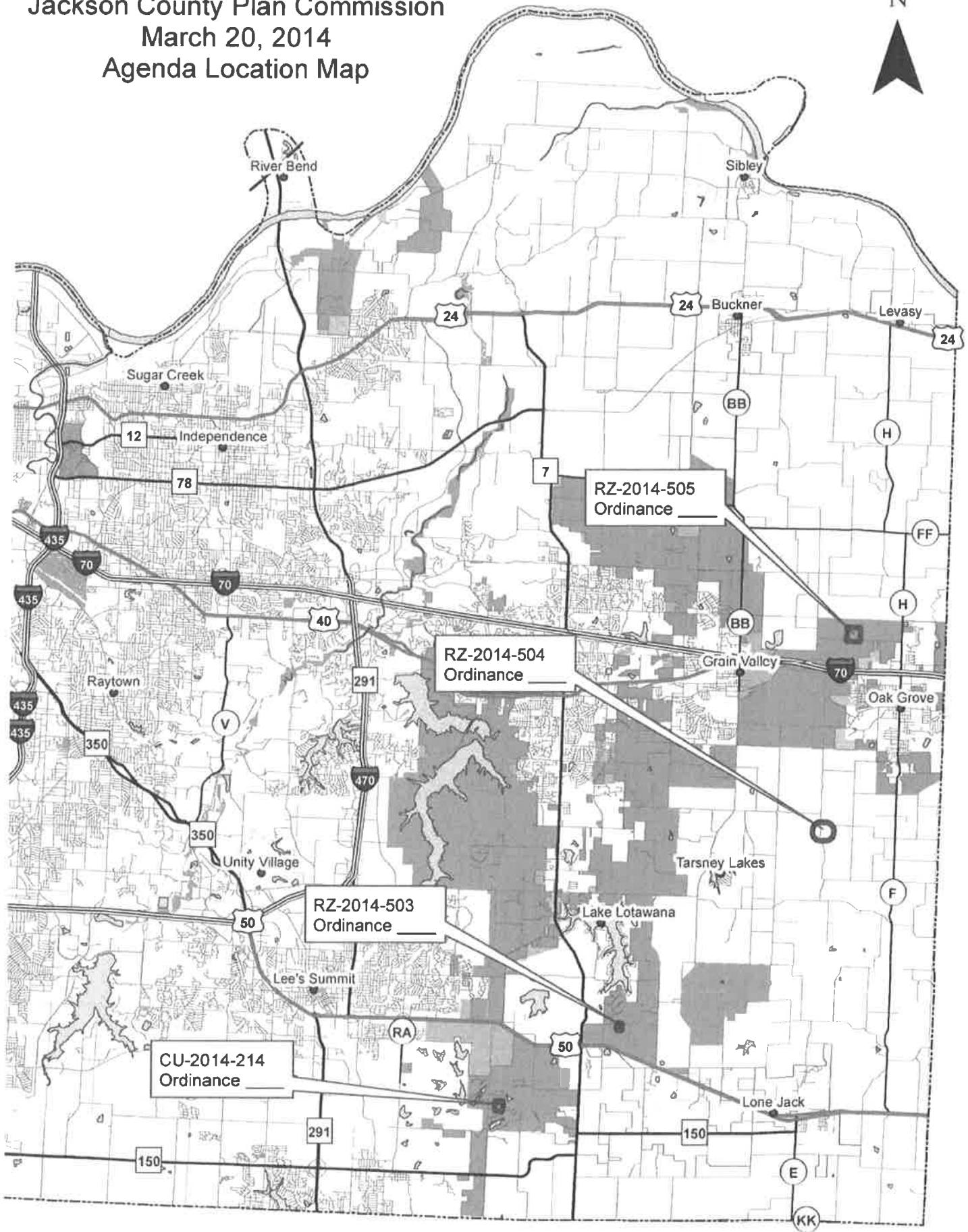
Roll call vote taken.

Mrs. Query	Approve	Mr. Crawford	Approve
Mr. Gibler	Approve	Mrs. Mershon	Approve
Mr. Pointer	Approve	Chairman. Antey	Approve
Mr. Haley	Approve		

