



**CITY OF JACKSON**  
**ZONING BOARD OF ADJUSTMENT MEETING AGENDA**  
**Thursday, August 24, 2023 at 5:30 PM**  
**City Hall, 101 Court Street, Jackson, Missouri**

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**Regular Members**

Jason Liley  
Kenneth White  
Howard Hemmann  
Brent Wills

**Kevin Schaper, Chairman**

Larry Miller, Staff Liaison

**Alternate Members**

Lynette Moore  
Wade Bartels  
Vacant Position

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Approval of the June 22, 2023 minutes.

**PUBLIC HEARINGS AND ACTION ITEMS**

2. Request for a variance from the restriction prohibiting fences in side yards on corner lots adjacent to streets in R-2 Single Family Residential Districts for a chain link fence at the property line in the side yard adjacent to Vail Drive at 3151 Oak Ridge Dr.
3. Request a 26' variance from the required 30' front setback for approximately 97' in a C-2 General Commercial District to subdivide the lot at 2336 S Old Orchard Rd.

**ADMINISTRATIVE CASES**

**OTHER ITEMS**

**ADJOURNMENT**

This agenda was posted at City Hall on August 18, 2023 at 12:00 PM.

JOURNAL OF THE BOARD OF ADJUSTMENT  
CITY OF JACKSON  
JUNE 22, 2023, 5:30 PM  
JACKSON CITY HALL

The meeting was called to order by Commissioner Brent Wills, who was filling in for Chairman Kevin Schaper, who was absent. Regular members Jason Liley, Ken White, and Howard Hemmann were present. The city staff member present was Building & Planning Manager Larry Miller. The citizens in attendance were Kevin Welker, Nikki VanGennip, Nicholas Barrett, Danielle Barrett, and Christine Leonard.

## CALL TO ORDER

Commissioner Brent Wills called the meeting to order.

## ROLL CALL

## APPROVAL OF MINUTES

Approval of the minutes from the )  
May 25, 2023, regular meeting )

The minutes of the previous meeting were unanimously approved on a motion by Commissioner White, seconded by Commissioner Hemmann.

## VARIANCE HEARINGS & NEW ACTION ITEMS

Request for an 85' variance from the )  
required 30' front setback in an R-2 )  
Single-Family Residential District to )  
construct a single-family residence at )  
915 East Independence Street. )

Mr. Miller reported the dates of application and notifications for this hearing.

Commissioner Brent Wills asked anyone wanting to speak in favor of the variance to come forward.

Mr. Kevin Welker, the applicant from 196 Timber Hawk Trail, Cape Girardeau, MO 63755, came forward and said he was interested in buying the lot. If he purchased the lot, he would like to build a house, but because of how the lot lays, he will need to set the house back further than what City Code allows.

Commissioner Brent Wills asked if anyone else wanted to come forward and speak on the request.

Ms. Christine Leonard from 846 E Independence came forward and said her only issue is how it will look sitting back so far from the rest of the houses on the street. Ms. Christine Leonard asked why he needed to set the house back that far.

Mr. Kevin Welker explained to Ms. Christine Leonard that the lot's elevation is why it must be back from the street so far. He said less dirt work would be needed where he wants to set the house.

Commissioner Brent Wills closed the hearing after finding no others wishing to speak in favor or opposition. Commissioner Ken White motioned to approve the request, which Commissioner Jason Liley seconded.

A vote was called, and the variance was unanimously approved.

Vote: 4 ayes, 0 nays, 0 abstentions, 1 absent

### **ADMINISTRATIVE ITEMS**

None

### **OTHER ITEMS**

A discussion was had about canceling the July meeting due to Homecomers. It was unanimously approved to cancel the July meeting.

### **ADJOURNMENT**

Motion to adjourn )

Finding no further business, the meeting adjourned on a motion by Commissioner Howard Hemmann, seconded by Commissioner Jason Liley, and unanimously approved.

Respectfully submitted,

Brent Wills  
Commissioner



Attested by:



Larry Miller  
Building & Planning Manager

## Staff Report

**ACTION ITEM:** Request for a variance from the restriction prohibiting fences in side yards on corner lots adjacent to streets in R-2 Single Family Residential Districts for a chain link fence at the property line in the side yard adjacent to Vail Drive at 3151 Oak Ridge Dr.

**APPLICANT:** Matthew Kearney and Monica Kearney

**APPLICANT STATUS:** Property Owners

**PURPOSE:** To allow a more significant portion of the backyard to be fenced with a chain link fence

**SIZE:** 1.123 acres

**PRESENT USES:** Single-Family Residential

**PROPOSED USE:** Same

**PROPERTY ZONING:** R-2 Single Family Residential

**SURROUNDING ZONING:** R-2 Single Family Residential in all directions

**HISTORY:** n/a

**TRANSPORTATION AND PARKING:** All required parking and street frontage currently exist.

**CODE SECTION REQUESTED TO BE VARIED:** Zoning Code (Chapter 65)

### **Sec. 65-20. - Accessory building, use, and structure regulations.**

(6) *Fences.*

*b. Fences located in residential and mobile home districts.*

*2. On corner lots where fences are to be located in the required front yards abutting both streets, said fences shall not exceed four (4) feet in height. Additionally, on corner lots, no fences over four (4) feet in height shall project beyond the main structure face, exclusive of unenclosed porches which project into the required front yard.*

*3. Fences may be constructed to the property lines, except, however, that no fence or walled enclosure greater than four (4) feet in height nor any fence or enclosure which causes sight obstruction to traffic shall be constructed within the sight triangle formed from the corner of a right-of-way intersection in each direction for a distance of thirty (30) feet from intersecting edges of pavement as projected to a point of meeting. No fence shall be constructed upon or over the public right-of-way or alleyway.*

*5. Residential fences or walled enclosures located within a required front yard shall not exceed four (4) feet in height. Front yard fences must be a typical decorative split rail, wrought iron, or picket fence. At least fifty (50) percent of the surface of the fence shall be open. No front yard fence shall be constructed in whole or in part of chain link, woven wire, barbed wire, wire fabric, snow, concrete, tin, cloth, canvas, chicken coop wire, bamboo, or other similar fencing material.*

**2009 COMPREHENSIVE PLAN:** Residential use

**FLOODPLAIN INFORMATION:** This property is not located in the floodplain per FEMA panel 29031C0144E, dated 9/29/11.

**PHYSICAL CHARACTERISTICS:** This is a corner lot, square in shape. The house is located near the lot's east side, closest to Vail Drive, facing Oak Ridge Drive.

