



**CITY OF JACKSON**  
**MAYOR & BOARD OF ALDERMEN STUDY SESSION**  
**Monday, October 21, 2024 at 6:20 PM**  
**Board Chambers, City Hall, 101 Court St.**

---

**AGENDA**

**DISCUSSION ITEMS**

- [1.](#) Request for a time limit on an existing North Missouri Street handicapped parking space
2. Employee medical insurance proposal
- [3.](#) October 9th Planning & Zoning Commission Report
- [4.](#) October 14th Park Board Report
- [5.](#) Park Pavilion #2 Replacement Project – bid tabulation
- [6.](#) Amendments to Chapter 53 (Police Court/Municipal Court) of the City Code
- [7.](#) Active Shooter Training Waiver and Release
8. Discussion of previously tabled items (unspecified)
9. Additional items (unspecified)

Posted on 10/18/2024 at 4:00 PM.





# City of Jackson

**TO:** Mayor and Board of Aldermen

**FROM:** Janet Sanders, Director of Public Works

**DATE:** October 16, 2024

**RE:** Request for Time Limit on Handicap Parking Space - 100 block N. Missouri Street

Attached is a request from Ms. Gaye Laird for a one-hour time limit on the existing handicap parking space located in front of 103 North Missouri Street. Also attached is a map designating the existing restrictions on parking in this block. On that side of the street, there is currently one unrestricted handicap space, two 2-hour time-limited spaces, and six unrestricted spaces. The entire east side of this block is limited to two-hour parking.

The one handicap space was originally located on the east side of the street in front of 100 North Missouri Street (Municipal Court/UJRO) and was moved upon a request in 2020 to accommodate disabled customers on the west side of the street.

The map also shows property lines. From these you can see that Top Style Barber Shop (103 N. Missouri St.) and Hair Clips (109 N. Missouri) have no off-street parking. The driveway between those two businesses and the parking lot behind belong to Sara Gereau Agency (200 W. Main St.) The Probation Office (111 North Missouri) shares a garage and driveway with the Rock House (119 N. Missouri).

The Police Department recommends that if this space is to be time limited, the limit be two hours rather than one hour to be consistent with other time limited parking.

Research of the American with Disabilities Act shows that municipal on-street parking is not covered by the act. In general, handicap spaces can only be time limited in lots where all spaces are limited the same.

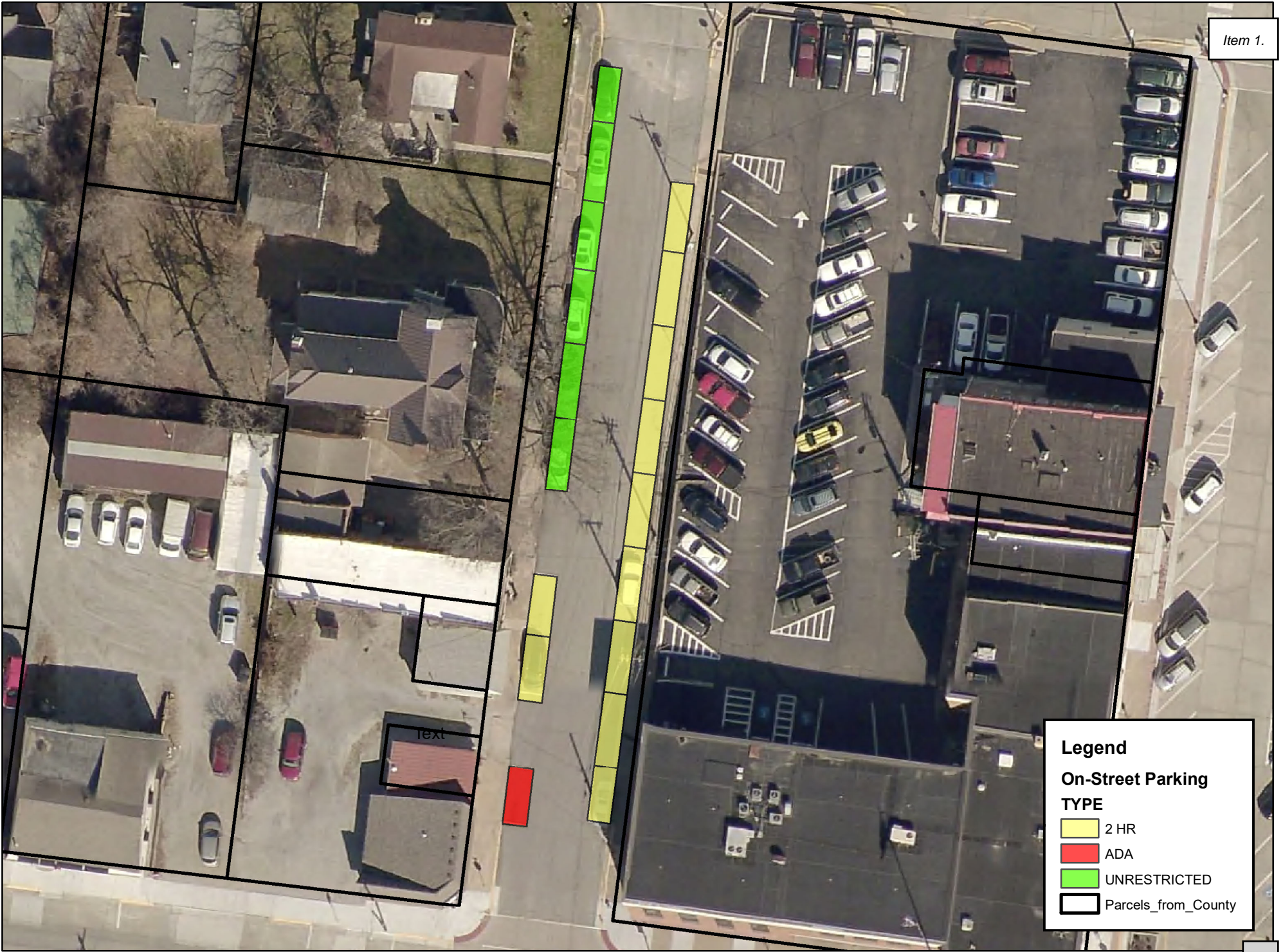
It should also be noted that on-street parallel parking without additional modification to inset the parking space and provide a loading zone with integrated ramp provides no refuge from traffic to a disabled driver entering or exiting their vehicle.



Based on the above information, if the board is comfortable with the configuration of the current handicap space, a second handicap space without time limits is an alternative.

Staff recommends that a public hearing be held, similar to the process followed when restricting on-street parking on an existing street. All affected property owners would be notified and have the opportunity to give input.







# MEMO



**TO:** Mayor Hahs and Members of the Board of Aldermen  
**FROM:** Larry Miller, Building & Planning Manager  
**DATE:** October 18, 2024  
**SUBJECT:** P&Z Meeting

---

These are the items that were on the P&Z Agenda.

- ❖ **Public Hearing - Houseal Lavigne's presentation of the 2024 Comprehensive Plan allows the community to offer their comments and feedback.**
- ❖ **Consider a request for approval of a minor subdivision of Kimbeland Place Subdivisions submitted by Steven E. and Linda M. Sebaugh.**
  - The P&Z Commission approved this with 8 ayes, 0 nays, and 1 absentee. The board will need to approve it at the next meeting.
- ❖ **Consider a request for a preliminary plat of Terrace Above The Greens Subdivision as submitted by MHRR, LLC.**
  - The developer is asking for six variances
    - Privately maintained street
    - Fraser Ridge does not extend to the adjacent undeveloped properties
    - Sidewalk requirement for each side of the street
    - Septic system instead of a sewer main extension
    - Lot lines are not perpendicular or radial to the right of way
    - Stormwater detention
  - The P&Z Commission approved this with a vote of 8 ayes, 0 nays, and 1 absentee. All subdivisions with variances require the 2/3 supermajority approval of the entire Board of Aldermen, which will be done at the next meeting.





