

**Chapter 1**

**GENERAL PROVISIONS**

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## Chapter 1

### GENERAL PROVISIONS

#### ARTICLE I. IN GENERAL

##### Sec. 1-1. Incorporation.

A bill for an ordinance approving and accepting an order of the county court of Osage County, Missouri, made on the 2<sup>nd</sup> day of November, 1909, incorporating the town of Freeburg, and defining the limits thereof.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. That the order of the county court of Osage County, Missouri, made on the 2<sup>nd</sup> day of November, 1909, set out in the following section of this ordinance, incorporating the town of Freeburg, and defining the limits thereof, be and hereby is approved, adopted and accepted. (Ord. 1, §1)
2. “And now this cause coming on to be heard, and the court finding that more than two-thirds of the taxable residents and inhabitants of said town have signed said petition, and that said petition correctly sets forth the metes and bounds of their proposed town, and that the prayer of said petition is reasonable.

“It is therefore ordered and decreed by this court that the said petition be granted, and that the said town be and hereby is declared incorporated, and is to have metes and bounds as specified in said petition, to-wit:

“Commencing at the northwest corner of the northeast quarter of section 9, township 41, range 9 west; thence east on section line to the northeast corner of the west half of the northeast quarter of the northwest quarter of section 10, township 41, range 9 west; thence south 20.00 chains to the subdivisional line at a point 10.00 chains east of the southwest corner of said northeast quarter of the northwest quarter of section 10, township 41, range 9 west; thence west on subdivisional line to a point 8.70 chains east of the northwest corner of the southwest quarter of the northwest quarter of section 10, township 41, range 9 west; thence south  $17\frac{1}{2}^{\circ}$ , east 30.66 chains, thence  $6^{\circ} 10'$ , 6.45 chains; thence north  $6^{\circ} 45'$  west 5.71 chains; thence north  $17\frac{1}{2}^{\circ}$ , west 6.50 chains to half or quarter section line; thence west on quarter or half section line to the northeast corner of the northwest quarter of northeast quarter of the southeast quarter of section 9, township 41, range 9 west; thence south 10.00 chains; thence west 10.00 chains; thence north  $0.44\frac{2}{3}$  chains; thence west  $3.16\frac{2}{3}$  chains; thence north to quarter section line  $9.55\frac{1}{3}$  chains; thence west on quarter section to quarter section corner of section 9, township 41, range 9 west; thence north on quarter section line to the northwest corner of the northeast quarter of section 9, township 41, range 9 west, to place of beginning, being

the northeast quarter and part of the northeast quarter of the southeast quarter of section 9 and the northwest quarter of the northwest quarter and the west half of the northeast quarter of the northwest quarter and part of the southwest quarter of the northwest quarter and part of the northwest quarter of southwest quarter of section 10, all in township 41, range 9 west, in Osage County, State of Missouri; and the court further finds that the Village of Freeburg is not adjacent to or within two miles of the limits of any city of the first, second or third class situated within the County of Osage.

“And the court hereby orders that H. M. Lueckenhoff, Jacob J. Struempf, J. L. A. Buechler, M. D. John Ruettgers and Charles Vermoilen be and they are hereby appointed the first board of trustees of said town of Freeburg, to hold their offices for and during the term prescribed by law.” (Ord. 1, §2)

### **Sec. 1-2. Town Officers.**

A bill for an ordinance relating to town officers, their election, or appointment, and their qualifications, powers and duties.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. That the elective officers of the town of Freeburg consist of a board of trustees composed of five members, one of which said members shall be chairman and one shall be clerk of said board, and the corporate powers of said town shall be vested in said board of trustees. (Ord. 2, §1)
2. Said board of trustees shall be elected by the qualified voters residing in said town, on the first Tuesday after the first Monday in April of each year, and shall take their office and enter into the duties thereof on the first day of May following their election, but said board of trustees shall assemble within twenty days after their election and qualify by taking the oath of office, and organize by electing one of said members chairman and one clerk of said board; said chairman and clerk shall act in their respective capacities during the time for which they are elected trustees, but should either of them be absent from any meeting of the said board of trustees, the members of the said board of trustees then present shall elect one of the members then present as chairman or clerk pro tem to discharge the duties of said absent officer at the meeting then being held. (Ord. 2, §2)
3. Every trustees shall hold his office for a period of one year from the time of entering upon the duties thereof, or until his successor is duly elected and qualified, unless it is sooner vacated by resignation, death or removal from the town. (Ord. 2, §3)
4. Every trustee, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this State, and that he will faithfully demean himself in office. (Ord. 2, §4)