**COMMENTS:** They want to place the chain link fence up to the bushes on the Vail Drive side of their yard. Then run it north, then west, tying it into the northeast front corner of their house. Please see the site plan attached to their application inside the packet for more details.

**ACTION REQUIRED:** The Board shall approve or deny this request based on the criteria for granting variances.



## VARIANCE REQUEST APPLICATION

### City of Jackson, Missouri

APPLICATION DATE: 07/12/2023

PROPERTY ADDRESS (Other description of location if not addressed):

3151 Oak Ridge Dr., Jackson, MO 63755

CURRENT PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): Matthew Kearney & Monica Kearney

Mailing Address: 3151 Oak Ridge Dr.

City, State ZIP: Jackson, MO 63755

PROPOSED PROPERTY OWNERS (if property is to be transferred, name(s) in which property will be deeded):

Proposed Property Owner(s):

Mailing Address:

City, State, ZIP:

#### CONTACT PERSON HANDLING APPLICATION:

Contact Name: Matthew Kearney

Mailing Address: 3151 Oak Ridge Dr.

City, State ZIP: Jackson, MO 63755

Contact's Phone: (618) 559-2535

Email Address (if used): mkearney@semo.edu

#### CURRENT ZONING: (check all that apply)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> R-1 (Single-Family Residential) | <input type="checkbox"/> C-1 (Local Commercial)        |
| <input type="checkbox"/> R-2 (Single-Family Residential)            | <input type="checkbox"/> C-2 (General Commercial)      |
| <input type="checkbox"/> R-3 (One- And Two-Family Residential)      | <input type="checkbox"/> C-3 (Central Business)        |
| <input type="checkbox"/> R-4 (General Residential)                  | <input type="checkbox"/> C-4 (Planned Commercial)      |
| <input type="checkbox"/> MH-1 (Mobile Home Park)                    |  |
| <input type="checkbox"/> O-1 (Professional Office)                  | <input type="checkbox"/> I-1 (Light Industrial)        |
| <input type="checkbox"/> CO-1 (Enhanced Commercial Overlay)         | <input type="checkbox"/> I-2 (Heavy Industrial)        |
|   | <input type="checkbox"/> I-3 (Planned Industrial Park) |

CURRENT USE OF PROPERTY: Primary Residence Item 2.

PROPOSED USE OF PROPERTY: \_\_\_\_\_  
Continued Primary Residence

LEGAL DESCRIPTION OF TRACT (attach a copy of the most current property deed):  
Tract 1 (3151 Oak Ridge Drive): Lots Seven (7) and Eight (8) of Ridge Subdivision Unit III in the City of Jackson, Cape Girardeau County, Missouri, as shown by plat recorded in Plat Book 18 at Page 47.

REASON FOR REQUEST: State the reason(s) why you believe the requested variance is necessary and compliance with the zoning code creates an undue hardship that denies all beneficial use of the property. Undue hardship must be related to condition of the property, not a condition of the owner or to a financial consideration. Attach additional page(s) as needed.  
See Attachment 1

DRAWINGS: Attach a scaled plat of the tract(s) showing the entire lot, the location and size of all buildings / structures on the lot. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

SURROUNDING PROPERTY OWNERS: A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated as part of this application by the City. The 185' distance is exclusive of rights-of-way. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.

PRIOR VARIANCE HISTORY:

Have there been any prior applications for Board of Adjustment action for this property? If so, please include the date of previous application. YES ☐ NO ☒ Date: \_\_\_\_\_

Prior Variance Approved? YES ☐ NO ☒

Description of prior variance request: \_\_\_\_\_

**SITE PLAN:**

Attach a site plan of the property in question. The site plan does not need to be prepared by a surveyor, but must be adequate to clearly show the following information. This site plan must include the proposed construction, all existing structures on the property, all streets, alleys, easements, property lines, etc. Please include dimensions (measurements) of all structures and measurements from the structure in question to other structures and to all property lines. For a height variance, also include the proposed height from the lowest adjacent grade and highest adjacent grade. Show the location of all unusual physical features of the property that pertain to the problem. Measurements for the distance, setback, height, or size to be varied must be accurate. Construction cannot exceed the varied distance, size, or height approved by the Board of Adjustment.

**PHOTOS:**

Include photos of the property if they help explain the problem and/or reason for the need for a variance.

**PERMISSION TO VISIT PROPERTY:**

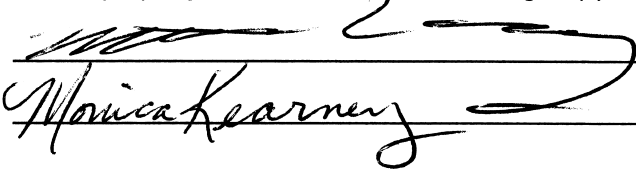
The owner hereby gives permission for members of the Board of Adjustment and/or city staff to enter within the boundaries of the real estate listed herein to examine the location(s) and property conditions involved in the proposed variance.