# CITY OF JACKSON

## PLANNING & ZONING COMMISSION MEETING AGENDA

**Wednesday, October 09, 2024 at 6:00 PM**

**City Hall, 101 Court Street, Jackson, Missouri**

### **Regular Members**

Bill Fadler  
Tony Koeller  
Michelle Weber  
Tina Weber

### **Harry Dryer, Chairman**

Eric Fraley, Alderman Assigned  
Mike Seabaugh, Alderman Assigned  
Steve Stroder, Alderman Assigned  
Larry Miller, Staff Liaison

### **Regular Members**

Angelia Thomas  
Heather Harrison  
Russ Wiley  
Travis Niswonger

### **CALL TO ORDER**

### **ROLL CALL**

### **APPROVAL OF MINUTES**

1. Approval of the September 11, 2024 minutes.

### **PUBLIC HEARINGS**

2. Provide the community with the opportunity to offer their comments and feedback on the proposed Comprehensive Plan.

### **OLD BUSINESS**

### **NEW BUSINESS**

3. Consider a request for approval of a minor subdivision of Kimbeland Place Subdivision submitted by Steven E. and Linda M. Sebaugh.
4. Consider a request for a preliminary plat of Terrace Above The Greens Subdivision as submitted by MHRR, LLC.
5. Houseal Lavigne's presentation of the 2024 Comprehensive Plan.

### **CONSIDER A MOTION TO ADD ITEMS TO THE AGENDA**

### **ADJOURNMENT**

This agenda was posted at City Hall on October 4, 2024, at 12:00 PM.



JOURNAL OF THE PLANNING & ZONING COMMISSION  
CITY OF JACKSON, MISSOURI  
WEDNESDAY, SEPTEMBER 11, 2024, 6:00 P.M.  
REGULAR MEETING  
CITY HALL COUNCIL ROOM, 101 COURT STREET, JACKSON, MISSOURI

The Planning and Zoning Commission met in regular session, with Chairman Harry Dryer presiding. Commissioners Tony Koeller, Heather Harrison, Michelle Weber, Angelia Thomas, and Travis Niswonger were present. Commissioners Bill Fadler, Tina Weber, and Russ Wiley were absent. Building and Planning Manager Larry Miller was present as staff liaison. Alderman Mike Seabaugh, Eric Fraley, and Steve Stroder were present. There were no citizens in attendance.

#### APPROVAL OF MINUTES

Approval of the August 14, 2024 )  
regular meeting minutes )

The minutes of the previous meeting were unanimously approved on a motion by Commissioner Michelle Weber, seconded by Commissioner Tony Koeller.

#### PUBLIC HEARINGS

None )

#### OLD BUSINESS

Comprehensive Plan Discussion )

Since the last meeting, the P&Z Commission read the Comprehensive Plan. The commission said they would like to see something about a dog park and connecting all parks and schools with Jackson's trail system mentioned in the Plan.

Mr. Larry Miller said he would forward the comments to Houseal Lavigne.

Chairman Harry Dryer mentioned that according to the timeline, there isn't anything about the Commission reviewing the final draft before it is approved on November 13<sup>th</sup>. He said he would like to see the Commission to be able to review the final draft before it is approved.

It was determined that the Comprehensive Plan Committee would meet on October 23<sup>rd</sup>, review the plan for the last time, and then send it to the P&Z Commission for review before the November meeting.



## NEW BUSINESS

Consider a request on behalf of the )  
 City of Jackson, Missouri for a text )  
 amendment to Chapter 65 (Zoning) of the )  
 Code of Ordinance relative to applications )  
 to voluntary annexation with zoning )

Chairman Harry Dryer asked for a staff report.

Mr. Larry Miller explained this is a code change to Chapter 65-3 (4). He explained that this deals with how a parcel of land is annexed into the City of Jackson. He read the current code to the Commission: "All parcels or portions of parcels which may hereafter be annexed to the City of Jackson which are under five (5) acres shall be classified in the R-1 Single-family residential district. All parcels or portions of parcels which are five (5) acres or greater shall be classified in the A-1 Agricultural district or R-1 Single-family residential district, depending upon the preference of the owner at the time of annexation until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by ordinance in accordance with section 65-29."

Mr. Larry Miller said the new proposed wording would be: "All parcels or portions of parcels that may hereafter be annexed to the City of Jackson will have zoning determined pursuant to the procedures set forth in Section 58-5 of the Code of Ordinance." (Section 58-5 was renumbered to read 58-12 by the City's Attorney after the P&Z meeting)

Mr. Larry Miller explained to the Commission that the new process would expedite the process by having only one board to go before and only one public hearing. He said 58-12 explains the process for annexation with zoning of an existing platted development.

Commissioner Tony Koeller motioned to approve the Text Amendment as submitted.  
 Commissioner Travis Niswonger seconded the request, which was approved.

Vote: 6 ayes, 0 nays, 0 abstentions, 3 absent

## ADDITIONAL ITEMS

No additional items )



## ADJOURNMENT

Consider a motion to adjourn )

Commissioner Heather Harrison motioned to adjourn, seconded by Commissioner Tony Koeller, and unanimously approved.

Vote: 6 ayes, 0 nays, 0 abstentions, 3 absent

Respectfully submitted,



Tony Koeller  
Planning and Zoning Commission Secretary

Attest:



Larry Miller  
Building and Planning Manager

*NOTE: ACTION (IF ANY) ON LAND EXCHANGE CERTIFICATIONS, COMPREHENSIVE PLAN, AND MAJOR STREET PLAN IS FINAL APPROVAL; ALL OTHER ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION SERVES AS A RECOMMENDATION TO THE BOARD OF ALDERMEN AND NOT AS FINAL APPROVAL OF THE ITEMS CONSIDERED AT THIS MEETING*



## Staff Report

**ACTION ITEM:** Consider a request for approval of a minor subdivision of Kimbeland Place Subdivision submitted by Steven E. and Linda M. Sebaugh.

**APPLICANT:** Steven E. and Linda M. Sebaugh

**APPLICANT STATUS:** Owners

**PURPOSE:** Combining three lots into one so the owner can build a garage on former lot 16.

**SIZE:** 1.060 Acres.

**PRESENT USES:** Residential use.

**PROPOSED USE:** Residential use.

**PROPERTY ZONING:** Single-Family Residential District.

**SURROUNDING LAND USE:** North, South, East, and West – Single-Family Residential District

**HISTORY:** Formerly lots 16, 17, and 18 of Country Club Place.

**TRANSPORTATION AND PARKING:** All required street frontage is provided.

**APPLICABLE REGULATIONS:** Land Subdivision Regulations (Chapter 57); Zoning Code (Chapter 65)

**2009 COMPREHENSIVE PLAN:** Single-Family Residential

**MAJOR STREET PLAN:** The major street plan won't be affected.

**FLOODPLAIN INFORMATION:** A portion of this property is in the floodplain per FEMA panel 29031C0232E dated 9/29/2011.

**PHYSICAL CHARACTERISTICS:** No unusual physical characteristics were noted.

**COMMENTS:** The easement will stay between lots 16 and 17, and new easements around the property.

**ACTION REQUIRED:** The Commission shall vote to recommend approving or denying this request. The Commission's action serves as a recommendation to the Board of Alderman. A negative recommendation requires approval from a super-majority (6 votes) of the Board of Alderman. No public hearings are required for subdivision applications.





