

NOTICE OF MEETING AND PLANNING COMMISSION AGENDA



CITY OF OSAGE BEACH PLANNING COMMISSION MEETING

1000 City Parkway
Osage Beach, MO 65065
573.302.2000
www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING

September 13, 2022 - 6:00 PM
CITY HALL

**** Note:** All cell phones should be turned off or on a silent tone only. Complete meeting packets are available on the City's website at www.osagebeach.org.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

A. Motion to approve July 12, 2022

NEW BUSINESS

A. "Bybee Springs Subdivision": Vacation of Platted Right-of-Ways and Dedicated Roadways, "Reserved for Hotel" and "Park".

REPORTS

ADJOURN

Remote viewing is available on Facebook at *City of Osage Beach, Missouri* and on YouTube at *City of Osage Beach*

Representatives of the news media may obtain copies of this notice by contacting the following:

Tara Berreth, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573.302.2000 x 1020

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's Office forty-eight (48) hours in advance of the meeting at the above telephone number.

THE CITY OF OSAGE BEACH, MISSOURI
PLANNING COMMISSION MINUTES OF THE REGULAR MEETING

July 12, 2022

Call to Order

Chairman Susan Ebling called the Planning Commission of the City of Osage Beach, Missouri, to order at the regular meeting on July 12, 2022 at 6:00 p.m. at City Hall. Everyone stood for the Pledge of Allegiance.

Roll Call

The following Commissioners were present: Alderman Bob O'Steen, Chairman Susan Ebling, Nancy Viselli, Bill Mackay, Alan Blair, Gary Jones, Angie Schuster, Tony Kirn, Jessica Rozier, and Bill Morgan (came in after the Roll Call at 6:02). Also present: City Planner Cary Patterson, Dave Van Leer from Cochran Engineering and Planning Department Secretary Pam Campbell. Absent was Mayor Michael Harmison. City Attorney Ed Rucker joined the meeting through Zoom.

Minutes - 5/10/2022

Chairman Susan Ebling asked if there were any corrections or comments regarding the May 10, 2022, regular meeting minutes. There were none. *Alderman Bob O'Steen made a motion to approve the May 10, 2022 minutes and Bill Mackay seconded the motion. Upon a voice vote, all voted yes, no nays were heard. The motion was passed unanimously.*

New Business

Chairman Susan Ebling said the first order of business is Additions and Amendments to Chapter 405 "Zoning Regulations" Article IX. Off-Street Parking and Loading Requirements and the Design Guidelines and Information Packet and asked for comments from the staff.

Planner Patterson delivered the following report.

**PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION**

Hearing Date: July 12, 2022

Case Number: none

Action: Additions and Amendments to Chapter 405 "Zoning Regulations" Article IX. Off-Street Parking and Loading Requirements and the Design Guidelines and Information Packet.

Analysis:

Over the past several months, some issues have been found with the ordinances and construction requirements pertaining to parking lots and areas within the community. These are relatively old ordinances and the City Attorney asked what we clean them up so that they are more understandable and enforceable.

Cochran Engineering, the City's contract engineers, have also made a few amendments to the Design Guidelines and Information Packet to bring it more up to date with current industry

standards and to outline the requirements needed for proper review of proposed construction projects.

Section 405.630 Generally.

[R.O. 2006 §405.480; CC 1985 §27-201; Ord. No. 87.28 Art. IX §A, 10-1-1987; Ord. No. 92.20 §2, 9-17-1992; Ord. No. 95.50 §2, 12-7-1995; Ord. No. 96.48 §§2 — 5, 12-5-1996]

A. In all districts sufficient off-street parking spaces shall be provided to accomplish the principles set forth in this Chapter and to meet the parking demands generated by residents, employees, company officials, company vehicles, and customers. Required parking spaces shall be located on the lot on which the principal use is located except as provided in this Section.

B. Each application for a building permit, zoning permit or variance shall include plans for at least the minimum number of parking spaces as herein required. Plans shall include information as to location and dimensions of off-street parking spaces and the means of access to the spaces. The Zoning Administrator shall not approve any application until he/she determines that the requirements of this Section are met in the plans.