Yes ☒

No ☐

**OWNER SIGNATURES:**

I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*

  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Please submit this application along with \$50.00 non-refundable application fee to:

Building & Planning Manager  
 City of Jackson  
 101 Court Street  
 Jackson, MO 63755  
 573-243-2300 ext.29 (ph)  
 573-243-3322 (fax)  
 permits@jacksonmo.org

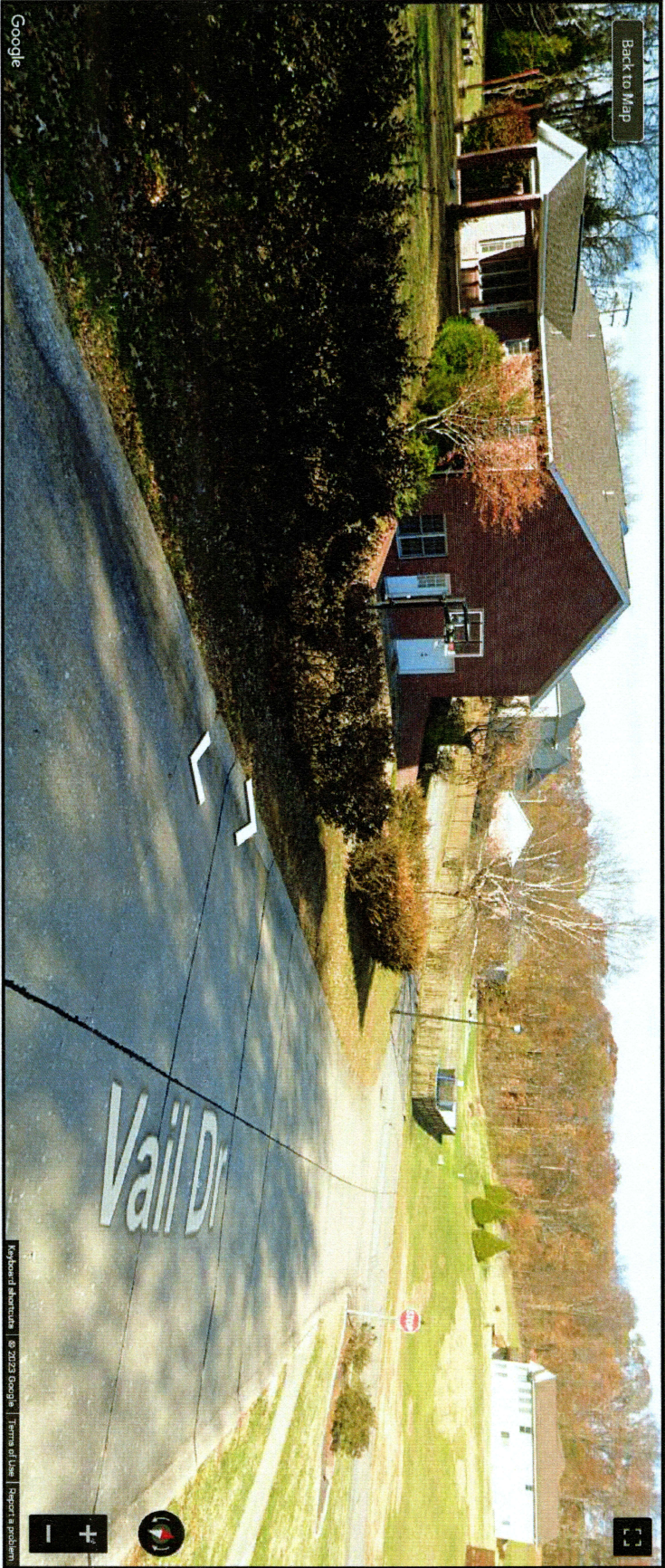
## Attachment 1

## Reason For Request:

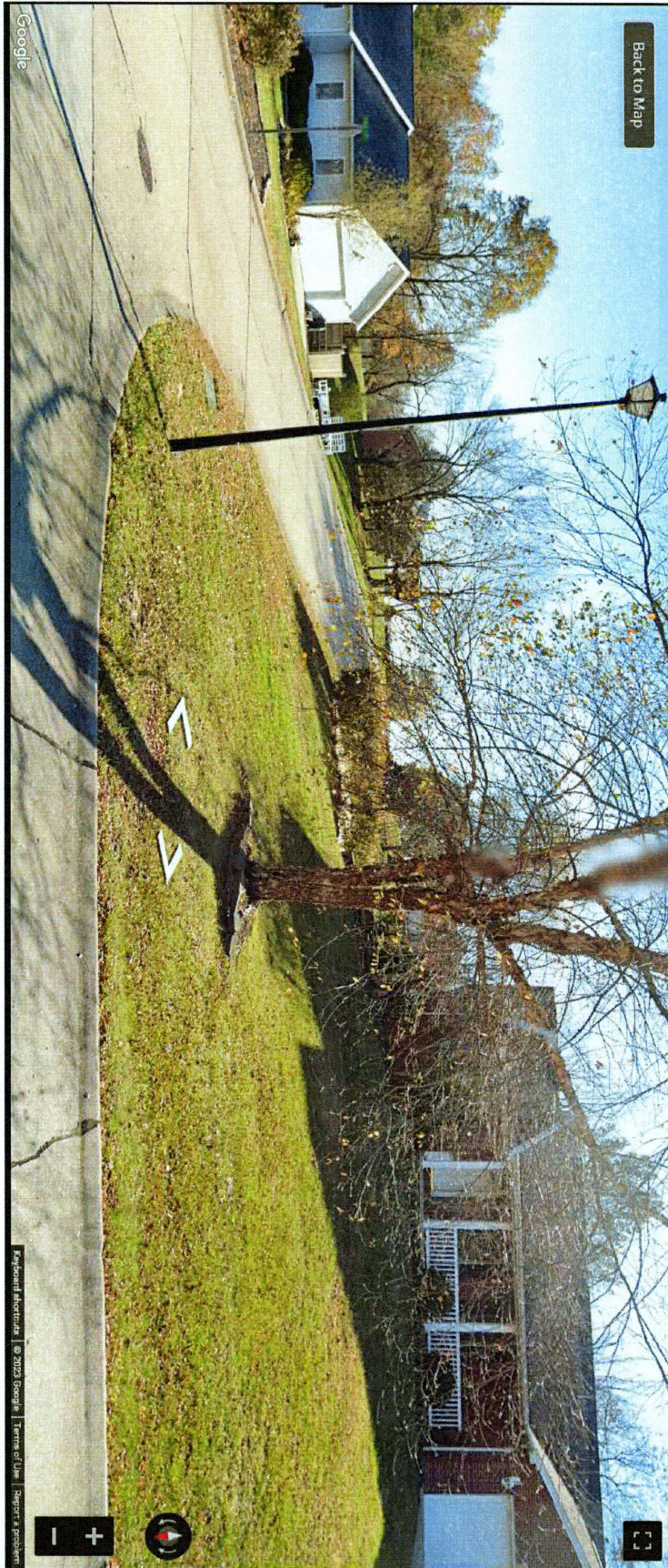
Our house is on a corner lot and having a fence that would not go out from the side of the house toward Vail and along Vail would drastically reduce the amount of yard space we would be able to use safely. We also have a basketball court on the side of the house and three young children who like to play on that and with no fence there, balls are more likely to go into the road creating dangerous situations for our children as well as drivers as they would possibly swerve to avoid hitting any balls rolling into the road.