## SUBDIVISION APPLICATION FORM

### City of Jackson, Missouri

**NAME OF SUBDIVISION:** KIMBELAND PLACE SUBDIVISION

**DATE OF APPLICATION:** 9-16-2024

**PROPERTY OWNERS:** (all legal property owners exactly as listed on the deed)

Names, Addresses & Phone #s:

Steven Sebaugh and Linda M. Sebaugh, Husband and Wife  
1508 Kimbeland, Jackson, MO 63755

**CONTACT PERSON HANDLING APPLICATION:**

Contact's Name: STEVEN SEABAUGH

Steven E. Sebaugh

Contact's Mailing Address:

1508 Kimbeland Drive  
Jackson, MO 63755

Contact's Phone: 573-450-1691

**ENGINEER / SURVEYOR:**

Company Name, Addresses & Phone #: RICHARDS LAND SURVEYING  
1813 GREENBRIER DRIVE  
CAPE GIRARDEAU, MO., 63701  
573-339-7473

**TYPE OF SUBDIVISION APPLICATION:** (check all applicable items)

☐ Preliminary plat approval

☒ Final plat approval

☒ Minor subdivision approval

☐ Re-subdivision plat approval

**LEGAL DESCRIPTION OF TRACT:** (attach separate page if necessary)

**ZONING:** Indicate the current zoning district classification of the entire tract to be developed (circle all that apply):

R-1 Single Family Residential  
R-2 Single Family Residential  
 R-3 One and Two Family Residential  
 R-4 General Residential  
 MH-1 Mobile Home Park  
 CO-1 Enhanced Commercial Overlay

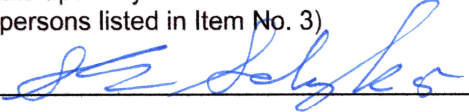
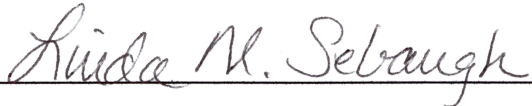
C-1 Local Commercial  
 C-2 General Commercial  
 C-3 Central Business District  
 C-4 Planned Commercial District  
 CO-1 Enhanced Commercial Overlay  
 I-1 Light Industrial  
 I-2 Heavy Industrial  
 I-3 Planned Industrial Park

Will a rezoning or a special use permit request be submitted in conjunction with the proposed development? YES ☐ NO ☒



**OWNERS' SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. (Original signatures of all persons listed in Item No. 3)

   
\_\_\_\_\_

Please submit the completed application along with the applicable application fee to:

Building & Planning Manager  
City of Jackson  
101 Court Street  
Jackson, MO 63755

Ph: 573-243-2300 ext. 2029  
Fax: 573-243-3322  
Email: [lmiller@jacksonmo.org](mailto:lmiller@jacksonmo.org)







# GENERAL WARRANTY DEED (Individual)

00021626

This Deed, Made and entered into this 27TH day of JUNE, 2000, by and between  
Morton B. Estes and Lillian R. Estes, Husband and Wife

of the County of Cape Girardeau, State of Missouri, party or parties of the first part, and

STEVEN SEBAUGH AND LINDA M. SEBAUGH, HUSBAND AND WIFE

MAILING ADDRESS: 1508 KIMBELAND, JACKSON, MO 63755

BOOK 1066 PAGE 262

of the County of Cape Girardeau, State of Missouri party or parties of the second part.

007799

**WITNESSETH**, that the said party or parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents **GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM** unto the said party or parties of the second part, the following described Real Estate, situated in the County of Cape Girardeau and State of Missouri, to-wit:

**Lots Sixteen (16) and Seventeen (17) of Country Club Place Subdivision in the City of Jackson, County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 11 at page 19.**

**That portion of Lot Eighteen (18) of Country Club Place Subdivision in the City of Jackson, County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 11 at page 19, described as follows: Start at the southwest corner of said Lot No. 18, the place of beginning; thence South 80 degrees 54' East with the south line of said Lot No. 18, 176.53 feet to the southeast corner of said Lot No. 18; thence North 26 degrees 01' East, 47.03 feet; thence North 80 degrees 54' West, 189.32 feet to a point on the west line of said Lot No. 18; thence South 10 degrees 14' West, 45.0 feet to the place of beginning.**

Subject to Building lines, easements, restrictions and conditions of record, if any, and to any zoning law or ordinance affecting the herein described property.

**TO HAVE AND TO HOLD** the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever.

The said party or parties of the first part hereby covenanting that said party or parties and the heirs, executors, administrators and assigns of such party or parties, shall and will **WARRANT AND DEFEND** the title to the premises unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2000 and thereafter, and special taxes becoming a lien after the date of this deed.

**IN WITNESS WHEREOF**, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.

Morton B. Estes  
Morton B. Estes

Lillian R. Estes  
Lillian R. Estes

STATE OF MISSOURI  
County of Cape Girardeau

}

ss.

On this 27TH

day of

JUNE

, 2000.



Lots Sixteen (16) and Seventeen (17) of Country Club Place Subdivision in the City of Jackson, County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 11 at page 19.

Item 3.

That portion of Lot Eighteen (18) of Country Club Place Subdivision in the City of Jackson, County of Cape Girardeau, Missouri, as shown by plat recorded in Plat Book 11 at page 19, described as follows: Start at the southwest corner of said Lot No. 18, the place of beginning; thence South 80 degrees 54' East with the south line of said Lot No. 18, 176.53 feet to the southeast corner of said Lot No. 18; thence North 26 degrees 01' East, 47.03 feet; thence North 80 degrees 54' West, 189.32 feet to a point on the west line of said Lot No. 18; thence South 10 degrees 14' West, 45.0 feet to the place of beginning.

Subject to Building lines, easements, restrictions and conditions of record, if any, and to any zoning law or ordinance affecting the herein described property.

**TO HAVE AND TO HOLD** the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever.

The said party or parties of the first part hereby covenanting that said party or parties and the heirs, executors, administrators and assigns of such party or parties, shall and will **WARRANT AND DEFEND** the title to the premises unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2000 and thereafter, and special taxes becoming a lien after the date of this deed.

**IN WITNESS WHEREOF**, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.

Morton B. Estes  
Morton B. Estes

Lillian R. Estes  
Lillian R. Estes

STATE OF MISSOURI  
County of Cape Girardeau

}

ss.

On this 27<sup>TH</sup> day of JUNE, 2000.

before me personally appeared Morton B. Estes and Lillian R. Estes, Husband and Wife, to me known to be the person or persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

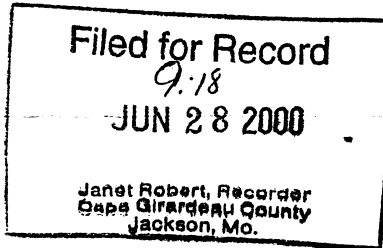
**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

JOE E. BALDWIN  
JOE E. BALDWIN  
Notary Public - Notary Seal  
State of Missouri  
Cape Girardeau County  
My Commission Expires January 30 2004

My term expires:



BOOK 1066 PAGE 263



#21.00 chg.

Metros

STATE OF MISSOURI }  
County of Cape Girardeau, } ss

I hereby certify that this instrument  
was FILED FOR RECORD at the date  
and time shown hereon and is recorded in  
Book. 1066 ..... Page. 263 .....

JANET ROBERT  
Recorder of Deeds  
By Vickie Huehling ..... Deputy



## Staff Report

**ACTION ITEM:** Consider a request for a preliminary plat of Terrace Above the Greens Subdivision as submitted by MHRR, LLC.

**APPLICANT:** MHRR, LLC Marshall Trawick

**APPLICANT STATUS:** Owner

**PURPOSE:** Divide for residential development

**SIZE:** 27.67 acres

**PRESENT USES:** Vacant and undeveloped

**PROPOSED USE:** R-2 Single-Family Residential

**SURROUNDING LAND USE:** East, West, North, and South is R-2 Single Family Residential District. A north portion is also outside the city limits.