5. No person shall be a trustee who shall not have attained the age of twenty-one years; who shall not be a male citizen of the United States; who shall not be an inhabitant of the town at the time of his election, and who shall not have resided therein forth a period of one whole year next preceding his said election, and who shall not be a householder within the limits of said town. (Ord. 2, §5)
6. The board of trustees shall judge of the qualifications, elections and returns of their own members, and determine contested elections; they may determine rules of their own proceedings, punish any member or other person for disorderly behavior in their presence, and with the concurrence of four of the trustees may expel any member, but no punishment shall be inflicted a second time for the same offense. The board shall keep a journal of their proceedings, and at the request of any member, shall cause the yeas and nays to be taken and entered on the journal on any question, resolution or ordinance; and their proceedings shall be public. (Ord. 2, §6)
7. The board of trustees may prescribe penalties to compel the attendance of its members, and at all meetings a majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board of trustees previously, by ordinance, may be prescribed. (Ord. 2, §7)
8. The board of trustees shall pass such ordinances as may be necessary for the government and welfare of the town, and all ordinances shall be in full force and effect from and after their passage and being duly signed by the chairman and attested by the clerk; and shall have power to appoint an assessor, collector, marshal, street commissioner, treasurer, town attorney, and such other officers, servants and agents as may be necessary, remove them from office, prescribe their duties, and fix their compensation; and all other powers as provided for by the laws of the State of Missouri. (Ord. 2, §8)
9. Should a vacancy occur in the board of trustees, said vacancy shall be filled by a special election, ordered by the chairman of the board, after ten days' public notice thereof being given, and the member or members chosen at such special election shall enter upon the duties of his office at the first regular meeting of the board after he shall have been elected and qualified. (Ord. 2, §9)
10. No person shall be elected or appointed to any office in the town of Freeburg who is not, at the time of said election or appointment, a qualified voter under the Constitution and laws of the State of Missouri and the ordinances of the town of Freeburg, or who is at the time in arrears for unpaid town taxes or forfeiture, or who is guilty of defalcation in office, or who is not a resident of the town; and every officer of the town, whether elective or appointive, shall, before entering upon the duties of his office, and within twenty days after his election or appointment, take and subscribe an oath or affirmation, before some officer duly qualified to administer oaths, that he will support the Constitution of the United States and the State of Missouri, and will faithfully demean himself in office; which official oath or affirmation shall be filed with the town clerk, and every officer, who is required by ordinance to do so, shall, within twenty days after his

election or appointment, and before entering upon the duties of his office, give a good and sufficient bond, in an amount provided by ordinance and approved by the board of trustees, conditioned upon the faithful performance of his duties, and that he will pay over all moneys belonging to the town that may come into his hands. If any person elected or appointed to any office shall refuse or fail to take and subscribe such oath or affirmation, or to give bond as herein required, his office shall be deemed vacant. For any breach of conditions of any official bond herein mentioned, suit may be instituted by the town, or by any person injured, in the name of the town and to the use of such person. (Ord. 2, §10)

**Sec. 1-3. Chairman of the Board of Trustees.**

A bill for an ordinance relating to the powers and duties of the chairman of the board of trustees, and his fees and compensation.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. The chairman of the board of trustees shall be a conservator of the peace and shall act as police judge, and shall have all the powers of a justice of the peace for the trial and punishment of offenders against the ordinances of the town, and shall have exclusive original jurisdiction thereof to hear and determine the same. He shall have power to enforce due obedience to all orders, rules and judgements made by him, and may fine or imprison for contempt offered to such chairman while holding his court, or to process issued by him, in the same manner and to the extent as the circuit court. (Ord. 3, §1)

He shall provide, at the expense of the town, a suitable room in which to hold court, and his office shall be open every day except Sunday for the immediate trial, unless continued for good cause, of offenses against the ordinances of the town. He shall, at the expense of the town, procure a suitable docket in which he shall enter every cause commenced before him, and he shall transmit said docket and all books and papers pertaining to his office to his successor in office.