We would also like to point out that with the landscaping along the side of the property, the fence would actually be lower than most bushes, so we would not create an issue with visibility and would also be far enough away from the intersection of Vail and Oak Ridge that visibility at the stop sign would not be impeded in any way. In addition, vehicles coming down Vail toward Oak Ridge would be coming down a hill that would allow them to see any oncoming traffic on Oak Ridge without the fence creating traffic issues. As far as the aesthetics, because of the shrubs along Vail, most of the fence would not be seen and may actually look less appealing if we have a different type of fence such as aluminum for part of the fencing and then switching to the chain link fencing. In addition, the cost of having to use a different kind of fencing will make this not possible, which in turn means we will not be able to have a fence, making our backyard less safe for our children.

View from coming down Vail Dr. toward Oak Ridge Dr. (Most bushes are above 4 feet which is the height of the proposed fence)



View coming from Oak Ridge Dr and turning onto Vail



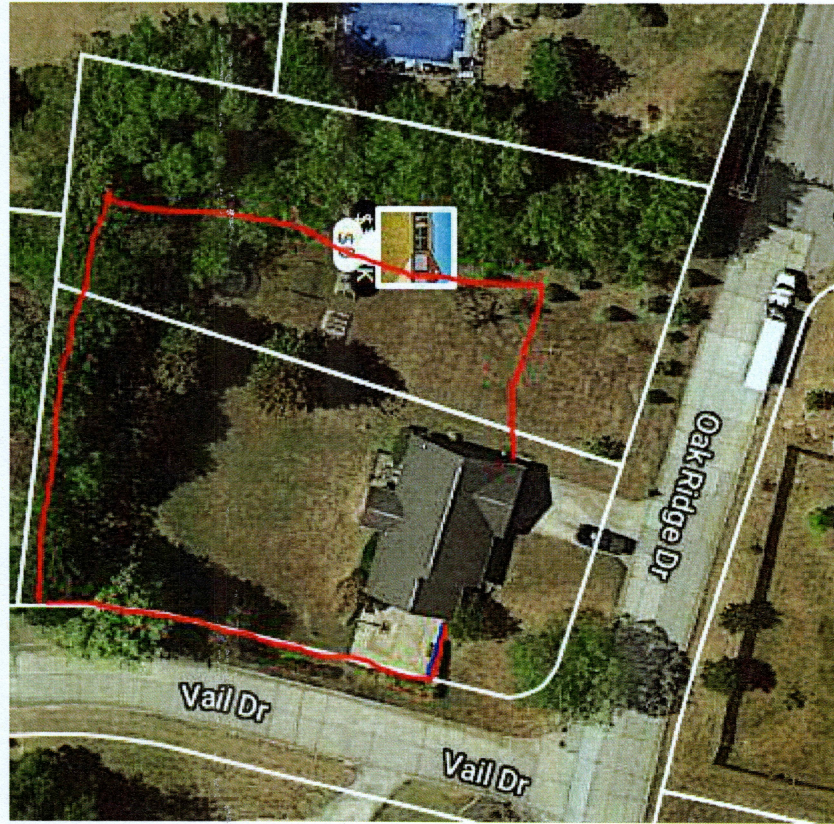
View from Oak Ridge toward Vail from further away



View from stop sign at intersection of Vail and Oak Ridge Dr. (Fence would run parallel to Oak Ridge along the bushes on the left to the side of the house)



Red Lines indicate approximately where the proposed fence would be





Item 2.

Location



3151 Oak Ridge Drive  
Location Map

JACKSON CITY OF

RIDGE RD

MOUSER RANDY MARION & TERESA LADON TRUST

POE DAVID L JR & ADRIENNE L ET UX  
SHINN GEOFFREY E & CHRISTINA L ET UX

OAK RIDGE

OAK RIDGE DR

ROYCE DR

OAK RIDGE DR

STOVALL VERNAA TRUST

ST JOHN JASON M & BETH A ET UX

KEARNEY MATTHEW L & MONICA L ET UX

HENLEY DONALD W & SHERYL L ET UX  
BIDDLE JASON S & LAVONNA C WOLLARD ET UX

RIDGEWAY DR

WARREN DAVID F & CHRISTINE H TRUST

JOHNSON ROBERT A III & CARRIE A ET UX

NISWONGER JOSEPH M & SARAH E ET UX

FEENEY PATRICK C & BONNIE JO ET UX

JANZEN DANIEL & LESLIE ET UX

SMITH MARK O & ANITA N ET UX

LIVESAY RYAN W & KACIE N ET UX

BREER BARBARA L TRUST

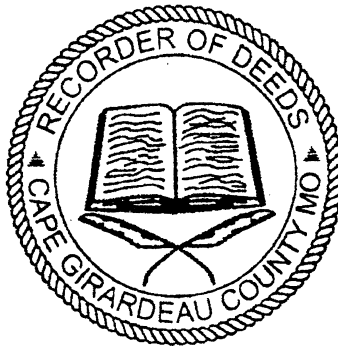
DIANA DR

GREEN MEADOWS DR

VAIL DR

VAIL DR

3151 Oak Ridge Drive  
Properties Within 185'



ANDREW DAVID BLATTNER  
RECORDER OF DEEDS  
CAPE GIRARDEAU COUNTY, MO  
eRECORDED ON  
11/15/2022 09:42:21 AM  
REC FEE: 27.00  
PAGES: 2