~~C. Each off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns, office or work areas. The length of parking space may be reduced to sixteen and one-half feet (16½) feet including wheel stop if additional space of one and one-half (1½) feet in length is provided for car overhang. The parking shall have a vertical clearance of at least seven (7) feet.~~

~~D. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movements.~~

E. Five percent (5%) of the total off-street parking area shall be devoted to landscaping or open lawn areas. This required green open space shall be located in areas within the parking lot or around the perimeter of the lot and shall be permanently maintained.

F. If the off-street parking required by this Chapter cannot reasonably be provided on the lot on which the principal use is located, such parking may be provided as authorized within this Article. The principal use shall be permitted to continue only as long as the parking requirements are met. Loss of parking shall require a reduction in the use or shall require a cessation of the use. It does not revert to non-conforming use.

Section 405.665 **Handicapped ADA Parking Space Requirements.**
[R.O. 2006 §405.530; CC 1985 §27-206; Ord. No. 87.28 Art. IX
§C, 10-1-1987]

~~A. Every off-street parking area or facility of twenty-five (25) spaces or more shall provide handicapped parking space for its business, retail, professional or institutional establishment, whether public or private, upon the same property equal to at least one (1) parking space or two percent (2%) of the total number of parking space, whichever is greater. The parking space closest to the entranceway of each public entrance to any business, retail, professional or institutional establishment shall be designated, "handicapped parking space" and shall have a minimum width of ten (10) feet. Any such handicapped parking space shall meet the following requirements:~~

- ~~1. 1. All handicapped spaces located in a paved parking lot shall be striped with either yellow or white traffic paint and shall have the international handicap symbol painted within;~~
- ~~2. 2. In addition to the minimum width requirement, all handicapped spaces shall have a marked aisle or traffic lane along the length of at least one (1) side a minimum of five (5) feet in width. Said aisle shall be striped in a crosshatch design when located in a paved parking lot so as to increase its visibility; and~~
- ~~3. 3. All handicapped spaces shall have a sign posted adjacent to and visible from each space, which sign shall have the international handicap symbol upon and the words "handicapped parking" in white on a blue background. The sign shall be a minimum size of twelve (12) inches by eighteen (18) inches.~~

ADA parking shall be in accordance with:

1. Minimum accessible parking spaces shall be as required by the current Americans with Disabilities Act.
2. Accessible ramps shall be provided as necessary.

Section 405.670 **Improvement of Parking Areas and Parking Lots.**

[R.O. 2006 §405.540; CC 1985 §27-207; Ord. No. 87.28 Art. IX §G, 10-1-1987]

~~All parking areas and parking lots in districts which are zoned "R-3", "C-1a", "C-1b", "C-1c", "C-1", and "C-2" which are part of, or incident to, any construction or erection of a building or structure shall be paved with asphalt, concrete, or an equivalent surfacing. Ingress and egress shall be by means of paved driveways not exceeding forty-five (45) feet in width at points in connection with public streets. Any lights used to illuminate said parking area or parking lot should be so arranged as to direct light away from any adjacent premises in a residential district.~~

All parking areas, lots, and outdoor sales and display areas to be constructed or expanded on properties which are located in the zoning districts "R-3", "C-1a", "C-1b", "C-1c", "C-1", "C-2", I-1, and I-2 will be built in accordance to the requirements of this chapter and shall be paved with asphalt, concrete, or an equivalent surfacing as defined and permitted in the "City of Osage Beach Design Guidelines and Information Packet". Ingress and egress shall be by means of paved driveways as defined and permitted in the "City of Osage Beach Design Guidelines and Information Packet". Any lighting used to illuminate said parking area or parking lot shall be so arranged as to direct light away from any adjacent premises in a residential district.

For the following land uses: cartage services, express services, trucking and delivery services, manufacturing industries, production operations, processing operations, assembly operations, warehouse establishments, wholesale establishments, and storage establishments located on properties in the I-1 (Light Industrial) and I-2 (Heavy Industrial) zones, areas designated and designed for activities associated with trucking, freight, delivery, loading, unloading, storage of large trucks or equipment, the storage of product or production components and capital, and are not accessible by the public, construction will be allowed using an approved all-weather dustless material provided those areas meet the requirements for stormwater mitigation established by the "City of Osage Beach Design Guidelines and Information Packet".