**HISTORY:** Was previously owned by Bent Creek Golf Course, LLC

**TRANSPORTATION AND PARKING:** This will be a private street.

**APPLICABLE REGULATIONS:** Land Subdivision Regulations (Chapter 57); Zoning Code (Chapter 65)

**2009 COMPREHENSIVE PLAN:** Single Family Residential

**MAJOR STREET PLAN:** Does not interfere with the major street plan.

**FLOODPLAIN INFORMATION:** A portion of the property is in the floodplain per FEMA map 29031C0144E dated 9-29-2011.

**PHYSICAL CHARACTERISTICS:** This property is mainly wooded and accessed by Fraser Ridge in Savers Farm Subdivision.

**COMMENTS:** This will be a three-lot subdivision with a private street leading to a hammerhead turnaround. The owner is asking for six variances to the land subdivision regulation, and the staff has made several comments. Please see the letter in your packet showing the staff comments and needed variances, along with the response and variance letter from Koehler Engineering and Land Surveying.

The six variances being asked for are:

- 1) Privately maintained streets.
- 2) Fraser Ridge does not extend to the adjacent undeveloped properties.
- 3) Sidewalk requirement for each side of the street.
- 4) Septic instead of sewer main extension.



- 5) Lot lines are not perpendicular or radial to the right of way.
- 6) Stormwater detention

**ACTION REQUIRED:** The Commission shall vote to recommend approval or denial. The Board of Alderman will make a final decision. Since variances are being asked for, a 2/3 vote by the Board of Alderman will be required.





## SUBDIVISION APPLICATION FORM

### City of Jackson, Missouri

**NAME OF SUBDIVISION:** Terrace Above The Greens Subdivision

**DATE OF APPLICATION:** 6-26-2024

**PROPERTY OWNERS:** (all legal property owners exactly as listed on the deed)

Names, Addresses & Phone #s: MHRR LLC, Marshall Trawick  
1410 Wedgewood Dr  
Jackson, MO 63755

**CONTACT PERSON HANDLING APPLICATION:**

Contact's Name: Susan Dodds

Contact's Mailing Address: 194 Coker Ln  
Cape Girardeau, MO 63701

Contact's Phone: 573.335.3026

**ENGINEER / SURVEYOR:**

Company Name, Addresses & Phone #: Koehler Engineering and Land Surveying  
194 Coker Ln  
Cape Girardeau, MO 63701

**TYPE OF SUBDIVISION APPLICATION:** (check all applicable items)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Preliminary plat approval | <input type="checkbox"/> Final plat approval          |
| <input type="checkbox"/> Minor subdivision approval           | <input type="checkbox"/> Re-subdivision plat approval |

**LEGAL DESCRIPTION OF TRACT:** (attach separate page if necessary)

See attached plat

**ZONING:** Indicate the current zoning district classification of the entire tract to be developed (circle all that apply):

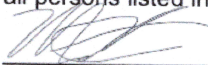
- |                                      |                                  |
|--------------------------------------|----------------------------------|
| R-1 Single Family Residential        | C-1 Local Commercial             |
| <b>R-2 Single Family Residential</b> | C-2 General Commercial           |
| R-3 One and Two Family Residential   | C-3 Central Business District    |
| R-4 General Residential              | C-4 Planned Commercial District  |
| MH-1 Mobile Home Park                | CO-1 Enhanced Commercial Overlay |
| CO-1 Enhanced Commercial Overlay     | I-1 Light Industrial             |
|                                      | I-2 Heavy Industrial             |
|                                      | I-3 Planned Industrial Park      |

Will a rezoning or a special use permit request be submitted in conjunction with the proposed development? YES ☐ NO ☒



**OWNERS' SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. (Original signatures of all persons listed in Item No. 3)



Please submit the completed application along with the applicable application fee to:

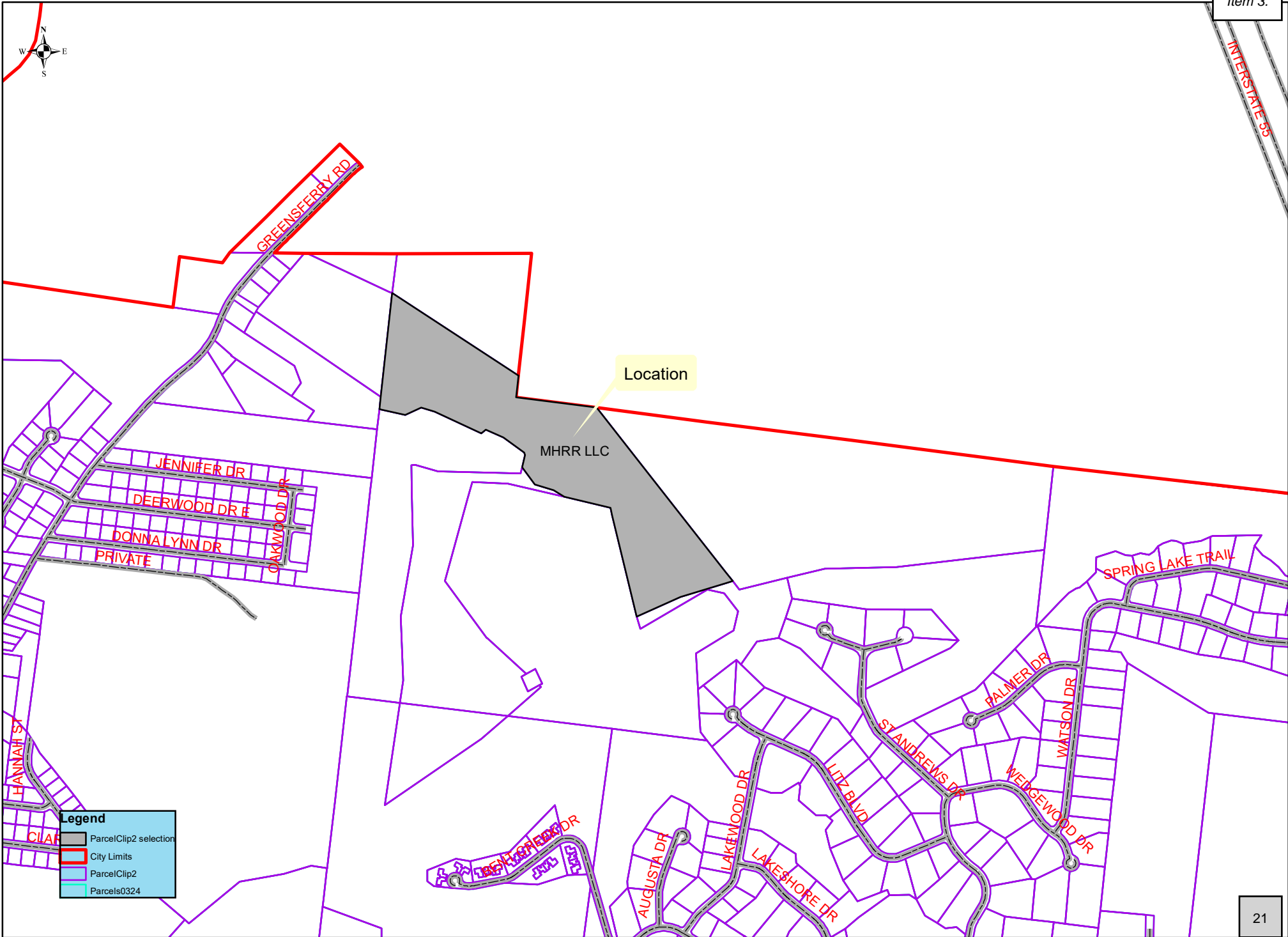
Building & Planning Superintendent  
City of Jackson  
101 Court Street  
Jackson, MO 63755