### GENERAL WARRANTY DEED

THIS INDENTURE, made on the **14<sup>TH</sup> day of November, 2022** by and between **Justin Brown and Molly Brown, husband and wife**, of the County of Cape Girardeau, in the State of Missouri, **Grantors**, and **Matthew L. Kearney and Monica L. Kearney, husband and wife**, of the County of Cape Girardeau, in the State of Missouri, **Grantees** (mailing address of said first named grantee is 3151 Oak Ridge Dr., Jackson, Missouri 63755):


WITNESSETH, That the said Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to them paid by the said Grantees, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said Grantees, their heirs and assigns, the following described Lots, Tracts or Parcels of Land, lying, being and situate in the County of **Cape Girardeau** and State of Missouri, to-wit:

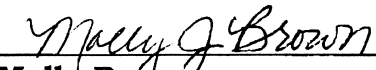
**Lots Seven (7) and Eight (8) of Ridge Subdivision Unit III in the City of Jackson, Cape Girardeau County, Missouri, as shown by plat recorded in Plat Book 18 at Page 47.**

SUBJECT to any and all restrictions, reservations, easements, zoning restrictions and rights-of-way of record or now in effect.

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 Grantees, and unto their heirs and assigns, FOREVER, the said Grantors hereby covenanting that they are lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that they have good right to convey the same; and that the said premises are free and clear of any encumbrance done or suffered by them or those under whom they claim, and that they will WARRANT AND DEFEND the title to the said premises unto the said Grantees, and unto their heirs and assigns, FOREVER, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands the day and year first above written.

  
Justin Brown

  
Molly Brown

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

On this 14<sup>th</sup> day of November, 2022, before me appeared **Justin Brown and Molly Brown, husband and wife**, to me known to be the persons described in and who executed the foregoing General Warranty Deed 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 at my office in said County and State the day and year first above written.

  
Melissa M. Glover Notary Public

My commission expires: 4/18/2025



## Staff Report

**ACTION ITEM:** Request a 26' variance from the required 30' front setback for approximately 97' in a C-2 General Commercial District to subdivide the lot at 2336 S Old Orchard Rd.

**APPLICANT:** KB413, LLC (John W. King III)

**APPLICANT STATUS:** Owner

**PURPOSE:** Variance to subdivide the two (2) buildings.

**SIZE:** 4 acres

**PRESENT USES:** Gymnasium/workout facility

**PROPOSED USE:** One building may be used as storage once subdivided.

**PROPERTY ZONING:** C-2 General Commercial

**SURROUNDING ZONING:** Not in the City Limits

**HISTORY:** This used to be the old gymnastics building.

**TRANSPORTATION AND PARKING:** All required parking and street frontage currently exist.

**CODE SECTION REQUESTED TO BE VARIED:** Zoning Code (Chapter 65)

### **Sec. 65-12. - C-2 General commercial district regulations.**

*(3) Height, area, and lot size regulations.* In addition to the specific requirements for the C-2 General commercial district, all height, area, and lot size regulations and exceptions set forth in [section 65-19](#), as they apply to uses in the C-2 General commercial district, shall be observed.

**b. Area.** No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

1. *Front yard.* Each lot upon which a building is constructed shall have a front yard of not less than thirty (30) feet.

**2009 COMPREHENSIVE PLAN:** Industrial use

**FLOODPLAIN INFORMATION:** Property is not in the flood plain per FEMA panel 29031C0251E dated 9-29-2011.

**PHYSICAL CHARACTERISTICS:** 4-acre lot with two (2) large buildings.

**COMMENTS:** The owner would like to subdivide the 4-acre lot. The proposed property lines would make the south building not have a far enough front setback for about 97 feet. Please see the proposed property line map inside the packet for more details.

**ACTION REQUIRED:** The board shall approve or deny this variance based on the criteria for granting variances.



## VARIANCE REQUEST APPLICATION

### City of Jackson, Missouri

APPLICATION DATE: 7-24-2023

PROPERTY ADDRESS (Other description of location if not addressed):

2336 Old Orchard  
Jackson, MO 63755

CURRENT PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): KB413, LLC

Mailing Address: 2336 Old Orchard Dr. PO Box 290

City, State ZIP: Jackson, MO 63755 Jackson, MO 63755

PROPOSED PROPERTY OWNERS (if property is to be transferred, name(s) in which property will be deeded):

Proposed Property Owner(s): \_\_\_\_\_

Mailing Address: N/A (Same as above)

City, State, ZIP \_\_\_\_\_

#### CONTACT PERSON HANDLING APPLICATION:

Contact Name: John W King III

Mailing Address: 1330 N. Kingshighway

City, State ZIP Cape Girardeau, MO 63701

Contact's Phone: 573-225-6440

Email Address (if used): bill@united-Lt.com

#### CURRENT ZONING: (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> R-1 (Single-Family Residential)       | <input type="checkbox"/> C-1 (Local Commercial)              |
| <input type="checkbox"/> R-2 (Single-Family Residential)       | <input checked="" type="checkbox"/> C-2 (General Commercial) |
| <input type="checkbox"/> R-3 (One- And Two-Family Residential) | <input type="checkbox"/> C-3 (Central Business)              |
| <input type="checkbox"/> R-4 (General Residential)             | <input type="checkbox"/> C-4 (Planned Commercial)            |
| <input type="checkbox"/> MH-1 (Mobile Home Park)               |  |
| <input type="checkbox"/> O-1 (Professional Office)             | <input type="checkbox"/> I-1 (Light Industrial)              |
| <input type="checkbox"/> CO-1 (Enhanced Commercial Overlay)    | <input type="checkbox"/> I-2 (Heavy Industrial)              |
|  | <input type="checkbox"/> I-3 (Planned Industrial Park)       |

CURRENT USE OF PROPERTY: Gym (building 2)  
Vacant (building 1)

PROPOSED USE OF PROPERTY: undecided

LEGAL DESCRIPTION OF TRACT (attach a copy of the most current property deed):

\_\_\_\_\_  
 \_\_\_\_\_

**REASON FOR REQUEST:** State the reason(s) why you believe the requested variance is necessary and compliance with the zoning code creates an undue hardship that denies all beneficial use of the property. Undue hardship must be related to condition of the property, not a condition of the owner or to a financial consideration. Attach additional page(s) as needed.