All access points to public streets shall be asphalt or concrete pavement from the edge of the street or roadway pavement extending a minimum of 15 feet or to the edge of the public right of way, whichever is greater.

Planner Patterson stated the following: This is the time of year for housekeeping issues to look at updating any codes. This is based on the parking issue. In this situation, there was an issue with a property in a Commercial zone that was given a Certificate of Occupancy to do business. The Building Department Inspectors were out of the office and the Fire District did the Final Inspection for us. The Fire Department didn't look at the parking issue since it's not something they look for. When it was discovered later that the business owner was required to have hard surface parking, they weren't wanting to do so. They were then cited and this was taken to the City Attorney. The City Attorney and the Building Official were looking into the Design Guidelines and found a line where it stated everything would be paved or hard surface and in quotations, except for properties zoned Industrial. They were thinking that would give them the ability to be flexible with Industrial but when read by the attorney if you're in an Industrial zone you don't have to pave anything. The problem is within our Code for Light Industry zone allows anything in General Commercial zone as well. In our Light Industry zone, you could have a restaurant, school, or medical office and that's a real problem. In communities our size, everything from multi-family housing through Commercial into Industrial and public uses need to be hard surface parking. It allows for the most consistent driving and walking surface and allows us to handle draining and other aggregate surfaces related to dust. This was a request from the City Attorney to make this clearer. He stated he worked with Dave from Cochran in separating the what from the how for this revision. Also, from the Zoning Code perspective, there is a removal of things in the Zoning Code that address construction, didn't want to have duplication in Design Guidelines. And, the wording was changed in Handicapped space requirements, it's now ADA space requirements and has been revised. Only the improvement and parking areas have been revised. On the Design Guidelines, the changes are highlighted.

Chairman Susan Ebling if anyone had any questions for Cary or Dave.

Alderman Bob O'Steen asked for clarification regarding Section 405.6 A where it said All Districts,

as to what districts was it referencing.

Planner Patterson stated it meant the City Limits for the zoning districts is what the City governs.

Planner Patterson stated it is required by State Statute that revisions come to the Planning Commission.

Bill Morgan had questions regarding commercial and off-street parking.

Planner Patterson replied that off-street parking will be provided and the other portion is you can't park on the street.

Bob O'Steen asked about our City Code for the number of parking spaces for a multi-unit development.

Planner Patterson replied it depends on how many bedrooms in the units. Two units and above required 2 spaces, efficiency requires 1.5 spaces.

Alderman Bob O'Steen asked about ADA parking requirements.

Planner Patterson said it's 2% of the total parking needs to be ADA accessible.

Chairman Susan Ebling said she would entertain a motion to approve.

Tony Kirn made a motion to approve the Additions and Amendments to Chapter 405 "Zoning Regulations" Article IX. Off-Street Parking and Loading Requirements and the Design Guidelines and Information Packet and Bill Mackay seconded the motion. Everyone was in favor stating aye and no one opposed. The motion was passed and a roll call vote was taken.

Chairman Susan Ebling said the second order of business was Additions and Amendments to Chapter 405 "Zoning Regulations" Article V. Signs.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION**

Hearing Date: July 12, 2022	Case Number: none
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Action: Additions and Amendments to Chapter 405 "Zoning Regulations" Article V. Signs.

Analysis:

With the increased availability of and desire to use digital signage today, it is important that the City assure driver safety by making sure that the lit signage in the community does not give off a level of brightness that could be a distraction to those driving in the community. I have had discussions with sign companies and the State about the best way of controlling this and have put together the enclosed regulation.

Section 405.020 Definitions.

