

02-800-3400.00300

REQUEST FOR CONDITIONAL USE PERMIT

COMPLETE ALL FIELDS AND ATTACH CHECKLIST - PLEASE PRINT LEGIBLY
\$200 APPLICATION FEE + COSTS

* 1. Con-Agg Co. LLC dba Mertens LLC and Mertens Construction Co. Inc.
 Print Name (Property Owner)
2604 N. Stadium Blvd.
 Address
Columbia, MO 65202 573-446-0905
 City - State - Zip PHONE
Alan.Barnes@ConAgg-MO.com
 EMAIL ADDRESS

Con-Agg Companies LLC
 Print Name (Potential Buyer/Lessee)
2604 N. Stadium Blvd.
 Address
Columbia, MO 65202 573-446-0905
 City - State - Zip PHONE
Alan.Barnes@ConAgg-MO.com
 EMAIL ADDRESS

* 2. LEGAL DESCRIPTION of land for which Conditional Use Permit application is made, including Section, Township and Range. Please attach copy of the current ownership deed and, if available, a survey.
Legal description of land in Attachment A are pages from the existing conditional use permit. Land will continued to be used. Legal description in Attachment B identifies 14-acres of land needed for the expansion.

* 3. Present zoning A-2 Current land use Rock quarry area and idle undeveloped land

* 4. Lot/tract size See attachments A and B Acres/Sq. Ft. 5. Adjacent Zoning A-2

* 6. Classification and proposed use for conditional use: (Please be as detailed as possible in describing the proposed use. Attach additional page(s) if necessary)
To continue to quarry the current approved acres described in the existing conditional use permit issued 12/1/99 and add 14-acres for overburden stockpiles. The additional acres are needed for operational purposes.

* 7. Reason and justification for the request being submitted: (Attach additional page(s) if necessary)
Need to expand the real estate by 14-acres of the existing conditional use permit to allow for additional overburden stockpile area. Active quarrying will not take place in the additional acreage.

* 8. Approximate size, use and location of all structures:
 Existing: In use, 350 sq. ft. scale house on existing acres.
 Proposed: None

* 9. Type of wastewater system: Portable toilets

10. Additional fees to be paid by: Con-Agg Companies LLC 2604 N. Stadium Blvd. Columbia, MO, 65202 573 446 0905
 Name Address Phone Number

The above information is true and correct to the best of my knowledge. I have completed and submitted the required checklist and I understand that if I have not submitted the required documentation by the specified deadline this application will be invalidated and I may be required to re-apply.

[Signature]
 Owner's Signature Date 3/17/21

 Potential Buyer's/Lessee's Signature Date

NOTE: Please attach any additional documentation, sketches, permits, names and addresses as required as minimum information. Failure to provide any of the required material(s) will result in the invalidation of this application.

Received by [Signature]
 Boone County Resource Management

Date 3/18/21

Con-Agg Companies LLC

Riggs Quarry

Legend

- 14 additional acres (visual purposes only, approximate)
- Existing Quarry Boundary (visual purposes only, approximate)



FINDINGS OF FACT AND CONCLUSIONS OF LAW, GRANT, AND CONDITIONS OF APPROVAL OF CONDITIONAL USE PERMIT

TO: Mertens, L.L.C. and Mertens Construction Co., Inc. (the "Property Owners") and Mid-Missouri Limestone, Inc. (the "Lessee/Operator")

This Conditional Use Permit (this "Permit") is subject to the limitations and conditions contained herein. Based on the evidence adduced, and the law and facts applicable hereto, the Boone County Commission of Boone County, Missouri, does hereby make the following findings of fact and conclusions of law. Further, this Commission does hereby impose the following conditions on the approval of this Permit and does order this Conditional Use Permit issued and approved on this 24th day of November, 1999.

1. **Findings of Fact:** The Boone County Commission hereby states it has found the following facts to be true in connection with the issuance of this Permit, to wit:

a. Mertens, L.L.C., is a Missouri Limited Liability Company duly formed under the laws of the State of Missouri and presently in good standing.

b. Mertens Construction Company, Inc. is a Missouri corporation duly formed under the laws of the State of Missouri and presently in good standing.

c. Mid-Missouri Limestone, Inc. is a Missouri corporation duly formed under the laws of the State of Missouri and presently in good standing.

d. Mertens, L.L.C. owns certain real estate in Boone County, Missouri, consisting of 153.25 acres, more or less, which is more particularly described as follows:

The Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) except for a Ten (10) Acre square in the Southeast corner thereof; Twenty-seven (27) Acres more or less, the North part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) being all that part lying north of a certain branch known as the Polly Schooling Branch and Lick Creek; Also the North Half (N ½) of the Southeast Quarter (SE ¼) all in Section Twenty-seven (27) Township Fifty-one (51) Range Thirteen (13), in Boone county, Missouri. Also, the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-six (26), Township Fifty-one (51), Range Thirteen (13), in Boone County, Missouri, except therefrom the South Twenty (20) Acres of the Southwest Quarter (SW ¼) if the Southwest Quarter and except a tract of Seven (7) Acres more or less in the Northeast corner of the Southwest Quarter (SW ¼) that lies East of the public road all in Section Twenty-six (26), Township Fifty-one (51), Range Thirteen (13), in Boone County, Missouri.

e. Mertens, L.L.C. is the owner of 80 acres of real estate in Boone County, Missouri, more or less, which is more particularly described as follows:

Eighty (80) Acres, more or less, being the East Half of the Southwest Quarter of Section Twenty-seven (27), Township Fifty-one (51) of Range Thirteen (13), except a roadway Fifteen (15) feet wide off of the North end, all located in Boone County, Missouri.

f. Mertens Construction Company, Inc. is the owner of 53 acres of real estate in Boone County, Missouri, more or less, which is more particularly described as follows:

53 acres, more or less, described as follows: 13 acres, more or less, all that part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, lying south of Lick Fork Creek; and 40 acres, the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, except a plot of land in the SW corner thereof, described as follows: Beginning in the center of the County road at the intersection of the center Section line, following said center section line north a distance of 176 feet, thence east 90 feet, thence south parallel with said section of line 176 feet to the center of the county road, thence west 90 feet to the point of beginning, together with the buildings and improvements thereon all in Township 51, Range 13, in Boone County, Missouri.

g. The real property described in subparagraph f. above is the "Existing Quarry Area."

h. Only a portion of the real estate owned by Mertens, L.L.C. will be hereafter referred to as the "New Quarry Area." No blasting, crushing or quarrying may occur outside the Existing Quarry Area unless and until the New Quarry Area is surveyed. Generally, the New Quarry Area is that real estate owned by Mertens, L.L.C. that either lies west of the Lick Fork Creek, or south of an intermittent stream that flows into Lick Fork Creek approximately 900 feet south of the north property line of such real estate. The New Quarry Area will not contain any real estate within 100 feet of the centerline of Lick Fork Creek or within 50 feet of the centerline of such intermittent stream or within 50 feet of the centerline of the intermittent stream that connects with Lick Fork Creek approximately 600 feet north of Williams Road. Additionally, the New Quarry Area will not include any real estate within 300 feet of Creed Road or within 200 feet of Williams Road. Finally, the New Quarry Area will not include any real estate within 300 feet of any contiguous property line that is not contiguous to property either owned or leased by the Applicants.

i. The real estate which is described in subparagraphs d. and e. above and which is not included within the New Quarry Area shall be known as the "Buffer Area." The real estate that is described in subparagraph f. above that lies within 200 feet of Williams Road shall also be known as the "Buffer Area." Finally, the "Buffer