Requesting to separate the buildings with separate  
legal descriptions giving the ability to have  
different owners

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DRAWINGS:** Attach a scaled plat of the tract(s) showing the entire lot, the location and size of all buildings / structures on the lot. If any buildings are to be less than the standard minimum setbacks, include these distances on the drawing. Any approved special use permit will be based on this building layout. Changes to the layout will require a new special use permit.

**SURROUNDING PROPERTY OWNERS:** A map of the property location and a map and list of all owners of property within 185' of the property in question will be incorporated as part of this application by the City. The 185' distance is exclusive of rights-of-way. The City will prepare this map based on the most current tax information published by the Cape Girardeau County Assessor.

**PRIOR VARIANCE HISTORY:**

Have there been any prior applications for Board of Adjustment action for this property? If so, please include the date of

previous application. YES ☐ NO ☒ Date: \_\_\_\_\_

Prior Variance Approved? YES ☐ NO ☐

Description of prior variance request: \_\_\_\_\_

**SITE PLAN:**

Attach a site plan of the property in question. The site plan does not need to be prepared by a surveyor, but must be adequate to clearly show the following information. This site plan must include the proposed construction, all existing structures on the property, all streets, alleys, easements, property lines, etc. Please include dimensions (measurements) of all structures and measurements from the structure in question to other structures and to all property lines. For a height variance, also include the proposed height from the lowest adjacent grade and highest adjacent grade. Show the location of all unusual physical features of the property that pertain to the problem. Measurements for the distance, setback, height, or size to be varied must be accurate. Construction cannot exceed the varied distance, size, or height approved by the Board of Adjustment.

**PHOTOS:**

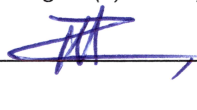
Include photos of the property if they help explain the problem and/or reason for the need for a variance.

**PERMISSION TO VISIT PROPERTY:**

The owner hereby gives permission for members of the Board of Adjustment and/or city staff to enter within the boundaries of the real estate listed herein to examine the location(s) and property conditions involved in the proposed variance.

Yes ☒No ☐**OWNER SIGNATURES:**

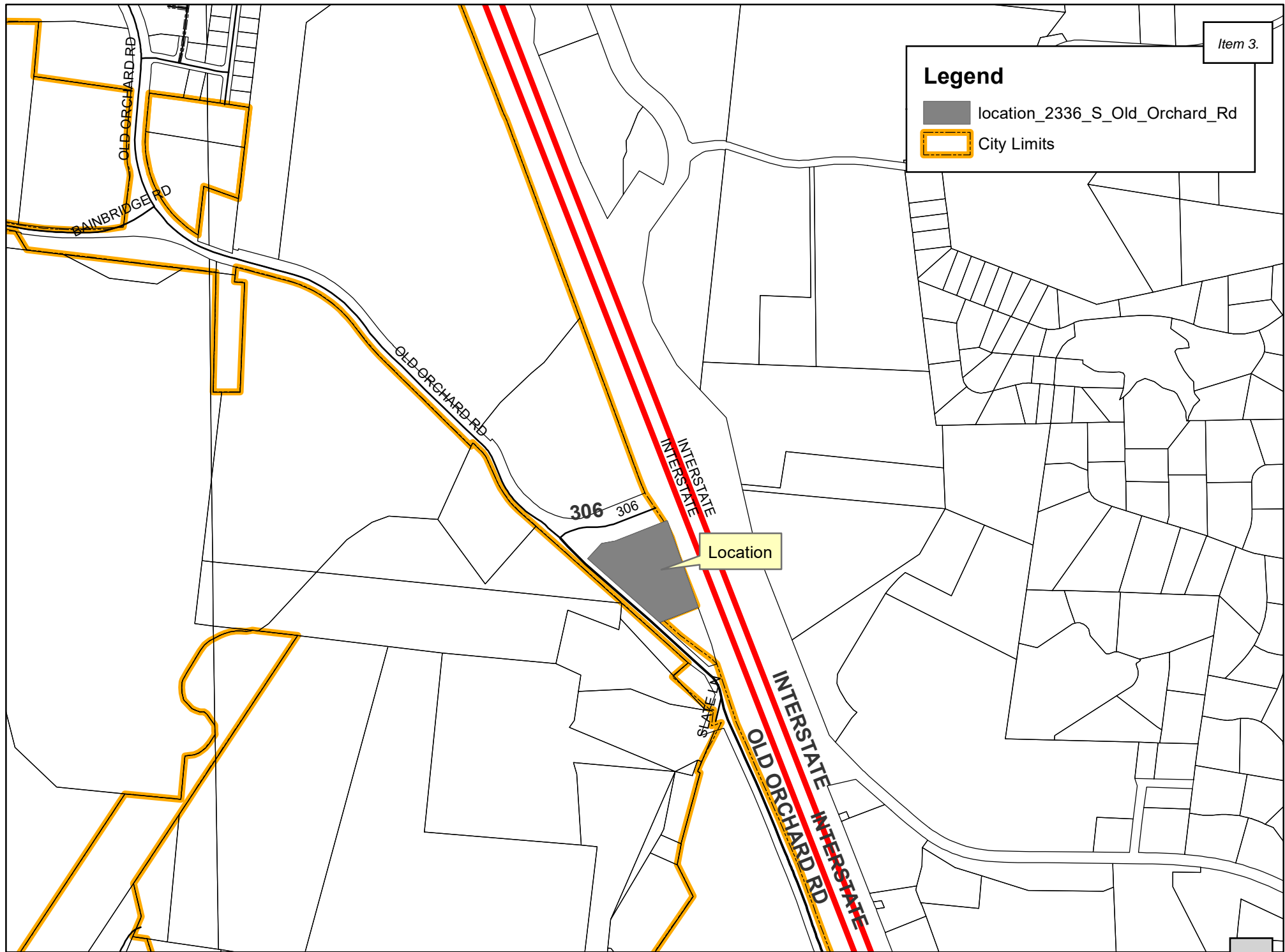
I state upon my oath that all of the information contained in this application is true. *(Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)*

*John W King*  member

Please submit this application along with \$50.00 non-refundable application fee to:

Building & Planning Manager  
City of Jackson  
101 Court Street  
Jackson, MO 63755  
573-243-2300 ext.29 (ph)  
573-243-3322 (fax)

permits@jacksonmo.org



Item 3.