[R.O. 2006 §405.020; CC 1985 §27-2; Ord. No. 87.28 Art. II §B, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §1, 11-21-1991; Ord. No. 93.06 §2, 5-20-1993; Ord. No. 93.15 §2, 5-20-1993; Ord. No. 95.50 §1, 12-7-1995; Ord. No. 95.55 §1, 11-16-1995; Ord. No. 96.05 §1, 3-7-1996; Ord. No. 96.21 §1, 6-20-1996; Ord. No. 96.48 §1, 12-5-1996; Ord. No. 97.02 §2, 4-3-1997; Ord. No. 97.47 §1, 12-4-1997; Ord. No. 98.03 §1, 6-18-1998; Ord. No. 98.39 §9, 9-17-1998; Ord. No. 00.44 §1, 12-7-2000; Ord. No. 01.01 §1, 1-18-2001; Ord. No. 04.28 §1, 9-16-2004; Ord. No. 05.44 §1, 9-15-2005; Ord. No. 06.46 §1, 10-5-2006]

- A. For the purposes of this Chapter words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.
- B. For the purpose of this Chapter, certain terms and words are to be used and interpreted as defined below:

NIT

Term used to describe a metric unit of luminance that is defined as one candela per square meter (cd/m²).

Section 405.370

Sign Regulations — All Zoning Districts.

[R.O. 2006 §405.370(E); CC 1985 §27-107; Ord. No. 87.28 Art. VII §G, 10-1-1987; Ord. No. 90.24 §1, 8-2-1990; Ord. No. 91.30 §2, 11-21-1991; Ord. No. 93.02 §1, 1-21-1993; Ord. No. 93.44 §1, 10-21-1993; Ord. No. 94.43 §§1 — 2, 10-20-1994; Ord. No. 96.05 §2, 3-7-1996; Ord. No. 98.28 §§1 — 3, 8-20-1998; Ord. No. 99.31 §1, 11-18-1999; Ord. No. 01.01 §§2 — 3, 1-18-2001; Ord. No. 05.44 §4, 9-15-2005; Ord. No. 10.31 §1, 7-1-2010; Ord. No. 16.81 §§1 — 2, 11-3-2016]

A. Prohibited Signs. The following types of signs are prohibited in all zoning districts of the City of Osage Beach:

1. **Moving signs of which all or any part of the sign moves or which appears to move by any means, including fluttering or rotating. This prohibition includes but is not limited to pennants, streamers, or propellers.**
2. **Flashing signs, except lamp bank type bulletin boards, reader boards and message centers, and illuminated signs which indicate the time, temperature, weather or other similar information provided that the total area of such sign is not greater than sixteen (16) square feet and the color or intensity of light is constant, except for periodic changes in the information display.**
3. **Strips or strings of lights outlining property lines or sales area(s).**

4. **Signs on public land or public rights-of-way other than temporary directional signs erected and removed the same day and those signs erected at the direction or with the permission of a public authority.**
5. **Signs that are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.**
6. **Signs attached to, painted on or placed on any vehicle including a trailer that is parked in public view on private property. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business or parked after business hours, provided parking takes place as inconspicuously as possible and the duration of the parking, does not exceed a period of sixteen (16) hours, except on weekends or holidays.**
7. **Temporary signs which do not comply with all provisions of this Article.**
8. **Obsolete signs remaining thirty (30) days after they become obsolete.**
9. **Signs installed, erected, enlarged or structurally altered in violation of the provisions of this Article.**
10. **Signs which have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty percent (50%) of its replacement value exclusive of foundations.**
11. **Signs that give off a level of luminance greater than three hundred (300) Nits during the day time, which is defined for the purposes of this section as the time thirty (30) minutes prior to sunrise to thirty (30) minutes after sunset, and signs that give off a level of luminance greater than one hundred (100) Nits during the night time, which is defined for the purposes of this section as the time thirty (30) minutes prior to sunset to thirty (30) minutes after sunrise.**
12. **Other signs not expressly permitted by this Article.**

Planner Patterson stated the following: At the last meeting, there was an approval for LED signage for large properties and after that meeting Alderman Rucker asked about the illumination on those signs. Planner Patterson said he contacted MODOT and their outdoor signage department and Lamar Advertising to see what their perspective is for this issue. Lamar Advertising thanked him for considering this stating they have problems with competition that doesn't control their illumination.