2. The chairman of the board of trustees shall receive as compensation for his services the same fees as prescribed by law for justices of the peace for similar services, to be taxed as costs in the case. (Ord. 3, §2)

**Sec. 1-4. Town Clerk.**

A bill for an ordinance relating to the duties of the town clerk, and his fees and compensation therefor.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. The town clerk shall safely and properly keep all records and papers belonging to the town, which may be entrusted to his care; he shall be the general accountant of the town; he is hereby empowered to administer official oaths, and oaths of persons certifying to demands or claims against the town; he shall keep a true and correct journal of the proceedings of the board of trustees in a bound book, to be procured at the expense of the town, and kept for that purpose; he shall attend all meetings of the board of trustees at the hour appointed for the meeting, and, unless otherwise directed, shall immediately, upon the board being called to order, proceed to read from the journal the proceedings of the last and all previous meetings that have not been approved before that time, and when the same shall have been approved he shall attest and index the same; he shall prepare and attest all warrants that may be issued by the board of trustees, and shall present them to the chairman for his signature; he shall enroll all ordinances passed by the board of trustees, and shall attest the same; he shall attest all other official acts of the board of trustees when required to do so; he shall issue and sign all licenses that may be, by ordinance, required. (Ord. 4, §1)
2. As soon as the board of trustees shall establish the rate of taxes, the town clerk shall make out a town tax book and extend thereon, from the certified abstracts of the county assessor's books, all property within the town of Freeburg made taxable by law, and upon which the taxes for the year have been established by ordinance; the amount of taxes due on each lot or tract of land; the amount of taxes due from each corporation, partnership, firm and individual, both real and personal, and the amount of all taxes levied by the board of trustees; each extension shall be made in its proper column, and when completed, he shall certify the same to be correct and deliver it to the collector, and shall charge the amount of taxes due thereon to the collector, from whom he shall take duplicate receipts therefor and for the amount of taxes therein represented as due, one of which receipts shall be recorded in the record of the town and filed in the office of the clerk, and the other one he shall deliver to the treasurer. He shall also perform such other duties as the board of trustees may, from time to time, require of him. (Ord. 4, §2)
3. Before entering upon the duties of his office, the town clerk shall execute, to the town of Freeburg, a good and sufficient bond in the sum of five hundred dollars, with two good and sufficient sureties to be resident free-holders of Osage County, Missouri, to be approved by the board of trustees, conditioned on the faithful performance of all his official duties. (Ord. 4, §3)
4. The town clerk shall receive as compensation for his services: From now until next election the sum of fifteen dollars, and thereafter fifteen dollars per annum, all fees to revert to the treasury. (Ord. 4, §4)

**Sec. 1-5. Town Marshal.**

A bill for an ordinance relating to the powers and duties of the town marshal, and his fees and compensation.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. The town marshal shall attend all meetings of the board of trustees, unless other urgent duties shall require his presence elsewhere; he shall execute all orders and serve all notices when directed to do so by the chairman of the board of trustees; he shall keep a diligent outlook for those violating, or about to violate, any of the town ordinances, suppress breaches of the peace that may come under his observation or be brought to his notice, and shall arrest all persons engaged in the same and take them before the chairman of the board of trustees and file complaints against them. He shall report all breaches of ordinances of which he may have information, with the names of material witnesses, to the chairman, and shall file such complaints as required by law or ordinance; he shall serve all process or other orders to him directed and delivered; he shall pay over all moneys, collected by him on process, to the town treasurer and take receipts therefor and return such receipts and process to the board of trustees. He shall each day enter upon the duties of his office at the hour of seven o'clock in the morning and shall remain on duty at and in such places as may be necessary throughout the town until the hour of ten o'clock in the evening, and longer if the welfare of the town shall demand it; he shall promptly respond to any call at any and all times during the day or night when the welfare of the town may demand it. He shall not leave the town, except in the discharge of his official duties, without first having obtained permission from the board of trustees or the chairman thereof. (Ord. 5, §1)
2. The town marshal shall be chief of police, and shall have power at all times to make or order the arrest, with process, of any person for any offense against the laws or ordinances of the town or the laws of the state and to keep the offender in the town prison or other proper place to prevent his escape until a trial can be had before the proper officer, unless such offender give a good and sufficient bond with good and sufficient sureties for his appearance for trial. He shall also have power and authority to make arrest without process in all cases of offenses against the laws or ordinances of the town or the laws of the state when such offenses are committed in his presence. He shall also have the power and authority at all times, when in his judgment it is necessary, to summons and command any person or persons to assist him in making an arrest or suppressing any riot or disturbance of the peace. (Ord. 5, §2)
3. The town marshal shall, when about to be absent from duty, notify the chairman of the board of trustees of such fact, and the chairman shall appoint some suitable person to discharge the duties of office during his absence, and in case the chairman fail to appoint such person, the board of trustees shall make the appointment, and the person appointed shall receive the same compensation as allowed the town marshal, and shall give bond for the faithful performance of his duties in like manner and amount as the town marshal, and the sum paid to such person for his services shall be deducted from the compensation of the town marshal. (Ord. 5, §3)
4. The town marshal shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the State of Missouri and the ordinances of the town of Freeburg, and to faithfully discharge all the duties of his office, and shall give