Ph: 573-243-2300 ext. 29

Fax: 573-243-3322

Email: [permits@jacksonmo.org](mailto:permits@jacksonmo.org)

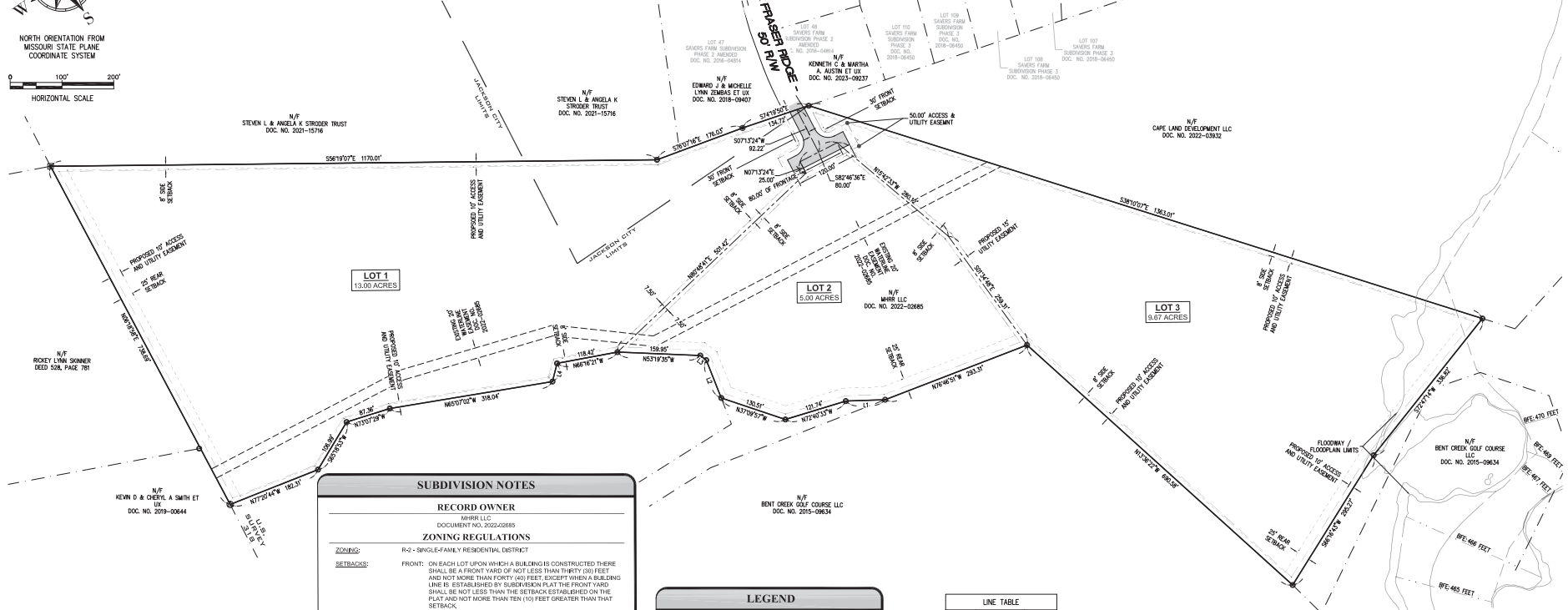






# PRELIMINARY PLAT FOR TERRACE ABOVE THE GREENS SUBDIVISION

A PART OF UNITED STATES PRIVATE SURVEY NO. 318, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI



## SUBDIVISION NOTES

### RECORD OWNER

MWR LLC  
DOCUMENT NO. 2022-02885

### ZONING REGULATIONS

**ZONING:** R-2 - SINGLE-FAMILY RESIDENTIAL DISTRICT

**SETBACKS:** FRONT: ON EACH LOT UPON WHICH A BUILDING IS CONSTRUCTED THERE SHALL BE A FRONT YARD OF NOT LESS THAN THIRTY (30) FEET AND NOT MORE THAN FORTY (40) FEET, EXCEPT WHEN A BUILDING LINE IS ESTABLISHED BY SUBDIVISION PLAT THE FRONT YARD SHALL BE NOT LESS THAN THE SETBACK ESTABLISHED ON THE PLAT AND NOT MORE THAN TEN (10) FEET GREATER THAN THAT SETBACK.

REAR: EVERY LOT OR PARCEL OF LAND UPON WHICH A BUILDING IS CONSTRUCTED SHALL HAVE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) FEET.

SIDE: ON EACH LOT UPON WHICH A DWELLING IS CONSTRUCTED THERE SHALL BE A SIDE YARD ON EACH SIDE OF NOT LESS THAN EIGHT (8) FEET. ALL BUILDINGS OTHER THAN RESIDENTIAL BUILDINGS AND RESIDENTIAL ACCESSORY BUILDINGS SHALL HAVE A SIDE YARD OF FIFTEEN (15) FEET.

**MAXIMUM HEIGHT:** THIRTY-FIVE (35) FEET AND NOT OVER TWO AND ONE-HALF (2 1/2) STORIES ABOVE GRADE.

**MINIMUM LOT SIZE:** NOT LESS THAN EIGHT THOUSAND (8,000) SQUARE FEET AND A WIDTH AT THE FRONT LINE OF NOT LESS THAN SEVENTY-FIVE (75) FEET.

**PERCENTAGE OF LOT COVERAGE:** SHALL NOT COVER MORE THAN THIRTY (30) PERCENT OF THE AREA OF THE LOT.

### OWNER AND DEVELOPER OF PROPOSED SUBDIVISION AND PLAT PREPARED FOR:

MARSHALL TAYLOR  
1410 WEDGEWOOD DR.  
JACKSON, MISSOURI 63705

### LOT SIZES

**TOTAL NUMBER OF LOTS:** 3 LOTS  
**LARGEST LOT AREA:** (13.00 ACRES)  
**SMALLEST LOT AREA:** (5.00 ACRES)  
**TOTAL SUBDIVISION AREA:** (27.87 ACRES)

### FLOODPLAIN NOTE

NO PORTION OF THE PROPERTY FALLS WITHIN THE 100 YEAR FLOODPLAIN, AS INDICATED ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 2801014E WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2011.

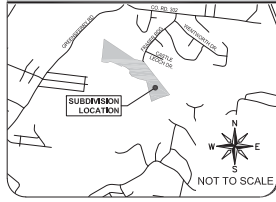
### PLAT PREPARED BY & SURVEYING SERVICES PROVIDED BY:

KOEHLER ENGINEERING AND LAND SURVEYING, INC.  
194 COKER LANE, CAPE GIRARDEAU, MO 63701  
(573) 335-3025

## LEGEND

- = FOUND 1/2" IRON ROD
- = SET 1/2" IRON ROD
- ⊙ = FOUND 5/8" IRON ROD
- ⊗ = FOUND STONE
- = SUBDIVISION BOUNDARY LINE
- - - = NEW LOT LINE
- - - = SETBACK
- - - = EXTERNAL PROPERTY LINE
- - - = EXISTING UTILITY EASEMENT LINE
- - - = NEW ACCESS AND UTILITY EASEMENT LINE

## VICINITY MAP



LINE #	DIRECTION	LENGTH
L1	N57°38'43"W	76.09'
L2	N12°39'16"E	78.59'
L3	N18°12'59"W	14.53'
L4	S48°30'25"W	36.27'

## KOEHLER

Professional Engineers & Land Surveyors

194 Coker Lane  
Cape Girardeau, Missouri 63701  
Ph: (573) 335-335 - 3026 Fax: (573) 335-3049  
MO PLS Corp. Certificate #000262

OWNER BY	SUSAN OGDON	REV DATE	DESCRIPTION	INITIALS
CHECKED BY	TRAVIS STEFFENS	09/03/24	ADDRESS CITY REVIEW COMMENTS	SD
SURVEY DATE	OCTOBER 2023	10/03/24	ADDRESS CITY REVIEW COMMENTS	SD
ISSUED DATE	JUNE 26, 2024			
ISSUED BY	36896			

THIS SURVEY OF A TRACT OF URBAN PROPERTY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS IN THE STATE OF MISSOURI AS MADE EFFECTIVE JULY 31, 2022.