Nancy Viselli asked about the changes.

Planner Patterson stated it was the changes in red as per the email and in the future color copies will be mailed.

Discussion was held regarding obsolete signs.

Alan Blair asked the definition of a temporary sign.

Planner Patterson said it depends on the size and location of the sign and is not permanently affixed to ground or structure.

Alan Blair asked how long you can have a temporary sign.

Planner Patterson stated never in the right-of-way but 10 days is the most for a temporary sign.

Alderman Bob O'Steen asked about illumination control which was brought up at the last meeting regarding waterfront advertising and what would stop a business from putting up an electric billboard.

Planner Patterson stated nothing, we would allow that.

Chairman Susan Ebling stated we aren't in charge of the lake, we are in charge of the roads.

Planner Patterson stated a Permit would be required to be approved.

Further discussion was held on illumination.

Chairman Susan Ebling asked for a motion.

Alan Blair made a motion to approve the Additions and Amendments to Chapter 405 "Zoning Regulations" Article V. Signs. and Alderman Bob O'Steen seconded the motion. A roll call vote was taken and the motion was passed unanimously.

Chairman Ebling asked if there were any reports.

Reports

Planner Patterson stated there will be changes later regarding the water and sewer portions of the Design Guidelines over the next few months. Also, Hobby Lobby will be opening in the near future. Also, if there are any questions to contact Mike Welty, Dave or him.

City Attorney Ed Rucker (via Zoom) said if there are any questions regarding signs, send an email and he will respond.

Adjourn

Chairman Susan Ebling adjourned the meeting at 6:35 p.m.

I, Pam Campbell, Planning Department Secretary, for the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Planning Commission of the City of Osage Beach, Missouri, held on July 12, 2022.

Pam Campbell
Planning Department Secretary

Nancy Viselli
Planning Commission Secretary

PLANNING DEPARTMENT REPORT
TO THE
PLANNING COMMISSION

Hearing Date: September 13, 2022

Case Number:

none

Applicants:

Motor Sports Properties, LLC.
Timothy and Deborah Seebold
Hilltop Estates, LLC.
Daryl L. Foster Revocable Trust and Daryl L. and Nicklyn B. Foster
MB2 Investments, LLC

Location:

The corner of Osage Beach Parkway and Osage Beach Road

Petition:

Vacation of platted Right of Ways and “Reserved for Hotel” and “Park” by approving and recording the “Bybee Springs Subdivision” Plat

Existing Uses:

Some frontage commercial properties and vacant commercial properties

Analysis:

- 1) The applicants own the land adjacent to the requested vacation lands.
- 2) The applicants are asking that the City of Osage Beach vacate numerous undeveloped ROWs that bisect their properties making them difficult if not impossible to appropriately develop. Approval of this request will give the properties much better development capacity.
- 3) There is no apparent service infrastructure currently in the ROWs. However, easements for any infrastructure that is found to exist will need to be given if this request for vacation is approved. Existing unknown infrastructure is addressed in the “Owners Certificate” section of the Certification Sheet.
- 4) This vacation is being done by plat, known as “Bybee Springs Subdivision”, which is the most efficient way to accomplish a vacation in which all properties that are adjacent to the subject ROW are required to sign the “Owner’s Certificate” portion of the Certification Sheet.

Recommendation:

The property owners and their attorneys have been working on this request with the City for a number of years. It is an extremely involved and complicated process to get legal descriptions for this many properties and Rights of Way assembled along with the approval and signatures of all the effected properties. **At this time, that appears to have been done and the Planning Department recommends approval of this request to vacate existing undeveloped Rights of Way and establish new lots with their own legal descriptions.**



**Bybee Springs Subdivision
Vacation Plat
Location Map**



"BYBEE SPRINGS SUBDIVISION"

Owners' Certificate

The undersigned owners of the above described tracts of land have caused the same to be resurveyed in the manner shown on the accompanying plat and said tracts of land shall hereafter be known as "Bybee Springs Subdivision".