bond therefor in the sum of five hundred dollars, with not less than two good and sufficient sureties, to be approved by the board of trustees, said sureties to be resident freeholders of the County of Osage, State of Missouri. (Ord. 5, §4)

5. The town marshal shall also act as town collector and street commissioner and shall perform all the duties as required by ordinances of those officers. (Ord. 5, §5)
6. The town marshal shall receive for his compensation for his services as marshal the same as allowed for constable. (Ord. 5, §6)

**Sec. 1-6. Town Collector.**

A bill for an ordinance relating to the powers and duties of the town collector, and his compensation therefor.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. The town collector shall collect all taxes on town licenses of all kinds, and all taxes due the town on real estate and personal property, and shall pay into the town treasury, weekly, all moneys, bonds, coupons and warrants collected by him, and all other moneys coming into his hands and belonging to the town, taking duplicate receipts therefor, one of which he shall forthwith file with the town clerk. He shall diligently endeavor and use all lawful means to collect all taxes due the town of Freeburg, and to that end he shall have power to seize and sell goods and chattels of the person or persons liable for said taxes, in the same manner as goods and chattels are or may be, required to be seized and sold under executions issued on judgments at law, and no property whatever shall be exempt from seizure and sale for taxes due on lands or personal property; provided, that no such seizure or sale for taxes shall be made until after the first day of October of each year, and the collector shall not receive credit for delinquent taxes until he shall have made an affidavit that he has been unable to find any personal property out of which to make the taxes in each case so returned delinquent; no seizure and sale of goods or chattels shall be made until the collector shall have made demand for the payment of the tax, either in person or by deputy, to the person liable to the payment thereof, or by leaving a written or printed notice at his usual place of abode with some member of his family over the age of 15 years. Such seizure may be made at any time after the first day of October, before said taxes become delinquent, or at any time after they become delinquent. Whenever any person owing personal tax shall remove from the town of Freeburg, it shall be the duty of the town collector to send a tax bill to the sheriff of the county wherein such person may be found, and the sheriff shall proceed to collect said tax bill in like manner as provided by law for the collection of personal tax, for which he shall be allowed the compensation provided by law for the collection of executions. Whenever taxes shall be collected by seizure and sale of goods and chattels as herein provided, in addition to the amount of tax and costs for failure to pay the collector as provided by ordinance, the collector shall levy and collect an amount sufficient to cover the necessary costs of the proceedings and the interest on the amount of the tax and costs

of said failure for his trouble. If the collector has good reason to believe that any person charged with taxes is about to remove from the town without paying said taxes, he may at any time levy such taxes, with costs and charges, by distress and sale; provided, that in levying on and selling personal property for taxes the collector shall be governed by the same rules and be entitled to the same fees as sheriffs are, or may be, for like services on execution. (Ord. 6, §1)