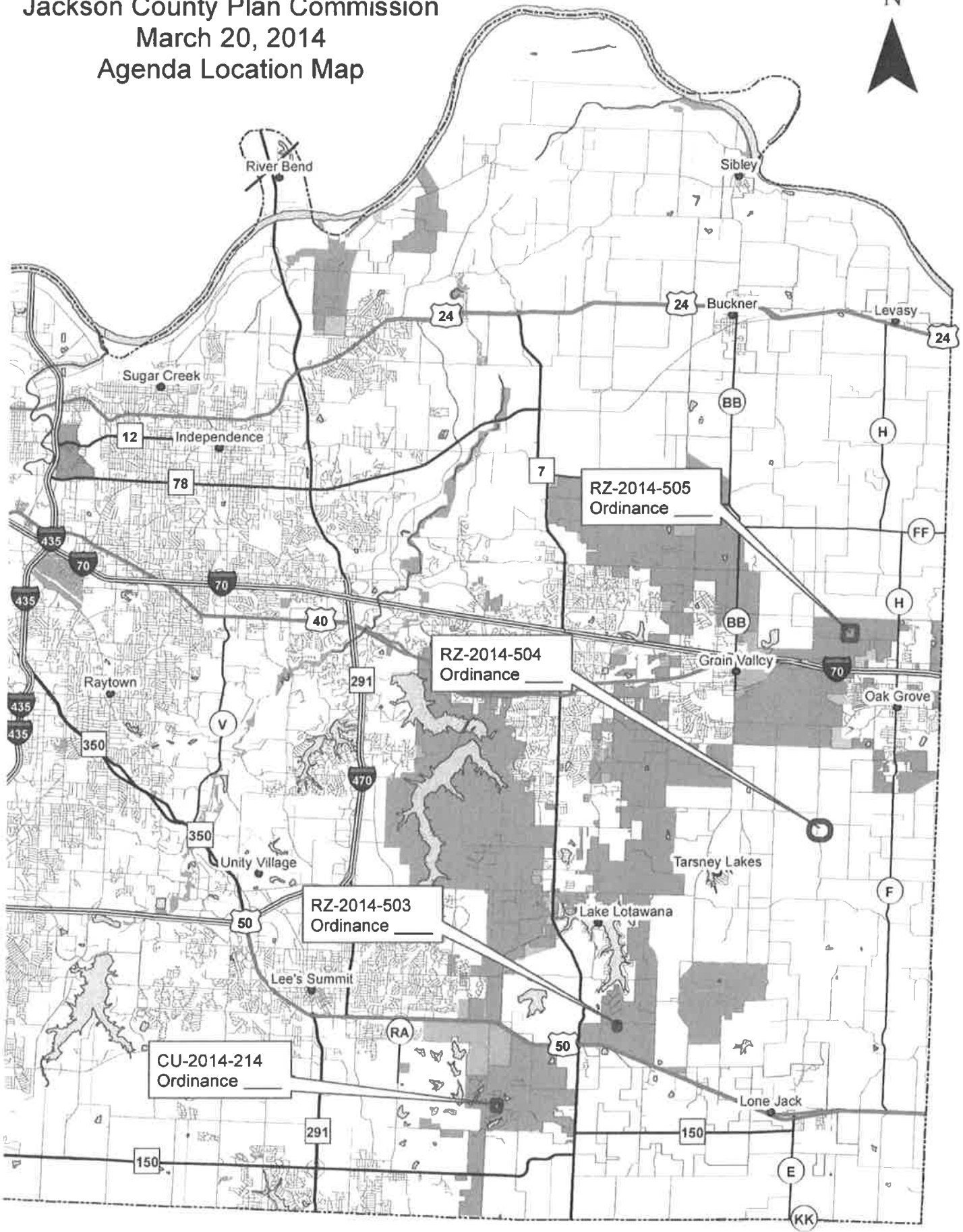
**RZ-2014-503 APPROVED**



Jackson County Plan Commission  
March 20, 2014  
Agenda Location Map



Jackson County Plan Commission  
March 20, 2014  
Agenda Location Map



**STAFF REPORT****PLAN COMMISSION  
March 20, 2014****RE: RZ-2014-503**

- Applicant:** Blue Mountain Air, Inc / Polymathic Properties, Inc
- Location:** 28915 E. Easley Road, lying in Section 8, Township 47, Range 30, Jackson County, Missouri.
- Area:** 3.00 ± acres
- Request:** Change of zoning from District AG (Agricultural) to District RE (Residential Estates)
- Purpose:** The 3.00 acres to be platted as Easley Acres

**Current Land Use and Zoning in the Area:**

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- Comments:** Polymathic Properties, Inc took title to the property in 2012 (2012E0126797). A search through Recorder of Deeds shows that the 3.00 ± acres was separated from the larger tract of land in 2000 (20010078478). In 2009 the property was then subject to a Successor Trustee's Deed Under Foreclosure (2009E0074243). A single family residence is on the 3.00 acres.

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The proposed subdivision and lot size are compatible with adjacent uses.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT). The RE (Residential Estates) District is appropriate in the Urban Development Tier.

**Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2014-503

Respectfully submitted,

Jackson County Public Works  
Planning and Environmental Health  
Scott George, Assistant Director  
Randy Diehl, Subdivision and Zoning Coordinator

**Plan Commission  
March 20, 2014  
RZ-2014-503**

**Applicants / Property Owners:**

**59-500-04-06-02-1  
Blue Mountain Realty  
707 Aldrige Road Ste 8  
Vacaville, CA 95688**

**Polymathic Properties, Inc  
707 Aldrige Road Ste 8  
Vacaville, CA 95688**

**Kimberly Killian  
401 SW Ward Road Ste 210  
Lee's Summit MO 64081**

**Certified Mail – Return Receipt  
Property Owners within 185 feet**

**59-500-04-06-01-1  
Wyatt Wytnee LLC  
104 NE Bordner Ct  
Lee's Summit, MO 64063**

**59-510-04-13  
Dean C & Kimberly L Rohr  
28908 E Easley Road  
Lee's Summit, MO 64086**



# Jackson County Zoning Map

## Legend

185' Notification Area

Pending Rezoning

Zoning

Residential Estates

Streets

Rezoning

Zoning

RR-Residential Ranchette

RRp-Residential Ranchette-Planned

RE-Residential Estates

RS-Residential Suburban

RU-Residential Urban

A(r)-Single-Family

B(r)-Two-Family

C(r)-Multi-Family

A1-Mobile Homes District

ROP-Residential Office-Planned

LB-Local Business

LBp-Local Business-Planned

GB-General Business

GBp-General Business-Planned

LI-Light Industrial

LIp-Light Industrial-Planned

HI-Heavy Industrial



Ord. 4613

EX. 5

RZ-2014-503

Ord

1 inch = 300 feet

**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING**

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**APPLICANT INFORMATION:**

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
  2. Application must be typed or printed in a legible manner.
  3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
  4. Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
  5. The filing fee (non-refundable) must accompany application.  
(Check payable to: Manager of Finance)  
\$350.00 – Change of Zoning to Residential  
\$500.00 – Change of Zoning to Commercial or Industrial
- 

**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ-2014-503  
 Date filed 1-14-13 Date of hearing 3-20-14  
 Date advertised 3-5-14 Date property owners notified 3-5-14  
 Date signs posted 3-5-14  
 Hearings: Heard by PC Date 3-20-14 Decision 7-0  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_  
 Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

**1. Data on Applicant(s) and Owner(s):**

- a. Applicant(s) Name: Vicki Orzilli, Blue Mountain Realty  
 Address: 707 Aldridge Rd, Ste B  
Vacaville, CA 95688  
 Phone: 707-451-8111 ext 140
- b. Owner(s) Name: Polymathic Properties, Inc, Gregory Owen  
 Address: 707 Aldridge Rd, Ste B, Vacaville, CA  
 Phone: 707-451-8111
- c. Agent(s) Name: Kimberly Killian

Address: 401 S.W. Ward Rd, Ste ~~200~~ <sup># 210</sup>, Lees Summit, MO 64081  
Phone: 816-525-2121

- d. Applicant's interest in Property: Owner Representative
2. General location (Road Name) 28915 Easley Road, Lees Summit, MO
3. Present Zoning Agricultural / mixed Use Requested Zoning Residential RE
4. AREA (sq. ft. / acres) 2.900 acres
5. Legal Description of Property: (Write Below or Attached 9)  
see Attached
6. Present Use of Property: Residential / Agricultural
7. Proposed Use of Property: same - no change
8. Proposed Time Schedule for Development: N.A.
9. What effect will your proposed development have on the surrounding properties?  
N.A.
10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? This property lies within Flood map Panel 29075C0300E which is not a printed panel  
If so, will any improvements be made to the property which will increase or decrease the elevation? N.A.
11. Describe the source/method which provides the following services, and what effect the development will have on same:
- a. Water Public Water District
  - b. Sewage disposal Lagoons to be built
  - c. Electricity K.C.P.U.
  - d. Fire and Police protection Lone Jack, MO, fire
12. Describe existing road width and condition: 10' gravel



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13. What effect will proposed development have on existing road and traffic conditions? N.A.

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14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? Permit needed for lagoons

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): January 2014, not yet applied for

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Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature

Date

Property Owner(s)

[Handwritten Signature]

January 8, 2014

Applicant(s):

[Handwritten Signatures]

January 8, 2014

Contract Purchaser(s):