# City of Jackson

September 13, 2024

Mr. Marshall Trawick  
MHRR, LLC  
1410 Wedgewood Dr  
Jackson, MO 63755

## **RE: Terrace Above the Greens Subdivision – Preliminary Plat**

Dear Marshall,

City Departments have completed the review of the Terrace Above the Greens Subdivision preliminary plat and provided the comments below.

Some items will not meet the requirements of the city's Land Subdivision Regulations and, unless brought into compliance, will have to be requested as variances. City staff does not recommend variances, but the Board of Aldermen can approve a subdivision with one or more variances with a 2/3 majority vote of the entire Board of Aldermen after review and a recommendation from the Planning and Zoning Commission. Variances from the Land Subdivision Regulations must be requested by a letter signed by the property owner, clearly stating each variance requested and the hardship of the property that makes the subdivision unable to meet the code. A summary of the items requiring a variance is included at the end of the comments.

## **PUBLIC WORKS AND BUILDING AND PLANNING DEPARTMENTS**

1. The portion of land outside the Jackson City limits needs to be annexed. For information on the annexation process, please get in touch with Director of Administrative Services Rodney Bollinger at 573-243-3568 x 2037.
2. Missing lot lines for Parcel Number 15-101-00-02-011.01-0000 and Parcel Number 15-101-00-02-011.02-0000 need to be shown.
3. Label the checkered area in the lower portion of lot 1.
4. Label the easement for the water line and include the Doc. NO.
5. A variance would be required if privately maintained streets are proposed. The city will provide no street sweeping, plowing, or maintenance of privately maintained streets and the associated storm sewer inlets and pipes.
6. If the street is to be privately maintained, an MOU with the developer will be required to show ownership and maintenance responsibilities.
7. City Land Subdivision Regulations specify the arrangement of streets in new subdivisions. They shall make provisions to continue the principal existing streets in adjoining areas (or other proper projections where adjoining land is not



- subdivided). A variance is required if the extension to the adjoining properties is proposed.
- a. Bent Creek Golf Course LLC. Doc. NO. 2015-09634 Parcel Number 15-101-00-02-011.01-0000
  - b. Bent Creek Golf Course LLC. Doc. NO. 2015-09634 Parcel Number 15-101-00-02-011.02-0000
  - c. Stub out street on lot 1 for connector street between Greensferry Rd and Fraser Ridge.
6. City street specifications for public streets require a minimum street width of 28', with parking restricted to one side. City code prohibits variances from the minimum width, so the street width must be altered to comply with the code.
    - a. Clean up the wording around the hammerhead street to make it more legible.
  7. City street specifications for new residential streets require sidewalks on both sides. A variance would be required if sidewalks are not to be constructed.
  8. The city code prohibits the division of residential lots without a minimum of 75' frontage on a public right of way.
    - a. Unable to read what the lot frontage is.
    - b. Clean up the wording around the hammerhead street to make it more legible.
  9. Please note that access and utility easements between lots will not allow fences to be constructed over them. Although these easements are not typically called out as access easements due to the need to access the water main in the rear of the properties, they are appropriate in this case.
  10. Utility easements between lots must be 15' wide with 7.5' on each lot.
  11. A street with the right-of-way needs to be added from the Fraser Ridge/Eagle Crossing junction to the bottom of lots two and three to allow for future land development the Bent Creek Golf Course LLC owns, as shown on their master plan. Otherwise, these pieces of land will become landlocked.
  12. Show the location of the required detention basin easement and the easement to access the detention basin.
  13. The Villas of West Park, LLC constructed this water main to serve Savers Farm Subdivision Phases 8 & 9. It has not yet been put into service or accepted by the city for permanent maintenance. Prior to acceptance, the developer will need to verify that the water main is within the easement.
  14. The required depth of the water main (including during building development) is 42 inches. This cannot be varied during construction or future landscaping.
  15. Fire hydrants are required every 600 feet, accessible on the street.
  16. For final plans, water service curb stops may be no more than 10' from the main.
  17. Sanitary sewer is available on Lot 3. City code requires that all lots be provided with city sanitary sewer service. A variance would be required if other sanitary sewage disposal is proposed for the other lots.
  18. The city does not have electric service available in this area. Ameren will need to provide it. Please contact them to coordinate the installation of electric service.
  19. How is trash service proposed to be picked up on these private streets?



20. The following items should not be included on a preliminary plat and need to be removed:
- a. Subdivision dedication block

NOT TO CODE / VARIANCES REQUIRED

1. Privately maintained streets.
2. Fraser Ridge does not extend to the adjacent undeveloped properties.
3. Sidewalk requirement for each side of the street.
4. Septic instead of sewer main extension.
5. Lot lines are not perpendicular or radial to the right of way.

Please have your engineer address the above comments and provide a digital copy of the revised plat. No revised printed copy needs to be provided for this preliminary phase since I will print small copies for the upcoming meeting packets.

If you have any questions, please contact me at 573-243-2300 x 2029 or [lmiller@jacksonmo.org](mailto:lmiller@jacksonmo.org).

Respectfully,

Larry Miller  
Building and Planning Manager

cc. Koehler Engineering and Land Surveying (Susan Dodds)





## KOEHLER ENGINEERING & LAND SURVEYING, INC.

194 Coker Lane  
CAPE GIRARDEAU, MO 63701  
PH: (573) 335-3026 FX: (573) 335-3049

Item 3.

Oct. 2, 2024

Mr. Larry Miller  
Building and Planning Manager  
City of Jackson, Missouri  
101 Court Street  
Jackson, Missouri 63755  
Via email @ [lmiller@jacksonmo.org](mailto:lmiller@jacksonmo.org)

### **RE: Terrace Above the Greens Subdivision – Preliminary Plat**

Mr. Miller,

This communication is in regards to the City staff comments and concerns regarding the above referenced proposed development. In particular, this response is related to your letter of Sept. 13.

Due to the location of the property, the development options are somewhat limited. The presence of Bent Creek along the southern and eastern limits prohibits the probable extension of roadways and utilities into those areas, and there is only a single access point to the development at present.

The developer desires to create a unique, very desirable, low density residential enclave within the City, but due to the existing location, topography, and availability of utilities and access, he is requesting several variances from the City's ordinances from the city's development code. Responses to your comments, and request for variances where appropriate, are indicated in the following list:

With regard to general comments, we offer the following (The numbers correspond to the comment numbers of your letter):

- 1) The Developer desires to annex the balance of the property to the City limits in conjunction with the record plat of the proposed subdivision. If this plat is approved through P&Z, the annexation petition will be filed immediately thereafter.
- 2) The missing parcel lines have been added to the preliminary plat.
- 3) The checkered area has been removed. This area was for proposed detention, however after our meeting in August it was discussed that if we decreased the density to a total of three lots, a waiver for detention would be considered. See additional comments on item #12.
- 4) This easement has been labeled.
- 5) The Developer is requesting a wavier to provide private streets. The Developer is aware that private streets would require private street sweeping, plowing, and maintenance of all infrastructure. He is proposing to create a homeowners association that would bear these responsibilities, and each lot would pay a pro-rata share of all costs associated with infrastructure maintenance. The street would be constructed in accordance with City standards. We are requesting variances for this, see discussion later in this submission.
- 6) The Developer is prepared to enter into a MOU that will outline ownership and maintenance responsibilities, and this MOU will be incorporated into the HOA responsibilities.
- 7) We are requesting variances for the extension of the streets to adjacent property lines, see discussion later in this submission.
  - a. The development will provide a turn around at the end of an existing dead end street, with three homes accessing the street from the turn-around.