2. The town collector shall, at least ten days before making his list of delinquent taxes, demand of each taxpayer the payment of the taxes due from him, either by personal demand to the person liable for the payment of such taxes, or by leaving a written or printed notice for the purpose at his usual place of abode, with some member of his family over the age of fifteen years, stating the amount of taxes due, and for what year, and the collector shall not receive credit on his delinquent tax until this section shall have been complied with, but all unpaid taxes shall become delinquent on the first day of January of each year. (Ord. 6, §2)
3. The town collector shall furnish all non-resident taxpayers with a statement of the amount of taxes assessed against any lot or tract of land in this town for any year for which he has collected, and send the same by mail to the address of any person applying to him by letter for same, and when any sum is remitted to the collector for the payment of any taxes appertaining by the tax books to be due, it shall be his duty to receive the same and to send a receipt therefor by mail to the person remitting such funds; provided, that he may charge all sums that he may have to pay for postage in the case as cost against the person applying or remitting to him. (Ord. 6, §3)
4. The town collector shall, immediately upon the payment of any taxes, enter such payment on the tax book, together with the date of the payment and the name of the person by whom and for whom paid, and the amount and for what year, and shall give to the person paying such tax a receipt therefor, specifying the names of the persons by whom and for whom paid, date, amount, for what year paid, the assessed value of the property paid on the description of the property as given in the tax book. The collector may receive taxes on a part of any lot or tract of land charged with taxes; provided, that the person paying such taxes shall furnish a particular description of said part, which shall be entered upon the tax book in red ink, and, if the payment is made on an undivided share of real estate, he shall also enter the name of the person owning such share and of the share or shares unpaid. (Ord. 6, §4)
5. The town collector shall, upon oath, turn in to the board of trustees, at their first meeting in April each year, two lists of delinquent taxes, showing the amount of taxes from each individual taxpayer remaining due and unpaid; one list to be known as the Real Estate Delinquent list, and one to be known as the Personal Property Delinquent list, and on the personal property delinquent list shall be shown the amount of poll tax, if any, due from each individual; but said amount of poll tax shall be so marked and kept separate from the balance of the tax that it may be distinguished therefrom; the board of trustees shall examine said lists, and, if satisfied the same are correct, they shall return them to the

town collector, who shall proceed to collect the same, in the same manner and under the same regulations as are, or may be, provided by law for the collection of delinquent lists of real and personal taxes for state and county purposes; provided, that all suits for the collection of town taxes shall be brought in the name of the State, at the relation and to the use of the town collector. (Ord. 6, §5)

6. The town collector shall, at the first meeting of the board of trustees in May each year, make a detailed report stating the various amounts of money collected by him during the year, the amounts uncollected, including all delinquent tax, and the names of the persons from whom he failed to collect, and if said uncollected amounts shall have been charged to the collector he shall receive credit therefor, and the same shall be turned over to his successor in office and charged to him; provided, that the board of trustees may declare worthless all delinquent personal taxes which they may deem uncollectable. (Ord. 6, §6)
7. The town collector shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the State of Missouri and the ordinances of the town of Freeburg, and to faithfully discharge all the duties of his office, and shall give bond therefor in the sum of five hundred dollars, with not less than two good and sufficient sureties, to be approved by the board of trustees, said sureties to be resident freeholders of Osage County, Missouri. (Ord. 6, §7)
8. The town collector shall receive as compensation for his services 2 per cent on all moneys collected. (Ord. 6, §8)

**Sec. 1-7. Street Commissioner.**

A bill for an ordinance relating to the powers and duties of the street commissioner, and his compensation therefor.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. The street commissioner shall be the overseer, under the supervision and direction of the board of trustees, of all street and road work within the limits of the town of Freeburg, he shall be the lawful custodian of all tools, property and material for use in his department, and shall be held responsible for their loss or abuse, and at the expiration of his term of office he shall deliver in good order to his successor all property belonging to the town which he has in his possession, and take duplicate receipts therefor, one of which receipts he shall file with the town clerk. He shall faithfully and promptly perform all duties that are, or may be, imposed upon him by any ordinance or resolution of the board of trustees, and shall obey all orders of said board. (Ord. 7, §1)
2. The street commissioner shall, before entering upon the duties of his office, take and subscribe an oath to support the Constitution of the State of Missouri and the ordinances of the town of Freeburg, and to faithfully discharge all the duties of his office, and shall

give bond therefor in the sum of five hundred dollars, with not less than two good and sufficient sureties, to be approved by the board of trustees, said sureties to be resident freeholders of Osage County, Missouri. (Ord. 7, §2)