The Easement of Ingress and Egress shown on this plat shall be dedicated and reserved for the use of the owner's of Lot 1 and Lot 2 of Bybee Springs Subdivision, together with their successors, assigns, and invitees. The described tracts of land shall be subject to all restrictions, reservations, conditions and easements of record and to all existing roads and rights of way, except for those abandoned by the City of Osage Beach herein, and to all power lines and utilities, whether of record or not.

MOTOR SPORTS PROPERTIES, L.L.C.
 David L. Mungeness, Sr. Managing Member

Timothy and Deborah Seebold
 Timothy Seebold
 Deborah Seebold

Hilltop Estates, LLC
 Shaun Hill

Daryl L. Foster Revocable Trust
 Daryl L. Foster and Nicklyn B. Foster

MB2 Investments, LLC
 Mason Bennett

Daryl L. Foster, Individually and as Trustee
 Nicklyn B. Foster, Individually and as Trustee

Consent of Mortgage

Kyle Holt of lawful age, being duly sworn upon his/her oath states that he/she is the holder of a Deed of Trust for All of Lot Nos. 1 through 18 in Block 3 of "Osage Beach" as recorded in Book 764 at Page 554 in the Recorder of Deeds Office for Camden County, Missouri on November 29, 2006. That Central Bank of Lake of the Ozarks hereby consents to the filing and recordation of the plat for "Bybee Springs Subdivision" and that I am authorized to sign this instrument on behalf of Concord Bank and I did so as my own free act and deed on behalf of Central Bank of Lake of the Ozarks.

Subscribed and sworn to before me on this 22 day of August, 2022
 My commission expires Aug 3, 2024
 Notary Public



Acceptance by the City of Osage Beach

The foregoing plat of "Bybee Springs Subdivision" was approved and accepted by the City of Osage Beach pursuant to Ordinance No. _____ of the Code of Ordinances of the City of Osage Beach, Missouri on the ____ day of _____, 2022.

By: Michael Harmison, Mayor By: Tara Berreth, City Clerk

Vacation of Platted Right of Ways and Dedicated Roadways

The City of Osage Beach hereby vacates all the platted right of ways and roadways located and lying within Lots 2, 3, 4 and 5 of the plat of "Bybee Springs Subdivision", the right of way dedicated to the City of Osage Beach by the Quit-Claim Deed recorded in Book 313 at Page 402 in the Recorder of Deeds Office for Camden County, Missouri, and the roadway easement dedicated to the City of Osage Beach by the Quit-Claim Deed of Dedication recorded in Book 379 at Page 136 in the Recorder of Deeds Office for Camden County, Missouri.

By: Michael Harmison, Mayor By: Tara Berreth, City Clerk

Vacation of "Reserved for Hotel" and "Park"

The City of Osage Beach hereby vacates those tracts of land "Reserved for Hotel" and "Park" as shown on the all the plat recorded in Book 2 at Page 13 in the Recorder of Deeds Office for Camden County, Missouri, and hereby makes them part of Lots 1 and 2 as shown on the plat of "Bybee Springs Subdivision".

By: Michael Harmison, Mayor By: Tara Berreth, City Clerk

STATE OF MISSOURI }
 COUNTY OF St. Louis } ss.

On this 12 day of Aug, 2022, before me personally appeared David L. Mungeness, Sr., as an authorized member of MOTOR SPORTS PROPERTIES, L.L.C. to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he was authorized to execute the same on behalf of MOTOR SPORTS PROPERTIES, L.L.C., and did so as his free act and deed.

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

My commission expires 12/28/2025

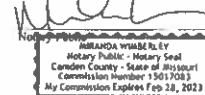


STATE OF MISSOURI }
 COUNTY OF Miller } ss.

On this 1 day of July, 2022, before me personally appeared TIMOTHY SEEBOLD and DEBORAH SEEBOLD, to me known to be the 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 the day and year above written.

My commission expires 7/28/2023



STATE OF MISSOURI }
 COUNTY OF Miller } ss.

On this 10 day of August, 2022, before me personally appeared Shaun Hill, as an authorized member of HILLTOP ESTATES, L.L.C., to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he was authorized to execute the same on behalf of HILLTOP ESTATES, L.L.C., and did so as his free act and deed.