- b. The turn-around will be a hammerhead configuration meeting the requirements of the international fire code.
  - c. This was discussed with City staff in our recent meeting and I understood that the staff would support this as long as we limited the number of lots to no more than 3 lots.
- 6) The street width has been revised to indicate 28' pavement.
- 7) We are requesting variances for the provision of sidewalks. There are no sidewalks to connect to, and if the other variances are allowed for street extension, there is no probability that there ever would be a route to extend the sidewalks to.
- 8) Each of the lots has over 75 feet of frontage on the private roadway. The lot lines do extend to the center of the street, as the HOA will be responsible for street maintenance.
- 9) This has been indicated.
- 10) These easements have been added.
- 11) As noted in our meeting, we are requesting this variance. It is not cost effective for either development to extend the street to the boundary of the subdivision, and in the event that this is required, the property would just develop as a single lot, and no street extension would be required under that scenario.
- 12) In accordance with discussions in our meeting, we are requesting a variance from providing detention on this lot. Splitting this land into three tracts will have minimal impact on runoff, and we are requesting a waiver from requiring stormwater detention within this development.
- 13) The developer is willing to create deed restrictions for each lot that will prohibit excavation over the existing water line which would reduce the required cover.
- 14) We will have the exact line of the main located and verify that it is within the easement, or if needed, we will grant a new easement should the main be found to be outside the existing easement.
- 15) If this plat is approved by P&Z, we would propose to extend a main along one of the lot lines (between lots 2 and 3) to the street easement. Since there is less than 600 feet of street frontage, one hydrant would be sufficient.
- 16) We would run a short main along the street frontage, generally across the full frontage of lot 2, which would provide a meter location and curb stop within 10 feet of the main along the frontage.
- 17) Lot 3 would connect to the sanitary sewer. In accordance with our discussions during our meeting, lots 1 and 2 would have septic systems.
- 18) The developer has contacted Ameren UE and they are willing to provide power for the proposed lots.
- 19) Trash service will be handled through a private contractor.
- 20) This block has been removed.

With regard to variances, the following paragraphs outline the variance requests and supporting statements for each variance.

- 1) **Privately owned / maintained streets:** This development parcel is unique as it is connected to the Bent Creek Golf Course on two sides, which eliminates or severely restricts the probability of future growth in those directions. Access to the site is via an existing privately maintained roadway which is not part of the City's system. Since the roadways do not connect to existing City of Jackson roadways, it would be out of the way for city crews to service this area. Additionally the developer wishes to create a very private and exclusive enclave for their residents, and as such, the developer wishes to put in a private street with the potential provision for an entry gate, although that is not



- proposed at the present time. In the event the entry gate is approved in the future, provisions would be made for auto opening for emergency services vehicles, etc. For all of these reasons, the developer is requesting a variance from the code to allow for a private street.
- 2) In conjunction with the request for a private street, the developer requests that no street be extended to the development perimeter. This is in keeping with the nature of the private street nature and feel desired for the development. This was discussed with City Staff, and we understood that if we limited the number of lots to 3 or fewer, this could be supported. With the streets being private and privately maintained, the developer and future owners would want to eliminate traffic within the development that was not for residents within the development.
  - 3) The developer requests a variance for the construction of sidewalks. There would be no sidewalks to connect to, and if the 2<sup>nd</sup> variance above is allowed, never would be. The construction of an isolated segment a few hundred feet long to provide sidewalks to serve only 3 lots does not seem appropriate.
  - 4) Due to the cost of extending sanitary sewers to serve lots 1 and 2, and in consideration of the large size of these lots, we are requesting a variance to allow lots 1 and 2 to be served by private septic systems.
  - 5) We are requesting a variance for the non-perpendicular lot lines. That requirement is typically to allow for regular platting of lots, and is would not be considered critical for large tracts such as proposed in this instance.

We believe if we can have some accommodations / variances from city staff and P&Z officials from certain requirements of the Development Code, we can create a wonderful residential housing addition to the City of Jackson that will provide a quality living environment within the City despite the challenges associated with the development of this parcel.

If you need any further information, have any questions, or I can be of any further assistance in any capacity, please contact me at your earliest convenience.

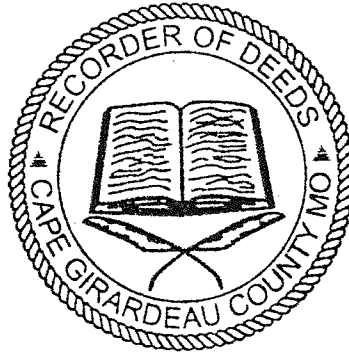
Best Regards,

KOEHLER ENGINEERING &  
LAND SURVEYING, INC.



Chris Koehler, PE, PLS





**ANDREW DAVID BLATTNER**  
**RECORDER OF DEEDS**  
**CAPE GIRARDEAU COUNTY, MO**  
**eRECORDED ON**  
**03/11/2022 01:12:59 PM**  
**REC FEE: 30.00**  
**PAGES: 3**

---

## **WARRANTY DEED**

This Warranty Deed made and entered into this 11<sup>th</sup> day of March, 2022, by and between **LITZ BROTHERS, INC., a Missouri Corporation a/k/a LITZ BROS., INC.**, hereinafter referred to as **GRANTOR**, and **MHRR LLC, a Missouri Limited Liability Company**, of the County of Cape Girardeau, State of Missouri, hereinafter referred to as **GRANTEE**. The mailing address of the Grantee is: 130 Quarterback Ridge, Jackson, MO 63755.

**WITNESSETH:** The Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid to the Grantor, the receipt of which is hereby acknowledged, does by these presents Grant, Bargain, and Sell, Convey and Confirm unto the Grantee the following described lots, tracts or parcels of land lying, being and situated in the County of Cape Girardeau and State of Missouri, to-wit:

**See Attached Exhibit "A"**

**TO HAVE AND TO HOLD** the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said Grantee and unto its successors and assigns FOREVER, the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear of any encumbrances done or suffered by it or those under whom it claimed title; and that it will warrant and defend the title to said premises unto the said Grantee, and unto its successors and assigns forever, against the lawful claims and demands of all persons.



IN WITNESS WHEREOF, the said Grantor has hereunto set its hand the day and year first above written.

**GRANTOR:**

LITZ BROTHERS, INC., a Missouri Corporation

BY: Robert Litzelfelner  
Robert Litzelfelner, President

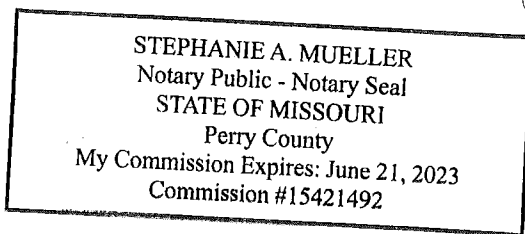
ATTEST:

BY: Mike L. Litzelfelner  
Mike L. Litzelfelner, Secretary/Treasurer

STATE OF MISSOURI                    )  
  ) ss.  
COUNTY OF CAPE GIRARDEAU )

On this 11 day of March, 2022, before me personally appeared **Robert Litzelfelner, President and Mike L. Litzelfelner, Secretary/Treasurer of LITZ BROTHERS, INC., a Missouri Corporation a/k/a LITZ BROS., INC.**, to me known to be the person described in and who executed the within Warranty Deed, in behalf of said corporation and acknowledged to me that he executed the same for the purposes therein stated.