3. The street commissioner shall receive as compensation for his service 10 per cent on each and every dollar spent on the streets either in labor or money, and repair work extra. (Ord. 7, §3)

**Sec. 1-8. Town Treasurer.**

A bill for an ordinance relating to the powers and duties of the town treasurer, and his compensation therefor.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. The town treasurer shall receive, and receipt for, all moneys, books, papers, vouchers and other property belonging to the town and pertaining to his office; he shall safely keep said property and pay out money only on warrants, or orders, signed by the chairman of the board of trustees and attested by the clerk. He shall keep an accurate account of all moneys received and paid out by him and on what accounts, and shall report to the board of trustees at their regular meeting in each month, and at any other time when requested by the said board, the amounts of money in the treasury and to what accounts it belongs. He shall give duplicate receipts for all moneys received by him, one of said receipts to be kept by the person making the payment, and the other to be files with the town clerk. He shall pay all warrants presented to him in the order in which they are presented, and shall note the date and time of their presentation thereon; he shall file all warrants paid by him, and at his settlements with the board of trustees shall return the said warrants to them and receive credit for all which he legally paid. Should any warrant be presented to him for payment when there is no money in the treasury to pay the same, he shall endorse that fact, together with the date of presentation, on said warrant, and return same to the person presenting it. At the expiration of his term in office he shall deliver all moneys, books, papers and other property, in his possession and belongings to the town, in proper condition to his successor in office, and take duplicate receipt therefor, one of which receipts he shall file with the town clerk. (Ord. 8, §1)
2. The town treasurer, before entering upon the duties of his office, shall take and subscribe an oath to support the Constitution of Missouri and the ordinances of the town of Freeburg and to faithfully discharge all the duties of his office, and shall give bond therefor in the sum of five hundred dollars, with not less than two good and sufficient sureties, to be approved by the board of trustees, said sureties to be resident freeholders of Osage County, Missouri. (Ord. 8, §2)
3. The town treasurer shall receive as compensation for his services 2 per cent on all moneys legally paid out by him. (Ord. 8, §3)

**Sec. 1-9. Town Attorney.**

A bill for an ordinance relating to the powers and duties of the town attorney, and his compensation therefor.

Be it ordained by the board of trustees of the town of Freeburg, as follows:

1. No person shall be eligible to the office of town attorney who shall not have been a licensed attorney at least one year prior to his appointment. If at any time there should be no regularly appointed and qualified town attorney, the board of trustees may, by resolution, employ an attorney, or attorneys, to perform any legal services required by the town, and pay him, or them, a reasonable fee therefor; and when there is a regularly appointed and qualified town attorney, the board of trustees may, if they deem it necessary, employ additional counsel, and pay them a reasonable fee for any services rendered the town. (Ord. 9, §1)
2. The town attorney shall represent the town in all suits to which the town may be a party in any court, and he shall defend all officers, agents and servants of the town in all actions brought against them which arise from their official acts. He shall prepare all charges and complaints against party or parties charged with violating any ordinances of the town, and shall prosecute the same on behalf of the town. He shall make affidavits on behalf of the town in all cases where the same may be necessary in taking changes of venue of appeals. He shall advise the board of trustees or any town officer on any legal questions that may arise in relation to the business of the town, and shall furnish written opinions on such questions whenever requested to do so by the board of trustees. He shall draw up any ordinance, resolution or order when requested so to do by the board of trustees. He shall report, in writing, to the board of trustees the condition of all suits pending in any court at the first regular meeting of the board after the adjournment of said court; and at the last regular meeting of the board of trustees, before he goes out of office, the town attorney shall make a statement in writing showing the condition of all suits pending, wherein the town is interested, and also a brief statement of all judgments obtained and not satisfied for or against the town in civil cases, which said statements shall be entered upon the records and left on file for the benefit and information of his successor. (Ord. 9, §2)
3. The town attorney shall perform such other legal services as may be required of him by the board of trustees. (Ord. 9, §3)
4. Before entering upon the duties of his office the town attorney shall take and subscribe an oath to support the Constitution of the State of Missouri and the ordinances of the town of Freeburg and to faithfully discharge all the duties of his office. (Ord. 9, §4)
5. The town attorney shall receive as fees and compensation for his services; in all cases for violations of the town ordinances, wherein the defendant shall be adjudged guilty, there shall be taxed against the defendant, and collected as other costs the sum of three dollars, which shall be paid over to the town attorney; and in all cases for violation of the town