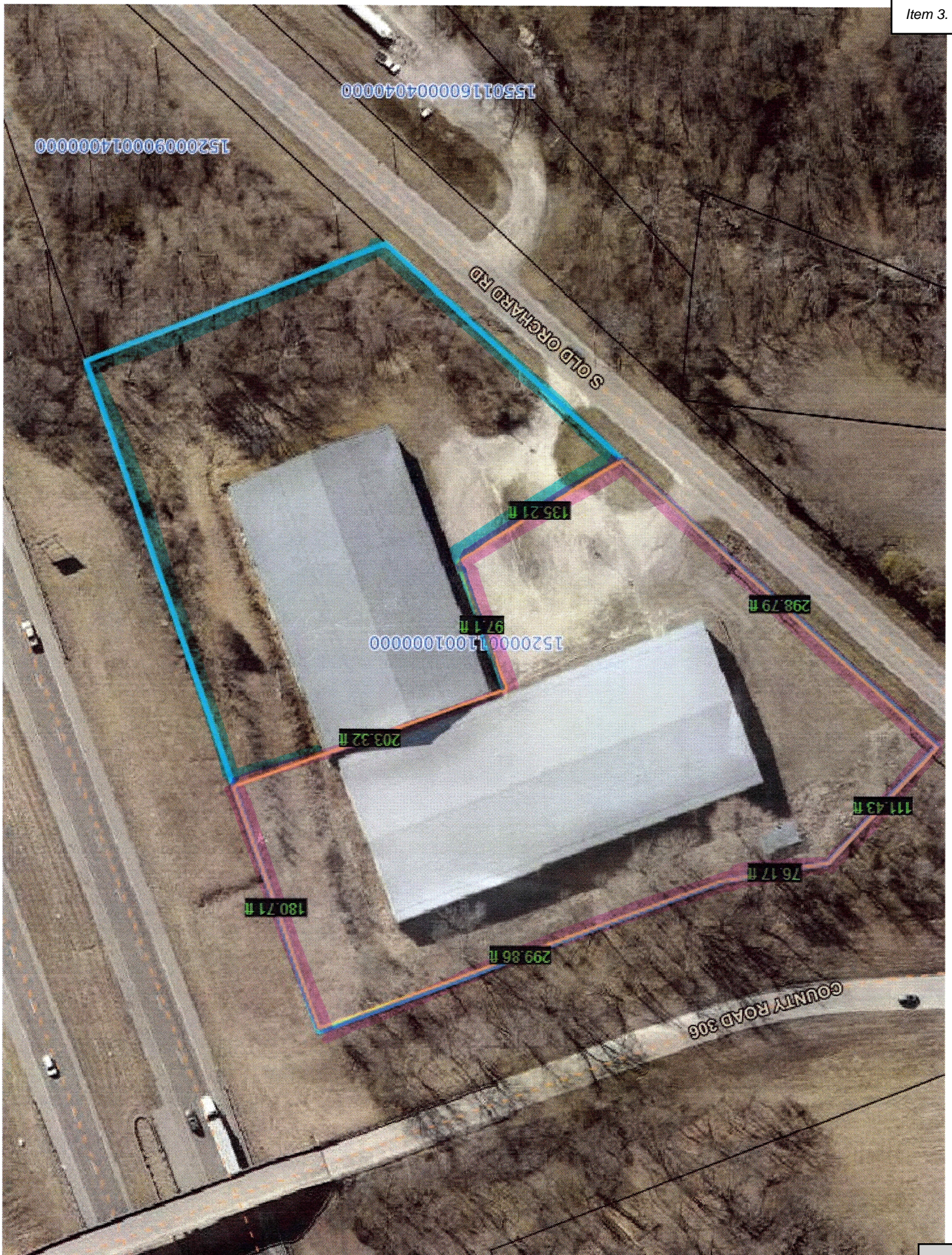
## Legend

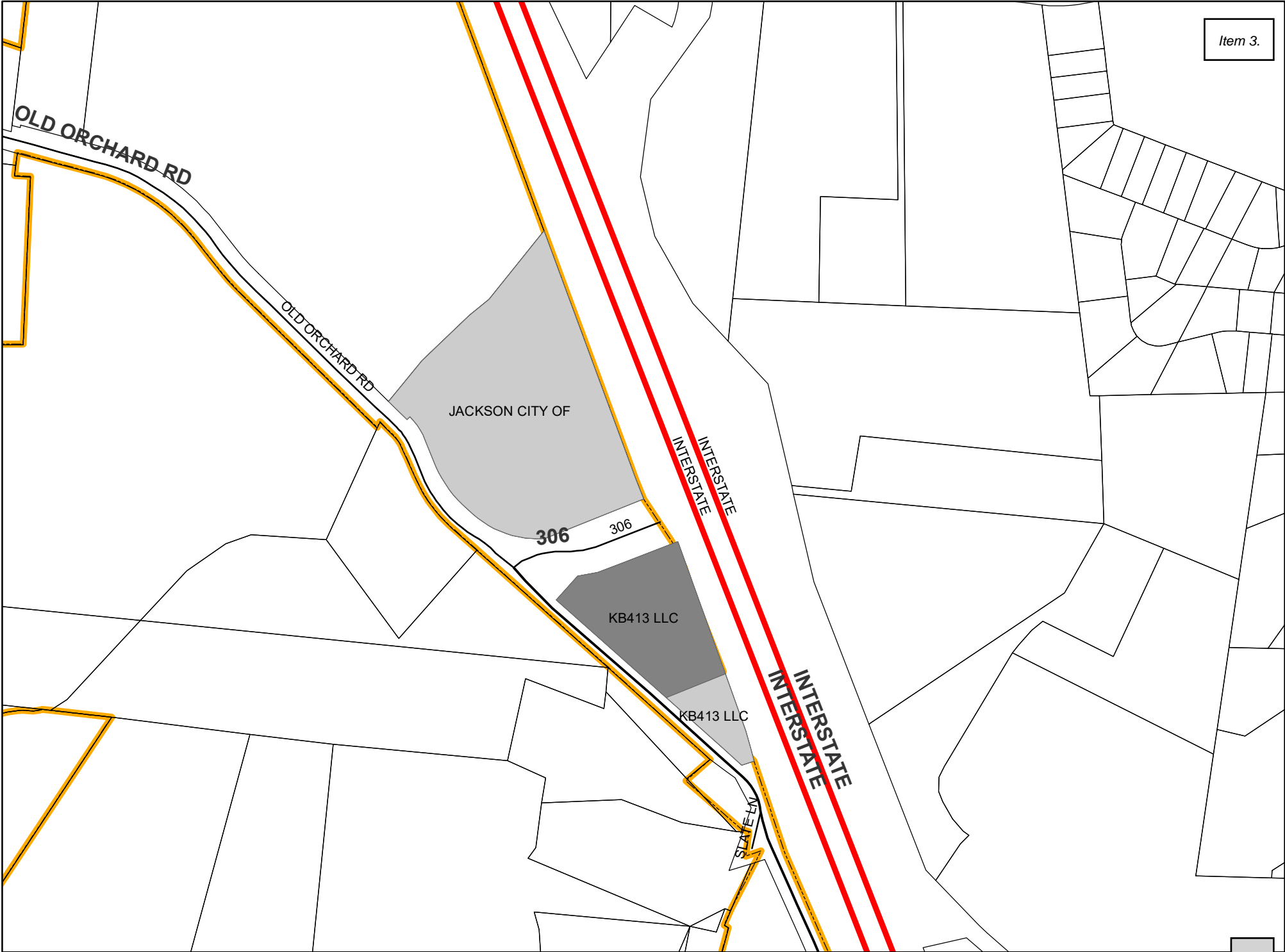
- location\_2336\_S\_Old\_Orchard\_Rd
- City Limits