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



Stephanie A. Mueller

Notary Public

My commission expires:

2202136



## Exhibit A

A PART OF UNITED STATES PRIVATE SURVEY NO. 318, TOWNSHIP 31 NORTH, RANGE 13 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU, STATE OF MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE (FOUND) ON THE WEST LINE OF U.S.P.S. 318, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND RECORDED IN DOCUMENT NO. 2010-09594, FROM WHICH A ½" IRON PIN (FOUND) AT THE SOUTHEAST CORNER OF U.S.P.S. 183 BEARS, S 06° 19' 07" W, 5,746.35 FEET; THENCE S 56° 04' 34" E, 1,168.67 FEET ALONG THE SOUTH LINE OF SAID TRACT RECORDED IN DOC. 2010-09594 TO A ½" IRON PIN (SET) AT THE SOUTHWEST CORNER OF A TRACT OF LAND RECORDED IN DOCUMENT NO. 2014-05062; THENCE ALONG THE SOUTH LINE OF SAID TRACT THE FOLLOWING COURSES AND DISTANCES:

S 76° 14' 31" E, 177.45 FEET TO A ½" IRON PIN (SET); THENCE S 74° 28' 31" E, 133.23 FEET TO A ½" IRON PIN (SET); THENCE S 38° 20' 01" E, 1,363.88 FEET TO A ½" IRON PIN (SET); THENCE LEAVING SAID SOUTH LINE, S 72° 47' 14" W, 336.82 FEET TO A ½" IRON PIN (SET); THENCE S 66° 16' 43" W, 295.27 FEET TO A ½" IRON PIN (SET); THENCE N 13° 36' 22" W, 690.58 FEET TO A ½" IRON PIN (SET); THENCE N 76° 46' 51" W, 293.31 FEET TO A ½" IRON PIN (SET); THENCE N 57° 38' 43" W, 76.09 FEET TO A ½" IRON PIN (SET); THENCE N 72° 40' 33" W, 121.74 FEET TO A ½" IRON PIN (SET); THENCE N 37° 09' 57" W, 130.51 FEET TO A ½" IRON PIN (SET); THENCE N 12° 39' 16" E, 78.59 FEET TO A ½" IRON PIN (SET); THENCE N 18° 12' 59" W, 14.53 FEET TO A ½" IRON PIN (SET); THENCE N 53° 19' 35" W, 159.95 FEET TO A ½" IRON PIN (SET); THENCE N 66° 16' 21" W, 118.42 FEET TO A ½" IRON PIN (SET); THENCE S 48° 30' 25" W, 36.27 FEET TO A ½" IRON PIN (SET); THENCE N 65° 07' 02" W, 318.04 FEET TO A ½" IRON PIN (SET); THENCE N 73° 07' 29" W, 87.36 FEET TO A ½" IRON PIN (SET); THENCE S 65° 18' 53" W, 106.99 FEET TO A ½" IRON PIN (SET); THENCE N 77° 20' 44" W, 182.31 FEET TO A ½" IRON PIN (SET) ON THE WEST LINE OF U.S.P.S. 318; THENCE N 06° 19' 07" E, 739.57 FEET ALONG THE WEST LINE OF SAID SURVEY TO THE POINT OF BEGINNING, CONTAINING 27.55 ACRES, MORE OR LESS.

2202136



# Jackson Park Board



October 14, 2024  
6:00 pm

Regular Meeting | Civic Center

## **Agenda**

Board Members Present

Recognition Of Visitors:

Reading Of Previous Meeting Minutes

### **Old Business**

1) American Rescue Funds Project Updates

### **New Business**

Civic Center Report

Parks & Recreation Director's Report

Adjournment





**Pavilion 2 Replacement Project**  
**Bid Opening 10:30 PM, Tuesday, October 8, 2024**

Company	Base Bid
Mark Sander Construction Co.	\$49,775. <sup>00</sup> / <sub>100</sub>
Putz Construction	\$49,694. <sup>45</sup> / <sub>100</sub>

Witness: Kacie Baker



**THE LIMBAUGH FIRM**  
—ATTORNEYS AT LAW—  
EST. 1916

## Memo

**To: Mayor, Board of Aldermen and Staff**  
**From: Curt Poore**  
**Date: October 10, 2024**  
**Re: Code Changes to Municipal Court Ordinances**

---

The City's ordinances related to municipal court were reviewed by the Office of the State Courts Administrator (OSCA) Municipal Review Unit for compliance with Supreme Court Rules, Court Operating Rules, Missouri State Statutes and state and local reporting requirements. The following ordinances were found to require amendments, and one ordinance required repeal. The original wording caused the City's municipal ordinances to be non-compliant because of several changes in the rules and statutes over the years.

1. Section 53-8 is amended to accurately state the date by which the municipal division is required to submit its monthly case load summary report.
2. Section 53-11 is amended to designate the municipal court clerk as the traffic violations clerk instead of the city clerk.
3. Section 53-24 is amended to require the designation of a special municipal judge in the event of absence, sickness or disqualification of the municipal judge by the presiding judge of the Circuit Court.
4. Section 53-25 is amended to change the clerk from the city clerk to the municipal court clerk.
5. Section 53-26 (B)(3)(c) is amended to reflect that costs collected for the domestic violence shelter fund shall be disbursed to the City rather than the local shelter.
6. Section 53-27 is deleted.
7. Section 53-28 is amended to allow payment plans for city court defendants who are unable to pay amounts due.



The proposed ordinance reflecting these changes is attached. Please let me know if you have any questions.



## WAIVER AND RELEASE

Please read carefully before signing.

This is a release of liability and waiver of certain legal rights.

In consideration for participation in Active Shooter Training (“Training”) presented by the City of Jackson, Missouri (the “City”) through the Jackson Police Department to be held on or about \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, the undersigned hereby agrees to the following Waiver and Release:

I acknowledge that participating in the Training has inherent dangers, risks and hazards that cannot be eliminated. I further understand that this activity may require good physical conditioning and a degree of skill and knowledge. I understand and agree that I have the good physical conditioning and the degree of skill and knowledge necessary to engage in this activity safely.

To the fullest extent permitted by law, the undersigned hereby releases and agrees to indemnify, defend, and hold harmless the City of Jackson, its officers, agents, volunteers, and employees from and against all suits, claims, damages, losses, and expenses, including but not limited to attorneys’ fees, court costs, or alternative dispute resolution costs arising out of, or related to the Training provided under this Waiver and Release involving an injury to a person or persons, whether bodily injury or other personal injury (including death), or involving an injury or damage to property (including loss of use or diminution in value), but only to the extent that such suits, claims, damages, losses, or expenses are caused by the negligence or other wrongdoing of the undersigned, its officers, agents, and volunteers, or anyone directly or indirectly employed or hired by the undersigned or anyone for whose acts the undersigned may be liable, regardless of whether caused in part by the negligence or wrongdoing of the City and any of its officers, agents, volunteers, or employees. Nothing herein shall be deemed to permit a cause of action against the City for damages or is deemed a waiver of the City’s sovereign immunity relative to any claim against the City.

If any provision of this Waiver and Release is or becomes invalid, illegal, or unenforceable, the validity and enforceability of the remaining provisions contained herein shall not be affected thereby, and this Waiver and Release shall be construed, and its provisions fully enforced in all respects, as if such invalid or unenforceable provision were omitted.

I ACKNOWLEDGE THAT I UNDERSTAND THE LEGAL CONSEQUENCES OF THIS WAIVER AND RELEASE, AND THAT I HAVE BEEN AFFORDED THE OPPORTUNITY TO HAVE MY OWN ATTORNEY REVIEW THIS WAIVER AND RELEASE BEFORE I SIGN IT, AND THAT THIS IS A LEGALLY VALID AND BINDING AGREEMENT MADE WITH FULL AND ADEQUATE CONSIDERATION.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name