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

My commission expires 7/28/2023

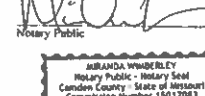


STATE OF MISSOURI }
 COUNTY OF Miller } ss.

On this 10 day of July, 2022, before me personally appeared Daryl L. Foster and Nicklyn B. Foster, both individually and as Trustees of the DARYL L. FOSTER REVOCABLE TRUST DATED JUNE 19, 2003, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they were authorized to execute the same on behalf of the DARYL L. FOSTER REVOCABLE TRUST DATED JUNE 19, 2003, and did so as their free act and deed.

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

My commission expires 7/28/2023



STATE OF MISSOURI }
 COUNTY OF Miller } ss.

On this 10 day of July, 2022, before me personally appeared Mason Bennett, as an authorized member of MB2 INVESTMENTS, L.L.C. to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he was authorized to execute the same on behalf of MB2 INVESTMENTS, L.L.C., and did so as his free act and deed.

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

My commission expires 7/28/2023

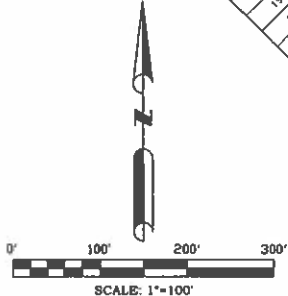
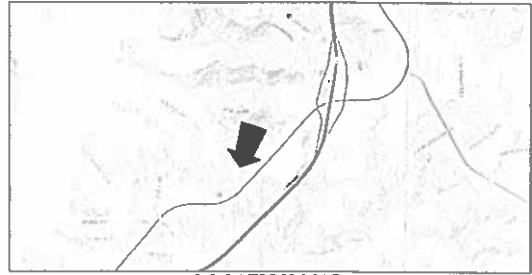
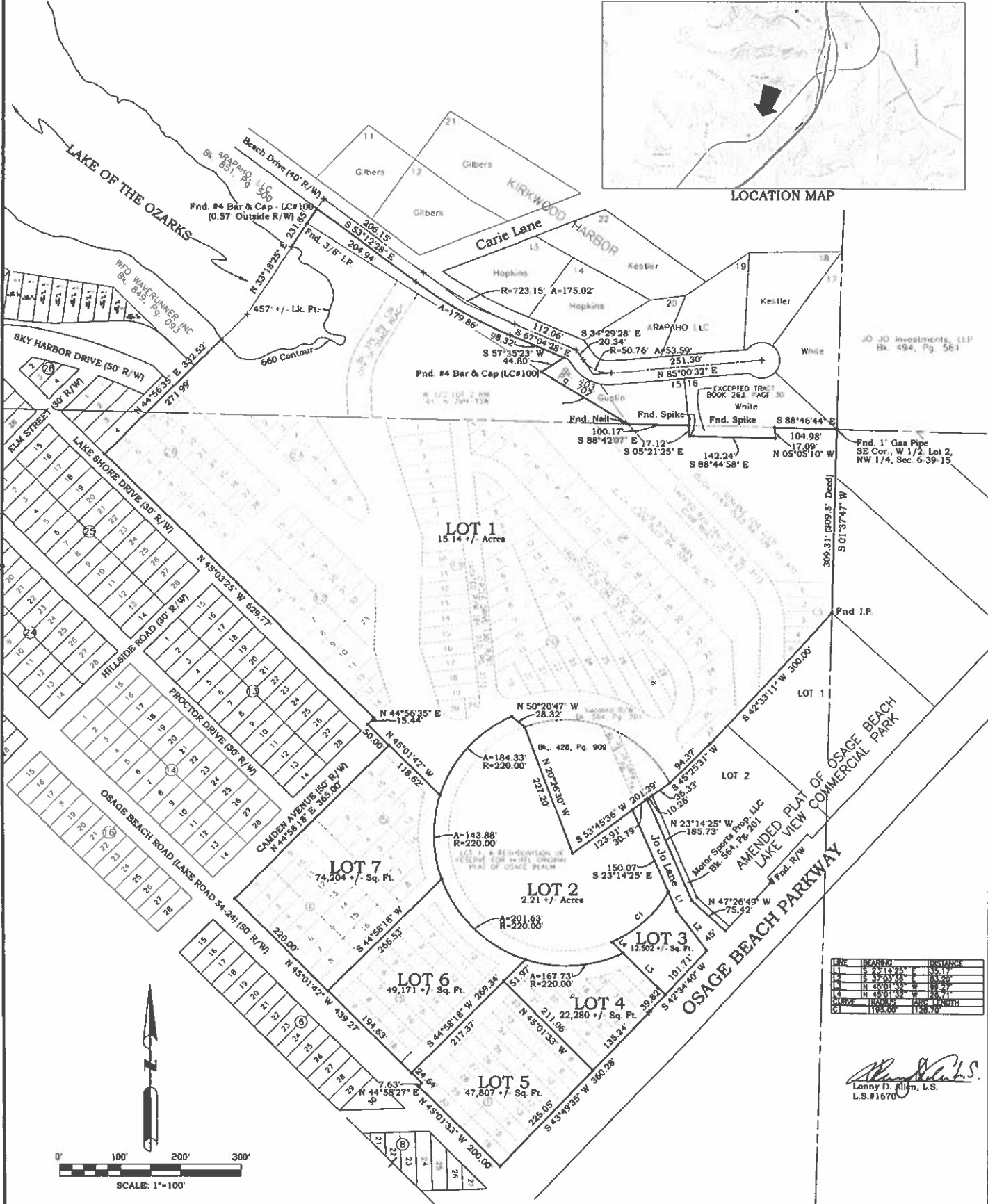