ordinances, when the same shall be appealed to the circuit court, the town attorney shall receive the sum of ten dollars for his services in the circuit court; in all other cases in court he shall receive a reasonable fee, and the board of trustees may allow him such fees as they deem proper for other services which they may require him to perform. (Ord. 9, §5)

**ARTICLE II.  
ANNEXATION**

**Sec. 1-10. Annexation.**

The Board of Trustees of the Village of Freeburg, Missouri, after the aforesaid public hearing, finds that the annexation of the parcel of land is reasonable and necessary to the proper development of the Village of Freeburg and that the Village of Freeburg has the ability to furnish the normal municipal services of said Village to the said unincorporated area within a reasonable time after said annexation becomes effective; that the area proposed to be annexed is used by the public of the Village of Freeburg; that it is necessary that the Village be able to impose its public policy power in said area and enforce its ordinances in said area for the prevention of crime and for the promotion of the general public health and welfare of the Village of Freeburg and its inhabitants; that the normal municipal services now furnished by the Village of Freeburg consist of police and fire protection, enforcement of Village ordinances, and electric, water and sewer services, and that the personnel and equipment are available to provide such services immediately or within a reasonable time.

(Ord. 185, §1)

**Sec. 1-11. Annexation dated May 1, 2006.**

The corporate limits of the Village of Freeburg, Missouri, are extended to include the following described real property situated in Osage County, Missouri, to-wit:

Lot 1: Starting at the southeast corner of the Southwest Quarter of the Northwest Quarter of Section 10, Township 41 North, Range 9 West of the 5<sup>th</sup> P.M., thence N 0°13'28" W, 422.04' to a stone, the POINT OF BEGINNING.

Thence along the existing property line N 89°06' W, 662.0' to a rerod, thence N 18°00' W, 155.5' to a rerod, thence N 31°10' W, 263.0' to a rerod, thence leaving said existing property line N 59°16' E, 30.0' to a rerod, thence N 0°43'51" E, 275.52' to a rerod, thence S 89°24'35" E, 821.0' to a rerod set on the east line of the Southwest Quarter of the Northwest Quarter, thence S 0°21'34" W, 665.71' to the POINT OF BEGINNING.

The above described property is located in the Southwest Quarter of the Northwest Quarter of Section 10, Township 41 North, Range 9 West of the 5<sup>th</sup> p.m. and contains 11.8 acres more or less.

ALSO A portion of land located in Section 10, Township 41 North, Range 9 West described as follows: Beginning at the southeast corner of the Southwest Quarter of the Northwest Quarter of Section 10 then traversing N 0°13'28" W, 422.04 feet to the common corner between Lot 1 and Lot 2 of the "Survey for Dickneite and Lehmen" by Thomas J. Kuster & Assoc. dated June 14<sup>th</sup> 2005; thence N 89°6' W, 662 feet, N 18°0' W, 155.5 feet, thence N 31°10' W, 263.0 feet to the point of beginning. Then traversing N 59°16' E, 30 feet, thence N 29°45' W, 280.56 feet, thence

N 13°35'08" W, 143.70 feet, thence S 73°49'6" W, 75.62 feet, thence S 40°21' E, 18 feet, thence S 29°45' E, 419.09 feet to the point of beginning. The aforementioned portion contains approximately 0.37 acres more or less.

Lot 2: Starting at the southeast corner of the Southwest Quarter of the Northwest Quarter of Section 10, Township 41 North, Range 9 West of the 5<sup>th</sup> p.m., thence N 0°13'28" W, 422.04' to a stone, the POINT OF BEGINNING.