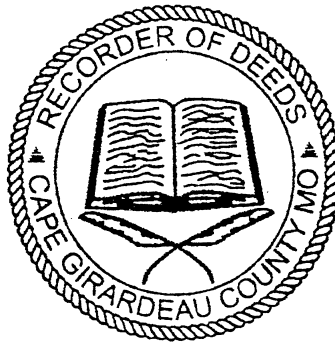


2336 South Old Orchard Road  
Properties Within 185'

8/8/202







**ANDREW DAVID BLATTNER**  
**RECORDER OF DEEDS**  
**CAPE GIRARDEAU COUNTY, MO**  
**eRECORDED ON**  
**10/08/2021 11:32:09 AM**  
**REC FEE: 27.00**  
**PAGES: 2**

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### WARRANTY DEED

This Warranty Deed made and entered into this 8 day of October, 2021, by and between **Montgomery Bank, N.A.**, hereinafter referred to as **GRANTOR**, and **KB413, 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: P.O. Box 290, 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:

That part of U.S. Survey 788 and 202, Township 31 North, Range 13 East, Cape Girardeau County, Missouri, described as follows: From the Southwest corner of Fractional Section 9, Township 31 North, Range 31 East, go North 84° West 132 feet with the north line of U.S. Survey 788 for a corner; thence South 18° 11' West (old incorrect bearing being South 21° 30' West) 248 feet for the point of beginning on the south right-of-way line of an overhead road to Interstate Route 55; thence South 18° 11' West 387 feet for a corner on the north right-of-way line of Cape LaCroix Road; thence South 48° 51' East 582.1 feet with said Cape LaCroix Road line for a corner on the west right-of-way line of Interstate Route 55; thence North 68° 15' East 46.3 feet with said right-of-way; thence North 13° 12' West 101.1 feet with said right-of-way; thence North 21° 45' West 715 feet with said right-of-way; thence South 68° 15' West 78 feet with said right-of-way to the point of beginning, containing 3.67 acres more or less, of which 2.81 acres is in Survey 788 and 0.86 acres is in Survey 202.

AND

That part of U.S. Survey 202, Township 31 North, Range 13 East, Cape Girardeau County, Missouri, described as follows: From the Southwest corner of Fractional Section 9, Township 31 North, Range 13 East, go North 84° West 132 feet with north line of U.S. Survey 788 for a corner; thence South 18° 11' West (old incorrect bearing South 21° 30' West) 248 feet for a corner on the south right-of-way line of an overhead road to Interstate Route 55, the point of beginning; thence South 18° 11' West 387 feet for a corner on the north right-of-way line of the Cape LaCroix Road; thence North 48° 51' West 380 feet with said Cape LaCroix Road line for a corner on south right-of-way line of the overhead

road to Interstate Route 55; thence North 70° 01' East with said overhead road line 220.3 feet; thence North 68° 39' East with said overhead road line 93 feet; thence North 68° 15' East with said overhead road line 112 feet to the point of beginning, containing 1.46 acres more or less.

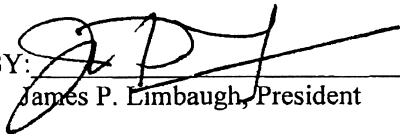
EXCEPT that part conveyed to Cape Special Road District by Deed recorded in Book 341 at Page 865 in the land records of Cape Girardeau County, Missouri.

ALSO EXCEPT that part described in Report of Commissioners dated June 12, 2007 and recorded June 18, 2007 in Document No. 2007-08770 in the land records of Cape Girardeau County, Missouri.

**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.

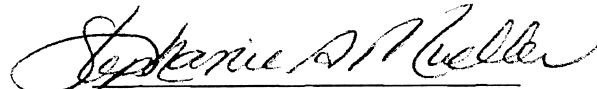
**GRANTOR:**  
Montgomery Bank, N.A.

BY:   
James P. Limbaugh, President

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

On this 8 day of October, 2021, before me personally appeared James P. Limbaugh, the President of Montgomery Bank, N.A., 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.

  
Notary Public  
My commission expires:

STEPHANIE A. MUELLER  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Perry County  
My Commission Expires: June 21, 2023  
Commission #15421492