SURVEYOR'S CERTIFICATE

CERTIFICATION: This is to certify that I, Lonny D. Allen, L.S., at the request of NICKLYN B. FOSTER and DARYL L. FOSTER, Trustees of the Daryl L. Foster Revocable Trust dated June 19, 2003; HILLTOP ESTATES, L.L.C. a Missouri limited liability company; TIMOTHY A. SEEBOLD, a married person; MB2 INVESTMENTS, L.L.C., a Missouri limited liability company, and MOTOR SPORTS PROPERTIES, L.L.C. a Missouri limited liability company, have executed a survey of All of Block 3; All of Lots 8 through 16 and Lots 22 through 30, Block 1; All of Lots 5 through 14 and Lots 19 through 28, in Block 26; All of Lots 1 through 9, in Block 27; All of Lots 1 through 27, in Block 9; All of Lots 1 through 5, in Block 2; the area shown as "RESERVED FOR CLUB" and the area shown as "CLUB SPRING PARK"; all in OSAGE BEACH; all of Lot 1 of RESUBDIVISION OF BLOCKS 4 AND 5 OF OSAGE BEACH; and all of Lot 1 of RESUBDIVISION OF OSAGE BEACH; and all of Lot 1, A RESUBDIVISION OF RESERVE FOR HOTEL, ORIGINAL PLAT OF OSAGE BEACH; and part of Lot 1 and Lot 2 of the Northwest Quarter of Section 6, Township 39 North, Range 15 West, in Camden County, Missouri, and that said survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects and that the result of said survey are shown hereon.

Lonny D. Allen
 LONNY D. ALLEN
 MO Reg. No. L.S. 1670

"BYBEE SPRINGS SUBDIVISION"



DATE	REVISION	DESCRIPTION
11/15/10	1	ISSUED
11/15/10	2	REVISED
11/15/10	3	REVISED
11/15/10	4	REVISED
11/15/10	5	REVISED
11/15/10	6	REVISED
11/15/10	7	REVISED
11/15/10	8	REVISED
11/15/10	9	REVISED
11/15/10	10	REVISED

Lonny D. Allen, L.S.
Lonny D. Allen, L.S.
L.S.#1670

Notes: Bearings relative the Missouri State Plane Coordinate System NAD-83 (Central Zone).
Set #4 Bar & Cap unless otherwise noted.

Fnd. 1" Axle
SE Cor., W 1/2, Lot 1,
NW 1/4, Sec. 6-39-15