Thence N 0°21'34" E, 665.71' to a reroed set on the east line of said Southwest Quarter of the Northwest Quarter, thence N 0°07'58" E, 231.0' along said east line to the northeast corner of said Southwest Quarter of the Northwest Quarter, thence N 89°25'30" W, 74.44' along the north line of said Southwest Quarter of the Northwest Quarter to a reroed, thence N 0°54'08" E, 157.81' along the west line of Block 37 of the Town of Freeburg as per plat of record to a reroed set on the south right of way line of the Chicago Rock Island and Pacific Railroad, thence along said south right of way line S 78°34'52" E, 732.3', thence N 0°,54'08" E, 50.85', thence S 78°34'52" E, 230.0', thence on a curve to the left with radius of 1128.65' a distance of 465.31' to a point on the east line of the Northeast Quarter of the Northwest Quarter of Section 10, thence leaving said south right of way line and along the east line of said Northeast Quarter of the Northwest Quarter and the east line of the Southeast Quarter of the Northwest Quarter S 0°01'36" E, 592.78' to a stone, thence S 76°53'37" W, 1374.79' along the existing property line to the POINT OF BEGINNING.

EXCEPT: 3.7 acres deeded to the City of Freeburg as per deed of record in Book 156 at Page 280.

The above described property is located in the Southwest Quarter of the Northwest Quarter and in the Southeast Quarter of the Northwest Quarter and in the Northeast Quarter of the Northwest Quarter and in the Northwest Quarter of the Northwest Quarter of Section 10, Township 41 North, Range 9 West of the 5<sup>th</sup> p.m. and contains 20.1 acres more or less.

The above described property includes Lots 1, 2, 3, 4, 5 and 6 of Block 37 and Lots 1, 2, 3, and 4 of Block 42 and that part of Cedar and Walnut Streets and an alley south of said Block 37 and Block 42 that is south of the railroad right of way as shown on the Original Town plat of Freeburg, Missouri as recorded in the Office of the Recorder of Deeds for Osage County.

EASEMENT for the right of ingress and egress to parcels of land owned at the time of subdivision by D & L Enterprises and verified in survey by Thomas J. Kuster & Assoc. June 14<sup>th</sup> 2005.

Aforementioned easement being located in Section 10, Township 41 North, Range 9 West described as follows: beginning at the intersection of the city street in the village of Freeburg known as "Old Vienna Road" and the southern side of an existing private road (being the access to the residence owned by D & L Enterprises) and continuing easterly along south side of said road to a property pin described by Thomas J. Kuster as a 3/4" pipe 3" high. Then traversing S 40°21' E 18 feet, thence S 29°45' E 419.09 feet to a #5 reroed 2" high and 1" iron bar 2" high and a corner of Lot 1 of the aforementioned survey. Thence S 31°10' E 263.0 feet to a #5 reroed



2" high east side of tie corner post, thence S 18°0' E 155.5 feet to a #5 rerod 1" high thence continuing S 89°06' E 662.0 feet to a 8" x 3" x 10" high sandstone at a corner post and a #4 rerod south side of post being a common corner between Lot 1 and Lot 2 of the "Survey for Dickneite and Lehmen" by Thomas J. Kustre & Assoc. dated June 14<sup>th</sup> 2005. The aforementioned 8" x 3" x 10" high sandstone and a #4 rerod being located 422.04' at a bearing of N 0°13'28" W from the southeast corner of the Southwest Quarter of the Northwest Quarter of Section 10. Easement then continuing N 0°21'34" E 30 feet, thence N 89° 6' W 571 feet, thence N 73°56'11" W 51 feet, thence N 32°4'15" W 95.81 feet, thence N 18°0' W 38.46 feet, thence N 31°10' W 266.09 feet, thence N 29°45' W 280.56 feet, thence N 13°35'08" W 143.70 feet, thence N 29°45' W 38 feet across to the north side of the aforementioned existing private road, thence westerly along north side of existing road to the intersection with the "Old Vienna Road," thence southerly along city street 20' to the point of beginning.

Above described easement is for ingress and egress across and to all adjacent property owned at the time of execution by D & L Enterprises and is to be retained for all future owners of any portion of land described in the "Survey for Dickneite and Lehman" by Thomas J. Kuster & Assoc. dated June 14<sup>th</sup> 2005, including but not limited to Lot 1 and Lot 2 as previously described.

(Ord. 185, §2)