\_\_\_\_\_

\_\_\_\_\_

STATE OF California  
COUNTY OF Solano

On this 8th day of January, in the year of 2014, before me the undersigned notary public, personally appeared Gregory S. Owen and Vicki Orzilli

known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

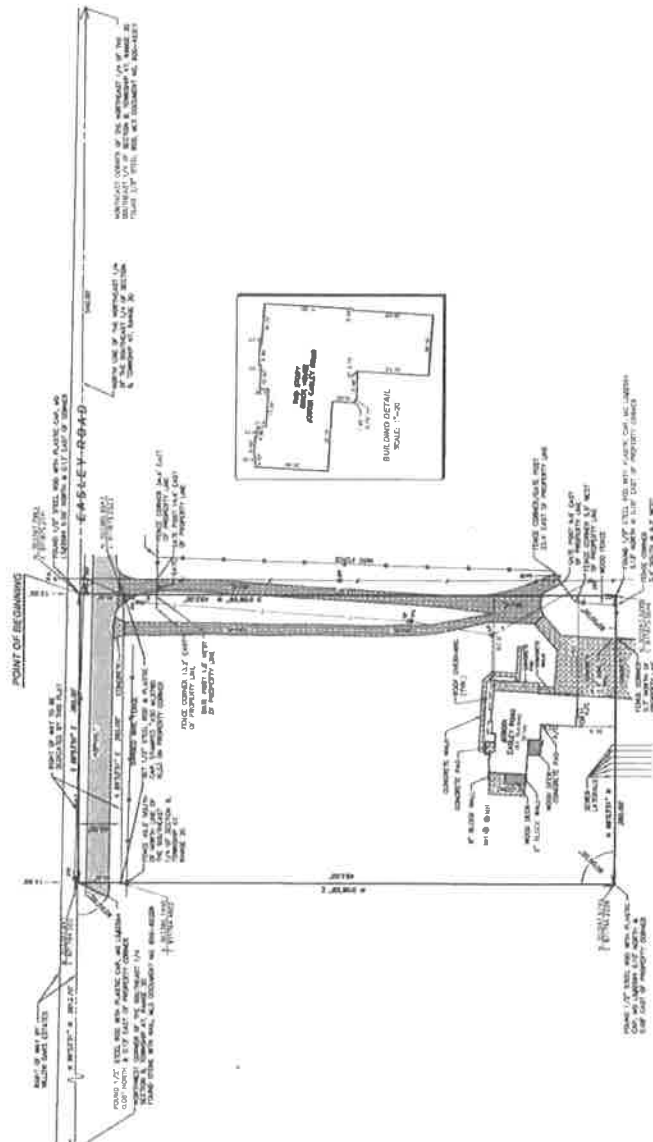
Notary Public Michelle Panizza

Commission Expires July 16, 2016



**FINAL PLAN  
EASLEY ACRES  
A SUBDIVISION IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF  
SECTION 8, TOWNSHIP 47 NORTH, RANGE 30 WEST  
JACKSON COUNTY, MISSOURI**

**WILLOW OAK ESTATES**



09/21/21 03:13  
NOT TO SCALE

THE BEARING AND COORDINATE SYSTEM SHOWN HEREON IS BASED ON THE MISSOURI COORDINATE WEST ZONE.  
SCALE: 1" = 60 FEET  
SCALE IN FEET

**LEGEND**  
 ○ CH. MARK  
 ○ BY RECORDING FILE  
 ○ BY FILE NO. OF  
 ○ BY FILE NO. OF  
 ○ BY RECORDING FILE

**EXEMPT INFORMATION:**  
 THE EXEMPT INFORMATION WAS MADE FROM A COMMITMENT FOR TITLE INSURANCE PROVIDED BY THE COUNTY OF JACKSON, MISSOURI, FOR THE PROJECT ON JANUARY 8, 2021. THE COMMITMENT IS IDENTIFIED AS COMMITMENT NO. 2021-11. THE COMMITMENT IS AVAILABLE FOR REVIEW AT THE JACKSON COUNTY CLERK'S OFFICE.

THE SURVEYOR'S CONTINGENT FEE IS MADE UP OF THE FEE FOR THE SURVEY, WHICH INCLUDES THE DESIGN OF THE SUBDIVISION, THE PREPARATION OF THE SURVEY MAP, THE PREPARATION OF THE PLAT, THE PREPARATION OF THE RECORDING INSTRUMENT, AND THE FILING OF THE RECORDING INSTRUMENT. THE SURVEYOR'S FEE IS BASED ON THE COMPLEXITY OF THE PROJECT AND THE AMOUNT OF WORK REQUIRED.

**WARRANTY:**  
 THE SURVEYOR WARRANTS THAT THE SURVEY WAS MADE FROM A COMMITMENT FOR TITLE INSURANCE PROVIDED BY THE COUNTY OF JACKSON, MISSOURI, FOR THE PROJECT ON JANUARY 8, 2021. THE COMMITMENT IS IDENTIFIED AS COMMITMENT NO. 2021-11. THE COMMITMENT IS AVAILABLE FOR REVIEW AT THE JACKSON COUNTY CLERK'S OFFICE.

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FOR: **BILL ANDERSON**  
 727 ALMOND ROAD, SUITE 8  
 VINCENNE, MISSOURI 63456

**ANDERSON  
SURVEY COMPANY**  
 3071 W. EXECUTIVE WAY  
 MOBILE, ALABAMA 36688

